

**3 (THREE) YEAR LL.B. DEGREE COURSE  
UNDER CBCS MODE**

**S Y L L A B U S**

**COOCH BEHAR PANCHANAN BARMA UNIVERSITY**

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3 (THREE) YEAR LL.B. DEGREE COURSE SYLLABUS WITH CBCS AT A GLANCE:				
		DESCRIPTION	CREDI T	MARK S
	<b>Semester – I</b>			
1	Jurisprudence (Basic Theory of Law)	CORE COURSE	4	100
2	Law of Contract	CORE COURSE	4	100

3	Law of Torts including Motor Vehicle Accidents and Consumer Protection Laws	CORE COURSE	4	100
4	Constitutional Law I	CORE COURSE	4	100
5	Family Law I	CORE COURSE	4	100
6	Legal Writing	ABILITY ENHANCEMENT COURSE	4	100
	<b>Semester – II</b>			
1	Administrative Law	CORE COURSE	4	100
2	Law of Crimes I (Indian Penal Code)	CORE COURSE	4	100
3	Constitutional Law II	CORE COURSE	4	100
4	Family Law II	CORE COURSE	4	100
5	Special Contract	CORE COURSE	4	100
6	Service Learning Consumer Protection Act	ABILITY ENHANCEMENT COURSE	4	100
	<b>Semester – III</b>			
1	Labour and Industrial Law I	CORE COURSE	4	100
2	Law of Crimes Paper II (Criminal Procedure Code)	CORE COURSE	4	100
3	Interpretation of Statutes and Principles of Legislation	DISCIPLINE ELECTIVE	4	100
4	Environmental Law	CORE COURSE	4	100
5	Professional Ethics and Professional Accounting System	PRACTICAL	4	100
6	Service Learning Motor Vehicles Act	ABILITY ENHANCEMENT COURSE	4	100
	<b>Semester – IV</b>			
1	Civil Procedure Code and Limitation Act	CORE COURSE	4	100
2	Law of Evidence	CORE COURSE	4	100
3	Company Law	DISCIPLINE ELECTIVE	4	100
4	Labour and Industrial Law II	CORE COURSE	4	100
5	Alternative Dispute Resolution	PRACTICAL	4	100
6	Legal Aid in surrounding villages in consultation with Legal Services Authority	ABILITY ENHANCEMENT COURSE	4	100
	<b>Semester – V</b>			
1	Insurance Law	GENERIC ELECTIVE	4	100

2	Land Laws including Tenure and Tenancy System	CORE COURSE	4	100
3	Property Law	CORE COURSE	4	100
4	Health Law	GENERIC ELECTIVE	4	100
5	Drafting, Pleading and Conveyance	PRACTICAL	4	100
6	Service Learning: Environmental Protection Act, Air, Water, Forest, Wild Life, Persons with Disabilities Act, Juvenile Justice Act.	ABILITY ENHANCEMENT COURSE	4	100
	<b>Semester – VI</b>			
1	Corporate Governance	DISCIPLINE ELECTIVE	4	100
2	Public International Law	GENERIC ELECTIVE	4	100
3	Human Rights Law and Practice	DISCIPLINE ELECTIVE	4	100
4	Principles of Taxation Law	CORE COURSE	4	100
5	Moot Court Exercise and Internship	PRACTICAL	4	100
6	Experiential Learning and Field Work (Special focus on Disability, Children, Environment, Health, Infrastructure and Development)	ABILITY ENHANCEMENT COURSE	4	100
		<b>TOTAL</b>	<b>144</b>	<b>3600</b>

**DETAILED SYLLABUS OF 3 (THREE) YEAR LL.B. DEGREE COURSE**

## **SEMESTER I**

### **JURISPRUDENCE**

**OBJECTIVE OF THE COURSE:** Jurisprudence is a window that gives into the making, mechanics and meaning of law. It also throws light on all intricate factors that go on to make up what is known as law. This module intends to take the students to journey into law and legal concepts.

Marks – 100

Credit-04

**MODULE-I** Law and Jurisprudence- A study in relationship

**MODULE-II** Natural Law: History, Characteristics, Classical Natural Law, Natural Law during the medieval period, Decline and Revival of Natural Law

Finnis:

Bentham

Austin

H.L.A. Hart

#### **Module IV:**

Pure Theory of Law

Hans Kelsen

#### **Module V:** Sociological School

Rosco Pound

#### **Module VII:** Historical School

#### **MODULE-VII** Historical School-

- American Realism-
  - HOLMES
- Scandinavian Realism-
  - AXEL HAGERSTORM,

#### **MODULE- VIII** LEGAL CONCEPTS

1. RIGHT AND DUTIES
2. LAW AND MORALS
3. PERSONALITY
4. PROPERTY
5. OWNERSHIP
6. POSSESSION
7. JUSTICE

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended upto date will be taught.**

**RECOMMENDED READING:**

**\*\*\*\* Only current editions are to be read.**

1. W. FRIENMANN, LEGAL THEORY, UNIVERSAL LAW PUBLISHING CO. PVT. Ltd.
2. N. R. MADHAVA MENON (Es), HOLLAND ON JURISPRUDENCE, UNIVERSAL LAW PUBLISHING CO. PVT.Ltd.
3. H.L.A. HART, THE CONCEPT OF LAW, OXFORD UNIVERSITYPRESS
4. M.D.A. FREEMAN(Ed), LLOYED'D INTRODUCTION TO JURIDPRUDENCE, SWEET &MAXWELL
5. R.M.V. DIAS, JURISPRUDENCE,BUTTERWORTHS
6. C.K. ALLEN, JURISPRUDENCE, OXFORD UNIVERSITYPRESS
7. G.W. PATON, TEXT BOOK OF JURISPRUDENCE, OXFORD UNIVERSITYPRESS.

**CONTRACT – I**

**OBJECTIVE OF THE COURSE:** This is a law that helps establish a legal relationship and regulate the same between two individuals in the public domain. This law is a very important tool of commerce in globalised era. This module will help and prepare the students for understanding the world of contract.

Marks – 100 Credit-04

**1. GENERAL PRINCIPLES OF CONTRACT:**

**MODULE – I:** History and nature of Contractual-Agreement and Contract: definitions-elements and kinds-legality of object

**MODULE – II:** Proposals and Acceptance : Dorns, elements-Communications-Revocations- Invitations for proposals, float offers–Tenders.

**MODULE – III:** Considerations: Need-Meaning-Kinds-Elements-Legality-Nudum Pactum - Privity of Consideration-Exceptions-Adequacy of consideration-Legality of Consideration

**MODULE–IV:** Capacity to Contract: Meaning –Effect of Status, Mental defect, Minor,- Affirmation-Restitution-Minor’s Agreement and Estoppel-Evaluation of Minor’s Agreement

**MODULE – V:** Consent: Need, Definition-Free Consent-Factors vitiating Free Consent-  
**Coercion:** definition-Elements-Duress-Doctrine of Economic duress-Effect Undue Influence: definition- Elements-Parties-Burden of Proof-Independent Advice-Effect  
**Misrepresentation:** definition-Elements-Effects-Misrepresentation of Law and Fact  
**Fraud:** definition- Elements-Effects- Suggestion False- Suppression of Truth- Silence as Fraud- Active concealment of truth-intention  
**Mistake:** definition-Elements-Kinds-Effects-Fundamental error- Mistake of Law and fact-effect on Consent

**MODULE – VI:** Void and Voidable Agreements: Lawful and unlawful Consideration and objects- wagering and contingent Agreement- Illegal and void and voidable agreements and their effect  
Discharge of Contract: Meaning – Modes

**MODULE – VII:** Performance of Contract: Valid tender of performance- Reciprocal performance- Impossibility of performance-Time as essence of Contract

**MODULE – VIII:** Discharge of Contract: Meaning – Modes-

**Breach of Contract:** definition – Elements – Effects

Frustration: definition – Elements –  
Effects Rescission, Alternation –Waiver

**MODULE – IX:** Quasi Contract

**MODULE – X:** Remedies in Contract

(Indian Contract Act, 1872 (As amended up to date) Section 1- 75)

## **II. SPECIFIC RELIEF:**

**MODULE XI:** Specific performance of contract

**MODULE XII:** Specific Enforcement of Contract – against whom ordered

**MODULE XIII:** Rescission of Contract and Cancellation of Instruments

**MODULE XIV:** Injunction- definition- Elements – Effects

**MODULE XV:** Discretion and powers of Court  
(Specific Relief Act,)

**\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

### **RECOMMENDED READING**

**\*\*\*\* Only current editions are to be read.**

1. Chesire & Fifoot, Cases on Law of Contract, Butterwoths.
2. G. Treitel, The Law of Contract, Sweet and Maxwell
3. Anson, The Law of Contract, Oxford University Press
4. Cheshire and Fifoot, Cases on Law of Contract, Oxford University Press
5. Chitty, Contracts, Vol. I And XXIX , Sweet and Maxwell
6. Avtar Singh, Principles of Mercantile Law, Eastern Book Co.

### **LAW OF TORTS INCLUDING M.V. ACCIDENTS AND CONSUMER PROTECTION LAWS**

**OBJECTIVES OF THE COURSE:** There is a twilight zone between Contract and crime where there is only the concept of wrong and not offence and breach. Law of Torts along with other enactment introduces the student to this unique world of wrongs.

Marks – 100 Credit : 04

**MODULE – I :** Origin of Tort Theory, Development of Law of Torts in England and in India  
Definition , Nature and Scope of Torts

#### **MODULE – II : GENERAL PRINCIPLES OF TORTS**

Essential of Torts- Act or Omission, Mental element, damages (Injuria sine Damnum and Damnum sine Injuria)

Damages – (Remoteness of damage causation)

General Defences – capacity, Vicarious liability, Joint and Several Tortfeasor, Extinction of liability etc.

General Exception to liability – Act of State, Judicial and Quasi Judicial Acts, Parental and Quasi parental Act, Necessity, Inevitable accident, mistake, Leave and license, Act of Good Self Defence.

#### **MODULE – III: SPECIFIC TORTS**

1. Torts based on international wrong-doing



- a. Trespass to person-assault, Battery, False Imprisonment

- b. Trespass to land and Chattel
  - c. Deceit
  - d. Malicious Prosecution.
2. Negligence- Torts based on negligent wrongdoing.
  3. Nervous shock
  4. Nuisance,
  5. Defamation
  6. Torts based on strict and absolute liability

#### **MODULE – IV: CONSUMER PROTECTION ACT, 1986.**

Aims and objectives of the Act

Definition

Rights of the consumer

Consumer Protection Councils

Complaints and process of making of Complaints

Composition, Powers, functions and Jurisdiction of Consumer Dispute Redressal Agencies

Reliefs and Redressal

#### **MODULE – V : MOTOR VEHICLES ACT, 1988**

Objects and Reasons

Definitions

Licensing of Drivers of Motor vehicle

Registration of Motor vehicles

Liability without fault in certain cases

Insurance of Motor vehicles against third party risk

**\*\*\*\*\*Students are expected to read current case laws. Only the current enactments and enactments as amended upto date will be taught.**

#### **Recommended READING**

**\*\*\*\*\* Only current editions are to be read**

1. MARK LUNEY & KEN OLIPHANT, TORT LAW: TEXT AND MATERIAL, OXFORD UNIVERISTYPRESS
2. W.V.H. ROGERS, WINFIELD & JOLOWICZ ON TORTS, SWEER &MAXWELL
3. R.F.V. HEUSTON (Ed), SALMOND AND HEUSTON ON LAW OF TORTS, SWEET &MAXWELL.
4. RATANLAL & DHIRAJLAL, THE LAW OF TORTS, WADHWA &COMPANY
5. P.S. ACHUTHAN PILLAI, EASTERN BOOKCOMPANY

## CONSTITUTIONAL LAW OF INDIA – I

**OBJECTIVE OF THE COURSE :** Constitution is the foundation of a nation and fountain head of all laws. This module introduces the students to the characteristics of the constitution and the fundamental rights that are enshrined in the constitution.

Marks – 100 Credit : 04

**MODULE – I :** Constitutional Developments since 1858-1947

**MODULE – II :** Characteristics of Indian Constitution

**MODULE – III :** Definition of the State- Laws inconsistent with or inderogation of the Fundamental Rights

**MODULE – IV :** Fundamentals Rights – Right to Equality – Right to freedom of Speech and Expression- Right to life and Personal Liberty- Right Against Exploitation- Right to Religion- Cultural and Educational Rights- Right to Constitutional Remedies- Relationship between Fundamental Rights and Directive Principles of State Policy

**MODULE – V :** The Union Executive – The President: Powers, Functions and Procedure for Impeachment; Council of Ministers and Formation of the Government.

**MODULE – VI :** The State Executive – the Governor: Powers, Functions and the Role of Governor.

### RECOMMENDED READINGS :

\*\*\*\*\* Only current editions are to be read.

1. V.N.Shukla, Constitutional Law
2. PandeyJ.N., Constitutional Law
3. BasuD.D., Constitution of India
4. JainM.P., Indian Constitutional Law
5. Seeravai.H.M., Constitution of India
6. Kagzi M.C.J., Constitution of India

## **FAMILY LAW I**

**OBJECTIVE OF THE COURSE:** Family is the smallest yet a very important unit of the society. The issues within the family are a concern for law but also of religion, culture and custom. This module acquaints the students with the intricacies of family and the law relating to them.

Marks – 100

Credit : 04

**MODULE – I:** Introduction- Nature, Origin, Characteristics, Philosophy, Concept and Application of Hindu Law

**MODULE – II:** Sources of Hindu Law

**MODULE – III:** Schools of Hindu Law

**MODULE – IV:** Marriage, Divorce and Maintenance:

Historical Background, Forms of Marriage, Legal effects of Marriage, Capacity of Marriage, Ceremonies and Registration of Marriage, Restitution of Conjugal Rights, Dowry, Nullity of Marriages, Judicial Separation, Divorce and its various theories, Maintenance and Custody of Children. The Hindu Marriage Act, 1955, Section 125 to 128 of the Code of Criminal Procedure, 1973, The Hindu Adoptions and Maintenance Act, 1956 (Section 1 to 4 and 18 TO 30), the Dowry Prohibition Act, 1961, The Protection of Women from Domestic Violence Act, 2005, the Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

**MODULE – V:** Law relating to Property:

Early law of Property, Joint Family, Liability of debts, Alienations, Partition, Women's Property, and The Hindu Women's Right to Property Act, 1937, Succession under the Mitakshara and Dayabhaga School, Succession (The Hindu Succession Act, 1956- Sections 1 to 30), Gifts, Wills, Impartible Estates.

**MODULE – VI:** Minority and Guardianship:

Guardianship of a person, Types of Guardian, Powers, Rights, Duties and Liabilities of Guardians, Removal of Guardians. The Hindu Minority and Guardians Act, 1956 (Section 1 to 13)

**MODULE – VII:** Adoption:

Sonship, Adoption, Evolution of Adoption, Types of Adoption, Ceremonies and Methods to be followed in Adoption, Disqualification for Adoption, Valid and invalid Adoption, Doctrine of

Factum Valet, who may give in adoption, Who may be taken in Adoptions and Maintenance Act, 1956 (Section 1 to 17)

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

#### **RECOMMENDED READINGS :**

**\*\*\*\*\* Only current editions are to be read.**

1. N.R. Raghavachariar – Hindu Law: Principles and Precedents
2. J.D. Mayne- Hindu Law and usage
3. Mulla- Hindu Law
4. Dr. Paras Diwan- Modern Hindu Law
5. B.M. Gandhi- Hindu Law
6. Dr. Sir Hari Singh Gour- Hindu Code
7. A.N. Saha – Marriage and Divorce
8. H.K. Saharay- Law of Marriage and Divorce
9. G. Chakraborty- Law of Maintenance

#### **LEGAL WRITING AND CONTRACT DRAFTING**

1. Put up Petition
2. Hajeera Petition
3. F. I. R.
4. Petition for birth Certificate
5. Affidavit
6. Adjournment Petition
7. Money Receipts
8. Promissory Note
9. Bonds
10. Simple Business Letter

11. Bonds
12. Application for Bail
13. Searching Report (Model form)
14. Commission Report (Model form)
15. Complaint (Model form)
16. Transfer Petition (Model form)
17. Petition under Section-205 CrPC
18. Amendment petition (Model form)
19. General Power of Attorney (Model form)
20. Special Power of Attorney (Model form)
21. Petition to Plead Guilty (Model form)
22. Condition Waiver Petition (Model form)
23. Judgment Writing

## SEMESTER II

### ADMINISTRATIVE LAW

**OBJECTIVE OF THE COURSE:** This module will expose the students to administrative law and the rules that ensure a fair deal when a person is working. It has a close relationship with constitution help that students understand the importance of fairness.

Marks – 100  
Credit : 04

**MODULE – I:** Definition, Nature, Scope and development of Administrative Law

**MODULE – II:** Sources of Administrative Law, Relationship between Constitutional Law and Administrative Law

**MODULE – III:** Rule of Law

**MODULE – IV:** Separation of Powers

**MODULE – V: Classifications of Administrative Action**

- i). Rule making action or quasi legislative action
- ii). Rule – decision action or quasi- judicial action
- iii). Rule application action or administrative action
- iv) Ministerial action

**MODULE – VI: Natural Justice – Rule against bias, *Audi Alterm Partem*, Post decision hearing – Exception to the Rule of Natural Justice – reasoned decision**

**MODULE – VII: Delegated Legislation**

**MODULE – VIII: Control mechanism of Delegated legislation**

- a). Parliamentary Control
- b). Procedure Control
- c). JudicialControl

**MODULE – IX: Judicial Review of Administrative Action**

- a). Principles
- b) Modes
  1. Mandamus
  2. Certiorari
  3. Habeas Corpus
  4. Quo- warranto
  5. Prohibition
- c). Declaratory decree andInjunction

**MODULE – X: Suit against the Government in Torts and Contract, Liability of the Administration**

**MODULE – XI: Public Corporation**

Statutory Public Corporation- characteristic, Classification and their control

**MODULE – XII: Ombudsman: Lokpal, Lokayukta and Vigilance Commission**

**MODULE – XIII: Public Interest Litigation**

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will be taught.**



## RECOMMENDED READINGS :

\*\*\*\*\* Only current editions are to be read.

1. Jain and Jain - Principles of Administrative Law
2. Massey I.P.- Administrative Law
3. Kessari U.P.D.- Administrative Law
4. H.W.R. Wade- Administrative Law
5. Sathe S.P.- Administrative Law
6. Upadhyay J.J.R.- Administrative Law
7. Basu D.D.- Administrative Law

## LAW OF CRIMES – I

### (Indian Penal Code)

**OBJECTIVES OF THE COURSE:** This module intends to familiarize the students to a new area of law called crimes . Here the students will learn about offences, their elements and the punishment.

Marks – 100

Credit : 04

**MODULE – I:** Elements of Crime – actusreus, mensrea **MODULE –**

**II:** Joint liability – common intention, common object **MODULE –**

**III:** General exceptions

- a. mistake of fact
- b. misconception of fact
- c. act or order of the court
- d. accident or act to prevent other harm
- e. necessity
- f. doli incapax and qualified immunity
- g. unsoundness of mind
- h. voluntary or involuntary intoxication
- i. act done in good faith
- j. consent
- k. exclusion of acts which are offences independently of harm caused
- l. communication in good faith
- m. act under compulsion of threat
- n. private defence of body and property

**MODULE – IV:** Abetment – instigation, conspiracy and international aid

**MODULE – V:** Criminal conspiracy

**MODULE – VI:** Offences against public tranquility – unlawful assembly riot and affray

**MODULE – VII:** Offences against body-

- 1. Lawful homicide, culpable homicide, murder, rash or negligent act,
- 2. Hurt, grievous hurt, wrongful restraint, wrongful confinement, criminal force, criminal assault, criminal intimidation, kidnapping, abduction
- 3. Rape
- 4. Unnatural sexual offences

**MODULE – VIII: Offences against property –**

- i. Theft, extortion, robbery, dacoity,
- ii. Criminal misappropriation, criminal breach of trust, cheating, mischief, criminal trespass, Dishonest receiving of stolen property.

**MODULE – IX:** Offences against state

**MODULE – X:** Offences against marriage – bigamy, adultery, cruelty, dowry death

**MODULE – XI:** False evidence and offences against public justice

**MODULE – XII:** Offences relating to documents

**MODULE – XIII:** Offences relating to religion

**MODULE – XIV:** Attempt to commit offence

**MODULE – XV:** Punishment- simple imprisonment, life imprisonment, capital punishment, rarest of rare cases.

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

#### **RECOMMENDED READINGS :**

**\*\*\*\*\* Only current editions are to be read.**

1. Indian Penal Code: Ratanlal and Dhirajlal,
2. Indian Penal Code: R.K. Bangia
3. Criminal Law: Cases and Materials : K.D. Gour,
4. The Text Book on Criminal Law: Glanville Williams

### **CONSTITUTIONAL LAW-II**

**OBJECTIVE OF THE COURSE :** In this module the students will be taught intricacies of governance. They will get an insight into centre – State relations and also that of the executive judiciary and the legislature.

Marks – 100

Credit : 04

**MODULE – I:** Federalism, Co-Operative Federalism, Nature of Indian Federalism from British Raj to Swaraj

**MODULE – II: Centre State Relations.**

**a. Legislative Relations**

- b.** Administrative Relations
- c.** Financial Relations

**MODULE – III:** Supreme Court of India : Constitution and Jurisdiction- High Courts – Constitution and Jurisdiction

**MODULE – IV:** Freedom of Trade, Commerce and Intercourse

**MODULE – V:** Doctrine of Pleasure and Constitutional Safeguards to Civil Servants

**MODULE – VI:** The emergency Provisions- National, State and Financial

**MODULE – VII:** The Amendment of the Constitution

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

**Recommended Books:**

- 1. V.N. Shukla – Constitutional Law**
- 2. J.N. Pandey- Constitutional Law**
- 3. D.D. Basu- Constitutional Law**
- 4. M.P. Jain- Constitutional Law**
- 5. H.M. Seervai- Constitutional Law**
- 6. Karzi M.C. J.- Constitutional Law**

## **FAMILY LAW – II**

**OBJECTIVE OF THE COURSE :** In India as the students in the previous semester, the law of family is heavily influenced by religion. In this module the students will be introduced to Family Law influence by Islam.

Marks – 100  
Credit : 04

**MODULE – I:** Introduction – nature , Origin, Philosophy, Concept and Application of Mohammedan Law

**MODULE – II:** Sources of Mohammedan Law

**MODULE – III:** Schools of Mohammedan Law

**MODULE – IV:** Marriage

**MODULE – V:** Dower

**MODULE – VI:** Talaq, Divorce under the Dissolution of Muslim Marriage Act, 1939

**MODULE – VII:** Maintenance : under customary law and under the Muslim Women (Protection of Right on Divorce) Act, 1986 and Section 125 to 128 of the Code of criminal Procedure, 1973.

**MODULE – VIII:** Acknowledgement

**MODULE – IX:** Guardianship

**MODULE – X:** Gift

**MODULE – XI:** Wills

**MODULE – XII:** Pre –emption

**MODULE – XIII:** Succession and Inheritance: General Principles, Hanafi and Shia Law

**MODULE – XIV:** The Divorce Act, 1869- Sections 1 to 62

**MODULE – XV:** The Indian Succession Act, 1925 – Applicability, Intestate Succession (Section 29 to 56), Succession Certificate (Section 370 to 390).

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and amendments as amended up to date will be taught.**



## RECOMMENDED READINGS :

\*\*\*\*\* Only current editions are to be read.

1. Mulla's Principles of Mahomedan Law
2. Fyze- Outlines of Muhammadan Law
3. Ameer Ali- Muhammanan Law
4. Tahir Mahmood- Muslim Law
5. Aquil Ahmed – Muhammadan Law
6. S.A. Kader- Muslim Law of Marriage and Succession in India
7. B.B. Mitra – Indian Succession Act
8. N.D. Basu – Succession Act

## CONTRACT –II

### (Special Contract)

**OBJECTIVE OF THE COURSE:** In previous semester the students became familiar with general principle of contract. This Course will initiate the students to different kinds of contract and their intricacies.

Marks – 100

Credit : 04

**MODULE – I: SALE OF GOODS-** Concept of sale as contract – Nature of such Contract – Essential conditions – Implied terms – Caveat Emptor, its exceptions & emerging changes – warranties in sale – Transfer of Titles and passing of Risks – Delivery of Goods – Unpaid seller & his rights- Remedies for breach.

**MODULE – II: PARTNERSHIP** – Definition- Nature – Advantage & Disadvantages – Registration – Mutual relationship between partners – Admission , Authority and Outgoing of partners-Dissolution.

**MODULE – III: NEGOTIABLE INSTRUMENTS** – Concepts – kinds- Essentials- Competent parties – Acceptance – dishonour – holder & Holder in due course – Presentation of Instruments – Cheques – Liability of collecting and paying bankers – Discharge from liability – Kinds of Bills – evidence.

**MODULE – IV: AGENCY** – Identification, classification- Difference between agent and servant- essentials- Methods of creation – delegation – Rights and Duties of Agent – Scope of Agent's authority- Liability towards owner – Obligation of safe keeping – Disposing off of

goods.

**MODULE – V: BAILMENT** –Identification in day to day life- definition – Creation – Bailment Contracts- kinds of Bailee’s – Right and duties of Bailor and bailee (Individually and mutually) – Finder of goods – Liability toward owner – Obligation of safe keeping – Disposing off of goods.

**MODULE – VI: PLEDGE** –Definition- bailment and pledge compared – Pledge transactions – statutory regulations – Right and duties of pawner and pawnee (Individually and mutually) – Pledge in Indian Contract Act.

**MODULE – VII: GUARANTEE** :Concept – definition- essential- Consideration & criteria

– Capacity- Surety’s Liability (duration & termination) letters of credits and bank guarantee- Liabilities, Rights & Duties of Co- Sureties – Discharge.

**MODULE – VIII: INDEMNITY-** Concept – definition- Nature- Creation- Classification – Right, Duty and Liability of Indemnifier- agreement of Indemnity .

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will be taught.**

#### **RECOMMENDED READINGS :**

**\*\*\*\*\*** Only current editions are to be read.

1. R.K. Abhichandani (Ed.) Pollock and Mulla on Contract and Specific Relief, ButterworthIndia
2. Krishnan Nair, Law of Contract, Orient LawHouse
3. J.P. Verma (Ed) Singh &gupta, The Law of Partnership in India, Orient LawHouse  
A. g. Guest (Ed), Benjamin’s Sale of Goods, Sweet & Maxwell.
4. Bhashyam&Adiga, The Negotiable Instruments Act, Bharat Law Publishers.
5. M.S. Partasarathy (Ed), J.S. Khergamwala, NegotiableInstruments
6. Beatson (Ed), Anson’s Law of Contract, Oxford UniversityPress
7. Avtar Singh, Law of Contract, Eastern Book Co.
8. T.R. Desai, Law ofContract

#### **SERVICE LEARNING UNDER CONSUMER PROTECTION ACT, 1986**

Part A- (Students are expected to know the following)

1. Introduction to Consumer Protection and policies in India
  - a. Development of market and consumer relations
  - b. Globalization and consumerism
  - c. Consumer movement in the global context
  - d. Legal frame work and policy challenges
  - e. Consumer's Rights- UN role, Right to safety, Right to be informed, Right to choose, Right to be heard and assured, Right to redressal, Right to consumer education
  
2. Legislative Framework on Consumer Protection
  - a. Consumer friendly Legislations
  - b. Prevention of Food Adulteration Act, 1954
  - c. Standards of Weights and Measures Act, 1976
  - d. The Drugs and Magic Remedies (Objectionable Advertisement) Act 1954
  - e. MRTPAct
  
  - f. Sale of Goods Act, 1930
  - g. Consumer Protection Act, 1986-the vision of the legislation
  
3. Drafting of complaint under the Consumer Protection Act, 1986.
4. Analysis of legal issues arising under Consumer Laws.
5. Drafting on different litigation topic arising out of following issues
  - a. Repairing of rented shop.
  - b. Bad condition of recently purchased flat.
  - c. Exchange of products purchased online.

Part B- (Students are expected to do the following exercises for evaluation)

Students are expected to maintain a diary reporting 5 cases (of 20 marks each), be observed in Consumer Courts during their visit.

## SEMESTER III

### LABOUR & INDUSTRIAL LAW-I

**OBJECTIVE OF THE COURSE:** Economy of a country is dependent on its industry and agriculture. One of the most important factors of both agricultural and industrial production is labour. In this module the students will be introduced to these factors.

Marks – 100

Credit : 04

#### **MODULE – I: Industrial Disputes Act, 1947**

Object and Reason; Definitions; Authority under the Act; Strike; Lock- out ; Public utility service; Lay off; Retrenchment and Closure in certain Establishments; Unfair Labour Practice.

#### **MODULE – II: Workmen’s Compensation Act, 1923**

Object and reason- definitions; Employer’s liability for compensation; Determination of quantum of compensation; Distribution of Compensation; Indemnity and Benefits of employers.

#### **MODULE – III: Factories Act, 1948**

Object and Reason; definition; Health-Safety and Welfare measurer; Employment of young person’s ; Working hours of adult.

#### **MODULE – IV : Maternity Benefit Act, 1961**

Object and Reason; Definitions ; Right to payment of Maternity Benefit ; Payment of Maternity Benefit in certain cases ; Maximum period of entitlement ; Prohibition of pregnant employment; Benefit in certain cases ; Payment in case of death ; Leave – miscarriage ; Dismissal during absence due to pregnancy ; Inspector – Penalties .

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will be taught.**

#### **RECOMMENDED READINGS:**

**\*\*\*\*\* Only current editions are to be read.**

1. K.D. Srivastava – The Industrial Disputes Act.
2. S.N. Mishra – Labour and Industrial Laws
3. Indian Law Institute – Labour Law and Labour Relations
4. O.P. Mishra- the Law of Industrial Disputes
5. V.V. Giri – Labour Problems in Indian Industry
6. S.C. Srivastava – Social Security and Labour Laws
7. S.K. Puri – Labour and Industrial Law
8. R. Dayal – Labour and Industrial Law

## **LAW OF CRIMES – II**

### **(Criminal Procedure Code)**

**OBJECTIVE OF THE COURSE:** The world of offences is now familiar to the students. However to punish for the offence committed, there is a process which will be taught in this module.

Marks – 100

Credit : 04

**MODULE – I:** Object Purpose and History of the Criminal Procedure Code

**MODULE – II:** Definitions – Section 2

**MODULE – III:** Constitution and Powers of Criminal and Executive Courts – Section 6 to 35

**MODULE – IV:** Arrest of Persons- Section 41 to 60

**MODULE – V:** Process to Compel Appearance and Production of Things and Reciprocal Arrangements Sections 61 to 105L

**MODULE – VI:** Preventive and Precautionary Measures of Security Proceedings Section 106 to 124, Section 129 to 153.

**MODULE – VII:** Maintenance of Wives, Children and Parents – Section 125 to 128

**MODULE – VIII:** Information to the Police and their Powers to Investigate – Section 154 to 176

**MODULE – IX:** Jurisdiction of the Criminal Courts in Inquiries and Trials-Section 177 to 189.

**MODULE – X:** Cognizance of Offences and Commencement of Judicial Proceedings – Sections 190 to 210

**MODULE – XI:** Charge – Section 211 to 224

**MODULE – XII: Trial before various Courts**

- a. Court of Sessions-Section 225 to237
- b. Warrant Cases by Magistrates-Sections 238 to 250
- c. Summons cases by Magistrates- Section 251 to259
- d. Summary Trial-Section 260 to265

**MODULE – XIII: Mode of Taking Evidence and General Provisions as to Inquiries and Trials-**  
Section 266 to 352

**MODULE – XIV: Judgement – Sections 353 to 365**

**MODULE – XV: Appeals-Sections 372 to 394**

**MODULE – XVI: Reference and Revision-Section 395 to 405** **MODULE –**  
**XVII: Provisions as to Bills and Bonds – Section 436 to 450** **MODULE –**  
**XVIII: Irregular Proceedings-Section 460 to466**

**MODULE – XIX: Limitation for taking cognizance –Sections 467 to 473**

**MODULE – XX: Probation of Offenders Act, 1958- Sections 1 to 19.**  
**MODULE – XXI: Juvenile Justice (Care and Protection of children) Act, 2000 – Sections 1 to**  
70

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will be taught.**

**RECOMMENDED READINGS:**

**\*\*\*\*\*** Only current editions are to be read.

1. R.V.Kelkar’s CriminalProcedure
2. Ratanlal and Dhirajlal-CriminalProcedure
3. Mishra-Code of CriminalProcedure
4. B.B.Mitra-Code of CriminalProcedure
5. Sarkar’s Code of CriminalProcedure

**INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION**

**OBJECTIVE OF THE COURSE:** Legislation is a major source of Law. Legislators create law after much deliberation. This process takes into account the present and future need of the nation. Interpretation of statute is a method by which the judiciary explores the intention of the legislators behind the statute. This involves a method which will be taught in this module.



Marks – 100  
Credit : 04

**MODULE – I: PRINCIPLES OF LEGISLATION-** Law making {legislature, executive, Judiciary}- Principles of utility.

**MODULE – II: INTERPRETATION OF STATUTE –** Meaning of the term Statute- Component, operation and repeal-Internal Aids to interpretation [Title, Preamble, Headings & Marginal notes, Sections & Subsections, Punctuations, Illustrations, Exceptions, proviso & saving clauses, Schedules, Non Obstante clause]-External Aids to interpretation [ Dictionary, Translation TraavauxPreparatoires, Statutes in pari material, ContemporaneaExposito, Debates, Reports]

**MODULE – III: RULES OF STATUTORY INTERPRETATION-** Primary Rules [ Literal

rule, Golden rule, Mischief rule, harmonies Construction] Secondary Rules [ Noscitur a sociis, ejusdem generic, Reddendo singular singularis ].

**MODULE – IV: PRESUMPTION IN STATUTORY INTERPRETATION-** Statutes are valid-Statutes are territorial in operation-Presumption as to jurisdiction-presumption against the inconvenient and absurd – Presumption against intended injustice – Presumption against impairing obligations or permitting advantage from one's own wrong –Prospective operation of statutes.

**MODULE – V: MAXIMS OF STATUTORY INTERPRETATION**

1. Delegatus non potest delegare
2. Expression unius exclusion alterius
3. Generis specialibus non derogant
4. In pari delicto potior est conditio possidentis
5. Ut res valet potior quam pariat
6. Expressum facit cessare tacitum
7. In bonam partem

**MODULE – VI: INTERPRETATION WITH REFERENCE TO SUBJECT MATTER AND PURPOSE**

- Restrictive and beneficial construction
- Taxing statutes
- Penal Statutes
- Welfare Legislations
- Substantive and adjunctive Statute
- Discretionary and mandatory provisions
- Enabling statutes
- Codifying and Consolidating statute
- Right conferring statute
- Power conferring statute

## **MODULE – VII: PRINCIPLES OF CONSTITUTIONAL INTERPRETATION**

- Doctrine of Pith and Substance
- Doctrine of Colourable Legislation
- Doctrine of Residuary Power
- Doctrine of Repugnancy
- Doctrine of Ancillary Powers
- “Occupied Field”

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

### **RECOMMENDED READINGS :**

\*\*\*\*\* Only current editions are to be read.

G.P. Singh, Principles of Statutory Interpretation, Wadhwa & Co.

P. St. Langan (Ed), Maxwell on Interpretation of Statute, N.M.

Tripathy K. Shanmukham, N.S. Bindras, Interpretation of Statute, The Law Book Co.

V. Sarathi, Interpretation of Statute, Eastern Law Book Co.

M.P. Singh (Ed), V.N. Shukla’s Constitution of India, Eastern Law Book Co.

M.P. Jain, Constitution Law of India, Wadhwa & Co.

## **ENVIRONMENTAL LAW**

**OBJECTIVE OF THE COURSE:** The Environment in which we live is in danger. In this module the students will learn the laws which are enacted to protect and preserve the environment.

Marks – 100

Credit : 04

**MODULE – I: CONCEPT OF ENVIRONMENT AND ITS IMPORTANT – POLLUTION AND HEALTH HAZARD**

**MODULE – II: NATIONAL POLICY OF ENVIRONMENT MODULE –**

**III: COMMON LAW PERSPECTIVE MODULE – IV:**

CONSTITUTIONAL LAW PERSPECTIVE

**MODULE – V: SUSTAINABLE DEVELOPMENT- PRECAUTIONARY PRINCIPLE – POLLUTER PAY PRINCIPLE – PUBLIC TRUST DOCTRINE**

**MODULE – VI: PRINCIPLE OF LIABILITY AND PUBLIC LIABILITY INSURANCE**

**MODULE – VII: THE ENVIRONMENT (PROTECTION) ACT, 1986-** PREAMBLE – DEFINITION – GENERAL POWERS OF CENTRAL GOVERNMENT – PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENT POLLUTION

**MODULE – VIII:** PREVENTION AND CONTROL OF AIR POLLUTION **MODULE – IX:**

PREVENTION AND CONTROL OF WATER POLLUTION **MODULE – X:** WILD LIFE PROTECTION

**MODULE – XI:** FOREST CONSERVATION

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

**RECOMMENDED READINGS:**

**\*\*\*\*\* Only current editions are to be read.**

THE AIR (PREVENTION AND CONTROL OF POLLUTION) ACT, 1981  
THE WATER (PREVENTION AND CONTROL OF POLLUTION) ACT 1974  
THE WILD LIFE (PROTECTION) ACT 1972  
THE FOREST (CONSERVATION) ACT 1980

Tiwari. A.K.- Environmental Laws in India  
Leelakrishnan. P- Environmental Law in India  
Khan. Dr. I.A.- Environmental Law  
Divan Shyam&Rosencranz Armin- Environmental Law and Policy in India  
Shastri. S.C.- Environmental Law  
Tiwari. Dr. H.N- Environmental Law  
Jaswal P.S- Environmental Law

**PRACTICAL – I**  
**(Professional Ethics and Professional Accounting System)**

**OBJECTIVE OF THE COURSE:** The lawyers, like other professionals have a code of conduct and basic knowledge of professional accounting. This module deals with them.

Marks – 100  
Credit : 04

**MODULE – I:** Krishnamurthy's book on 'ADVOCACY'

**MODULE – II:** The Contempt Law and Practice

**MODULE – III:** The Bar Council Code of Ethics

**MODULE – IV:** 50 selected opinions of the Disciplinary Committees of Bar Councils.

**MODULE – V:** 10 major judgements of the Supreme Court on above subjects.

Written submissions: Marks – 90

Viva voce: Marks – 10

**NOTE:** Students will have to put in four weeks of internship compulsorily in Semesters VI, VII, VIII, IX, X, and obtain a certificate of internship without which the Bar Council may not enroll them. The students must maintain diary. They will be evaluated in the **X Semester along with Moot Court Exercise and Internship Practical Paper**. The internship should be in the following Institutions or Organizations:

1. NGO
2. Trial and Appellate Advocates {compulsory}
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures and Parliament
6. Market Institutions
7. Law Firms
8. Companies
9. Local Self-Government
10. Other Legal Functionaries
11. Any other body approved by the College

## SERVICE LEARNING UNDER MOTOR VEHICLES ACT, 1988

Part A- (Students are expected to know the following)

1. Introduction to Motor Vehicles Act in India
  - a. Motor Vehicles Act, 1988
  - b. The Central Motor Vehicles Rules, 1989
  - c. Motor Vehicles Amendment Bill, 2017
2. Drafting of Complaint under the Motor Vehicles Act, 1988
3. Liabilities under the M.V. Act, 1988
  - a. No fault liability under section 140.
  - b. Liability under section 163 A
  - c. Liability under 166
4. Analysis of legal issues arising out of Motor Accident Claim Cases

Part B- (Students are expected to do the following exercises for evaluation)

Students are expected to maintain a diary reporting 5 cases (of 20 marks each), to be observed in Motor Accidental Claims Tribunal during their visit.

NOTE: Students will have to put in four weeks of internship compulsorily in Semesters VI, VII, VIII, IX, X, and obtain a certificate of internship without which the Bar Council may not enroll them. The students must maintain diary. They will be evaluated in the Xth Semester along with Moot Court Exercise and Internship Practical Paper. The internship should be in the following Institutions or Organizations:

1. NGO
2. Trial and Appellate Advocates [compulsory]
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures and Parliament
6. Market Institutions

7. Law Firms
8. Companies
9. Local Self-government
10. Other Legal Functionaries
11. Any other body approved by the University

## **SEMESTER – IV**

### **LAW OF CIVIL PROCEDURE AND LIMITATION**

**OBJECTIVE OF THE COURSE :**All substantive law find expression in procedure. This module teaches the procedure for trial in civil cases.

Marks – 100 Credit : 04

**MODULE – I:** History, Object and Purpose of the Code of Civil procedure, 1908

**MODULE – II:** Definitions

**MODULE – III:** Jurisdiction of Civil Courts

**MODULE – IV:** Res Sub Judice and Res Judicata

**MODULE – V:** Foreign Judgement

**MODULE – VI:** Place of Suing

**MODULE – VII:** Institution of Suits, parties to Suits, Suits in Particular Cases (By or against governments or Public Officers; Substantial questions of Law; By or against Corporations; By or against Firms; By or against Trustees, Executors and administrators ; By or against Minors and Lunatics ; Matters concerning family; By Indigent Persons; Mortgages; Interpleader Suits)

**MODULE – VIII:** Issue and Service of Summons

**MODULE – IX:** Pleadings

**MODULE – X:** Complaint and Written Statement

**MODULE – XI:** Set- off and Counter – Claim

**MODULE – XII:** Discovery and Inspection

**MODULE – XIII:** Production, Impounding and Return of Documents

**MODULE – XIV:** Interim Orders : Commissions, Arrest before judgement, Attachment before judgement, Temporary Injunctions, Interlocutory Orders, Receivers, Costs and Security for Costs.

**MODULE – XV:** Withdrawal and Compromise of Suits

**MODULE – XVI:** Death, Marriage and Insolvency of Parties

**MODULE – XVII:** Framing and Settlement of Issues

**MODULE – XVIII:** Appearance and Non-appearance of Parties, Summoning and Attendance of Witnesses, Hearing of the Suit and Examination of Witnesses

**MODULE – XIX:** Judgement and Decree

**MODULE – XX:** Execution of Decrees and Orders



**MODULE – XXI:** Appeals, Reference, Review and Revision **MODULE –**  
**XXII:** Restitution, caveat and Inherent Powers of Courts **MODULE –**  
**XXIII:** The Limitation Act, 1963 – Sections 1 to 27

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

## RECOMMENDED READINGS :

\*\*\*\*\* Only current editions are to be read.

1. C.K. Thakker (Takwani) Civil Procedure
2. Mulla-Civil procedure Code
3. Sarkar- Code of civil Procedure Code (2 Volumes)
4. Ganguly – Civil Court Practice and Procedure
5. Nandia- Code of civil Procedure Code
6. A.N. Saha – Code of Civil Procedure Code
7. P.K. Majumder – Code of Civil Procedure Code
8. B.B. Mitra- Limitation Act

## LAW OF EVIDENCE

**OBJECTIVE OF THE COURSE:** The students are by now familiar with the procedures but trial is incomplete unless proper evidence is adduced and appreciated. This module will introduce the students to the world of evidence.

Marks – 100 Credit : 04

**MODULE – I:** Nature, Functions, Object and History of the Law of Evidence, Salient features, Application and Non-application of the Indian Evidence Act, 1872.

**MODULE – II:** Definitions – Section 3 and 4.

**MODULE – III:** Relevancy of Facts (Sections 5 to 55):

- a. Evidence of facts in Issue and Relevant fact- Section 5
- b. Doctrine of Res gestae- Section 6
- c. Occasion, Cause or Effects of facts in issue- Section 7
- d. Motive, Preparation and Conduct- Section 8
- e. Introductory or Explanatory Facts- Section 9
- f. Conspiracy Section 10
- g. Inconsistent Facts- Section 11
- h. Damages –Section 12
- i. Right or Custom – Section 13
- j. State of Mind, Body or Bodily Feeling –Section 14
- k. Accidental or International Acts- Section 15
- l. Existence of Course of Business –Section 16
- m. Admission and Confession-Section 17-31
- n. Statements by person who cannot be called as witnesses-Section 32
- o. Statement made under Special Circumstances –Section 33-38
- p. Extent of providing a Statement –Section 39
- q. Relevancy of Judgements-Section 40-44

- r. Opinion of third persons-Section45-51
- s. Relevancy of Judgments-Section52-55

**MODULE – IV: On proof (Section 56-100)**

- a. facts which need not be proved –Sections56-58
- b. oral evidence –Section 59-60
- c. Documentary Evidence –Section61-73
- d. Public and Private Documents-Section74-78
- e. Presumptions as to Documents –Section79-90A.
- f. Exclusion of Oral by Documentary Evidence –Sections 91 to100.

**MODULE – V: Production and effect of Evidence (Section 101 to 167)**

- a. Burden of Proof –Sections 101 to114-A
- b. Estoppel-Section 115 –117
- c. Witnesses –Sections 118 to134
- d. Examination of witnesses –Section 135 –166
- e. Improper Admission and Rejection of Evidence –Section167.

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will betaught.**

**RECOMMENDED READINGS :**

**\*\*\*\*\* All books are to be read in current edition.**

1. Batuklal-The Law ofEvidence
2. Avtar Singh –Principles of the Law ofEvidence
3. M. Monir-Text book on the Law ofEvidence
4. Vepa P. Sarathi –Law ofEvidence
5. Ratanlal and Dhirajlal –Law ofEvidence
6. Sarkar’s LAW OF Evidence ( 2 Volumes)
7. Field –Law of Evidence (5volumes)
8. N.D. Basu –Law ofEvidence
9. Woodroff and Ammer Ali- Law ofEvidence

## **COMPANY LAW**

**OBJECTIVE OF THE COURSE :** Company is legal person who is as important for a nation as an individual is. This module talks about formation and managing a company.

Marks – 100

Credit : 04

### **MODULE – I: FORMATION OF COMPANIES**

- A. Promoting
- B. Memorandum of Association
- C. Articles of Association
- D. Registration

### **MODULE – II: KINDS OF COMPANIES AND THE PROCESS OF THEIR TRANSFORMATION FROM ONE KIND TO ANOTHER**

### **MODULE – III: ADVANTAGES AND DISADVANTAGES OF INCORPORATION**

### **MODULE – IV: PROSPECTUS**

### **MODULE – V: SHARES AND RELATED MATTERS**

### **MODULE – VI: DEBENTURES AND RELATED MATTERS**

### **MODULE – VII: COMPANY AND ITS ORGANS :- THEIR POWER, FUNCTION, DUTY AND INTERRELATIONSHIP**

### **MODULE – VIII: FOSS v. HARBOTTLE RULE AND ITS EXCEPTIONS**

### **MODULE – IX: MERGER AND DE-MERGER**

### **MODULE – X: WINDING UP (BY COURT AND VOLUNTARY)**

### **MODULE – XI: COMPANY LAW BOARD AND NATIONAL COMPANY LAW TRIBUNAL**

**MODULE – XII: BRIEF OVER VIEW OF SEBI GUIDELINES**

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will betaught.**

## RECOMMENDED READINGS :

\*\*\*\*\* All books are to be read in current edition.

1. Singh. Avtar- Company Law
2. Ramaiya. A – GUIDE TO THE COMPANIES ACT
3. Davis. Paul.L-Gower's Principles of Modern Company
4. Jain.N.K- Company Law
5. Wright.R.A.K Palmer's Company Precedents
6. Bhandari. M.C- Guide to Company Law Procedures
7. Hitt.Michel.A- Merger and Acquisition

## LABOUR AND INDUSTRIAL LAW - II

**OBJECTIVE OF THE COURSE:** The students are already familiar with labour and the law that relate to them. This is another aspect of the same law.

Marks – 100  
Credit: 04

### MODULE – I: The Indian Trade Unions Act, 1926

Object and Reason; Definitions; Registration of Trade Union; Right and Liabilities of Registered Trade Unions; Recognition of Trade Unions; Penalties

### MODULE – II: The Employees State Insurance Act, 1948

Object and Reason; Definition; Corporation Standing Committee and Medical benefit Council; Contribution, benefits; Adjudication of disputes and claims; Penalties

### MODULE – III: Minimum Wages Act, 1948

Object and Reason; Definitions; Fixation of Minimum rate of wages' Working weeks and determination of Wages and claims etc; Penalties

### MODULE –IV:

Object and Reason; Definitions; Employees' Provident Fund Scheme and Authorities;  
Penalties

**MODULE –V:** Child Labour (Prohibition and Regulation) Act, 1986  
Object and Reason; Definitions; Prohibition of employment of children in certain Occupations and Processes; regulation of Conditions of Work of Children; Penalties & Procedures.

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will be taught.**

**RECOMMENDED READINGS:**

**\*\*\*\*\*** Only current editions are to be read.

1. K.D. Srivastava – The Industrial Disputes Act.
2. S.N. Mishra – Labour and Industrial Laws
3. Indian Law Institute – Labour Law and Labour Relations
4. O.P. Mishra – The Law of Industrial Disputes
5. V.V. Giri- Labour Problems in Indian Industry
6. S.C. Srivastava- Social Security and Labour Laws
7. S.K. Puri- Labour and Industrial Law
8. R. Dayal- Labour and Industrial Law

**PRACTICAL – III**

**[Alternative Dispute Resolution]**

**OBJECTIVE OF THE COURSE:** The formal dispute resolution system is too over burdened. Further the formal system is not very accessible to the common man. So an alternative dispute resolution system has been evolved. The students will be exposed to this process in this module.

Marks –100  
Credit – 04

**MODULE – I:** Negotiation Skills to be learnt through simulated Programme and case studies

**MODULE – II:** Conciliation Skills to be learnt through simulated Programme and case studies

**MODULE – III:** Arbitration Law and Practice including International Arbitration and Arbitration Rules

Written submissions  
Viva Voce

Marks – 90  
marks –10



**NOTE:** Students will have to put in four weeks of internship compulsorily in Semesters VI, VII, VIII, IX, X , and obtain a certificate of internship without which the Bar Council may not enroll them. The students must maintain diary. They will be evaluated in the **X Semester along with Moot Court Exercise and Internship Practical Paper.** The internship should be in the following Institutions or Organizations:

1. NGO
2. Trial and Appellate Advocates {compulsory}
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures and Parliament
6. Market Institutions
7. Law Firms
8. Companies
9. Local Self-Government
10. Other Legal Functionaries
11. Any other body approved by the College.

### **Legal Aid in Surrounding Villages**

Part A- (Students are expected to know the following)

1. Introduction of Legal Aid Service
  - a) Legal Services Authorities Act, 1987
  - b) Fundamental Right to free legal aid
2. Legal Services Authorities under the Act
  - a) Legal Services Authorities
  - b) Legal Aid Service, West Bengal (LASWEB)
3. Client Counselling
  - a) Training regarding client counselling/ Interviewing technique
  - b) Intra Class Client Counselling competition
  - c) Inter Class Client Counselling competition

4. Organisation of Legal Aid camps in consultation with the Centre for Clinical Legal Aid, Department of Law, Cooch Behar Panchanan Barma University.

Part B- (Students are expected to do the following exercises for evaluation)

1. Visiting schools for awareness of legal service (any two schools) [2x25=50]
2. Survey in villages awareness camp- [2x25=50]
  - a) Sanitation
  - b) Maternal mortality
  - c) Health
  - d) Education
  - e) Banking
  - f) Legal
  - g) Family related issues

## **SEMESTER V INSURANCE LAW**

**OBJECTIVE OF THE COURSE:** There are risks at every walk of life. Sometimes it is difficult to pay up and more difficult to receive payment. Insurance is a good method of overcome the difficulties relating to risk. This law introduces the students to the intricacies of Insurance.

Marks – 100  
Credit : 04

**MODULE – I:** Introduction [ History, Nature]- definition- Concept of Insurance compared with contract and Tort- Insurance in globalised economy.

**MODULE – II:** General principles of Law of Insurance – nature, scope and classification of Insurance contracts-Insurable interest- the risk – policy [ form, content, commencement, duration, alternation, cancellation, rectification, renewal, assignment, construction]- conditions of policy.

**MODULE – III:** Life Insurance [nature, scope, definition, classification], formation of life insurance contract- event insured against life insurance contract – Circumstances affecting the risk- amount recoverable under life policy- persons entitled to payment- settlement of claim.

**MODULE – IV:** The Insurance Act, 1938, [Section 1-64], IRDA Act, 1999

**MODULE – V:** The General Insurance Business [Nationalisation] Act, 1972. [Section 1-15]

**MODULE – VI:** The General Insurance Business [Nationalisation] Act, 1972. [Section 1-15]

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will be taught.**

### **RECOMMENDED READINGS:**

\*\*\*\*\* Only current editions are to be read.

1. SINGH, BRIDE ANAND, NEW INSURANCE LAW, UNION BOOK PUBLISHERS, ALLAHABAD.
2. IVAMY, CASE BOOK ON INSURANCE LAW, BUTTERWORTHS
3. IVAMY, GENERAL PRICIPLES OF INSURANCE LAWS, BUTTERWORTHS.
4. JOHN BIRDS, MODERN INSURANE LAW, SWEET & MAXWELL
5. M.N. SRINIVASAN, PRINCIPLES OF INSURANCE LAW, RAMANIYA PUBLISHERS

## **LAND LAWS INCLUDING TENURE & TENANCY SYSTEM**

**OBJECTIVE OF THE COURSE:** The three factors of production are land, labour and capital. The students have already been exposed to the issues relating to labour; this module discusses the issues relating to land.

Marks – 100

Credit : 04

**MODULE – I:** Concept of land reform; Land reforms and India **MODULE –**

**II:** Land Reforms in West Bengal; Operation Barga

**MODULE – III: THE WEST BENGAL LAND REFORMS ACT, 1956**

1. Definitions. [Section2]
2. Raiyats: Various rights; restrictions on rights [Section 4-7]
3. Pre-emption (Section-8)
4. Powers of revenue Officer (Section 9, and powers under other provisions under theAct)
5. Diluvated Land (Section11)
6. Partition of holding among Co-Sharer Raiyats (Section14)
7. Restrictions on alienation of Land by Schedule tribes (Section 14 A –14I)
8. Ceiling on Holding (Sections 14J – 14Z)
9. Bargadars (Section15-21E)
10. Principles of Distribution of Land (Section49-49A)

**MODULE – IV: THE LAND ACQUISITION ACT, 1894**

2. DEFINITIONS. (Section3)
3. Acquisition (Sections4-10)
- 4.
5. Reference to Court and Procedure thereon (Sections18-28A)
6. Acquisition of land for Companies (Section 38A –44B)

**MODULE – V: THE WEST BENGAL PREMISES TENANCY ACT, 1997**

1. Definitions (Section2)
2. Eviction: (Section6-7)
3. Fair rent : (Sections17-22)
4. Appointment of Controller, Additional and Deputy Controller and Registrar ; (Section 39)

5. Final Hearing of certain applications (Section42)

6. Appeal, Revision and Review: Fair Rent : (Section43)

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will betaught.**

#### **RECOMMENDED READINGS :**

**\*\*\*\*\*** Only current editions are to be read.

1. The West Bengal Land Reforms Act: A.N.Saha
2. The West Bengal Land Reforms Act: SusantaSen
3. The West Bengal Land Reforms Act: D.P.Chatterjee
4. The West Bengal Land Reforms Act: AsutoshMukherjee

### **LAW OF PROPERTY**

**OBJECTIVE OF THE COURSE:** The world of property is a very important part of a national as well as individual life. This module offers a glimpse of the world of property.

Marks – 100

Credit : 04

**MODULE – I:** Interpretation Clause

**MODULE – II:** Transfer of Property- What may be transferred – Person Competent to Transfer

**MODULE – III:** Conditions restraining alienation

**MODULE – IV:** Transfer for the benefit of unborn person- Rule against perpetuity- Direction for accumulation- Vested Interest- Contingent Interest-Fulfillment of Condition precedent & conditions subsequent

**MODULE – V:** Doctrine of Election

**MODULE – VI:** Transfer where third person is entitled to maintenance

**MODULE – VII:** Transfer by ostensible owner- By unauthorized person who subsequently acquires interest in property concerned {Feeding the Estoppel by grant}

**MODULE – VIII:** Doctrine of lis-

pendence **MODULE – IX:** Fraudulent Transfer

**MODULE – X:** Doctrine of part performance

**MODULE – XI:** Sale of immovable property

**MODULE – XII: Mortgage**

**MODULE – XIII: Lease of immovable property**

**MODULE – XIV: Exchange**

**MODULE – XV: Gifts**

**MODULE – XVI: Easement – definition- kinds – Imposition, acquisition and transfer of easement – incidents of easements- disturbance of easement – extinction, suspension and revival of easement – License**

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as amended up to date will be taught.**

**RECOMMENDED READINGS :**

**\*\*\*\*\* Only current editions are to be read.**

1. Transfer of Property Act, 1882
2. The Indian Easement Act, 1882
3. G.P. Tripathi, transfer of Property Act
4. Mulla, transfer of Property Act
5. S.N. Shukla, transfer of Property Act
6. B.B. Mitra, transfer of Property Act
7. R. Dayal, transfer of Property Act
8. S.K. Agarwal, Easement Act

## **HEALTH LAW**

**OBJECTIVE OF THE COURSE :** Health is not the wealth of an individual alone but also that of the nation. A nation cannot progress without the health of its people and society. In order to give effect to the fundamental right to health the students are taught this module.

Marks – 100

Credit : 04

**MODULE – I: INTRODUCTION**

1. Right to Health as emergent from Constitution Parts III & IV
2. National Health Policy

**MODULE – II: DUTIES OF EMPLOYER, COMMUNITY AND STATE**

Industrial Accidents (e.g. Bhopal Gas Tragedy) – Rail, Air, Eco disaster (Duties of Carriers as



well)

### **MODULE – III: ORGANISATION OF PUBLIC HEALTH CARE IN INDIA**

1. Legal organization of public hospitals.

2. Medico-Legal cases and duties of hospitals
3. Mental Health care in Public hospitals : duties and liabilities
4. Rural Health Care – National Health Mission

#### **MODULE – IV: ORGANISATION OF PRIVATE HEALTH CARE**

1. Medical Negligence
2. Amniocentesis
3. Public Service Related situations- Negligence of Private doctors in eye camps etc.
4. Disposal and surgical waste – Liability of public and private health care units

#### **MODULE – V: CONTRACTUAL LIABILITY OF A DOCTOR**

1. Doctor-patient relationship
2. Contracts involving warranty and guaranty
3. Doctors guaranty to a particular result

#### **MODULE – VI: MEDICAL JURISPRUDENCE**

1. Medical Evidence – meaning, use, and value
2. Post mortem-examination, exhumation, post-mortem report
3. Post mortem examination of gunshot wounds, burnt bodies
4. Identification – Living persons- dead persons – foetus – age
5. Identification of mode of death-Asphyxiation, Suffocation, Hanging, Strangulation, Poison, Stabbing
6. Identification of Sexual Offences – Rape, Intercourse, Unnatural Sexual offences – Examination of accused, victims, -Law relating to sexual offences.

#### **MODULE – VII: ACQUIRED IMMUNE DEFICIENCY SYNDROME [AIDS]**

Nature and Scope – Issues relating to blood bank- Privacy and public health- Marriage and finding a family – Right to dignified treatment – rights, duties, freedom of HIV / AID patients – Education for affected persons and others.

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and amendments as amended up to date will be taught.**

#### **RECOMMENDED READINGS:**

\*\*\*\*\* All books are to be read in current edition.

1. Jonathan Montgomery, Health care LAW, Oxford University Press.
2. S.V. Joga Rao, Current Issues in Criminal Justice And Medical Law, Eastern Law House.
3. Garcius Thorman, N.P. Sinha, & Johnson Thorman, AIDS, Social Work and Law, Rawat Publication.
4. Nandita Adlikani, Law and Medicine, Central Law Publication.

## PRACTICAL – II

### [Drafting, Pleading and Conveyance]

**OBJECTIVE OF THE COURSE:** Draftsman ship is one compulsory skill for every lawyer. This module is intended to teach drafting to the students.

Marks -100

**MODULE – I : DRAFTING :-** General principles of drafting and relevant substantive rules

**MODULE – II : PLEADINGS:**

**Marks- 45**

**Civil:-**Plaint, Written Statements, Affidavit, Execution Petition, Interlocutory application, Original Petition, Memorandum of Appeal and Revision, Petition under Articles 32 & 226 of the Constitution of India, PIL Petition.

**Criminal:** Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and revision

**Practical exercises–15**

**3 X 15**

**MODULE –III: CONVEYANCE:**

**Marks – 45**

Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed,

**Practical exercises–15**

**3x15**

**MODULE –IV:**

**VIVA VOCE**

**Marks –10**

**NOTE:** Students will have to put in four weeks of internship compulsorily in Semesters VI, VII, VIII, IX, X, and obtain a certificate of internship without which the Bar Council may not enroll them. The students must maintain diary. They will be evaluated in the **X Semester along with Moot Court Exercise and Internship Practical Paper.** The internship should be in the following Institutions or Organizations:

1. NGO
2. Trial and Appellate Advocates {compulsory}
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures and Parliament
6. Market Institutions
7. Law Firms

8. Companies
9. Local Self–Government
10. Other Legal Functionaries
11. Any other body approved by the College

SERVICE LEARNING UNDER THE ENVIRONMENT PROTECTION ACT, AIR, WATER, FOREST, WILD LIFE;  
PERSONS WITH DISABILITIES ACT, JUVENILE JUSTICE ACT  
(Ability Enhancement Course)

Marks 100

Part A- (Students are expected to know the following)

1. Overview of Environment and Law
  - a) Environment, Nature & Ecosystem
  - b) Origin of Environmental Law
  - c) Need of Environmental Law
2. Introduction to Environmental Law
  - a) Policy
  - b) Act to protect Environment, Air, Water, Forest, Wild life
  - c) Other Major Laws and Environment (IPC, CrPC, Torts)
3. Environment Management
  - a) Meaning of Environment Management
  - b) Air, Water and Land Management
  - c) Forest Management
4. Public Interest Litigation & Protection of Environment
  - a) Meaning and Importance of PIL
  - b) Drafting of PIL related to environmental issues.
5. National Green Tribunal
  - a) Composition of NGT
  - b) Study of cases instituted before the NGT
  - c) Study of cases decided by NGT
6. Legal Rights of Disabled in India
  - a) Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
  - b) Rights of Persons with Disabilities Act, 2016
  - c) Office of Chief Commissioner for persons with Disabilities
  - d) Registration of complaint in case rights of a disabled is violated
7. Juvenile Justice Act
  - a) Juvenile Justice (Care and Protection of Children) Act, 2015
  - b) Juvenile Justice (Care and Protection of Children) Model Rules, 2016
  - c) Registration of a complaint against a juvenile
  - d) Visit to Juvenile Justice Home 'KOROK' (for the district of Darjeeling, Jalpaiguri & Cooch Behar)
  - e) Juvenile justice and role of police
  - f) Rehabilitation of juvenile offenders in juvenile homes

Part B- (Students are expected to do the following exercises for evaluation)

1. Report five cases of environmental pollution relating to air, water, forest, noise and waste disposal
2. Preparation of documentation of NGO
  - a) Reporting of violation of rights of disabled
  - b) Reporting of refusal of admission of disabled students
  - c) Disabled friendly infrastructure
3. Reporting of five cases of Juvenile Justice related incidents/offences (Police Stations)



## **SEMESTER VI CORPORATE GOVERNANCE**

**OBJECTIVE OF THE COURSE :**Corporate world is a capital- technology intensive organization and it tends to get alienated from the society. This module demonstrates that the law ensures that such alienation does not take place.

Marks – 100  
Credit : 04

**MODULE – I:** Board of Directors –Functions, Appointments, removal –Structure and functions

**MODULE – II:** Share Holder’s Decision making

**MODULE – III:** Director’s Duties – Enforcement of Director’s Duties

**MODULE – IV:** Breach of Corporate Duties – Administrative Remedies

**MODULE – V:** Controlling Members’ Voting

**MODULE – VI:** Unfair Prejudice

**MODULE – VII:** Corporate Social Liability

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will betaught.**

### **RECOMMENDED READINGS :**

\*\*\*\*\* All books are to be read in current edition.

1. Gower & Davies, Principles of Modern Company Law, Sweet &Maxwell
2. Adrian Cadbury, Corporate Governance and Chairmanship, Oxford UniversityPress
3. Avtar Singh, Company Law, Eastern BookCompany.

## **PUBLIC INTERNATIONAL LAW**

**OBJECTIVE OF THE COURSE:** The students have so far studied the domestic law and have also been exposed to the fact that neither an individual nor a nation can survive in isolation. The students have learnt of international relations from the point of view of political science. This module will discuss the same from the legal point of view.

Marks – 100 Credit : 04



1. Definitions, nature and basis of International Law
2. Sources: Treaties, Customs, General Principles, United Nations General Assembly Resolution, Secondary sources of International Law.
3. Relationship of International Law and Municipal Law.
4. Individuals as Subjects of International Law
5. Jurisdiction of States-basic principles
6. Recognition
7. Nationality
8. Asylum and Extradition
9. Peaceful Settlement of Disputes
10. Neutrality
11. Law of the Sea-Continental Shelf, Exclusive Economic Zone, International Sea Bed Authority: Its Functions and Powers ; Piracy.

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and amendments as amended up to date will be taught.**

#### **RECOMMENDED READINGS :**

\*\*\*\*\* Only current editions are to be read.

1. H.O. AGARWAL – HUMAN RIGHTS AND INTERNATIONAL LAW
2. S.K. KAPOOR- INTERNATIONAL LAW
3. PALOK BASU – LAW RELATING TO PROTECTION OF HUMAN RIGHTS
4. M.P. TANDON AND Dr. V.K. ANAND – INTERNATIONAL LAW AND HUMAN RIGHTS
5. Dr. S. SUBRAMANIAN – HUMAN RIGHTS: INTERNATIONAL CHALLENGES

#### **HUMAN RIGHT LAW AND PRACTICE**

**OBJECTIVE OF THE COURSE:** Human rights are a set of rights which go beyond the realm of formally conferred rights. These rights defy definition and have to be understood in context. This module deals with such rights.

Marks – 100

Credit : 04

1. Origin and development of Human Rights
2. Enumeration and Classification of Human Rights
3. Civil and Political Rights; International Instruments: Part III of the Constitution of India
4. Social and Economic Rights: International Instruments: Part IV of the Constitution of India
5. Human Rights and Vulnerable Groups

- a).Prisoners, b).Child c). Migrant Workers d).Disabled Persons and Minorities
- e).Women

6. CollectiveRights

- a). Right todevelopment
- b). Right to self determination
- c). Right to cleanenvironment

7. Human Right Commissions in India, Role of NHRC, Enforcement of Human Rights- National Mechanism, The Protection of Human Rights Act,1994

8. Regional Conventions on HumanRights

- a). European Convention on HumanRights
- b). Body of Principles for the Protection of all persons under any form of Detention or Imprisonment, 1988.

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will betaught.**

**RECOMMENDED READINGS :**

\*\*\*\*\* Only current editions are to be read.

1. H.O. AGARWAL- HUMAN RIGHTS and INTERNATIONALLAW
2. S.K. KAPOOR- INTERNATIONALLAW
3. S.K. AVESTI AND R.P. KATARIA- LAW RELATING TO HUMANRIGHTS
4. S.K. VERMA- PUBLIC INTERNATIONALLAW
5. NIRMAL. C. J. (ed)- HUMAN RIGHTS ININDIA

**PRINCIPLES OF TAXATION LAW**

**OBJECTIVE OF THE COURSE:** Taxation is a very important aspect of law and one of the largest contribution to a nation's economy. This module teaches about the law which regulates and controls imposition, avoidance and evasion of tax.

Marks – 100

Credit : 04

**MODULE – I: GENERAL PRINCIPLES OF TAXATION LAWS:**

History and Development of Tax Laws in India.

Fundamental Principles Relating to Tax Laws

Taxing Power and Constitutional Limitations

Distinction between:

Tax, Fee and Cess

Tax Avoidance and Tax Evasion.

## **MODULE – II: BASIC CONCEPTS OF INCOME TAX**

Income, Previous Year, Assessment Year, Person, Assessee and Total

Income Income not included in the Total Income

Clubbing of Income

Tax Planning

Rate of Income Tax

Heads of Income

Salaries

Income from House Property

Income from Business or Profession

Capital Gains

Income from other Sources

Deductions under the Income Tax Act, 1961

Income Tax Authorities: Power and Functions

Filing of Returns and Procedure for Assessment

Offences and Penal Sanctions.

## **MODULE – III: WALTH TAX**

Taxable Wealth, Determination of Assets, Exemptions and Rate of Wealth Tax

Wealth Tax Authorities

Offences and Penalties

## **MODULE – IV: VALUE ADDED TAX**

Meaning and Importance of VAT

Difference between VAT and Sales Tax

West Bengal Value Added Tax Act, 2003

Criticisms and Limitations of VAT system

## **MODULE – V: SERVICE TAX**

Taxable Service

Meaning and Importance of Service Tax

Valuation of Taxable Service

Offences and Penalties

**\*\*\*\*\* Students are expected to read current case laws. Only the current enactments and enactments as a amended up to date will be taught.**

## RECOMMENDED READINGS :

\*\*\*\*\* Only current editions are to be read.

1. Taxman -Tax Planning and Management
2. N.K. Palkhivala and B.A.Palkhivala -Kanga and Palkhivala's Income Tax Law and Practice
3. V.S.Agarwal -Taxation of Salaries with Tax Planning
4. V.S.Sunderam -Law of Income Tax in India
5. V.P.Gandhi -Some Aspects of Indian Tax Structure – An Economic Analysis
6. H.M.Seervai -Constitutional Law of India
7. Liam P.Ebrill, Michael Keen, Jean-Paul Bodin, Victoria Summers -The modern VAT
8. Alan A.Tait -Value –added tax: International practice and problems.
9. C.A. Gularickar -Law and Practice of Wealth Tax and Valuation

### **PRACTICAL – IV** **[Moot Court Exercise and Internship]**

**OBJECTIVE OF THE COURSE:** Legal study cannot remain confined to the class room alone. This module offers chance for the students to be exposed to the real world.

Marks – 100  
Credit : 04

#### **MODULE – I: MOOT COURT**

- Each student will do at least three Moot Courts
- Prepare memorial & Argument presentation

**Marks-30**

10X3+30

#### **MODULE – II: OBSERVANCE OF TRIALS**

- Civil Trial–1
  - Criminal Trial– 1
- To be recorded in a diary

**Marks-30**

15

15

#### **MODULE – III: INTERVIEWING TECHNIQUE,**

##### **PRE-TRIAL PREPARATION & INTERNSHIP DIARY**

**Marks-30**

Observance of Interviewing session in Lawyer's office–2

15

To be recorded in a diary

Preparation of documents and court papers- Recorded in diary 15

#### **MODULE – IV: VIVA VOCE ON THE ENTIRE ABOVE MODULE Marks -10**

**NOTE:** Students will have to put in four weeks of internship compulsorily in Semesters VI, VII, VIII, IX, X, and obtain a certificate of internship without which the Bar Council may not enroll them. The students must maintain diary. They will be evaluated in the **X Semester along with Moot Court Exercise and Internship Practical Paper.** The internship should be in the following Institutions or Organizations:

1. NGO
2. Trial and Appellate Advocates {compulsory}
3. Judiciary
4. Legal Regulatory Authorities
5. Legislatures and Parliament
6. Market Institutions
7. Law Firms
8. Companies
9. Local Self-Government
10. Other Legal Functionaries
11. Any other body approved by the College.

#### **EXPERIENTIAL LEARNING AND FIELD WORK**

Students have to compulsorily perform group field work and submit a report of the same.

## **EXAMINATION: (LL.B. Three Year Course)**

There shall be written examinations at the end of each semester namely I, II, III, IV, V and VI.

A candidate has to pass in each of these examinations to qualify for the LL.B. (3 Year) degree.

- a. Each Paper other than the Practical paper shall carry 100 marks, of which 80 marks shall be for written examination and 20 marks for internal assessment.
    - i. Project writing : Marks – 10
    - ii. Project Presentation: Marks – 05
    - iii. Class performance : Marks – 05
  - b. Practical paper shall be of 100 marks, of which 90 marks shall be for written submissions and 10 marks for viva voce.
1. A candidate who has prosecuted a regular course of study in semester I shall be admitted to that examination subject to submission of “Examination Enrolment Form” together with the prescribed fee and other requirements in such forms and within such time as may be notified by the University.

A candidate who fails to be present at the examination shall not be entitled to refund of fees.

2. A candidate who has passed examination of Semester I/II/III/IV/V and prosecuted a regular course of study in semester II/III/IV/V/VI, as case may be admitted to the respective examinations subject to submissions of “Examination Enrolment Form” together with the prescribed fee and other requirements in such forms and within the such time as may be notified by the University.

The list of qualified students who has passed the semester I/II/III/IV/V examination as the case may be shall be published by the University as soon as possible after the examination.

3. As soon as possible after the LL.B. Semester VI examination, the University shall publish a list of successful candidates arranged in two classes viz. First Class (Marks 60 % and above) and Second Class (Marks 40 % and above but below 60 %) each in order of merit.
4. If a candidate, after completion of a regular course of study in a semester:
  - a. Fails to enroll as a candidate for the respective semester examination or fails to be present at the examination or appears but fails to complete the examination on account of illness or any other reason considered sufficient by the University or appear but fails to pass the examination in more than two papers, he / she shall be eligible to appear at any one or, if necessary, both of the two immediately following examination of the same standard to be held in the subsequent semester as a casual candidate without attending classes.
  - b. The casual candidate can avail not more than two consecutive chances to pass the semester examination.
5. In order to pass examination in any Semester, a candidate must secure 40 % marks in each paper including practical paper as well as in the aggregate.
6. There shall be no post publication reassessment of papers in any semester of LL.B. (3 year) degree course.
  - a. A student must pass separately in each paper of different examinations. Those who pass in a paper shall not be permitted to sit for examination in that paper again. Non-appearance in a paper will count as failure in that paper.
  - b. All candidate shall be provisionally admitted to the next semester class of a year after the examination of the previous semester irrespective of marks scored at the said semester subject to fulfillment of conditions laid down hereunder:

- i) A candidate of Semester I shall be provisionally admitted in semester II if he/she does not have more than two back papers out of all semester papers of semester-I.
  - ii) A candidate of semester II shall be provisionally admitted in semester III if he / she does not have more than four back papers out of all semester papers of semester -I and semester II provided that number of back papers of Semester II shall not exceed two.
  - iii) A candidate of Semester III shall be provisionally admitted in semester IV if he / she does not have more than four back papers out of all semester papers of semester -II and Semester III provided that number of back papers of semester III shall not exceed two and has cleared all the back papers of semester-I.
  - iv) A candidate of Semester IV shall be provisionally admitted in semester V if he / she does not have more than four back papers out of all semester papers of semester-III and Semester IV provided that number of back papers of Semester IV shall not exceed two and has cleared all the back papers of semester-II.
  - v) A candidate of Semester V shall be provisionally admitted in semester VI if he / she does not have more than four back papers out of all semester papers of semester -IV and Semester V provided that number of back papers of semester -V shall not exceed two and has cleared all the back papers of semester-III.
- c. Candidate failing in one or two papers of any examination of semester I/II/III/IV/V shall be eligible to clear those back papers in the regular examinations of the same standard / syllabus or back paper examination of same standard/ syllabus to be held in the subsequent semesters.



- d. Candidates who fail to get admitted in higher semester due to having failed in more than two papers in semester I/II/III/IV/V shall be eligible to clear all the papers of that semester in the regular examination of the same standard/ syllabus to be held in the following examination of the respective semester as a casual candidate in order to pass that semester.

The maximum number of each chances shall however be governed by provisions of regulation 4(a) and 4(b).

- e. In order to clear the above mentioned back papers, a candidate shall get two more chances in addition to the regular chance in immediate following examinations.
  - f. Candidates, who fail to pass in all papers of their examinations when they first appear in the semester VI examination, shall be eligible to appear as a casual candidate in the semester VI examination of the next session. The maximum number of each chances shall however governed by provisions of regulation 4(a) and 4(b).
7. A candidate securing at least 60 % marks in the aggregate in all semester examination taken together shall be placed in First Class and all the candidate securing 40 % and above but less than 60 % in the aggregate shall be placed in the Second Class.

#### **BOARD OF STUDIES IN LAW:**

The board of studies in law recommends names of paper setters, examiners, moderators and scrutinizers.

- i. The paper setters and examiners for answer scripts of all LL.B. (3 year) examination shall ordinarily be the teachers holding substantive posts or visiting/part time/guest/contractual appointments.
- ii. The board of moderators shall be appointed by the Vice Chancellor on recommendations of the Board of Studies. The Board of Moderators shall moderate the questions in order to

ensure that the questions are in conformity with the syllabus and that the students are required to answer questions of all types.

- iii. If the Board of Moderators is of the opinion that the questions have not covered the syllabus, it may set questions from those parts of the syllabus which have not been covered.

**OVERRIDING POWERS:**

In any situation covered or not under these Regulations the Vice Chancellor of Cooch Behar Panchanan Berma University shall have power to issue directions not inconsistent with the Acts/Statutes/Ordinances of Cooch Behar Panchanan Berma University in respect of those matters.