

FACULTY OF LAWS**SYLLABUS****FOR****LL.B. (TWO YEARS) ACADEMIC COURSE****EXAMINATION: 2013**

GURU NANAK DEV UNIVERSITY
AMRITSAR

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**TENTATIVE BREAK-UP OF THE PAPERS TO BE TAUGHT IN
THE LL.B. TWO YEARS ACADEMIC COURSE THROUGH
DISTANCE EDUCATION**

PAPERS TO BE TAUGHT IN THE LL.B. FIRST YEAR

- (1) LAW OF CONTRACT**
- (2) LAW OF TORTS AND CONSUMER PROTECTION**
- (3) CONSTITUTIONAL LAW**
- (4) JURISPRUDENCE AND LEGAL THEORY**
- (5) CRIMINAL LAW**
- (6) FAMILY LAW**

PAPERS TO BE TAUGHT IN THE SECOND YEAR

- (1) ADMINISTRATIVE LAW**
- (2) COMPANY LAW**
- (3) INTERNATIONAL LAW AND HUMAN RIGHTS**
- (4) CONSUMER PROTECTION & ENVIRONMENTAL LAW**
- (5) OPTIONAL SUBJECTS: ANY TWO FROM THESE**

- (I) LAW OF INSURANCE**
- (II) LABOUR LAW**
- (III) ELECTION LAW**
- (IV) SERVICE LAW**
- (V) INTELLECTUAL PROPERTY LAW**
- (VI) LAW AND MEDICINE**
- (VII) INTERNATIONAL ORGANISATIONS**
- (VIII) SOCIO-ECONOMIC OFFENCES**
- (IX) CRIMINOLOGY**
- (X) HUMAN RIGHTS AND HUMANITARIAN LAW**

PAPER-1: LAW OF CONTRACT**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

The Indian Contract Act, 1872:

Formation of Contract - Proposal and Acceptance (Sections 1 to 10)

Consideration [Section 2(d)] and Section 25

Capacity to Contract (Sections 11 to 12)

Judgements:

- (1) Bhagwandas Goverdhan Dass v. Messrs Girdari Lal Parshotam Dass and Co., AIR 1966 SC 548
- (2) Khan Gul and Ors. v. Lakha Singh, AIR 1928 Lahore 609

Unit-II

Free Consent (Sections 13 to 22)

Legality of Consideration and Object (Sections 23)

Void Agreements (Sections 24 to 30)

Contingent Contracts (Sections 31 to 36)

Judgements:

- (1) Sonia Bhatia v. State of UP, AIR 1981 SC 1274
- (2) Gheru Lal Parakh v. Mahadeo Dass, AIR 1959 SC 781

Unit-III

Performance of Contracts:

Contracts which must be Performed (Sections 37 to 39)

By Whom Contracts must be Performed (Sections 40 to 45)

Time and Place for Performance of Contracts (Sections 46 to 50)

Performance of Reciprocal Promises (Sections 51 to 58)

Appropriation of Payment (Sections 59 to 61)

Contracts which need not be Performed (Section 62 to 65)

Judgements:

- (1) Satya Brata Ghose v. Mugne Ram Bangur and Co., AIR 1954 SC 44
- (2) Puran Lal Shah v. State of UP, AIR 1971 SC 712

Unit-IV

Quasi Contracts (Sections 68 to 72)
Breach of Contracts and Damages (Sections 73 to 75)
The Specific Relief Act:
Contracts Specifically Enforceable
Contracts Specifically not Enforceable
Discretion of Court
Rescission of Contract

Judgements:

- (1) Union of India v. Sita Ram, AIR 1577 SC 229
- (2) Punjab State Electricity Board v. T.S. Agencies,
AIR 1986 P & H 323

Unit-V

Bailment (Sections 148 to 171, 180 to 181)
Pledge (Sections 172 to 179)
Agency (Sections 182 to 238)

Judgements:

- (1) Maharashtra State Electricity Board v. Official Liquidator,
AIR 1988 SC 1497
- (2) Bank of Bihar v. State of Bihar, AIR 1971 SC 1210

Suggested Readings:

Pollock & Mulla, Indian Contract Act and Specific Relief Act, N.M. Tripathy, Bombay, 1999.

R.K. Bangia, Indian Contract Act, Allahabad Law Agency, Allahabad, 2002.

Avtar Singh, The Law of Contract, Eastern Book Co., Lucknow, 2002.

Avtar Singh, Principles of Mercantile Law, Eastern Book Co., Lucknow, 2002.

PAPER-2: LAW OF TORTS AND CONSUMER PROTECTION**TIME : 3 Hours****Max. Marks : 100****Instructions for the paper setter/examiner :**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Meaning and Definition of Tort
Nature and Scope of the Law of Torts
General Defences

Judgements:

- (1) Usha Ben v. Bhagya Laxmi Chitra Mandir, AIR 1978 Guj 118
- (2) Ramanuja Mudali v. M. Gagan, AIR 1984 Mad 103

Unit-II

Principle of Liability in Torts
Vicarious Liability
Strict Liability
Nuisance as a Tort

Judgements:

- (1) Municipal Corporation of Delhi v. Subhagwanti,
AIR 1964 SC 1750
- (2) Ram Lal v. Mustafabad Oil and Ginning Factory,
AIR 1968 PB 399

Unit-III

Negligence as a Tort
Defamation as a Tort
Trespass to Person and Property

Judgements:

- (1) X v. Z Hospital, (1999) CTJ 2 (SC)
- (2) R.K. Kranjia v. KMD Thakersay, AIR 1970 Bom 424

Unit-IV

Need for Consumer Protection

The Consumer Protection Act, 1986: Concepts and Definitions

Consumer Rights under the Consumer Protection Act, 1986

Consumer Protection Councils

Judgements:

- (1) Laxmi Engineering Works v. PSG Industrial Institute,
(1995) 3 CTJ 289 (SC)
- (2) Spring Meadows Hospital v. Harjot Ahluwalia
1998 (2) SCALE 456 (SC)

Unit -V

Consumer Disputes Redressal Mechanism under the
Consumer Protection Act, 1986:

- (a) The District Forum
- (b) The State Commission
- (c) The National Commission

Suggested Readings:

D.D. Basu, Law of Torts, Allahabad Law Agency, Allahabad, 1998.

Rattan Lal Dhiraj Lal, Law of Torts, Wadhwa & Co., Nagpur, 2000.

R.B. Bangia, Law of Torts, Allahabad Law Agency, Allahabad, 2002.

D.N. Saraf, Law of Consumer Protection, N.M. Tripathy, Bombay, 1996.

Gurjeet Singh, Law of Consumer Protection in India, Deep & Deep Publications, New Delhi, 1996.

PAPER-3: CONSTITUTIONAL LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Salient Features of the Indian Constitution
Preamble to the Constitution
Citizenship

Judgements:

- (1) Keshvananda Bharti v. State of Kerala, AIR 1973 SC 1461
- (2) AIR India v. Nargesh Mirza, AIR 1981 SC 1829

Unit-II

Fundamental Rights (Articles 12 to 30)

Judgements:

- (1) Maneka Gandhi v. Union of India, AIR 1978 SC 597
- (2) Indira Sawhney v. Union of India, AIR 1993 SC 477

Unit-III

Directive Principles of State Policy
Relationship Between Fundamental Rights and Directive Principles
Amendment of the Constitution

Judgements:

- (1) U.N. Rao v. Indira Gandhi, AIR 1971 SC 1002
- (2) Kehar Singh v. Union of India, AIR 1989 SC 653

Unit-IV

Union and State Executive
Union and State Legislature
Relations Between Centre and States:
Administrative, Legislative and Financial

Judgements:

- (1) In Re-Presidential Reference, AIR 1999 SC 1
- (2) Daryao v. State of UP, AIR 1961 SC 1457

Unit-V

Judicial Process: Judiciary and Writs
Emergency Provisions
Public Interest Litigation
Judicial Activism

Judgements:

- (1) S.R. Bommai v. Union of India, AIR 1994 SC 1918 SC
- (2) International Tourist Corporation v. State of Haryana,
AIR 1981 SC 774

Suggested Readings:

M.P. Singh (Ed.), Shukla's Constitution of India, Eastern Book Co., Lucknow, 2000.

M.P. Jain, Indian Constitutional Law, N.M. Tripathy, Bombay, 2000 Bombay.

D.D. Basu, Shorter Constitution of India, Prentice Hall of India, New Delhi, 2000.

J.N. Pandey, Constitutional Law of India, Central Law Agency, Allahabad, 2002.

Narinder Sharma, Constitutional Law of India, Pioneer Books, 2002.

PAPER-4: JURISPRUDENCE AND LEGAL THEORY**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Meaning, Nature, Objective and Scope of
Jurisprudence and Legal Theory
Law and Social Change

Unit-II

Schools of Jurisprudence: Natural Law School,
Analytical School and Pure Theory of Law, Historical School
Relevance of Schools of Jurisprudence in the Indian Context

Unit-III

Schools of Jurisprudence: Sociological School
and Realist School
Relevance of these Schools in the Indian Context
Rights and Duties

Unit-IV

Administration of Justice
Sources of Law - Custom, Legislation and Precedent

Unit - V

Concepts:
Personality
Possession
Ownership

Suggested Readings:

R.W.M. Dias, Jurisprudence, Aditya Books, New Delhi, 2000.

G.W. Paton, A Text Book of Jurisprudence, Oxford University Press, Oxford, 1970.

B.N.M. Tripathi, An Introduction to Jurisprudence, Allahabad Law Agency, Allahabad.

S.N. Dhyani, Fundamentals of Jurisprudence, Central Law Agency, Allahabad.

PAPER-5: CRIMINAL LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

The Indian Penal Code, 1860
Territorial Operation of the Code (Sections 2 to 4)
General Explanations (Sections 6 to 32)
Joint Liability in Crimes (Sections 34 to 38 and 149)
General Exceptions (Sections 76 to 106)

Judgements:

- (1) Tukaram v. State of Maharashtra, AIR 1974 SC 514
- (2) State of U.P. v. Ram Swarup, AIR 1974 SC 1570

Unit-II

Abetment (Sections 107 to 114)
Criminal Conspiracy (Sections 120 A & B)
Offences Against the State (Sections 121-124 A)
False Evidence
Offences Against Public Justice (Sections 191 to 229)
Offences Relating to Marriage (Sections 493 to 498)

Judgements:

- (1) Lily Thomas v. Union of India, AIR 2000 SC 1650
- (2) Santokh Singh v. Ishar Hussain, AIR 1973 SC 2190

Unit-III

Offences Against Human Body (Sections 299 to 377)

Judgements:

- (1) K.M. Nanavati v. State of Maharashtra, AIR 1960 SC 605
- (2) S. Vardarajan v. State of Madras, AIR 1962 SC 942

Unit-IV

Offences Against Property (Sections 378 to 462)

Judgements:

- (1) Sheo Nath v. State of UP, AIR 1970 SC 535
- (2) Abhayanand Mishra v. State of Bihar, AIR 1961 SC 1698

Unit-V

Defamation (Sections 499 to 502)

Criminal Intimidation, Insult and Annoyance (Sections 503 to 510)

Attempt (Sections 511)

Judgements:

- (1) Malkiat Singh v. State of Punjab, AIR 1970 SC 713
- (2) Chaman Lal v. State of Punjab, AIR 1970 SC 137

Suggested Readings:

Rattan Lal and Dhiraj Law, The Indian Penal Code, Wadhwa & Co., Nagpur, 2004.

Jaspal Singh, The Law of Crimes, Pioneer Books, New Delhi, 2002.

PAPER-6: FAMILY LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

The Institution of Marriage Under:

(a) The Hindu Marriage Act, 1955 (b) The Special Marriage Act, 1954 and (c) Muslim Law

Nature of Marriage including Solemnization / Requirements of a Valid Marriage

Restitution of Conjugal Rights

Nullity of Marriage

Judicial Separation

Divorce

Judgements:

- (1) Bhaurao v. State of Maharashtra, AIR 1965 SC 1564
- (2) Kailashwati v. Ayodhia Parkash, 1977 PLR 216

Unit-II

Adoption Under the Hindu Law

Acknowledgement of Legitimacy under Muslim Law

Maintenance:

Maintenance under Hindu Law, Muslim Law and Section 125 of the Criminal Procedure Code, 1973

Judgements:

- (1) Rajender v. Kalyan, AIR 2000 SC 3335
- (2) Mohd. Ahmed Khan v. Shah Bano Begam, AIR 1985 SC 945

Unit-III

Mitakshara Hindu Joint Family and Coparcenary

Joint Family Property and its Alienation

Karta: Functions, Powers and Liabilities

Partition

Reunion

Judgements:

- (1) Commissioner of Wealth Tax v. Chander Sen,
AIR 1986 SC 1754
- (2) Balmukand v. Kamla Wati, AIR 1964, 1385

Unit-IV

The Hindu Succession Act, 1956
Inheritance under Islamic Law

Judgements:

- (1) Gurupad v. Hira Bai, AIR 1978 SC 1239
- (2) Mangal Singh v. Ratno, AIR 1967 SC 1786

Unit-V

The Family Courts Act, 1984
Dowry - Definition, Offences and Penalties
Uniform Civil Code
The Hindu Minority & Guardianship Act, 1956
Guardianship under the Islamic Law

Judgements:

- (1) Sarla Mudgil v. U.O.I., (1995) 3 SC 635
- (2) S. Gopal Reddy v. State of Andhra Pradesh, AIR 1966 SC 2185

Suggested Readings:

- Paras Diwan, Family Law, Allahabad Law Agency, Allahabad, 2005.
- Paras Diwan, Law of Marriage and Divorce, Wadhwa & Co., Nagpur, 1988.
- Mulla, Principles of Mohammedan Law, Universal Book Traders, Delhi, 1977.
- Tahir Mahmood, Hindu Law, Law Book Co., Allahabad, 1981.
- Syed Khalid Rashid, Muslim Law, Eastern Book Co., Lucknow, 2002.
- AFA Fayzee, Outlines of Mohammedan Law, Oxford University Press, Bombay, 1976
- Paras Diwan, Hindu Law, Wadhwa & Co., Allahabad, 2005.
- Mulla, Principles of Hindu Law, N.M. Tripathi, Bombay, 1990.
- Kiran Deshta, Uniform Civil Code, Deep & Deep Publications, New Delhi, 1999.

PAPER-1: ADMINISTRATIVE LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

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Unit-I

Evolution, Definition, Nature and Scope of Administrative Law
Theory of Separation of Powers with Reference to India
Rule of Law with Reference to India
Relationship between Administrative Law and Constitution Law

Judgements:

- (1) Arif Hamid v. State of J & K, AIR 1989 SC 1899
- (2) Ram Jawaya Kapoor v. State of Punjab, AIR 1955 SC 549

Unit-II

Meaning, Concept, Nature and Scope of Delegated Legislation
Control Mechanism of Delegated Legislation, Sub-Delegation

Judgements:

- (1) Hari Shankar Bagla v. State of M.P., AIR 1954 SC 465
- (2) Raj Narain Singh v. Chairman, Patna Administration Committee, AIR 1954 SC 569

Unit-III

Administrative Adjudication
Necessity, Structure and Procedure of Tribunals
Meaning, Concept and Rules of Natural Justice and Exceptions thereto
The Concept of Post-Decisional Hearing
Institutional Decisions and Reasoned Decisions

Judgements:

- (1) A.K. Kraipak v. Union of India, AIR 1970 SC 150
- (2) Hira Nath Mishra v. Principal, Rajendra Medical College, AIR 1973 SC 1260

Unit-IV

Judicial Review and Constitutional Remedies
Public Interest Litigation
Institution of Ombudsman - Lokpal in India

Judgements:

- (1) Som Parkash Rekhi v. Union of India,
- (2) Shri Ana Mukta Sadguru Trust v. V.R. Rudani, AIR 1989 SC 1602

Unit-V

Central Vigilance Commission
Liability of the Government
Privileges of Administration
Public Corporations

Suggested Readings:

D.D. Basu, Administrative Law, Kamal Law House, Calcutta, 1993.

I.P. Massey, Administrative Law, Eastern Book Co., Lucknow, 2001.

C.K. Takwani, Administrative Law in India, Eastern Book Co., Lucknow, 2002.

Jain & Jain, Principles of Administrative Law, N.M. Tripathi, Bombay, 1986.

M.P. Jain, Cases and Materials on Administrative Law, Wadhwa and Co., Nagpur, 1966.

PAPER-2: COMPANY LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

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Unit-I

Corporate Personality: Advantages and Disadvantages
of Incorporation
Kinds of Companies
Promoters

Judgements:

- (1) New Horizons Ltd. Another v. Union of India,
1995 1 Com. L.J. 100 (SC)
- (2) Juggi Lal Kamalapat v. CIT, AIR 1969 SC 982

Unit-II

Registration of a Company
Memorandum of Association
Articles of Association
Prospectus of Company

Judgements:

- (1) Lakshmanaswami Mudaliar v. HC, AIR 1963 SC 1185
- (2) In the matter of Standard General Insurance Co. Ltd.,
AIR 1965 Sal 16

Unit-III

Raising of Funds for Business:
Shares, Share Capital, Borrowing
Debentures, Share Holders, Debenture Holders

Judgements:

- (1) Bajaj Auto Ltd. v. N.K. Firodia & Others, AIR 1971 SC 321
- (2) Unity Co. v. Diamond Sugar Mills, AIR 1971 SC 83

Unit-IV

Company and Management Personnel:
Directors and their Powers and Duties
Company Meetings
Oppression and Mismanagement
Winding Up: Grounds of Winding Up and its Effects

Judgements:

- (1) Madhusudan Goverdhan Das & Co. v. Madhav Woolen Industries P. Ltd., AIR 1971 SC 2600
- (2) Shanti Prasad Jain v. Kalinga Tubes Ltd., AIR 1965 SC 1535

Unit-V

Business Ethics in the Modern Corporate World:
Corporate Social Responsibility and Social Audit
Workers Participation in the Management of Companies

Suggested Readings:

S.M. Shah, Lectures on Company Law, N.M. Tripathi, Bombay, 1981.

Avtar Singh, Company Law, Eastern Book Co., Lucknow, 2004.

Taxman's Company Law & Practice, Taxman Publications, Delhi, 2002.

Topham & Ivamy on Company Law, Butterworths, London, 1978.

PAPER-3: INTERNATIONAL LAW AND HUMAN RIGHTS**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

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Unit-I

Definition: Nature and Basis of International Law
Sources of International Law
Subjects of International Law
Relationship between International Law and Municipal Law

Unit-II

State Territory: Acquisition and Loss of State Territory
Law of the Sea: Territorial Waters, Continental Shelf, Contiguous Zones, Exclusive Economic Zones and High Seas
Developments After the Adoption of the Convention on the Law of Sea, 1982
Recognition
Nationality

Unit-III

Intervention
Extradition
State Succession
Treaties

Unit-IV

War: War and the League of Nations
War and the United Nations
Effects of the Outbreak of War
War Crimes
Settlement of Disputes: Peaceful Methods and Forcible Methods
Belligerent Occupation and Blockade

Unit-V

Universal Declaration of Human Rights
Covenants of Human Rights
National Human Rights Commission of India

Suggested Readings:

J.G.Starke, Introduction to International Law, Butterworths, London, 2007.
M.P. Tandon, International Law, Allahabad Law Agency, Allahabad.
S.K. Kapoor, International Law, Central Law Agency, Allahabad, 2007.
P.S. Jaswal, Human Rights and the Law, Aditya Books, New Delhi, 1996.
Paras Diwan, Human Rights and the Law, Deep & Deep, New Delhi, 1996.
H.O. Aggarwal, International Law, Allahabad Law Agency, Allahabad, 2006.

PAPER-4: CONSUMER PROTECTION AND ENVIRONMENTAL LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

The Consumer Protection Act, 1986

Judgements:

- (1) Laxmi Engineering Works v. P.S.G. Industrial Institute, (1995) 3 CTJ 289 (SC)
- (2) Morgan Stanely Mutual Fund v. Kartik Dass, (1994) 2 CTJ 385 (SC)

Unit-IIApplication of Consumer Protection Act 1986 to Various Services
New Developments in Consumer Protection Law in India**Judgements:**

- (1) Lucknow Development Authority v. M.K. Gupta, (1993) 1 CTJ 929 (SC)
- (2) Indian Medical Association v. V.P. Shantha and Others, (1995) 3 CTJ 969 (SC)

Unit-IIIThe Water (Prevention and Control of Pollution) Act, 1974
The Air (Prevention and Control of Pollution) Act, 1981**Judgements:**

- (1) M.C. Mehta v. Union of India, AIR 1988 SC 1037 (1999) C.T.S. 566 (SC)
- (2) M.C. Mehta v. Union of India, AIR 1987 SC 965

Unit-IV

The Environment Protection Act, 1986

Judgements:

- (1) M.C. Mehta v. Union of India & Ors., (1992) 1SCC 358
- (2) Ratlam Municipality v. Vardichand, AIR 1980 SC 1622

Unit-V

Relationship Between Consumer Protection Law and Environmental Law
The Concepts of Green Consumerism and Environmental Consumerism

Suggested Readings:

Avtar Singh, The Law of Consumer Protection: Precept and Practice, Eastern Book Co., Lucknow, 2002

Avtar Singh, Principles of Mercantile Law, Eastern Book Co., Lucknow, 2004

D.N. Saraf, The Law of Consumer Protection, N.M. Tripathi, Bombay, 1990

Gurjeet Singh, The Law of Consumer Protection: Justice Within Reach, Deep and Deep, New Delhi, 1996

Satish Shastri, Pollution and the Environmental Law, Eastern Book Co., Lucknow, 2002

Rosenberg and Noble, Environmental Law and Policy: Case Materials & Statements, 1991

P.S. Jaswal and Nishtha Jaswal, Environmental Law, Pioneer Publications, New Delhi, 2006

PAPER-5: OPTION (I): LAW OF INSURANCE**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Origin, History and Development of Life Insurance in India
Structural Setup of the Life Insurance Corporation of India

Unit-II

Nature and Functions of Insurance Contract
Difference Between Insurance Contract and Wagering Contracts
Elements of a Life Insurance Contract:
Proposal, Acceptance, Competence of the Parties,
Lawful Consideration, Lawful Object

Judgements:

- (1) Chandulal v. I.T. Commissioner, AIR 1967 SC 816

Unit-III

Insurable Interest, Indemnity, Subrogation and Contribution,
Doctrine of Utmost Good Faith and its Applicability in
Insurance Contracts

Judgements:

- (1) Mithu Lal Nayak v. Life Insurance Corporation of India,
AIR 1962 SC 814

Unit-IV

Doctrine of Proximate Cause
Assignment and Nomination
Representation and Warranty
Settlement of Claims under the Life Insurance Policy

Judgements:

- (1) Reserve Bank of India v. Peerless General Finance and Investment Co., AIR 1987
SC 1023
- (2) Rajni Bai v. New India Assurance, AIR 1956 Bom. 633

Unit - V

Compulsory Insurance of Motor Vehicles:
Liability under the Act, Persons Required to Insurer, Requirement in Respect of Policies
Liability Incurred and Monetary Limits
Insurer's Duty to Satisfy Judgments Against Insured
Insurer's Rights, Liabilities Covered by Policy, Defences

Suggested Readings:

Avtar Singh, Elements of Commercial Law, Eastern Book Co., Lucknow, 1979.

K.S.N. Murthy, Modern Law of Insurance, Central Law Agency, Allahabad, 1991.

Brij Nandan Singh, Insurance Law, University Book Agency, Lucknow, 1999.

PAPER-5: OPTION (II): LABOUR LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

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Unit-I

The Industrial Disputes Act 1947:

Concepts and Definitions

Authorities

Strikes, Lock-outs

Lay off, Retrenchment

Judgements:

- (1) Bangalore Water Supply and Sewerage Board v. A. Rajappa & Ors., AIR 1978 SC 548
- (2) Syndicate Bank v. K. Umesh Nayak, 1994-1-LLJ-836 (SC)

Unit-II

The Factories Act, 1948:

Concepts and Definitions

Health and Welfare Provisions

Working Hours for Adults

Employment of Young Persons

Judgements:

- (1) Bhikusha Yamasa Kashtriya Pvt. Ltd. v. Union of India, AIR 1963 SC 1591
- (2) Grayer and Weil (India) Ltd. v. Collector of Central Excise, 1995-II-LLJ-648 (SC)

Unit-III

The Trade Union Act, 1926:
 Concepts and Definitions
 Registration of Trade Unions
 The Payment of Wages Act, 1956
 Concepts and Definitions
 Payment of Wages and Deduction of Wages

Judgements:

- (1) Ranga Swami Ors. v. Registrar of Trade Unions, 1961-I-LLJ 559
- (2) Pandin Roadways Corporation Ltd. Madurai v. The Principal Distt. Judge, Madurai and Ors., 1996-II-LLJ-1229 (Mad)

Unit-IV

The Workmen's Compensation Act 1923: Concepts and Definitions
 Liability of the Employer to Pay Compensation
 The Employees States Insurance Act, 1948: Concepts and Definitions
 Benefits under the Act

Judgements:

- (1) Ram Sarup & Another v. Gurdev Singh & Ors., 1968 LLJ 90 A
- (2) Trehan v. Messrs Associated Electrical Agencies & Another, 1996 LLJ 921 (SC)

Unit-V

The Maternity Benefit Act, 1961
 Preliminary, Benefits and Machinery
 The Child Labour (Prohibition and Regulation) Act, 1986:
 Concepts and Definitions
 Prohibition of Children Working in Certain Occupations and Processes, Regulation of Conditions of Work of Children

Judgements:

- (1) B.Shah v. Labour Court, Coimbatore, AIR 1978 SC 12

Suggested Readings:

1. V.G. Goswami, Labour & Industrial Law, Central Law Agency, Allahabad, 2002.
2. S.K. Puri, Labour and Industrial Laws, Allahabad Law Agency, Allahabad, 1996.
3. S.N. Mishra, Law of Industrial Labour Relations, Allahabad Law Agency, 2003.
4. S.C. Srivastva, Industrial Relations and Labour Law, New Delhi, Deepa & Deep, 1990.

PAPER-5: OPTION-(III): ELECTION LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

The Election Commission of India: Powers & Functions
Offences against Elections under the Indian Penal Code, 1860

Judgments:

- (1) Charan Lal Sahu v. Giani Zail Singh, AIR 1984 SC 309
- (2) Trilochan Singh v. Karpal Singh, AIR 1968 Pb. 416

Unit-II

Elections of Municipal Corporations, Municipal Committees,
Panchayats and their Disputes

Judgments:

- (1) Rishi Kumar Gupta v. Nanumal Yadav, AIR 1976 All 365
- (2) Ram Sarup v. State of Punjab., AIR 1964 Pb. 62

Unit-III

Disputes Regarding Elections under the
The Representative of Peoples Act 1951

Judgments:

- (1) Rajendra Singh v. Usha Rani, AIR 1984 SC 956
- (2) Kumari Shardha Devi v. K.C. Pant, AIR 1984 SC 382

Unit-IV

Electoral Offences
Bye-Elections

Judgments:

- (1) Chandra Singh v. Ch. Shiv Ram, AIR 1975 SC 404
- (2) Nand Lal v. Elections Commission of India, AIR 1934 Raj. 84

Unit-V

Electoral Reforms

Suggested Readings:

M.M. Dube and K.L. Jainco, Elections Law and Procedure, Vedpal Law House, Indore.
N.S. Gehlot, Elections and Electoral Administration in India.
Rameshwar Dial, Elections Law, Anand Law House, Delhi.
B.A. Masodkar, The Supreme Court on Election Law, Wadhva & Co., Agra.
D.D. Basu, Shorter Constitutions of India, Prentice Law of India, New Delhi.
The Representation of Peoples Act 1951.
Election Law and Procedure, Ved Pal Law House, Indoor.

PAPER-5: OPTION-(IV): SERVICE LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Articles 323-A of the Constitution of India:
Administrative Tribunals: Their Composition, Powers and
Procedure under the Administrative Tribunals Act, 1985
Constitutional Right to Equality Relating to Service Matters

Judgements:

(1) SP Sampath Kumar v. Union of India, AIR 1987 SC 386

Unit-II

Services under the Union and States (Articles 308-323) with Special Emphasis on Article 309-311 (and including Applicability of Article 311 to Various Categories on Non-Payment Employees and Article 320)

Judgments:

(1) Union of India v. Tulsi Ram Patel, AIR 1985 SC

Unit-III

CCS (CCA) Rules 1965
Major and Minor Penalties
Suspension and Subsistence Allowance
Conduct and Procedure of Departmental / Disciplinary Enquiries (including Charge Sheet, Inspection and Supply of Copies of Documents, Production of Evidence, Enquiry Report, Hearing if any on Question of Penalty and Final Question of Penalty and Final Action by Competent Authority)

Unit-IV

Compulsory/Premature Retirement
Principles of Equal Pay for Equal Work
Status and Rights of Adhoc Employees and their Regularisation
Enforcement of Contract of Personal Service

Unit-V

Principles for Determination of Seniority:
Seniority based on Date of Confirmation
Seniority based on Quota-Rota Rules
Adverse Entries in Annual Confidential Reports (ACRS)
Deputation

Judgments:

- (1) Baikuntha v. CDMO, (1992) 2 SCC 299
- (2) State of Haryana v. Piara Singh, (1992) 4 SC 118

SUGGESTED READINGS:

J.N. Pandey, Constitutional Law of India, Central Law Agency, Allahabad, 2007.

Kapil Kakkar, Introduction of Service Law, Chawla Publication, Chandigarh, 2007.

I.P. Massey, Administrative Law, Eastern Book Co., Lucknow, 2001.

Ejaz Ahmed, Service Laws in India, Ashoka Law House, New Delhi, 2001.

Government of India, Delhi Central Civil Service Rules.

PAPER-5: OPTION-(V): INTELLECTUAL PROPERTY LAW**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Origin and Development of Intellectual Property Law
 Concept, Meaning and Scope of Intellectual Property
 Copyright, Patent Designs and Trademark
 Main Items Covered under these Different Branches
 of Intellectual Property

Judgments:

- (1) R.G. Anand v. Deluxe Films, AIR 1978 SC 1613
- (2) Lallubhai Jariwala v. Chiman Lal Chunni Lal & Co.,
AIR 1986

Unit-II

Acquisition of Intellectual Property
 Registration and its Importance
 Registration Mandatory or Procedure followed
 and its Benefits in case of Copyright, Design and Trade Marks

Judgments:

- (1) Indian Performing Right Society Ltd. v. Eastern Indian Picture Association and Others, AIR 1977 SC 1443
- (2) Bishwant Prasad Radhey Shyam v. Hindustan Metal Industries, AIR 1982 SC 1444

Unit-III

Excise of Ownership Rights/Infringements and Protection
 Copyright-Rights Recognised
 Term-Assignment, License
 Patents-Rights-Term-Assignment
 Revocation-License-Right of License

Unit-IV

Designs-Design Copyright Term-Restoration
Assignment Trade Marks-Right
Term-Restoration Ownership
Assignment Register Use and Infringement

Judgments:

- (1) Manu Bhandari v. Kalavikas Pictures, AIR 1987 Delhi 13
- (2) Ajay Industrial Corp. v. Shiro Kanao of Iboraki City,
AIR 1986 Delhi 496

Unit-V

International Protection of Intellectual Property
International Conventions: Brussels and Berne Conventions
IIP Protocol 1991, Paris Convention
GATT Negotiations with Special Reference to (WTO)
Trade Related Intellectual Property
Madrid Agreement on Trade Marks 1989

Suggested Readings:

N.S.Gopalkrishnan, Cases & Materials on Intellectual Property Law, National Law School, Bangalore, 1992.

T.R. Srinivasa, The Copyright Act, 1957.

Journal of Indian Law Institute: A Special (Number) Issue on Intellectual Property.

W.R. Cornish, Intellectual Property Law, Sweet and Maxwell, 1981.

P. Narayanan, Intellectual Property Law, Eastern Law House, Calcutta, 2001.

PAPER-5: OPTION-(VI): LAW AND MEDICINE**TIME: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Medical Profession and Ethics
Interface of Law and Medicine
Systems of Medicine
Medical Negligence

Judgment:

(1) Harjot Ahluwalia v. Spring Meadows Hospital

Unit-II

Constitution, Powers and Functions of the Medical Council of India
Constitution, Powers & Functions of Central Council of Indian Medicine
Quackery and Role of Judiciary in Preventing Quackery
Law Concerning Medical Transactions:
Registration of Chemists, Druggists and Pharmacists
Adulterated Medicines

Judgment:

(1) Poonam Verma v. Ashwin Patel & Others, AIR 1996 SC 2111

Unit-III

The Mental Health Act, 1987
Institution for Treatment of Mentally Ill Persons
Treatment and Custody
Human Rights of Mentally ill Persons

Unit-IV

The Drugs and Cosmetics Act, 1940

Authorities, Manufacture, Sale & Distribution of Drugs, Offences & Penalties

AIDS: Socio-Medico-Legal Aspects

HIV / AIDS and Laws

Ethical Issues in the Care and Treatment of Persons with HIV / AIDS

Human Rights of AIDS Affected People: Right to Privacy and Work

Birth Rights of the AIDS Affected Unborn Child

Judgement:

(1) X v. Z Hospital, (1999) CTJ 2 (SC)

Unit-V

Legal Regulation of Transplantation of Human Organs

Legal Regulation of Pre-Natal Diagnostic Techniques

Medical Termination of Pregnancy

Artificial Insemination

Suggested Readings:

Shrilal, HIV Infection in India

Indira Kapoor, Women and AIDS

The Drugs and Cosmetics Act, 1940

The Indian Medical Council Act, 1956

The Indian Medicine Control Council Act, 1970

The Medical Termination of Pregnancy Act, 1971

The Mental Health Act, 1987

The Transplantation of Human Organs Act, 1994

The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994

PAPER-5: OPTION-(VII): INTERNATIONAL ORGANISATIONS**Time: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Meaning, Classification and Legal Personality
of International Institutions
The League of Nations - Composition and Causes of its Failure
The United Nations - Purpose and Principles
Membership and Termination Thereof

Unit-II

The Security Council:
Composition, Functions and Powers
Voting Procedure
The Economic and Social Council

Unit-III

The General Assembly:
Composition, Functions and Powers
Voting Procedure

Unit-IV

The International Court of Justice:
Composition, Jurisdiction
Law Applicable
Role of the Permanent Court of Arbitration

Unit-V

The International Criminal Court:
Composition, Jurisdiction
Powers and Functions

Suggested Readings:

S.K. Kapoor, Public International Law, Central Law Agency, Allahabad, 2007
H.O. Aggarwal, International Law, Pioneer Books, New Delhi, 2006

PAPER-5: OPTION-(VIII): SOCIO-ECONOMIC OFFENCES**Time: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Law of Dowry Prohibition
Prevention of Immoral Traffic

Unit-II

Law of Prevention of Food Adulteration

Unit-III

Law of Prevention of Corruption

Unit-IV

Law Relating to Prevention of Sati
Law Relating to Essential Commodities

Unit-V

Law Regarding Protection of Civil Rights
Law Regarding Drugs and Cosmetics

Suggested Readings:

Jaspal Singh, Socio-Economic Offences, Pioneer Books, New Delhi.
Mahesh Chander, Socio-Economic Offences, Aditya Publications, Delhi.

Prescribed Acts:

The Dowry Prohibition Act, 1961

The Immoral Traffic Act, 1956

The Prevention of Corruption Act, 1988

The Prevention of Food Adulteration Act, 1954

The Essential Commodities Act, 1955

The Commission of Sati (Prevention) Act, 1987

PAPER-5: OPTION-(IX): CRIMINOLOGY**Time: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Nature, Scope and Objectives of Criminology
 Relationship Between Criminology and Criminal Law
 Various Schools of Criminology

Unit-II

Methods of Studying Crime and Criminals
 Causation of Crime: Psychological, Physiological and
 Sociological, Economic, Mental, Family and Mass Media
 The Probation of Offenders Act, 1958
 Parole: Meaning and Concept, Principles, Distinction with Probation,
 Supervision During Parole

Unit-III

White Collar Crimes
 Juvenile Delinquency
 Main Features of the Juvenile Justice Act, 1986
 Capital Punishment: Rationale, Desirability and Judicial Attitude
 in India with regard to the Imposition of Capital Punishment

Unit-IV

Victimology
 Compensation to Victim and other Remedial Measures

Unit-V

Juvenile Delinquency and Juvenile Justice

Suggested Readings:

Sutherland, Principles of Criminology, Times of India, Bombay, 1986.
 Ahmed Siddique, Criminology: Problems and Perspectives, Eastern Book Co., Lucknow, 2006.
 J.P.S. Sirohi, Criminology and Criminal Administration, Allahabad Law Agency, Allahabad, 2004.

PAPER-5: OPTION-(X): HUMAN RIGHTS AND HUMANITARIAN LAW**Time: 3 Hours****Max. Marks: 100****Instructions for the paper setter/examiner:**

Section A: It will consist of 10 compulsory questions of 4 marks each. The paper setter is required to set two questions from each unit.

Section B: It will consist of 10 questions. Each question shall carry 12 marks. Two questions will be set from each of the five units. The candidate shall be required to attempt five questions selecting at least one question from each unit.

Unit-I

Evolution of Human Rights

Ancient and Natural Law Perspectives of Human Rights

League of Nations and Human Rights

The UN Charter and Human Rights

The Universal Declaration of Human Rights and Its Significance

Unit-II

Covenants and Conventions on Human Rights:

A Brief Overview of the two Covenants:

(1) International Covenant on Economic, Social and Cultural Rights

(2) International Covenant on Civil and Political Rights

A Brief Overview of the Conventions:

(1) The European Convention on Human Rights, 1950

(2) The American Convention on Human Rights, 1969

(3) The Vienna Conference on Human Rights, 1993

Unit-III

A Brief Overview of the International and Regional Mechanisms for the Protection of Human Rights:

(1) The European System

(2) The Inter -American System

(3) The African System

(4) The Asian Regional Mechanism:

Rationale and Justification for its Establishment

Unit-IV

Human Rights in India:

The Protection of Human Rights Act, 1993

Judicial Activism and Protection of Human Rights in India

Role of Non- Governmental Organisations in the Promotion and Protection of Human Rights

Unit-V

Meaning and Concept of Humanitarian Law

Geneva Conventions on the International Humanitarian Law

Additional Protocols to the Geneva Conventions on Humanitarian Law

Suggested Readings:

Paras Diwan and Peeyushi Diwan, *Human Rights and the Law*, Deep & Deep Publications, New Delhi, 1996.

P.S. Jaswal and Nishtha Jaswal, *Human Rights and the Law*, APH Publishing Co., New Delhi, 1996.

B.P.S. Sehgal (ed), *Human Rights in India: Problems and Perspectives* Deep & Deep Publications, New Delhi, 1995.

G.S. Bajwa, *Human Rights in India: Implementation And Violations*, Anmol Publications, New Delhi, 1995.

Thomas Buergenthal, *Human Rights*, Butterworths, London, 1979.