

No. 581 Price : Rs. 5/-
University of Poona

**SYLLABUS AND RULES FOR THE
NEW FIVE-YEAR LAW DEGREE COURSE**

Admission & Qualifications : Students passing H.S.C. (10+2) examination with English or equivalent and have obtained 45% marks in the aggregate (relaxable upto 5% in the case of students of Scheduled Castes and Scheduled Tribes).

Relevant extract of the Bar Council of India :

Resolution No. 123/1984

The minimum percentage for admission to the new course shall be above 44.5% in the H.S.C. examination (10+2 examination) and for Scheduled Caste/Scheduled Tribes above 39.5%.

University Examinations of New Five-Year Law Course :

Pre-Law Examination : Rules of Standard of Passing

In order to pass the examination for the first year and second year i.e. Pre-Law course, the candidate should obtain at least 40% marks in every individual paper as well as 40% in aggregate.

The candidate obtaining 40% marks in any individual paper of the said examination will be exempted from appearing that subject paper under provisions of O.113. The candidate at Pre-Law Course obtaining aggregate marks between 40% to 49% will be declared to have passed. The candidate obtaining marks between 50% to 59% marks will be declared to have passed the said examination in Second Class.

The candidate obtaining aggregate marks between 60% to 69% marks will be declared to have passed in first class. The candidate obtaining the aggregate marks above 70% will be declared to have passed in First Class with Distinction.

The students for undergoing the instructions in Marathi medium for New Five Year Law Course will be requ. to appear one additional subject in English at Third, Fourth and Fifth year of new Five Year Law Course.

The candidate obtaining at least 35% marks in this additional subject will be declared to have passed in that subject. The marks obtained in Additional English will not be counted for class total.

There shall be college examination at the end of First Year of the New Five Year Law Course. Second Year Examination of New Five Year Law Course will be conducted by the University from March/April 1987. Third, Fourth and Fifth Year Examinations of the Five Year Law Courses will be University Examination.

The candidate will not be admitted to Third Year Course unless he has passed the First and Second Year of the New Five Year Law Course. However candidate who fails in one subject in college examination of the First Year and secures minimum 40% marks in the remaining four subjects will be allowed to keep terms for the Second Year.

The standard of passing for the 3rd, 4th and 5th of New Five Year Law Course and rules for promotion to next higher class for New Five Year Law Course and the nature of question paper will be as under :

The candidate passing in all the subjects except two at second year, third year and fourth year of new Law course can be promoted to next higher class, and he is required to clear the remaining subjects before he joins the next higher class as provided in O.114.

The standard of passing for New Five Year Law Course- 35% in individual subject and 50% in aggregate for third year, fourth year and fifth year of new law course. The candidate obtaining over 50% and upto 59% marks will be declared to have passed in second class. The candidates obtaining 60% and upto 69% marks will be declared to have passed in the first class. The candidates obtaining 70% or more marks will be declared to have passed in first class with distinction.

The candidates obtaining 50% or more marks in an individual subject will be exempted from appearing from that subject. The provision of O.113 will be applicable in this case.

The nature of the question paper will be as under :

There shall be six questions for each paper. The sufficient internal option to each of the questions may be provided. The problem type questions which will comprised at least minimum of 20 to 25 marks shall compulsorily be asked in every paper excepting in such subject where it is absolutely not possible to do so, such as paper on jurisprudence etc. for all the last three years of the New Five Year Law Course. One question of short notes or short answers may also be asked.

The University authorities have decided to award the Degree of Bachelor of Socio and Legal Sciences (B.S.L.) to the students after completion of three years of New Five Year Law Course. The examination of the Third year of New Five Year Law Course meant for B.S.L. degree, will be conducted by the University.

Similarly the Bachelor of Laws (LL.B.) degree will be awarded to the students after his completion of Five Years of New Five Year Law Course.

FIRST YEAR OF NEW FIVE YEAR LAW COURSE

General English ✓

The course has been designed for the students entering New Five Year LL.B. integrated programmes with a view to imparting basic skills in the English language.

The course may be seen as a pre-requisite to English as well as 'Legal Language including Legal Writing'.

The course contents do not emphasize the theoretical knowledge of the English language. The emphasis is to be given on practical and a functional knowledge of the English knowledge.

Course contents :—

(A) Grammar and Usage (Communication Skills)

1. Simple Sentence (one clause) their phrase structure.
 - (i) tense and concord
 - (ii) noun modifiers (determiners, propositional phrases clauses)
 - (iii) Basic transformations
 - (a) passives (b) negative (c) questions
2. Complex and Compound Sentences (use of connectives)
3. Conditionals
4. Reported Speech
5. Question-tags and short responses
6. Some common Errors.

(B) Vocabulary (Communication Skills)

1. Use of a Dictionary for words at idiomatic expression
2. Use of a legal lexicon

(C) Comprehension Skills

1. Relating Comprehension
2. Listening Comprehension with special reference to making of lecture notes.

(D) Composition Skills

1. Paragraph Writing
2. Formal Correspondence
3. Summarising
4. Translation from regional language into English and

Vice-Versa.

Books Recommended

1. English Language Course for Colleges, Book I, L. A. Hill and others (Oxford 1971).

OR

2. Exercises in English Composition, Department of English, Lucknow University (Oxford 1966).

OR

3. Oxford Progressive English Alternative Course, Book A A. S. Hornby and R. M. Mackin (Oxford 1964).

Books for Reference

1. A. S. Hornby and others, An Advanced Learners' Dictionary of Current English Usage, (Oxford), E. L. B. J. Edn. Cheap.

2. A Legal Lexicon.

(1) Aiyer's Law Terms and Phrases, Law Book Co., Allahabad (1973).

(2) Biswas Encyclopaedic Law Dictionary, Eastern Law House (1979).

(3) Black's Law Dictionary, St. Paul Minn, West Publishing Co. (1979).

(4) Mitra's Legal and Commercial Dictionary, Calcutta, Eastern Law House (1979).

(5) Stround's Judicial Dictionary of Words and Phrases (in 5 Vols.), London, Sweet and Maxwell Ltd. (1971).

Political Science I ✓

Syllabus

A. Political Theory

1. Conceptions of State and Government	2
2. Main Currents of Western Political Thought	
(a) Ancient :—Plato—Concepts of Ideal State, Justice and Law	4
Aristotle—Nature of Politics, Classification of States	
(b) Medieval :—Augustine and Aquinas	2
(c) Modern :—(i) Liberalism : Locke, Mill	4
(ii) Democratic Socialism	2
(iii) Marxism—Leninism	4
3. Main Currents of Indian Political Thought.	
(a) Classical Indian Conceptions of State	3
(i) Shanti Parva	
(ii) Kautilya	
(b) Political Ideologies in the 13th century.	
Liberalism—Ranade and Gokhale	2
(c) (i) Gandhism—Concept of State and Law	2
(ii) Sarvodaya—Vinoba, Jay Prakash	2
(iii) Marxist Thought in India	3
4. Conceptions of Political and Legal Sovereignty	
Austinian concept of sovereignty and its criticism	3
5. Totalitarian State—Fascism, Nazism	3
Total	36

Figures to the right indicate Lecture periods for the respective topic.

Political Science

APPENDIX 'A'

(B) Political Organization

1. Organization of Government	
(a) Unitary	3
(b) Federal	4
(c) Quasi-federal	2
2. Legislature	2
Executive	2
Judiciary	2
The doctrine of separation of powers, Checks and Balances	3
The Principles of Independence of Judiciary and Judicial Review	
(a) Parliamentary form	3
(b) Presidential form	3
(c) Other forms	2
3. Conception of Representation	
(a) Territorial	2
(b) Proportional	2
(c) Functional	1
4. Public Opinion and Participation	
(a) Formation of Expression of Public Opinion	2
(b) Role of Media of Communication	3
Total	56

Figures to the right indicate Lecture periods for the respective topic.

Recommended Readings

Political Science I—A : Political Theory

- (1) Appadorai A.—Substance of Politics
- (2) Asirvathan Eddy—Political Theory
- (3) Garner J. W.—Political Science and Government
- (4) Gettell R. G.—Introduction to Political Science.

मराठी

१. राज्यशास्त्र विचार : दि. का. गर्डे, वि. भा. बाचल, नसीम इकबाल कॉन्टिनेन्टल प्रकाशन—महाराष्ट्र विद्यापीठ ग्रंथ निर्मिती मंडळ.
२. राजकीय विचारवंत : डॉ. वि. भा. बाचल, प्रा. स. म. गोळवलकर सुविचार प्रकाशन मंडळ, पुणे.
३. आधुनिक भारतीय राजकीय विचारवंत : डॉ. वि. भा. बाचल, प्रा. स. म. गोळवलकर, सुविचार प्रकाशन मंडळ, पुणे.
४. राजकीय तत्त्वप्रणाली : डॉ. वि. भा. बाचल, सुविचार प्रकाशन मंडळ, पुणे.
५. राजकीय विचारप्रणाली : डॉ. शं. ना. नवलगुंदकर, नरेंद्र प्रकाशन, पुणे.
६. पश्चिमात्य राजकीय विचारवंत : डॉ. शं. ना. नवलगुंदकर, नरेंद्र प्रकाशन, पुणे.
७. भारतीय राजकीय विचारवंत : डॉ. शं. ना. नवलगुंदकर, नरेंद्र प्रकाशन, पुणे.
८. राज्यशास्त्राचा विकास : स. मा. मर्गे, य. गो. राणे प्रकाशन, पुणे.

B. Political Organization

1. Strong C. F.—Modern Political Constitutions.
2. Fiser Herman—Theory and Practice of Modern Government.
3. Wheare K. C.—Federal Government.
४. सुलभ आधुनिक राज्यशास्त्र : डॉ. शं. ना. नवलगुंदकर, नरेंद्र प्रकाशन, पुणे.
५. राज्यशास्त्राचा विकास : स. मा. मर्गे, य. गो. राणे प्रकाशन, पुणे.
६. राज्यशासन : स. मा. मर्गे, व्हीनस प्रकाशन, पुणे.

Political Science I

A. Political Theory

Readings

(1) Eddy Asirvatham, Political Theory, The Upper India Publishing House Pvt. Ltd., Ed. 1980.

Topic 1 : Chapters 1 and 2 pp. 1 to 46

Topic 2c: Chapter 5 pp. 72 to 89.

Chapter 21 pp. 518 to 560

Chapter 20 pp. 561 to 603

Topic 3b: (i) Chapter 24 pp. 682 to 704

(ii) Chapter 7 pp. 140-142

Topic 4 : Chapter 11 pp. 201 to 220

Topic 5 : Chapter 22 pp. 604 to 654

(2) Appadorai A.—The Substance of Politics

Topic 1 : Chapter I

Topic 2 : a. b Chapter XII, XV, C Chapter IX

Topic 4 : Chapter IV

Topic 5 : Chapter V

B. Political Organization

Readings

(1) Eddy Asirvatham : Political Theory, The Upper India Publishing House Pvt. Ltd., Ed. 1980.

Topic 1 : Chapter 14, pp. 272 to 297

Topic 2 : Chapter 15, pp. 298 to 371

(2) C. F. Strong : Modern Political Constitutions, Sidgwick and Jackson Ltd., London.

Topic 1 : Chapter 4 and 5

Topic 2 : Chapters 9 and 10

Chapters 11 and 12

Chapter 13

Topic 3 : Chapter 8

(3) Roy and Bhattacharya : Political Theory.

Economics ✓

Part A : General Principles Economics *No. of Lectures

1. Economics as a Social Science, Importance of Economics for promoting social welfare and social justice, different economic systems; Free enterprise, planned socialist economics and mixed economics, Economics and Law : Interrelations. 4

2. (a) Demand : Determinants Price and Demand : Law of Demand 2

Demand schedule and Demand curve

(b) Types of business organisation : Sole proprietorship, partnership, jointstock company, co-operative organisation, Concept of cost, opportunity cost, total average and marginal costs, fixed and variable costs, short-term and long term costs. External and internal economics and diseconomics. Supply : Supply of Firm and Market supply. 5

(c) Market : Types of Markets : Characteristics of competition monopoly monopolistic competition, oligopoly. 3

3. Concept of Equilibrium. Equilibrium of Firm and Industry ; Short run and long run. 2

4. Factors of production and their rewards/market for factors of production. Labour, collective bargaining and wages. Interest and Profits. 4

5. National Income : Estimates of National Income, Savings, Investments in India. 3

6. Definition and functions of money. Money in the modern economy. Money and credit. Role of credit & the banking system with special reference to India. Types of banking institutions : Reserve Bank of India, Commercial banks, Co-operative banks and term lending institutions. Money and capital Markets : their characteristics. 8

7. I.M.F. and J.B.R.D. : Role and functions; their assistants to the developing countries with special reference to India. 4

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*It is assumed that there are 35 lectures per term. So the distribution of lectures have been done accordingly.

Part B : Indian Economics

1. Meaning of Economic Growth and development: 6
factors affecting economic development/population, technological progress and economic growth, strength and weakness of India as developing economy.
2. Profile of the Indian Economy; poverty and 6
income distribution. Rural and Urban poverty. Trends in the population growth/size, age composition, urbanization and sex ratio. The problems and causes of unemployment, Under-employment and unemployment. Seasonal unemployment. Disguised unemployment. Educated unemployment.
3. Importance of agriculture in the Indian economy. 6
Productivity in agriculture. Rationale of tenancy laws, land consolidation and land ceiling reforms. The problem of landless labour Agricultural finance different agencies and their characteristics. Technological change and scale of cultivation. Marketing of agricultural produce and role of intermediaries.
4. The process of industrial growth in India since 5
Independence/highlights of industrial policy since independence large, medium, small-scale and cottage industries. Public sector, private sector and joint sector. Sources of Industrial finance.
5. Logic of India's development strategy. Planning 6
concept, approach and process. A review of objectives and performance of Five Year Plans in India. Minimum Needs Programme (MNP) Integrated rural development programme (IRDP) and 20 points programme. Powers and functions of planning Commission and National Development Council (NDC), Formulation of plans at various levels.
6. Control of economic concentration with special 3
reference to MRTP and Industrial Licensing policy.
7. Changing trends in the pattern of India's foreign 3
trade and highlights of foreign exchange Policy and import-export controls. 35

Prescribed Reading for Part A

- (1) G. Grossman—Economic System Foundations of Mod. Eco. Series Prentice Hall, India.
- (2) B. S. Bhange—Sulabh Artha-Shastra (Marathi)
- (3) V. G. Sahasrabudhe—Artha-Vigyan (Marathi)
- (4) Robert Dorfman—Price System—Prentice Hall, India.
- (5) Charles Schultze—National Income Analysis—Foundation of Modern Economic series—Prentice Hall, India.

Recommended Reading for Part A

- (1) R. Lipsey—An Introduction to Positive Economics.
- (2) Prof. Kumudini Deshpande—'Eakdeshe Vivechan'.
- (3) Calvo and Waugh—Micro Economics (Introductory Text), Oxford.
- (4) Bhawe and Kelkar—'Mulya-Sidhant' MVGN Mandal, Nagpur.
- (5) Ken Hoyle and White head—Money and Banking.
- (6) Stanlake G. F. Macro Economics An Introduction Publisher Longman.
- (7) Norman Keiser—Macro Economics, Problems a survey theory, Published by Random House.
- (8) Robert Meyer—Problems in Macro-economics.

Prescribed Reading for Part B

- (1) Agrawal, A. N.—Indian Economy, Vikas, New Delhi.
- (2) Alak Ghosh—Indian Economy, World Press, Calcutta.
- (3) Datt and Sundharam (Latest editions)—Indian Economy, Delhi, S. Chand and Co., 1982.

Recommended Reading for Part B

- (1) L. M. Singhvi—'Law and Poverty'.
- (2) Pramit Chaudhari—The Indian Economy-Poverty and Development (Vikas).

History

(A) Ancient Period :
A general study of nature, aims and functions of the State Republics, Organization of the Central Government, experiments in decentralization, law and legal institutions in Ancient India.

Books for Study

- (1) Altekar, A. S.—State and Government in Ancient India, Chapters 1 to 12 and 17 (recommended for English Medium).
- (2) V. D. Rao—Prachin Bharatiya Sanskriticha Itahas (recommended for Marathi Medium).

Books for Reference

- (1) Nagendra Singh—Juristic Concepts of Ancient Indian Policy (Chapters 2 and 3).
- (2) Gokhale, B. G.—Ancient India—History and Culture, Part I, Chapters 1, 2 and 4.
- (3) Jayaswal, K. P.—Hindu Polity.

(B) Medieval Period :

The advent of Islam, interaction between ancient Indian and Islamic Culture and emergence of Synthetic Culture, Social Structure; organization of Central Government. Innovation by rulers of medieval period in the area of Revenue Administration, District Administration, Law givers; Judicial Administration and village communities.

Books for Study

- (1) Chitnis, K. N.—Socio-Economic Aspects of Medieval India, 1979 Edn.
Chapter I—1 (Farabi), 5 (Ghazali).
Chapter II—1 (Yajñavalkya), 2 (Shukracharya), 6 (Ramchandrapant Amatya). Chapter 3, 9 and 16.
- (2) Chitnis, K. N.—Glimpses of Medieval Indian Ideas and Institutions, 1979 Edn.

Chapters 5 to 7 and 11 to 13 (Recommended for English Medium).

(3) Chitnis, K. N.—Madhyayugin Bharatiya Sankalpana Va Sanstha (Parts I and II) Chapters 5 to 7, 11 to 14 and 21. From Appendix A and B.

Thinkers—Farabi, Ghazali, Yajnavalkya, Shukracharya and Ramachandrapant Amatya (Recommended for Marathi Medium).

Books for Reference

(1) Srivastava, A. L.—Medieval Indian Culture, Chapters 1, 3, 4, 8 and 16.

(2) Yusuf Hussain—Glimpses of Medieval Indian Culture.

(3) Gune, V. T.—Judicial System of Marathas.

(C) *Modern Period :*

Indian Contact with the Europeans : Impact of European Culture on Indian History and Indian National Movement: Impact of European liberal thought on the Indian National Movement and constitutional developments in India upto 1947. Study of Social reform movement and its impact on legal culture.

Books for Study

(1) Chhabra, G. S.—Modern India and National Movement, Vol. I, Chapters 7, 13, B, C and D, 15, 18, 19, 21, 24 B and 27. Vol. II—Chapters 3, 12, 13, 22 to 31, 35 and 37 (Recommended for English Medium).

(2) Garge, S. M. and Kulkarni, A. R.—Bharatiya Rajghatanecha Itihas (Recommended for Marathi Medium).

(3) Social Reformers of Maharashtra by Y. D. Phadke.

(4) G. B. Sardar—महाराष्ट्राचे उपेक्षित मानकरी.

(5) G. B. Sardar—महाराष्ट्र दर्शन.

(6) V. M. Bachal—राजकीय सिद्धांत.

Books for Reference

- (1) Datta, K. K.—Renaissant India.
- (2) Suda—Indian National Movement.
- (3) Natarajan—A Century of Social Reform in India.
- (4) Valimbe, V. S.—महाराष्ट्राची सामाजिक पुनर्रचना.
- (5) Sahasrabudhe, P. G.—महाराष्ट्र संस्कृती.

The allotment of marks as recommended by the Committee would be as follows :

Ancient India..24 marks. Two questions of 12 marks each.

Medieval India..24 marks. Two questions of 12 marks each.

Modern India..36 marks. Three questions of 12 marks each.

A compulsory short notes question bearing 16 marks—4 for Ancient Period, 4 for Medieval Period and 8 for Modern Period.

Since it is very difficult to get in the Marathi books (History) the same portions are as covered in English books or viceversa, the teacher is expected to be throughout with the outlines of the syllabus and if necessary select the relevant materials from the available books on History.

Sociology

Part I (4) Sociology : General Principles

* No. of Lectures

1. Sociology-Definition-Nature-Scope 3
2. *Sociology of Law*-Significance of the study of Sociology for Law Students. 2
3. *Human Society*-Its Nature-Problem of Social Order-Need for Social Control-Problem of Social Order in Modern Society-Deviance-Its causes and implications. 5
4. *Means of Social Control*-Values and Norms Types of Norms viz. Folkways, Mores, Traditions Religion Conventions and Laws (Customary and Enacted). 5
5. *Society and Law*-Laws as Means of Social Control-Their efficiency and Limitations-Laws as Means of Social Change-Their Limitations. Law and Moral Order in Society-Social change and its Implications for Law. 5
6. *Social Institutions* :
 - (a) Marriage-Definition-Types-Functions Divorce. 3
 - (b) Family-Types and Functions (Family in Modern Society). 3
 - (c) Political-Institutions : Government Types functions. 3
 - (d) Religion-Definition-Functions Religion in Modern Society. 3
 - (e) Social Stratification-Its University-Class and Caste-Property as a basis of Class Formation 3

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* It is assumed that there are 35 lectures per term. So the distribution of the lectures have been done accordingly.

Part II : Sociology of India

1. Components of Indian Society (A) (i) Scheduled Castes, (ii) Scheduled Tribes.

Their major problems—Constitutional Provisions—Evaluation of Governmental Measures for their upliftment. 5

(B) Hindus—Muslims—Sikhs—Christians—Parsis. 5
Problems of Minorities in India Constitutional Provisions with regard to them.

(C) Rural—Urban—Extent and Nature of Urbanization in India. 3

2. India as a Plural Society—Linguistic Religions—Cultural Regional Variations—Their implications for National Integration. 6

3. Law as Means of Social Control in India : 8
Constitutional Goals viz. Equality, Liberty, Secularism—Use of Legislative Measures to achieve these Goals—Social Legislation with regard to Family, Marriage, Untouchability and Labour.

4. Changing Nature of Indian Society : Modernity 8
Versus Tradition—Modernization—Westernization—Impact of Modernization as Family, Caste, Marriage and Village, Change from Caste to Class.

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SECOND YEAR

New Five Year Law Course

I. General English (II)

This course may be seen as continuation to General English at 1st year of New Five Year Course Law and also as complement to legal language including legal writing.

Law..2

The course contents do not emphasize the theoretical knowledge of the English language. The emphasis is to be given on practical and a functional knowledge of the English knowledge.

Course Contents

A. *Vocabulary :*

1. Major categories of word-formation in English with special reference to expressions of Latin and French origin.
2. The use of a word-finder or thesaurus for locating synonyms, near-synonyms and antonyms.
3. Words often confused.
4. One word substitution.
5. Certain set expressions and phrases in common use in.

B. *Comprehension Skills :*

1. Reading comprehension of suitable narrative, descriptive, expository and discursive prose passages.
2. Comprehension exercises with emphasis on pin pointing the logical argument, separating rhetorical devices and logical fallacies.
3. Application of B1 and B2 to materials drawn from legal notices, petitions, appeals, judgements, court orders, statutes, bills, rules, etc.

C. *Composition Skills :*

1. Sentence building exercises with special reference to word patterns and common Indian errors associated with them.
2. Sentence linking exercise with the help of cohesive devices such as pronouns, adverbs, conjunctions, articles etc. with special emphasis on legal writing.
3. Brief writing and draftings of reports.
4. Precis-writing, summarizing and briefing.
5. Essay writing on topics of legal interest.

D. *Speech Training* (August 1974) I

1. Consulting use of dictionary for ascertaining correct pronunciations.

2. Reading aloud with proper accentuation and pauses.

3. Practice in guided oral presentation on selected topics.

4. Practice in spontaneous oral presentation and group discussion.

Note—Assessment in respect of D will be included wholly under internal assessment.

Books Recommended

(1) English language course for college books II and III by L. A. Hill and other (Oxford) (Portions relevant to topic A and C).

(2) N. S. Prabhu and W. W. Bhaskar : English through reading (Macmillan India) (Portions relevant to topic B and C).

Books for Reference

(1) The New Roget's Thesaurus in Dictionary form Edited by Norman Lewis.

(2) *A Legal Lexicon* :

1. Aiyer's Law Terms and Phrases : Law Book Co. (Allahabad, 1973).

2. Biswas Encyclopaedic Law Dictionary : Eastern Law House (1979).

3. Black's Law Dictionary St. Paul Minn. West Publication Co. (1979).

4. Mitra's Legal and Commercial Dictionary : Calcutta, Eastern Law House (1979).

5. Stroud's Judicial Dictionary of Words and Phrases (in 5 vols.). London, Sweet and Maxwell Ltd. (1971).

3. Ishtiaque Abidi : Law and Language, University Publishers, Aligarh, 1978.

This may be use as a source book additional passages for topics B and C.

II. Legal Language including Legal Writing

Introductory :

This course may be seen as laying the foundation for the proper use of Marathi (Regional language) and/or Hindi in the Legal profession. The course presupposes a working knowledge of Marathi and/or Hindi and proposes to reinforce that knowledge in the direction of greater precision, effective persuasion, and fluency in shifting from English to the Indian Languages and vice versa. The course is designed to give the student both sufficient exposure to specimens of legal writing and active practice in the handling of precise and expressive language.

Course Contents :

A. Vocabulary :

(1) Major categories of word formation in Marathi/Hindi with special reference to expressions of Perso-Arabic and Sanskrit origin.

(2) Discrimination between synonyms and words often confused.

(3) Certain set expressions and phrases in common use in legal usage.

(4) Rephrasing of given sentences in different ways so as to make it milder, stronger, more defensive, more offensive or the like.

B. Comprehension and Appreciation of legal prose :

1. Practice in slow careful reading of functional prose in general and legal prose in particular.

2. Practice in fast reading and retaining the content in the form of notes.

3. Exercise in note taking from speech as well as writing and precis writing.

4. Answering comprehension questions on non-legal and legal passages in Marathi and/or Hindi with emphasis on

identifying logical fallacies and persuasive devices. The non-legal passages should be narrative, descriptive, expository, and argumentative. The legal passages should be drawn from notices, complaints, petitions, court orders, rules etc.

C. Translation from Marathi/Hindi to English and Vice-Versa :

1. As a preparation to translation proper, the student should be asked to summarize an English passage in Marathi/Hindi and a Marathi/Hindi passage in English.

2. Translation from English to Marathi/Hindi of non-legal and legal passages.

3. Translation from Marathi/Hindi to English of non-legal and legal passages.

*Note :—*Special attention should be drawn to common pit-falls in translation from and to English.

D. Composition Skills :

1. Sentence-building exercises with special attention to word order, avoidance of ambiguity and vagueness, and avoidance of obscurity.

2. Sentence-linking exercises with the help of cohesive devices such as pronouns, adverbs, conjunctions etc. with special emphasis on legal writing.

3. Paragraph-writing exercises.

4. Essay-writing on topics of interest to the legal profession.

E. Speech training :

1. Reading aloud with proper pauses, emphasis and tone.

2. Practice in guided oral presentation on selected topics.

General Note :

The teaching materials may be drawn from the following:

1. Chandrashekhar Dharmadhikari—भारतीय संविधानाचे अधिष्ठान.

2. Marathi version of the Constitution of India prepared by the Government of Maharashtra.

3. Manthan (collection of essays) Language Directorate (Government of Maharashtra), 1983 and
4. Marathi articles in Samaj Prabodhan Patrika, Nav Bharat etc. on topics of interest to the legal professions.

III. Political Science Paper II

Foundations of Political Obligation :

1. Legitimation and Obligation/Power and Authority ;
 (a) Classical : Hobbes, Locke and Rousseau.
 (b) Modern : Karl Marx, Max Weber, Robert Dahl.
 (Power and authority).
2. Political Obligation
 Utilitarianism (i) Bentham (ii) J. S. Mill.
3. Civil Disobedience
 (i) Gandhism
 (ii) Neo Gandhism.
4. The problem of obedience to unjust laws.
5. Why should we honour promises and contracts ?
6. Theories of punishment.

Books Recommended and for Reference

- (1) G. H. Sabine—A History of Political Theory, Oxford, 1973.
- (2) S. P. Verma—Modern Political Theory, Vikas, 1980.
- (3) Robert Dahl—Modern Political Analysis, Prentice-Hall.
- (4) Almond G. A. and Powell G. B.—Comparative Politics, Little Brown and Co.
- (5) Dunning, W. A.—History of Political Theories, Vol. II.
- (6) Lyoyd's Introduction to Jurisprudence, pp. 166 to 1974.
- (7) Essays in Legal Philosophy, Morris Cohen, pp. 69 to 111.

- (8) Theories of Punishment, Salmond, pp. 94 to 100, Sec. 15.
- (9) H. L. A. Hart—Essays in Punishment and Responsibility.
- (10) आधुनिक राजकीय विश्लेषण—मर्द, बाचल १९८१, कॉन्टिनेंटल प्रकाशन, पुणे.
- (11) आधुनिक राज्यशास्त्र—डॉ. शं. ना. स्वयंभूदकर, जनमोल प्रकाशन.
- (12) राजकीय सिद्धांत—डॉ. वि. मा. बाचल १९८४, सुविचार प्रकाशन, पुणे.

IV. Political Science Paper III

International Relations and Organization

Part I :

1. Components of National Power Population, Geography, resources, Economic Organization, Technology military force.
2. Limitations on national power—International morality, public opinion International Law.
3. Major sources of conflict : East and West, North and South rivalries territorial claims, resources, population migrations.
4. Peaceful settlement of issues—negotiation, mediation, conciliation, arbitration, judicial settlement.
5. Alliances, balance of power approach, collective security and disarmament.
6. World Community, multi-national agencies.

Part II :

7. Evolution of International Organization—League of Nations and United Nations.
8. Principal organs of the United Nations and their working.
9. ILO and other International agencies.
10. Regional organizations, Specialized agencies and Inter-national non-governmental organizations.

Books Recommended and for Reference

1. Hans Morgenthau : Politics Among Nations—The Struggle for power and peace. New York, Knopf.
2. Palmer and Perkins : International Relations.
3. Peter Calvocovessi : World Politics since 1945, Longman, Paperback, 3rd Edn.
4. Quincy Wright : Study of International Relations, New York, Appleton Century Crofts, 1955.
5. डॉ. वि. मा. बाबल—आंतरराष्ट्रीय संबंध—१९१९-१९७५
कॉन्टिनेंटल प्रकाशन, पुणे.

**Political Science I at First Year of
New Five Year Law Course**

Political Theory :

नव्या पंचवार्षिक कायदा अभ्यासक्रमानुसार लिहिलेले पुस्तक :—
राजकीय सिद्धांत—डॉ. वि. मा. बाबल—१९८४—सुविचार प्रकाशन.

**V. History of Courts, Legislature and Legal
Profession in India at the Second Year of
New Five Year Law Course**

1. Early Administration of Justice of Bombay, Madras and Calcutta upto 1926—Mayor's Courts.
2. Warren Hastings Plan of 1772 relating Adalat System, its reforms in 1774 and reorganization in 1780.
3. Provisions of Regulating Act 1773 relating to establishment composition, powers and functions of Supreme Court at Calcutta, conflict between S.C. and G.G. in Council, Act of 1781.

Supreme Court Vis-a-Vis Mofussil Court.

4. Judicial Measures of Cornwallis 1787, 1790, 1793.

5. Conflicts arising out of the dual judicial system. Indian High Courts' Act, 1861 extent of amalgamation the Indian High Court Act 1911—The Government of India Act, 1915—High Courts under the Government of India at 1935. High Courts under the Indian Constitution.

6. Privy Council's association with Indian Judicial System various kinds of appeals—special features of its decision and abolition of its Jurisdiction over Indian decision.

7. Modern Court systems under Indian constitution.

Legislature :

1. Legislative authority of the East India Company under the Charter of 1601.

2. Changes under Regulating Act in Legislative Authority—Act of 1781—Recognition by the British Parliament of the Powers of the Governor—and Council to make rules and regulation.

3. Act of 1813 and extension of the legislative Power conferred on all the three Councils and subjection of the same to greater control.

4. Act of 1833—Centralisation and Establishment of All India Legislature.

5. The Indian Council Act 1861, Central Legislative Council and its Composition, Powers and functions, power conferred on the Governor.

6. Government of India Act 1909—setting up of bicameral system of legislature at the centre in place of the Imperial Council consisting of one House.

7. Government of India Act 1935—the Federal Assembly and the Council of States, its composition, powers and functions—Legislature Assemblies in provinces and the powers and functions of the same.

8. Legislative Council in the provinces, powers and functions of the same.

9. Law Reform, Law Commissions, Conciliation.

3. *Legal Professions :*

1. Legal Profession in Pre-British India Role, Training and Functions.

2. Law Practitioners in the Mayor's Courts established under the Charter of 1726.

3. Organisation of Legal Profession under the Charter of 1974.

4. Legal Profession in Company's Courts.

5. Provision for enrolment of Advocate, Vakils and Attorneys under Legal Practitioner's Act, 1853.

6. High Court under the Act of 1861 and Provision for the enrolment of the advocate under the Letters Patent issued.

7. Legal Practitioner's Act, 1879—Report of the Indian Bar Committee, 1923.

8. The Indian Bar Councils Act, 1926—The All India Bar Committee, 1951.

9. The Advocate's Act, 1961.

10. History of Law Reporting in India.

Books Prescribed

(1) U. D. Kulshreshtha—Land marks in Indian Legal Constitutional History.

(2) M. P. Jain—Indian Legal History.

(3) N. D. Mujumdar—Advocates Acts and Professional Ethics.

Revised Distribution of subjects in the last three years of Five Year Law Course.

THIRD YEAR LL.B.

	Marks
1. General Principles of Contracts	100
2. Law of Crimes (Law of Crime and Procedure P-I)	100
3. Law of Torts	100

4. Any two subjects from the following
(Optional Papers)
 - (a) Law of Co-operation/Co-operative Law 100
 - (b) Law of Trust 100
 - (c) Law of Insurance 100
 - (d) Minor Acts (Criminal) Paper I 100
5. Constitutional Law of India 100
6. Family Law Paper I 100
7. Family Law Paper II 100

FOURTH YEAR LL.B.

1. Legal Theory 100
2. Special Contracts 100
3. Law of Evidence 100
4. Any one subjects of the following :
(Optional Papers)
 - (a) Labour Law 100
 - (b) Taxation Law 100
 - (c) Company Law 100
 - (d) Law relation to Local self Government 100
5. Criminal Procedure 100
6. Civil Procedure 100
7. Advocates and Art of Advocacy 100
8. Drafting, Pleading and Conveyancing 100

FIFTH YEAR LAW

1. Property Law, Easement and Equity 100
2. Administrative Law 100
3. Public International Law 100
4. Any two subjects from the following :
& (Optional Papers)

- | | | |
|----|--|-----|
| 5. | | |
| | (a) Land Laws | 100 |
| | (b) Criminology | 100 |
| | (c) Medical Jurisprudence | 100 |
| | (d) Law and Poverty | 100 |
| | (e) Private International Law | 100 |
| | (f) Interpretation of Statute and Principles of Legislation | 100 |
| 6. | Minor Acts (Civil) (Law relating to Motor Accident claims, specific Relief, Arbitration and Limitation). | 100 |
| 7. | Court and Other Procedure | 100 |
| 8. | Field Work | 100 |

THIRD YEAR

Paper I : General Principles of Contract

100 Marks

Selected cases for "General Principles of Contract" at 3rd year of Five-year Law.

1. Allcard Vs. Skinner
2. Bengal Coal Co. Vs. Homce Wadia and Com.
3. Carlill Vs. Carbolic Smoke Ball Co.
4. Chinnaya Vs. Ramayya
5. Derry Vs. Peck
6. Dunlop Vs. Higgins
7. Durga Prasad Vs. Baldeo
8. Dutton Vs. Poole
9. Eliason Vs. Henshaw
10. Foster Vs. Mackirmon
11. Gundy Vs. Lindsay
12. Hadley Vs. Baxendale
13. Hochester Vs. De La Tour
14. Kelipermal Vs. Visalakshmi
15. Krell Vs. Henory
16. Khwaja Moh. Khan Vs. Hussaini Begam

17. Laman Vs. Gauri Dutt
18. Mohovi Bibee Vs. Dharmadas Ghose
19. Powel Vs. Leo
20. Tweddle Vs. Atkinson

Paper II : Law of Crime and Procedure

100 Marks

- (Indian Penal Code .. 80 Marks)
 (Principles of Criminal Jurisprudence .. 20 Marks)

Paper III : Law of Torts

100 Marks

Syllabus as per the existing three year law course and the leading cases in torts both English and Indian :

Books Recommended

1. Law of Torts .. Ratanlal and Dhirajlal
2. Law of Torts .. C. Ramaswami Iyer
3. Law of Torts .. S. almond.

THIRD LL.B.

100 Marks

PAPER IV (Optional)

(a) Cooperative Law

Syllabus :

I. Theory of Cooperative-History and Growth of Cooperative movement in India-History of Cooperative Legislation in India.

(a) Theory of Cooperation Definition of Cooperation Principle of Cooperation.

(b) History and Growth of Cooperative Movement in India.

(1) Growth of Cooperative Movement in India: pre-independence.

- (a) First stage of movement (1904-1911)
- (b) Second stage of movement (1912-1918)
- (c) Third stage of movement (1919-1929)
- (d) Fourth stage of movement (1929-1939)
- (e) Fifth stage of movement (1939-1947)

(2) Growth of Cooperative Movement in India.

—Post Independence through five year plans.

(c) History of Co-operative Legislations—The Cooperative Credit Societies Act, 1904; The Co-operative Societies Act, 1912—various provincial Acts Bombay Cooperative Societies Act 1925—Appointment of Committee on Cooperative Law by Govt. of India in 1957—Model Cooperative Societies Bill and Rules and Model Byelaws. 15 marks.

II. Maharashtra Cooperative Societies Act 1960 and Rules 1961.

1. Definitions (S.2).
2. Registration—Chapter II (Ss. 3 to 21). Rules 4, 5, 8, 10, 12, 14 to 17 of the M.C.S. Rules, 1961.
3. Members and their rights and liabilities—Chapter III (Ss. 22 to 35) Rules 19 to 21, 24, 25, 28, 29, 30 with special reference to study of case law and in particular following cases :

1. K. V. Sundaram V/s. Raj. Rajeshwar Coop. Housing Society Ltd., 1980 Mah. L. J. 4, (1980), 4 C.L.C. 62, 71.
2. Baliram Sopan Borwade V/s. Bibhag V. K. S. Society C.L.C. July 1980, p. 18.
3. Krishnaji J. Modi V/s. Colaba Land Coop. Housing Society, C.T.J. 1980, p.23, 1979 Mah. L. J. 841.
4. Incorporation of Societies, privileges of the societies chapter IV, (Ss. 36-49) Rules 31, 34 of the M.C.S. Rules 1961.
5. Management of Societies—Chapter VII (Ss 72 to 80) Supremacy of General Body—Committee, its powers and functions Rules 57 to 68 of M.C.S. Rules 1961 and study of

case law and in particular following case law Rao Balwant Patil V/s. K. P. Patil, A.I.R. 1982, 216; Babaji Kondaji Garad V/s. Nasik Merchants' Coop. Bank, A.I.R. 1984, S.C. 197; Jagruti Coop. Housing Society V/s. Mrs. Sulbha R. Wagh C.L.C. Oct. 1983 p. 306, Roha Asstami Coop. Urban Bank V/s. Judge Coop. Court Alibag 1977 Mah. L.J. 712; Krishnath Nanasaheb Deshmukh V/s. S. B. Kulkarni Commissioner, Pune Division, 1978 Mh. L.J. p. 431.

6. Enquiry by Registrar—Chapter VIII Ss. 83, 85, to 88:

7. Disputes of Coop. Courts—Chapter IX (Ss. 91 to 98) with Rules 75 to 86 of the M.C.S. Rules 1961 study of case law and in particular following case law :

(a) Deccan Merchants Coop. Bank V/s. M/s. Balichand A.I.R. 1969 S.C. 1320.

(b) I. R. Hingorani V/s. P. K. Shah, A.I.R. 1972, S.C. 2161.

(c) Sabarwal Brothers V/s. Smt. Gund Amrit Thadaei A.I.R. 1972 S.C. 1893.

(d) Sardar Ajit Singh V/s. Saibaba Coop. Housing Society 1978 Mh. L.J. 404.

(e) Kalwati Ramchand V/s. Shankarrao 76 B.L.R. 718.

(f) Punjmal H. Advani V/s. Harpalsingh A. Singh 1978, Bom. L.R.

(g) Contessa Knit wear V/s. Udyog Mandir Coop. Housing Society C.L.C. April 1980 p. 219.

(h) M/s. Leong V/s. Jaindani Gulrajani C.L.C. Dec. 1980, p. 148 and C.L.C. March, 1981, p. 223.

(i) Bandra Green Park Coop. Housing Society V/s. Mr. Dayadevi C.L.C. April 1982, p. 113.

(j) O. N. Bhatnagar V/s. Rukibai Narsidas A.I.R. 1982, S.C. 1097.

(k) Coop. Credit Bank V/s. Industrial Tribunal Hyderabad A.I.R. 1970, S.C. 298.

(l) Madhukar S. Somawanshi V/s. Sheshrao, 73, B.L.R. 720.

(m) P. H. Patil V/s. State of Maharashtra C.L.C. Dec. 1983, p. 378.

8. Recovery of arrears-S. 101.

9. The liquidation-Winding up, Powers of Liquidator (Ss. 102 to 106).

10. Election of Committees and Officers of certain Societies-Chapter XI-A-(Ss. 144A to 144Y) alongwith study of Rules 4 to 8, 18 to 23, and 74 to 87 of the Maharashtra Specified Coop. Societies election to committees, Rules 1971 and study of case law.

11. Offences and Penalties-Chapter XII (Ss. 145 to 148 A).

12. Appeals, Review and Revision-Chapter XIII (Ss. 149 to 154) together with Rules 104 to 106 of the M.C.S. Rules 1961.

13. Miscellaneous Sec. 155, 156, 163, 164 and Rules 107 of the M.C.S. Rules 1961. ...70 marks.

III. The Maharashtra Ownership Flats (Regulation of promotion of Construction Sale, Management and Transfer Act, 1963, ...70 marks.

IV. The Maharashtra Apartment Ownership Act, 1970.

Books Recommended

(1) Theory, History and Practice of Cooperation by R. D. Bedi 1981 Edition, Chapters II, XI, X, XX.

(2) Cooperation in India-By Dr. C. B. Mamoria and R. D. Seksen, 3rd Edition 1977.

(3) Fundamentals of Cooperation, By O. R. Krishnaswami.

(4) Cooperative Movement in India-By Rai J. M. Mitro, Bahadur.

(5) Cooperation in India by Dr. B. S. Mathur, 1980 Edition, Chapter I, Chapter II, Chapter V, Chapter VI, Chapter XXVI.

(6) Maharashtra Cooperative Societies Act, 1960 with Rules by Shri D. H. Choudhari, 1984, Edition.

(7) Maharashtra Cooperative Societies Act with Rules by Shri K. S. Gupte.

(8) Maharashtra Cooperative Societies Act With Rules by Shri K. L. Shethli.

(9) Maharashtra Cooperative Societies Act with Rules by Shri S. S. Damiohe.

Paper IV (Optional)

(b) Law of Trust

100 Marks

1. Objects.
2. Operation and application of Bombay Public Trust Act, 1950.
3. Charity Commissioner, Joint, Deputy and Assistant Charity Commissioner, their duties, functions, powers and qualifications.
4. Charitable purposes, Validity of Certain Public Trusts.
5. Registration of Public Trusts.
6. Budget, Accounts and Audit.
7. Powers and duties of Trustees.
8. Investment of public trust Money.
9. Control over public Trusts.
10. Power of Charity Commissioner to issue directions.
11. Persons (Other then Public Trusts) collecting moneys etc., for religious and Charitable purpose to inform Charity Commissioner of such collections forthwith etc.
12. Suspension, removal and dismissal of Trustees.
13. Power of Charity Commissioner to act for protection of Charities.
14. Power of Charity Commissioner to frame, amalgamate or modify schemes.
15. Consent of Charity Commissioner for institution of suit.
16. Bequest under will for benefit of Public Trust.

17. Dharmada.
18. Doctrine of Cypres.
19. Powers of Trustee to apply for directions.
20. Special Provision as Respects Religious and Charitable Institutions and Endowments which vest in, or The Management of which Vest in, The State Government.
21. Public Trusts Administration Fund.
22. Offences and penalties.
23. Jurisdiction of Charity Commissioner.
24. Provisions of Appeals.
25. Rule against perpetuity and Public Trust.
26. Miscellaneous.

Act for Study :—The Bombay Public Trust Act, 1950.

(B) Private Trusts

1. Object of Indian Trust Act (Act II of 1882).
2. Origin and History of Trusts.
3. Trust Corporations.
4. Public Trustee
5. Legislation relating to Trusts in India.
6. History of Law of Trusts.
7. Distinction between public and private trusts.
8. Preliminary.
9. Creation of Trusts.
10. Duties and Liabilities of Trustees.
11. Rights and Powers of Trustees.
12. Disabilities of the Trustees.
13. Rights and Liabilities of Beneficiary.
14. Vacating the Office of Trustees.
15. Execution of Trusts.
16. Certain obligations in the Nature of Trusts.
17. Suits by or against Trustees, Executors and administrators.
18. Limitation of Actions.
19. Miscellaneous Provisions.

Act for Study :—The Indian Trust Act, 1882.

Paper IV

(c) Law of Insurance

- | | |
|---|------------|
| | 100 Marks |
| 1. General Principles of Insurance | 50 marks |
| 2. Life Insurance Corporation Act 1956 | } 20 marks |
| 3. General Insurance Business
(Nationalization Act 1972) | |
| 4. Insurance Act 1938 | |

Paper IV

(d) Minor Acts (Criminal) Paper I

100 Marks

1. The Protection of Civil Rights Act, 1955.
 - (a) Object of the Act.
 - (b) Only sections 2 to 7A, 8, 10, to 12, 15 and 16A of the Act.
2. The Dowry Probation Act, 1961.
 - (a) Object of the Act.
 - (b) Sections 1 to 7 of the Act.
3. The Probation of Offenders Act, 1958.
 - (a) (i) Object of the Act :
 - (ii) Non-application of Probation provisions to Offences under certain Acts.
 - (iii) Section 562, Criminal procedure code and this Act.
 - (b) Only sections 3 to 7, 9, 11 and 12 of the Act.
4. The prevention of Corruption Act, 1947.
 - (a) Object of the Act.
 - (b) Only sections 4, 5, 5A, 6 and 8 of the Act.
 - (c) Only Sections 6, 7, 8 and 9 of the Criminal Law (Amendment) Act, 1951.
5. The Bombay Police Act, 1951.

Only sections 28 (1), 56 to 63, 110, 112, 117, 120 to 124 and 161 of the Act.

Books Prescribed :

Any standard books on the above Acts.

Paper V**Constitutional Law of India** 100 Marks

The constitution of India with due emphasis on leading case law of important Articles.

Books Recommended

1. Introduction to the Constitution of India—Durgadas Basu.
2. Constitution of India—T. K. Tope.

Paper VI**Family Law (Paper I)** 100 Marks

Domestic Relation : Law pertaining to Hindus, Muslims, Christians and Parsis.

1. Marriage : Formation, Duration and Disruption.
2. Marital Reliefs : Judicial separation, Divorce; Nullity and Restitution of Conjugal rights.
3. Law of Maintenance : Claims of spouses, parents and children.

For Study

Relevant Acts and law on the subject.

Books Prescribed :

Any standard books on the subject.

Paper VII**Family Law (Paper II)** 100 Marks

Property Relations Law pertaining to Hindus, Muslims, Christians and Parsis.

1. Devolution of Family Property : Inheritance; Succession; Wills.
2. Adoption.
3. Minority and Guardianship.

For Study

Relevant Acts and law on the subject.

Books Prescribed

Any standard books on the subject.

FOURTH LL.B.**Paper I****Legal Theory**

100 Marks

Syllabus :

As per the existing three year law course.

Books Recommended

- | | |
|--|----------|
| 1. Jurisprudence by Salmond. | 80 Marks |
| 2. Comparative Law by Cutteridge
Chapters I, II and III | 20 Marks |

Paper II Special Contract

100 Marks

I-The Indian Partnership Act, 1932

1. *General Introduction.*
2. *Nature of Partnership :*
 Definition of Partnership :
 (a) Partner, (b) Firm, (c) Firm's name.
 (b) Relation of partnership arises from contract and not from status—distinction between Partnership Firm and Joint Hindu Family Business.
 (c) Modes of determining existence of partnership.
 (d) Partnership at Will.
 (e) Relationship among partners.
 (f) Particular partnership.
3. *Relationship among partners :*
 (a) General duties of partners.
 (b) Mutual rights and liabilities of partners.
 (c) Property of the firm.

4. *Relations of partners to Third Parties :*
 - (a) Partner to be agent of the firm.
 - (b) Implied authority of partner—Restrictions and Extensions.
 - (c) Mode of doing act to bind firm.
 - (d) Liability of a partner for acts of the firm.
 - (e) Holding out.
 - (f) Rights of transferees of a partner's interest.
5. *Incoming and outgoing Partner :*
 - (a) Introduction of a partner.
 - (b) Outgoing partner :
 - (1) Retirement
 - (2) Expulsion
 - (3) Death
 - (4) Insolvency
 - (c) Right and liabilities.
6. *Dissolution of a Firm :*
 - (a) Dissolution.
 - (b) Dissolution by agreement.
 - (c) Compulsory dissolution.
 - (d) Dissolution on the happening of certain contingencies.
 - (e) Dissolution by the Court.
 - (f) Rights, liabilities and authorities after dissolution.
 - (g) Mode of settlement of accounts after dissolution.
 - (h) Sale of good will after dissolution.
7. *Registration of Firms :*
 - (a) Procedure and requirement for registration.
 - (b) Rules of evidence.
 - (c) Effect of non-registration.
8. *Mode of giving Public Notice :*

II—The Sale of Goods Act 1930

1. *General Introduction.*
2. *Formation of the Contract :*
 - (a) Sale and agreement to sale.
 - (b) Formalities of the contract.

- (c) Subject matter of the contract.
- (d) The price.
- 3. *Conditions and Warranties :*
- 4. *Effect of the Contract :*
 - (a) Transfer of property as between seller and buyer.
 - (b) Transfer of title.
- 5. *Performance of the contract :*
 - (a) Duties of seller and buyer.
 - (b) Rules as to delivery.
- 6. *Rights of Unpaid seller against the goods :*
 - (a) Unpaid seller defined.
 - (b) Rights :
 - (i) Rights of lien.
 - (ii) Stoppage in transit.
 - (iii) Resale.
- 7. *Suits for breach of the contract.*
- 8. *Auction sale.*

III—Negotiable Instruments Act 1881

- 1. *General Introduction.*
 - (a) Negotiable Instrument. What it is ?
 - (b) Characteristics of a Negotiable Instruments.
- 2. *Types of Negotiable Instruments :*
 - (a) Promissory Note.
 - (b) Bill of Exchange.
 - (c) Cheque.
 - (d) Distinction between Promissory Note and Bill of Exchange.
 - (e) Distinction between Bill of Exchange and Cheque.
 - (f) Maturity of an instrument. Days of Grace.
 - (g) Inchoate stamped Instrument.
 - (h) Inland and foreign Instruments.

3. *Parties to Negotiable Instruments :*
 - (a) Holder.
 - (b) Holder in due course.
 - (c) Drawer, Drawee, Drawee in case of need.
 - (d) Payee.
 - (e) Acceptor.
 - (f) Rights and liabilities of the parties.
4. *Negotiation and Endorsement :*
 - (a) Negotiation—Negotiation by delivery of bearer instruments, Negotiation by endorsement or order instruments.
 - (b) Endorsement.
 - (i) Essentials of a valid endorsement.
 - (ii) Effects of Endorsement.
 - (iii) Kinds of Endorsement.
5. *Presentment :*
 - (a) Presentment for acceptance.
 - (b) Presentment for Payment.
6. *Dishonour of Negotiable Instrument and Notice of Dishonour :*
 - (a) Dishonour by non-acceptance.
 - (b) Dishonour by non-payment.
 - (c) Notice of dishonour.
 - (d) When notice of dishonour is unnecessary ?
7. *Discharge of parties from liability :*
 - (a) By Payment.
 - (b) By cancellation.
 - (c) By release.
 - (d) By default of the holder.
 - (e) By material alteration.
 - (f) By operation of law.
8. *General :*
 - (a) Noting and Protest.
 - (b) Notary Public.

- (c) Protest for Better Security.
- (d) Crossing of cheques.
- (e) General crossing, special crossing, Protection to

Books Prescribed

- (1) Indian Partnership Act, 1932.
- (2) Indian Sale of Goods Act, 1930.
- (3) Indian Negotiable Instruments Act, 1881.
- (4) D. F. Mulla : The sale of Goods and Partnership Acts.
- (5) Khergmwala : The Negotiable Instruments Acts.

Paper III : Law of Evidence

100 Marks

Syllabus

The Indian Evidence Act with special reference to professional useful topics alongwith emphasis on important case law on professionally important topics.

Books Recommended

Any standard textbook on the Indian Evidence Act.

Paper V : Criminal Procedure Code

The Criminal Procedure Code, 1973, with special emphasis on professionally useful topics therein and important case law on the same.

Books Recommended :

Any standard textbook on Criminal procedure Code, 1973

Paper VI : Civil Procedure Code

The Civil Procedure Code, with emphasis on professionally useful topics therein.

Books Recommended :

Any Standard textbook on the Civil Procedure Code.

IVth Year (Optional Paper)

(a) Labour Laws

Distribution of Marks :		Marks
1. Industrial Disputes Act, 1972		30
2. Factories Act, 1948		20
3. F.S.I. Act 1948		15
4. Payment of wages Act, 1936 and minimum wages Act 1948		20
5. Workmen's compensation Act, 1923		15
Total		100

Syllabus :

1. Industrial Disputes Act—Definitions, concept of Industry, Employer, workman, strike, lockout and closure, change and notice, method of settlement and conciation procedure, labour courts and Industrial Tribunal, workmen in dispute, Inquiry and disciplinary action, maintenance of peace during pendency of proceedings. Representation of parties before labour courts and Industrial Tribunal.

2. Factories Act—Definitions of factory, worker, manufacturing process, machinery, occupier, child young person, occupier, day, week, calendar years, power, etc.

Licensing and Registration, Health, safety and welfare of workers, special provisions regarding dangerous occupations, Accidents and occupational diseases working hours of adults. Employment of young persons Annual leave, penalties and procedure.

3. Employees State Insurance Act, 1948 objectives and history of social security measures, coverage of the Act with exemptions, Establishment of E.S.I. corporation, its constitution, administration and Registration, payment of contribution, and benefit periods, Types of benefits, Sickness,

Maternity and accident benefit, claim and quantum, Eligibility for dependents benefits, Disablement benefit, constitution, jurisdiction and working of state Insurance Courts, punishments and prosecution.

4. Payment of wages and minimum wages Acts—Definitions, wages period, Time for payment, Lawful deductions, Duties of Employer for maintaining Register, Appointment and powers of Inspectors, procedure for making claims, disposal of claims, Limitation, summary proceedings, penalty and procedure for effences Bar of suits in civil courts. Authority of fix minimum wages, Basis of fixing minimum wages, Revision of minimum wages, Rates of minimum wages, rates of overtime, powers of Govt. In wage fixation, Appointment, composition and working of central Advisory Board, Coordination of the work of committees, obligation to consult Ad-Board.

5. Workmen compensation Act—Sociological basis of compensational laws, Definitions, right of compensation, Accidents arising in the course of Employment connection of accident. Determination of amount of compensation, permanent total and partial disablements, commutation, time of payment modes of calculating wages, notice, limitation and medical examination, commissions and procedure for assessment procedure before the commissioner in fatal accidents.

Prescribed Books

(1) Govt. of Indian and Maharashtra State Govt. Publications (All acts as amended upto date).

(2) A study of Industrial law by G. M. Kothari (Tripathi Ltd.)

(3) Industrial law by P. L. Malik (Eastern Book Company).

Cases

Industrial Disputes Act.

1. Anthony V. State 1974 II LL.J. 94

(Settlement is binding even if a worker ceases to be a member of the Union).

2. Bombay Union of Journalists V. Satate of Bombay 1961 (II) LL.J. 727 (H.C.) (Modification by H.C. in rules of notice).

3. Express newspapers company case. 1961 I LL.J. P 339 (On wage fixation by fair wages committee)

4. Ramnivas Khandelwal and another V. Mt. Marian
AIR 1951 Patna
P. 260

(On contracting out. The workman would be entitled to recover compensation under the Act notwithstanding agreement or contract).

Fourth year of New Five Year Law Degree Course

(Paper IV Optional)

(b) Taxation of Law

Syllabus as per 3rd year of LL.B. (Old) course i.e. Paper III (ii) Law of Taxation.

Syllabus is as given under :

1. Income Tax Act, 1961.
2. Wealth Tax Act, 1965.
3. Gift Tax Act, 1958.
4. Estate Duty Act, 1953.
5. Central Sales Tax Act, 1956.

Books Prescribed

(1) Kanga and Palkhiwala : Income Tax Act, Student's Edition, Publishers : N. N. Tripathi Pvt. Ltd. 164 Samaldas Gandhi Marg, Bombay 2.

(2) Iyenger : The Three New Taxes (Except Company's) (Profit Act).

Text Book for Reference only.

P. L. Malik : Industrial Law (Eastern Book Co.)

The portion of the Estate Duty Act 1953 from the Syllabus in Paper III i.e. Wealth, Gift and Estate Duty in Diploma in Taxation Law with effect from 1986 examination and the marks be distributed as 60 marks for Wealth Tax and 40 marks for Gift Tax. The title of the Paper No. 3 shall be Wealth Tax and Gift Tax Act.

Further the subject Estate Duty Act 1953 be deleted from the optional paper 3 and 4 i.e. Law of Taxation at Fourth year of New Five Year Law Course.

Optional Paper IV

Paper : 100 Marks

(C) Company Law

Syllabus :

1. *Introductory* :—Definition and characteristics of a company corporate Veil—Company and partnership firm—classes of companies.

2. *Formation of Company* :—Registration—Advantages—Documents to be filed with the Registrar.

(1) Promoter :

3. *Memorandum of Association* :—Meaning—purpose—form—contents Alterations—Doctrine of ultra vires.

4. *Articles of Association* :—meaning—contents form Alteration. Relation between Articles and memorandum. Doctrine of Indoor management.

5. *Prospectus* :—Definition—contents—Registration Effect of misstatements Penalty—statement in lieu of prospects.

6. *Membership in a company*. Members and Shareholders—Qualifications Models to become a member cessation of membership Rights and liabilities of a member Register of members—Index of member.

7. *Share Capital*:—Meaning—Kinds—Alteration—Reduction Voting rights.

8. *Shares* : Definition—Nature—types—issue & allotment of shares—calls Transfers—share certificate—share warrant surrender—Forfeiture Transmission—Dividends.

9. *Borrowing powers* :—Debentures their kinds creation of charges—Fixed and Floating charges—effect of winding up on floating charge.

10. *Management and Administration Directors* :—Numbers—Appointment Restrictions on their appointment—Position of Directors—Disqualifications. Board of Directors—meetings—powers duties—liabilities.

11. *Meetings* :—Meaning, kinds, statutory, Extra-ordinary and General Notice of meetings, contents, conduct of meeting, Quorum, Minutes Proxies, Voting and Poll, Resolutions, Their kinds.

12. Majority Rule and Minority Right Foss Vs. Horbottle case.

13. Prevention of oppression and Mismanagement. meaning, who may apply to be court powers of the court

14. Compromises etc. meaning, Reconstruction and amalgamation.

15. Winding up. meaning, Modes, Petition, Commencement of Winding up Liquidator, Duties, rights, liabilities. contributory, Dissolution consequences of winding up.

Books Recommended

- (1) The company Law as amended up to date.
- (2) Lectures of Company Law by S. M. Shah.
- (3) Elements of Company Law by N. D. Kapoor.

Fourth LL.B. Paper No. VII

Advocates and Art of Advocacy

This paper shall comprise of the Part I and Part II as under :

Part I—(A) Legal Services, (B) Legal Methods and (C) Interpretation of Statutes.

Part II—(A) Course on Advocacy, (B) Rules Governing Advocate, (C) Professional Ethics and (D) Office Management.

Part I—(A) Legal Services

1. Concept, object and philosophy underlying Legal Aid, and its importance in India.
2. Concept and object, of " Lok-Nyayalaya " (Lok-Adalats) in India.
3. Meaning and concept of Public Interest Litigation; some important cases.
4. Statutory provisions relating to Legal Aid; Article 39A of the Constitution of India; Section 304, Criminal Procedure Code; and Advocates' 'Duty to render Legal Aid'.
5. Case Law relating to Legal Aid.
6. (a) Rules frame under the Maharashtra State Legal Aid and Advice Rules 1981, with special reference to the following :
 - (i) Constitution of Legal Aid & Advice Committees in Districts and Talukas and their working.
 - (ii) Cells constituted under the District Committees
 - (iii) Who are eligible for legal aid ?
 - (iv) When legal aid will not be made available ?
 - (v) Procedure for getting legal aid; when can it be cancelled ?
 - (vi) Panel of lawyers and their honorarium.
- (b) Rules relating to Legal Aid for defending accused, as framed by the High Court, Bombay mentioned in Chapter V, Criminal Manual of the High Court, Bombay.

For Reading Material

(1) Talks delivered and Articles written by Chief Justice P. N. Bhagawati, Y. B. Chandrachud, Krishna Aiyer, Chandrashekhar Dharmadhikari and other judges of the Supreme Court.

(2) Articles on Legal Aid, Lok Adalats, etc. published in Journals.

(3) Some judgements on the subject.

(4) The Maharashtra State Legal Aid and Advice Board Rules, 1981.

(5) Abhyankar's Book on 'Legal Aid'.

(B) Legal Method

1. How and where to find Law ?

(a) Acquittance with legal materials-Law Reports, Journals, Digests, Statutes, Gazettes, etc.

(b) Contents in a Law Reporter; Nominal Table or Index, Subject Index; List of cases overruled etc. Comparative table; Journal section and its contents.

(c) Acquittance and how to use books, such as Supreme Court Reference Citations, Index to Case Law, etc.

(d) Abbreviations of important Law Reports usually referred to in the text books etc.

(e) Abbreviations, such as D.B., F.B., S.C., P.C., etc.

(f) Meanings of abbreviations such as 'affirmed', 'approved', 'dissented', etc. and their short forms.

(g) Meanings of important terms, usually used such as 'ratio decidendi', 'obiter dicta', etc.

(h) Manner of citing cases in courts.

2. Reading of some important cases from Law Reporters, etc. How to analyse them and finding out ratio decidendi ?

(C) Interpretation of Statutes

1. General Principles: Golden Rule; Mischief Rule; Arm-Chair Rule.
2. External sources.
3. Internal aids.
4. Statutory rights, duties and procedure.
5. Delegated legislation.
6. Interpretation of Taxation Laws, and Penal Statutes.

Part II-(A) Course on Advocacy

1. Art of Advocacy.
2. Interview with the clients.
3. How to take instructions from the clients.
4. Preparation of the brief and the case.
5. Drafting Pleadings.
6. Examination of witnesses.
7. Examination in brief.
8. Art of cross-examination and some practical hints.
9. How to argue ?
10. Argument in Appeals.
11. Finding out case Law and Manner of citing cases.
12. The Moving of a Writ Petition.
13. Conduct in Court and Court manners.

Reading Material

1. Chapter Nos. 6, 12, 14 to 16, 20, 21, 24, 25, 29, 33, 35, 43, 44, 47, 58 and 61.

"The Art of a Lawyer"—Edited by Dr. B. Malik (The University Book Agency).

2. Chapter Nos. 5 to 9—"Professional Conduct and Advocacy" by K. V. Krishnaswami Aiyer (Oxford University Press).

(B) Rules Governing Advocates

(a) Senior Advocates; Meaning; Who can be designed as such and by whom? What are the restrictions on senior Advocates in their practice?

(b) Form of Dresses or Robes to be worn by Advocate.

(c) (i) Rules relating to Vakalatnama, Memo appearance; When required and when not; When party is not available for signing Vakalatnama; When and how a Vakalatnama can be withdrawn; When can instruct another Advocate; When can an advocate not appear; Consent of the former advocate on record; Form of Vakalatnama as prescribed by the High Court.

(ii) Advocate and Court outside his State; Section 30 of the Advocates Act not put into force; Advocate from outside State and Court proceeding in Maharashtra; Advocate on roll of Bar Council of Maharashtra, and court proceeding in outside State, or in the Supreme Court.

Reading Material

- (1) Section 16 and 30 of the Advocate Act.
- (2) Chapter I, Part VI, Bar Council of India Rules.
- (3) Chapter Civil Manual of the High Court, Bombay.

(C) Professional Ethics

1. Concept and importance of professional ethics.
2. Norms of professional ethics :
 - (a) Duty to the Court;
 - (b) Duty to the Client;
 - (c) Duty to Opponent;
 - (d) Duty to Colleagues;
 - (e) Duty to render legal aid;
 - (f) Restrictions on other employments.
3. Professional and other misconduct; when and when not with reference to cases decided by the Court, the Bar Council of India and the Bar Council of Maharashtra.

Reading Material

(a) "Standards of Professional conducted and Etti-guettes", Chapter II, Part VI of, the Bar Council of India Rules.

(b) Chapters 10 to 17 of "Professional Conduct and Advocacy" by V. K. V. Krishna Swami Iyer.

(c) Reported cases in Law Reports and Journals of Bar Councils of India.

4. Rules relating to the Disciplinary Action against the Advocate's.

(a) Provisions under the Advocates' Act, 1961.

(i) When a State Bar Council can initiate action against an Advocate and for what;

(ii) Disciplinary committee; its powers in conducting inquiry; what action it can take; limitation of time of inquiry and its consequences, costs; review of orders; withdrawal of proceedings.

(iii) Appeals to the Bar Council of India, and to the Supreme Court; stay.

(iv) Consequences of orders passed against advocates.

(b) Rules relating to the Disciplinary proceedings and review : Complaint and Enquiry under Sections 35, 36 and 36B of the Advocates Act.

(b) Withdrawal of Proceedings.

(c) Appeal.

(d) Stay.

(e) Proceedings to be in camera.

(f) Inspection of records and copies.

(g) Costs and decretal order; how to be recovered.

(c) Review under Section 44 of the Act.

(d) Fees leviable under the Act with reference only to the following :

(i) Complaint of professional misconduct;

(ii) Appeal against the order of..

Chapter V, Advocates Act and Chapters I and II of Part VII and Part VIII of the Bar Council of India Rules.

(D) Office Management in a Lawyers Office

Fourth LL.B.-Paper No. VIII

Drafting, Pleadings and Conveyancing

Note:—The Professor-in-charge of the teaching of this paper is expected to make suitable references to the legal provisions; law and selected case law on the concerned subjects while teaching the forms of pleadings and conveyance to the students.

Criminal

1. A First Information Report.
2. A private criminal case in Court relating to :
 - (a) Criminal trespass, hurt, abuses and threatening;
 - (b) Cheating
 - (c) Defamation; and
 - (d) Bigamous marriage.
3. Memo of Appeal against the judgement and order of conviction.
4. Memo of Revision Application against an order of maintenance.
5. (a) Application for maintenance or Written Statement to the same;
- (b) Application for execution of a maintenance order already passed in favour of a wife.
6. Application for :
 - (a) Issue of a search-warrant.
 - (b) Restoration of possession of immovable property.
 - (c) Attachment of property.
 - (d) Exemption of accused from appearance.
 - (e) Withdrawal of a complaint.
 - (f) Compounding the case.
 - (g) Transfer of a criminal case.

7. Applications for

- (a) Bail before a Magistrate.
- (b) Anticipatory bail.
- (c) Bail before a Sessions Court.
- (d) Reduction of amount of bail.
- (e) Bail before the court convicting an accused who intends to present an appeal.
- (f) Application for cancellation of a bail.

8. Applications for

- (a) Taking adjournment.
- (b) Taking the case on board.
- (c) Issue of summons to witnesses.
- (d) Cancellation of warrant issued against the accused.
- (e) Admission of documents.

Civil

Theory :

1. Principles of Pleadings.

2. Plaint in a suit for

- (i) Specific performance of contract or damages in the alternative.
- (ii) Dissolution of partnership and rendition of accounts.
- (iii) Permanent injunction.
- (iv) Damages for (a) defamation; (b) against a doctor for negligent act.
- (v) Recovery of money for price of goods sold or work done.
- (vi) Recovery of money on the basis of a promissory note.
- (vii) Mesne profits.
- (viii) Partition in a Hindu joint family.
- (ix) Setting aside a decree obtained by fraud.
- (x) Wrongful dismissal against the Government.

3. *Suit* :
 - (i) for possession by a landlord against the tenant under the Bombay Rent Act.
 - (ii) Application by a tenant for fixation of standard rent.
4. *Matrimonial* :

Petitions under the Hindu Marriage Act 1955 for

 - (a) Restitution of Conjugal rights;
 - (b) Judicial separation;
 - (c) Divorce and
 - (d) Divorce by mutual consent.
5. Petition for
 - (a) Succession Certificate.
 - (b) Probate on the basis of a Will.
6. Application for damages before the Motor Accidents Claims Tribunal.
 - (b) Under Section 92-A of the Motor Vehicles Act, before the Motor Accidents Claims Tribunal.
7. Writs of
 - (a) Habeas corpus.
 - (b) Mandamus.
 - (c) Prohibition, and
 - (d) Certiorari.
8. Election Petition.
9. *Written Statement in* :
 - (a) A suit for specific performance of a contract.
 - (b) A suit for dissolution of partnership and rendition of accounts.
 - (c) A suit for damages for defamation.
 - (d) A suit for possession by the landlord against his tenant on the ground of default and bonafide personal requirement.
 - (e) A petition for restitution of conjugal rights.
10. *Execution petition* : i.e. Dakhast on the basis of a decree of a Civil Court.

11. Application under Civil Procedure Code for
 - (1) Substituted service (O 5, R 20).
 - (2) Amendment of the plaint or written statement (O 6 R 17).
 - (3)
 - (4) Better particulars.
 - (5) Granting leave to deliver interrogatories (11/2).
 - (6) An order for inspection (11/8).
 - (7) Framing addition issues (14.5).
 - (8) Bringing legal heirs and representatives on record (22/9) (4).
 - (9) Setting aside and abatement of the suit (22/9).
 - (10) Withdrawal of the suit with liberty to institute a fresh suit 22/1 (3).
 - (11) Substituting the heirs of the deceased Plaintiff or Defendant (22/3 and 4)
 - (12) Appointment of a Commissioner (26) for examination of a witness (26/1 and 4).
 - or
 - for local examination (29/9).
 - (13) Attachment of the property of the Defendant before judgement (28/5).
 - (14) Temporary injunction (39/1 and 2).
 - (15) Appointment of a Receiver (60/R.J.—O 40 R 1).
 - (16) For stay of the execution of the decree pending appeal.
 - (17) Permission to sue as a pauper.
 - (18) Caveat.

Conveyancing :

1. Theory

- (a) General principle of Conveyancing.
- (b) General requirements and parts of a Deed.

2. Deeds of

- (1) Adoption.
- (2) Acknowledgement of a debt.

- (3) (a) Agreement of Sale
(b) Sale Deed.
- (4) Deed of Exchange.
- (5) Gift Deed for love and affection.
- (6) Hire purchases agreement.
- (7) Lease
(a) Agreement to let a house;
(b) Lease of a bungalow for residence;
(c) Rent note of a house on a monthly tenancy.
- (8) Partnership.
- (9) Partition between members of a joint Hindu Family.
- (10) Promissory note payable on demand.
- (11) Power of Attorney :
(a) Special power of attorney (for a court case or to execute a sale deed;
(b) General Power of Attorney.
- (12) Release by a married sister of any rights in her father's property.
- (13) Constitution of a Bar Association.
- (14) Will.

Affidavit

1. *Theory :*
 - (a) Form and contents of an affidavit.
 - (b) Meaning of terms, such as Oath, Swear, Affirm, Declare, etc.
 - (c) Authorities before whom affidavits may be made.
 - (d) Affidavits when necessary and in which applications under Civil Procedure Code.
2. *Drafting an affidavit in support of an*
 - (a) application for temporary injunction,
 - (b) application for attachment before judgement.

Notices :

- (1) *Theory :*
 - (i) Object and importance of a notice;
 - (ii) Classification of notices;

(iii) Requirements in a notice;

(iv) Various modes of service and presumptions;

(v) Persons competent to issue a notice;

(vi) Persons competent to accept notice.

(See Chapters 1 to 6 of the *Mujumdar's Law relating to Notices*).

(2) *Drafting of a notice* :

(a) By a landlord to his tenant, terminating his tenancy under the Rent Act.

(b) to quit under Section 106 of the Transfer of Property Act,

(c) to a husband on behalf of a wife claiming maintenance,

(d) for dissolution of partnership at Will,

(e) under Section 80, Civil Procedure Code against

(f) A Public notice in a newspaper.

Paper I : Property Law; Easement and Equity

100 Marks

Syllabus as per the three year Law Course.

100 Marks

Paper II : Administrative Law

1. Nature and scope of Administrative Law.

2. Necessity of Administrative Law in Modern State.

3. Rule of Law and Separation of Powers.

4. Delegated Legislation :

(a) Nature, meaning and growth.

(b) Constitutional Validity.

(c) Judicial control—Doctrine of Ultra-vires—legislative control (Parliamentary control) sub-Delegation.

5. Administrative tribunals

(a) Nature, growth and need.

(b) Judicial control on administrative tribunals.

Doctrine of Ultravires—lack of jurisdiction—delinking jurisdiction.

(c) Principles of natural justice—Nemo iudex in causa sua—Bias audi alteram partem—Hearing Administrative discretion.

- (i) Judicial review of administrative discretion.
- (ii) Judicial control of exercise of administrative discretion.

6. Commissions of Inquiry

- (a) Nature, Scope, need and functions.
- (b) Procedure and legal Status.

7. Judicial control of administrative action through Writs.

- (a) General conditions for issuing of writs.
- (b) The Writs.
- (c) The scope of review through writs.

8. Public corporations.

(a) Growth need and rights and liabilities of Public corporations.

(b) Parliamentary control of public corporations.

9. Suits against the Govt. in torts and contract-court Privileges in Legal proceedings.

10. The Ombudsman :—The Necessity of Ombudsman—Judicial control on Administrative action.

Ombudsman in India—The Lokpal and Lokayukta.

Text Books

- (1) Administrative Law—S. P. Sathe.
- (2) Principles of Administrative Law—M. P. Jain and S. N. Jain.

Recommended Reading

- (1) Comparative Administrative Law—D. D. Basu.
- (2) Indian Administrative Law—M. C. Jain.

Paper III : Public International Law

100 Marks

(A) *Introductory Details*

1. General Details.

(a) Definition of Int. Law.

(b) Nature and Different theories of International Law
Naturalism, Positivism, Austinian (IS. I.L.Law)

2. Sources of International Law.

Custom, Treaties, Judicial and Arbitral.

Decisions, Juristic Opinion, etc.

3. Relationship between International Law and Municipal Law.

Theories—Monism and Dualism.

Specific Adoption and Transformation.

Evaluation of these theories.

(B) *Some Important Details about a 'State'.*

1. What is a State ? Characteristics of Statehood.

2. State as a Subject of International Law.

3. Rights and Duties of a State—Doctrine.

(a) Independence/Sovereignty (including Munro Doctrine).

(b) Doctrine of Intervention.

(c) Equality of States.

(d) Principles of Peaceful Co-existence and Neighbourhood.

(e) State Succession in Short.

4. Recognition—Meaning of Recognition in International Law. Kinds of Recognition. Theories of Recognition. Effects of Recognition.

5. State Territory and Territorial Sovereignty.

Concept and Content of territorial Sovereignty.

Sovereignty over the Airspace—outer space with latest conventions.

Sovereignty over waters—Internal waters, Territorial waters, Contiguous Zone, continental shelf, ocean wealth
UNCLOS 1982.

6. Jurisdiction—Territorial Jurisdiction—its components like internal waters, ships, territorial waters.

Exceptions to Territorial Jurisdiction.

Personal Jurisdiction.

Protective jurisdiction.

Jurisdiction over H. Seas.

Universal Jurisdiction.

Hijacking—recent conventions (Tokyo, Hague, Montreal etc.)

Modes of acquiring—losing territorial sovereignty.

7. State Responsibility—Concept of Responsibility.

Responsibility for breach of Treaties—contract. International delinquency—Doctrine of Imputability—Responsibility for payment of debts, doctrine of nationality of claims.

Concept of strict liability in International Law.

(C) *New Trends (Developments) in International Law*

1. The position of the Individual in International Law.

Nationality of other related details (Domicile Residence)

Position of aliens

Extradiction, Asylum and Rendition.

Human Rights and Fundamental Freedoms.

Universal Declaration of Human Rights, 1948.

Declaration on Elimination of Discrimination against women by General Assembly 1967.

Civil and Political Rights convention, 1966.

Declaration on the Rights of the child Economic, Social and Cultural rights Conventions, 1966.

European Convention on Human Rights.

Human Rights in India, Fundamental Rights. Directive Principles of State Policy. Anomalies in personal laws with regard to the status of women.

Equal Remuneration Act, 1976, Bonded Labour System (Abolition) Act, 1976.

2. The State and Economic Interests.

Growing Importance of New International Economic Order and UNCTAD Principles for its regulation, International Monetary Law.

3. International Law and the Protection of Environment. Necessity for Preservation, protection and Improvement of environments; The problems of pollution of sea and the other environment General principles for the protection of Human environment, United Nations Conference on the Human Environment (Stockholm) 1972.

Relevance of cases like Bhopal Tragedy.

(D) *International Transaction*

1. Agents-Envoys, Counsuls, Special and Perient Missions, Observers etc.; Immunities and privileges of these agents.

2. Law of Treaties.

Definition, nature (Pacta Sunt Servanda) and other details, Conclusion of treaties, Reservations, Validity of Treaties including principle of Jus Cogens, Termination of Treaties including Doctrine of Rebus Sic Stantibus.

(E) *International Disputes*

1. Pacific or Peaceful or amicible methods of settlement of disputes.

Arbitration-judicial Settlement under the auspices of PCIJ, ICJ and their contribution to the development of Int. Law.

Negotiation, good offices, mediation, etc.

Settlement under the auspices of the U.N.

Problem of S. W. Africa, Problem of Afghanistan, Arab-Israelic Conflict.

2. Forcible or Coercive means of Settlement of disputes.

Retorision Reprisals, Intervention, Pacific Blockade War and non-war armed conflicts.

(F) *Law of War (International) Humanitarian Law*

Concept of War, Nature of Modern Warfare, Effects of outbreak of war Regulation of War in context of modern Development of Int. Humanitarian Law (Geneva Conventions, War Crimes, etc.) Termination of War, Legality of War and U. K. Charter.

(G) *Law of Int. Institutions*

Necessity and Role of Int. Institutions, Principles and Immunities league of Nations, United Nations and its organs—Full Details.

Books Recommended

- (1) Starke—Introduction to I.L. (9th Edn.)
- (2) M. P. Tandon—Int. Law Student Edition.

For Further Reference

- (1) D. J. Harris—Cases and Materials on I. L., Second Edn., 1979.
- (2) Ian Brownlie—Principles of Pub. I.L.—Latest Edition.
- (3) M. P. Tandon—International Law, Latest Edition.

Some selected cases for the syllabus of Pub. Int. Law

1. Chung Chu Chung V. The kind (1939), A.C. 160, AIR 1989, PC 69.
2. The Paquete Habana Case (1900) 175 US 677.
3. West Rand Gold Mining Co. Ltd., V. The King, (1905) 2 K. B. 391.
4. The Arantzazu Mendi (1939) p. 37 : 2 B.I.L.C. 1881.
5. Premabhai Chhibabhai Tanyal V. The Union of India, AIR, 1966, SC 442.
6. In re Berubari Union of Exchange of Enclaves, AIR 1960, SC 845.
7. The case of Adolf Eichmann.
8. The S. S. Lotus, PCIJ, 1927, Series A. No. 10.
9. The Corfu Channel Case ICJ, April 1949, P. 4.
10. The North Sea Continental Shelf Cases, ICJ, Reports 1969; p. 3.

11. The Asylum Case-ICJ Reports 1950 (Colombia V. Peru), p. 266.
12. The State of West Bengal and another V. Jugal Kishore More and another, 1970.
13. Reparation for injuries suffered in the service of the U.N. Advisory opinion, ICJ, Reports 1949, p. 174.
14. United Nations Conditions of Membership (1948), ICJ, 61.
15. S. W. Africa Cases (1966) ICJ 6.
16. South West Africa (Status of) (1950), ICJ 146.
17. Anglo-Norwegian Fisheries Case, ICJ Reports, 1951.
18. Rana of Kutch Award, 50 ILR 2 (India V. Pakistan)
19. The Alabam Award (1872).
20. Thakrar V. Secretary for the Home Office (1974) Q.B. 684, Court of Appeal.
21. Right of Passage over Indian Territory Case, 1957, ICJ 125.
22. Nuclear Tests Cases (1974) ICJ 253 (Australia V. France).
23. Barcelona Traction Case.

Paper IV and V-Optional Papers

Any two subjects from the following :

(a) *Land Laws*

100 Marks

Syllabus as per three year Law Course.

100 Marks

(b) *Criminology*

1. *Criminology*

(a) Definition

(b) Nature and Scope

(c) Criminology and Criminal Law Characteristics of Criminal Law.

- (d) Determination and Differential of Crime.
- (e) The Criminal-Who is a Criminal ?
- (f) Whether Criminology is a Science ?

2. *Schools of Criminology*

- (a) Classical School (Neoclassical).
- (b) Cartographic.
- (c) Socialist.
- (d) Typological.
- (e) Lombvosiou.
- (f) Psychiatric.
- (g) Sociological and Social Psychological.

3. (a) *The Prevalence of Crime.*

- (b) Approaches to Crime Problem.
- (c) Study of Crime and Criminal Justice.
- (d) Identification of the causes of Crime.
- (e) Focus on Individual and Environment.
- (f) Objectives of Criminal Justice System.

4. *The Police Role (Moet Commissioner).*

Our Police, Composition (JAIL).

- (a) In Action.
- (b) Police Goals and Objectives and Functions.
- (c) National Police Commission.
- (d) Appointment of Police Commissioner.
- (e) Judicial Powers (Executive).

5. *Juvenile Delinquency and Juvenile Institutions*

- (1) Approach to Juvenile-Who is a Juvenile ?
- (2) Cause of Juvenile Delinquency.
- (3) Meeting of Education.
- (4) Juvenile Courts : Origin and Development.
- (5) Passing of the Juvenile Offenders Act.

6. (A) *Imprisonment : Hisotory of Prisons*

- (1) Aims and Objectives and conditions.
- (2) Types of Prisons.

- (3) (a) Success and Failure of Prisons.
- (b) Discipline and Control.
- (4) Open Air Institutions.
- (B) (1) Prison. Work.
- (2) Education.
- (3) Prison Reform—Schools and Reformation.

7. *Prevention of Crime and Delinquency*

- (1) Punitive approach.
- (2) Defence approach.
- (3) Interventionist approach.

Prevention Policies; Recidivism; Intervention and Mechanical approach; Clinical Approach.

8. *White Collar Crime*

- (a) Nature and Definition.
- (b) Types of white Collar Crime and Development.
- (c) Some Legislations to meet white collar Crimes.
- (d) Judicial Trends.

Text Books

- (1) Criminology : Ahmed Siddique.
- (2) Society and the Criminal : Dr. M. J. Sethna.

Recommended Reading

- (1) Criminology and Penology : Prof. Paranjpe.
- (2) Prison System in India : Vidya Bhushan.
- (3) Criminology, Law and Social Change : Justice V. R. Krishna Iyer.
- (4) Juvenile Delinquency in India : Jyotsna Shah.
- (5) Criminology : E. H. Sutherland and D. R. Cressy.
- (6) Introduction to Criminal Justice : N. C. Chamlin.
- V. B. Foe, P. M. Whisenand
- (7) Criminology : J. E. Conklen
- (8) Society Crime and Criminal Career : D. C. Gibbons.

(c) Medical Jurisprudence

100 Marks

Note :—Not to be taught this year.

(d) Law of Poverty

100 Marks

*Topics**Content Matter*1. *Total Perspective of "Law and Poverty"*

(i) Projection of Constitutional idea's

(ii) What is Poverty ?—Incidences, Extent and Causes.

(iii) Role of Law (in general),

*Reading/Prescribed Materials*Introduction—"Law and Poverty"—Dr. L. M. Singhvi
Pages 1-30.2. *Land and Poverty*

(i) Land : Tenures, Redistribution.

(ii) Changes : Tenancy Reforms, Ceilings, Agriculture
Labour etc.*Reading/Prescribed Materials*Land Reforms—"Law and Poverty" by Dr. L. M. Singhvi
Pages 103-114, 116-121, 127-136.*Reference Materials*

"Poverty in India" by Dandekar and Rath, Pages 62-95.

3. *Urban Land and Poor*

(i) Slums—housing problem.

*Reading/Prescribed Materials*Slum Clearance etc. "Law and Poverty"—by Dr. L. M.
Singhvi, Pages 226-231.4. *Special Measures for Scheduled Castes/Tribes/Other
Oppressed Classes*

(i) Reservations—Education, jobs etc.

Reading/Prescribed Materials

Social Engineering and Constitutional Protection of Weaker Sections in India by Anirudh Prasad.

Chapter I : Pages 27-84.

(ii) Untouchability-Removal and Punishment.

Reading/Prescribed Materials

(a) " Law and Poverty " -Pages 45-50, 61-65, 68-76, 84-87.

(b) Special Measure for Scheduled Castes/Tribes-Oppressed Classes-Reservation.

Law and Social Changes in India by Dr. B. S. Sinha, Pages-116-140.

(iii) Bonded Labour ' Paper on Bonded Labour in India ' by Swami Agnivesh, Pages 146-154.

" Rural Development and Human Rights in South Asia " (Report of Seminar by Int. Commission of Jurists and Human Rights Institute, Lucknow).

(iv) Removal of Indebtedness ' Law and Poverty ' - Pages 191-198.

5. *Women and Poverty*

(i) Education.

(ii) Maintenance.

(iii) Why SITA ?

(iv) On Equal opportunity and Equal Pay.

Reading Prescribed Materials

Report on the " Status of women in India "

for (i) Chapter IV, Pages 234-242, 30-31.

for (ii) Pages 128-129 (same recent case law).

for (iii) Pages 93-96.

for (iv) Pages 192-199.

Reference Materials for (iii) only

" Law and Social changes in India " by Dr. B. S. Sinha, Pages 91-105.

6. Access to Justice in Context of Art. 39 A of the Constitution

- (i) Right to Justice.
 - (ii) Legal Aid—Also Role of Law Schools.
 - (iii) Lawyers—Role and Duty in development.
 - (iv) P.L.L. and Lok Adalat—Alternative models of justice
- for (i) 'Law and Poverty'—D. Sanghvi, Pages 372-374.
 (ii) " " 372-374.
 (iii) " " 342-344.

N.B. :—Since this Paper is being introduced for Study for the first time in the LL.B. Course, The concerned teacher is expected to develop the subject and also substantiate it with the leading case Law wherever necessary appropriate.

(e) Syllabus for Private International Law

100 Marks

(Optional subject in the 5th Year of the New Five Year Law Course).

Part I : General Details

1. *Introductory Details*—What is Pr. I.L. ? Its function, bases—Development and history—Unification Efforts—Modern Theories—Stages in a ' Conflict of Laws ' Case.—Choice of Law —Choice of Jurisdiction—Recognition and Enforcement of Foreign Judgements/Awards.

2. *Choice of Jurisdiction (First Stage)*—Meaning, Bases of Jurisdiction, Limitations—Kinds of Jurisdiction—In personam—In rem—Admiralty Action—Stay of Proceedings/ Actions—Assumed Jurisdictions.

3. *Classification/Characterisation*—Necessity for classification—Various theories—Leading cases illustrative of theories (Re Cohn, Apt V. Apt, Shahnaz V. Rizwan, Ogden V. Ogden, De Nicols V. Curlier, Re Berchtold, Re Maldonado).

4. Choice of law-Lex Causes.

(Two parts of this stage).

(i) Connecting Factor (First Part)-Why connecting factor-Selection of lex causes (applicable law).

(ii) Application of lex causes (Second Part): Three meanings of L.C.-Renvoi-Partial-Renvoi-Total Foreign Court Theory-Critical Analysis of Renvoi.

(iii) Leading Cases-Collier V. Rivaz, Re Duke of Wellington, Bremer V. Freeman, Re Askew, Re Annesly, Re Ross, Forgo's Case.

5. Limitations on application or exclusion of foreign law.

6. Incidental Question and Time Factor.

7. Concept of Domicile-General Principles-Elements of Domicile: Intention and Residence-Winavas V. Att. Gen.: Ramsay V. Liverpool-Royal Infirmary-Kinds of Domicile-Domicile of Origin-Domicile of Choice-Domicile of Dependence-Domicile of Corporation.

8. Status and Universality of Status.

Part II-Family Law (Law of Persons)

1. *Marriage*-Kinds-Monogamous-Hyde V. Hyde Polygamous. Questions of formal and essential validity, All other relevant details-details regarding matrimonial jurisdiction in India and Marriage Laws.

2. *Matrimonial Causes*-In England and in India-Divorce, Nullity, Judicial separation and restitution of conjugal rights, choice of jurisdiction and choice of Law positions.

3. *Legitimacy*-Legitimation and adoption, Legitimacy-What is legitimacy-Recognition of Status of Legitimacy-What law governs legitimacy-Legitimacy and succession.

4. *Legitimation*-How it is different from legitimacy. Recognition of this status-Different methods whereby legitimation may take place-legitimation and succession.

5. Adoption-Purpose of Adoption-Adoption at Common law and in Indian Law-Recognition of foreign Adoption-Adoption and Succession.

Part III-Law of Property

1. Distinction between Movables and Immovables-Immovables-Let situs Rule-Mocabique Rule-exceptions The transfer of tangible movables-theories, Lex domicilii, lex situs, lex actus, proper law, Lex situs prefer Cammell V. Sewell.

2. Assignments of Intangible Movables-Kinds of assignments-Theories-Lex domicilii, lex situs, lex actus, proper law-Normal and essential validity.

3. Negotiable Instrument-Negotiability-What law govern ?

4. Succession-Testate and Intestate-Intestate succession of movable-General Rule-lex domicilii governs in exceptional circumstances lex situs, -Intestate succession to immovables-general rule lex situs governs-Testate succession-wills-capacity-lex domicilii -In case of succession to immovables by will, generally lex situs governs.

5. Formal Validity-Lex domicilii in case of movable and lex situs in case of immovable.

6. Essential Validity-Same as formal validity.

Part IV-Law of Obligation

1. Contracts-Validity of Contracts-Capacity to Contract -Formal Validity-Essential Validity-Proper Law of contract-subjective and objective theories.

2. Torts-Various theories-Lex fori, lex loci, Proper law etc.-Philips V. Eyre, Boys V. Chaplin.

Part V-Recognition and Enforcement of foreign Judgements-theories-limitations.

Book recommended this time has been R. H. Graveson.

Now, following Books may be prescribed

Private International Law-R. H. Graveson.

The Conflict of law-J. H. C. Morris.

Indian Private Int. Law—R. S. Chavan.

Private International Law—Nath and Cheshire.

Paras Diwan—Indian Private International Law.

Few More selected cases on Private International Law

(1) Sankaran Govindan V. Lakshmi Bharati, AIR 1974, SC 1764.

(2) Satya V. Teja Singh, AIR 1975 SC 106.

(3) Ragazzoni V. K. C. Sethia, 1958, AC 301.

(4) Daimler Co. Ltd. V. Continental Tyre and Rubber Co. (Great Britain) (1910) 2 AC 40.

(5) Delhi Cloth and General Mills Ltd. V. Harnam Singh, AIR 1955, SC 59.

(6) Maharanee of Baroda V. Wildenstein (1972) 2 Q.B. 283, 2 All E. R. 689.

(7) Indyka V. Indyka, 3 All E. R. 583.

(8) Shaw V. Gould (1868) L. R. 3 H. L. 55.

(9) Udny V. Udny, 1869, L. R. 1 SC 2 Div. 441.

(10) Re Paine (1940) (Ch. 46).

(f) Interpretation of Statutes and Principles of Legislation.
Syllabus of the paper is as per old three year Law Course.

Paper No. VI-Fifth Year of 5 year of law course)

Minor Acts—Civil.

Law relating to Motor Accidents Claims, Specific Relief,
Arbitration and Limitation.

This paper will consist of the following :

(A) Motor Accidents Claims	Marks 30
(B) Specific Relief	Marks 30
(C) Arbitration	Marks 20
(D) Limitation	Marks 20

A. Motor Accident Claims—Syllabus :

(1) *Introductory*—Basis of claim for compensation; compulsory insurance against third party risk.

(2) *Claims Tribunals*—Constitution of the Claims Tribunal; Jurisdiction; Motor Vehicles Definition.

(3) *Application for compensation*—Institution of claim, how made, presentation of application, persons competent to apply, Legal representative Form of application and its particulars, Court fee, Exemption, Limitation, When can be extended.

(4) Option of Forum regarding claims for compensation in certain cases.

(5) *Award*—Principles of assessment, Liability of the insurer, instances when insurance company not liable to indemnify, Liability of the owner and Driver.

(6) Procedure and powers of Claims Tribunal.

(7) Appeal.

(8) Execution.

(9) Bar of Jurisdiction of Civil Courts.—See Sections 110, 110A, 110AA, 110B, 110C, 110D, 110E, 110F and other relevant sections of the Motor Vehicles Act.

Prescribed Text Book

Law relating to Motor Accident Claims by D. P. Ghosal.

(B) *Specific Relief Act*—Syllabus—Secs. 4, 6, 9, 10, 14, 16, 20, 21, 24, 26, 31, 34, 37, 38, 39, 41, 42. of the specific Relief Act.

(C) *Law of Arbitration*

(D) *Law of Limitation*—Syllabus for both above (C) and (D) as per the three year law Course.

Fifth LL.B. Paper No. VII

Practical Training—Paper III

Court and Other Procedure.

Note :—This paper consists of Part I, Part II and Part III as mentioned below :

Part I—consist of

(A) Rules relating to the Registration of documents.

(B) Rules relating to Stamp Act.

(C) Rules relating to Court Fees.

(D) Rules relating to the valuation of suits.

Part II—consists of working and procedure in different courts and proceedings.

Part III—consists of

(A) Investigation of Title and Search.

(B) Rules relating to Parole.

Part I :

Rules relating to the Registration of Documents

- (1) Documents of which registration is compulsory.
- (2) Documents of which registration is optional.
- (3) Documents containing interlineations, blanks, erasures or alterations.
- (4) Description of property and maps or plans.
- (5) Time for presenting documents.
- (6) Re-registration of certain documents.
- (7) Place of registering documents relating to land.
- (8) Place of registering other documents.
- (9) Registration by Registrar in certain cases.
- (10) Persons who can present documents for registration.
- (11) Powers of Attorney that are recognisable.
- (12) Enquiry before registration by registering officer.
- (13) Procedure on admission and denial of execution respectively.
- (14) Persons exempt from appearance at registration office
- (15) Deposit of Wills.
- (16) Effect of non-registration of documents required to be registered.
- (17) As to the Register books and Indexes.
 - (a) Register books which are required to be kept.
 - (b) Current Indexes and entries therein.
 - (c) Indexes required to be made by registering offices and their contents.
- (18) Registering officers to allow inspection of certain books and Indexes and to give certified copies of entries.
- (19) Procedure on admitting to Registration.

(20) Particulars to be endorsed on documents admitted to Registration.

(21) Special Duties of Sub Registrar :

(a) Procedure where document related to land in several sub districts.

(b) Procedure where document relates to land in several districts.

(22) Table of Fees payable for

(a) registration of documents.

(b) searching the registers; and

(c) making or granting copies of reasons; entries or documents, before, on or after registration.

(23) Table of extra or additional fees payable for

(a) issue of commissioners;

(b) for attending at private residences; and

(c) for the safe custody and return of documents.

Sections, 17, 18, 20, 21, 23, 23A, 28 to 30, 32 to 35, 38, 42 to 46, 49, 51, 54, 55, 57, 58, 64 and 65 of the Indian Registration Act.

Mulla on "The Indian Registration Act" (N. M. Tripathi Pvt. Ltd.)

(B) Rules relating to Stamp Act

(A) (i) Object of the Stamp Act.

(ii) Applicability the Bombay Stamp Act and Indian Stamp Act.

(iii) Meaning of

(a) impressed stamp;

(b) adhesive stamp;

(c) judicial stamp; and

(d) non-judicial stamp etc.

(iv) Definitions of

(a) Instrument;

(b) Market value; and

(c) Power of Attorney.

(B) Rules relating to the Stamp Act :

- (i) Instruments which are chargeable with duty.
- (ii) Permissive use of adhesive stamps on certain instruments and cancellation of the same.
- (iii) Instruments stamped with impressed stamps, how to be written.
- (iv) Adjudication as to proper stamps.
- (v) Undervaluation of instrument, how to deal with and meaning of market value.
- (vi) Rules relating to impounding of instruments; manner in which they be dealt with.
- (vii) Admissibility or otherwise of instruments not duly stamped.
- (viii) Allowance for spoiled or misused stamps with can be granted and how.

(C) Stamp Duty on Instruments

- (1) Where to find
- (2) Stamp duty on some instruments :
 - (i) Adoption deed;
 - (ii) Affidavit;
 - (iii) Agreement to sale;
 - (iv) Sale Deed;
 - (v) Entry of memorandum of marriage;
 - (vi) Gift;
 - (vii) Notarial Act;
 - (viii) Partition;
 - (ix) Partnership and
 - (x) Power of Attorney-General and Special.

Sections : 2, 3, 11 to 13, 31, 32-A, 33, 33 A to 35, 37, 47, 50 and 51 and Schedule 1 of the Bombay Stamp Act, 1958.

Reading Material

The Bombay Stamp Act, 1958, by Mahendra C. Jain.
published by Bombay Law House, Bombay.

(C) Rules Relating to Court Fees

1. Object and purpose of the Bombay Court Fees Act, 1959.
2. Meaning of "ad valorem fees" and "fixed fees".
3. Non-applicability of the Act to certain cases.
4. When court fees be charged.
5. Exemption of certain documents : Documents not chargeable with any fee.
6. Computation of fees payable in certain suits.
7. Consequences of failure to pay.
8. Procedure in case of difference as to necessity or amount of fees.
9. Inquiry as to valuations of suits and decisions thereon.
10. Taxing of Court fees and their recovery in suits for mesne profits or accounts.
11. Mode of levying fees.
12. Repayment or refund of fee in certain cases.
13. How and where to find the court fee payable.
14. Court fee payable in certain cases, only :

(A) (i) suits for money;**(ii) maintenance;****(iii) declaration of status without monetary attribute;****(iv) accounts;****(v) other declarations;****(vi) possession of land or house;****(vii) share in joint property;****(viii) specific performance; and****(ix) between landlord and tenant.****(B) (i) Petition to the High Court under Act, 226;****(ii) Application for leave to sue as a pauper;****(iii) Bail bonds in criminal cases;****(iv) Vakalatnama;****(v) Caveat;****(vi) Memorandum of appeal to the State Government;**

- (vii) Matrimonial petitions;
- (viii) Copy of decree;
- (ix) Copy of any revenue or judicial proceeding;
- (x) Application to Registration Office for Search;
- (xi) Election Petitions;
- (xii) Application for order of arrest, or attachment before Judgement; or for temporary injunction; or for appointment of a Receiver.

Note :—Sections 4 to 6, 8, 13 14, 20, 36, 37, 38, 43 and Schedule I and II of the Bombay Court Fees Act, 1959.

(D) Rules Relating to the Valuation of Suits

1. Object and purpose of the suits valuation Act, 1887-
2. Pecuniary jurisdiction of the Courts.
3. Valuation of suits for the purposes of jurisdiction and Rules relating to the same.
4. Objection on ground of over-valuation or under-valuation of a suit or appeal, when to be taken.
5. Objection when can be entertained in an appeal and when not.

Note :—See relevant Sections of the Suits Valuation Act.

Part II

Part II—consists of the following :

Working and Procedure relating to :

- (A) Civil Proceedings.
- (B) Criminal Proceedings.
- (C) Departmental Proceedings.
- (D) Police Departments and Police Stations.
- (E) Proceedings in election petition.
- (F) Introduction to Medical Jurisprudence.

(A) Procedural Rules Civil

1. (1) *Plaint* : How presented, examined and registered ?
- (2) *Rozname* : Memoranda Books—Meaning, contents and form.

- II. (1) Issue and service of summons to defendant.
- (2) Amendment to pleadings : How made ?
- (3) Matters preliminary to the settlement of issues.
- (4) Settlement of issues.

- III. (1) Applications, (incidental proceedings).
- (2) Injunctions : Panel of appointment as receivers.

- IV. (1) Production of court records.
- (2) Processes : procedure and fee.
- (3) Commissions : when and who can be appointed ?
- (4) Foreign process (general only).

- V. (1) Despatches of court business;
- (2) Adjournments.

VI. (1) Examination of witnesses : How to be recorded and controlled; Objections when to be noted; Demeanour of a witness.

- (2) Adjournments.

VII. Judgement, Decree and Taxation of Costs.

VIII. Procedure in filing pauper applications.

IX. Procedural details in execution of Decrees.

X. Appeal : Points to be examined by the office; limitation; delay condonation; Paper book and its contents; Remand.

XI. Appeal in the High Court. Preparation of Paper Books, its contents and costs.

XII. Oaths and Affidavits.

XIII. Records : Classification, Arrangement; Preparation; Documents; Record Room; Preservation and Destruction of records.

XIV. Copies and copying fees.

XV. Rules of production, use and recording of the Tape Record Evidence in Court.

Reading Material

Relevant portions from Civil Manuals.

XVI. Rules relating to Caveat.

(B) Procedural Rules : Criminal

1. (1) Surveillance; Arrest; ill-treatment of the accused.
- (2) Remand; when to be granted and when not.
- (3) Accused : Interview with relatives and advocates.
- (4) Bail and Anticipatory Bail : considerations.
- (5) Sureties : verification of their solvency; surety form; bar of advocates to act as sureties.

(6) Identification Parades; precautions, procedure and memorandum.

(7) Confessions : How to be recorded, precautions to be taken and its form.

(8) Summaries of final orders.

II. Enquiry and Trial by Magistrates.

(1) Private complaints and procedure.

(2) (a) Roznama and its contents and its form;

(b) which documents to be exhibited and which not.

(3) Supply of copies to the accused.

(4) (a) Presence in hearing of certain cases.

(b) Adjournments—When and when not?

(5) Procedure in Warrant Cases.

(6) Procedure in Summary Trials.

(7) Local Inspection.

(8) Judgement of conviction; Hearing of Sentence; supply of copy.

(B) Trials by courts of Session.

(1) Where can a Court of Sessions hold its sitting.

(2) Arrangement during vacation.

III. General Rules as to Inquiries and Trials in all courts :

(1) Absconding accused : how shown in the charge sheet; procedure when traced.

(2) Vakalatnama : when to be filed and when not; when and how can it be withdrawn.

(3) Compliance with special requirements of Special and Local Acts to be examined.

- (4) When can a rubber stamp be used by a Court ?
 - (5) Point to be considered in framing of charge.
 - (6) Ascertainment of Age of youthful offenders.
 - (7) Accused : When can sit and when not.
 - (8) Open and in-Camera hearing.
 - (9) Form of Deposition of a witness.
 - (10) Evidence of a Witness : how to be recorded.
 - (11) Investigating Office : Police diary and original papers.
 - (12) Examination of Public Servants and doctors.
 - (13) Evidence to be given from witness box.
 - (14) Method of proof of statements u/s 161 Cr.P.C.
 - (15) Evidence on Commission.
 - (16) Production of official documents by Government servants.
 - (17) Documents : how to be produced; their admissibility; when to be decided.
 - (18) Exhibiting documents, parts of documents, and depositions of witnesses.
 - (19) Examination of Accused and Written Statement.
 - (20) Previous Conviction : how to be proved.
 - (21) Compounding of offences; considerations.
 - (22) Judgements.
 - (23) Sentences; hearing of the accused; consideration in awarding of sentences.
 - (24) Arrangement of the Record Files.
 - (25) Dormat File.
 - (26) Uniform when to be worn by Police Officers in Courts.
 - (27) Hand-cuffing of prisoners.
 - (28) Members of the Parliament and the State Legislatures; Arrest and sentence.
- IV. (1) Affidavits; contents and procedure.
- (2) Attestation of Affidavits; Power of Attorney etc.
- V. Child and Young Offenders : How to be dealt with.

VI. Some important aspects, and, applicability of provisions of the Probation of Offenders Act, 1958.

VII. Appeals, or Revisions to the High Court;

(1) Jail Relations;

(2) Paper Books;

(3) Appeal against acquittal; procedure.

VIII. Records : Their (1) Custody and Return;

(2) Inspection;

(3) Maintenance and Destruction.

IX. Copies of certified copies; Procedure costs fees.

Reading Materials

Relevant Portions from Criminal Manual for (C), (D), (E) and (F) see relevant Material on the same.

Part III

(A) Investigation of Title and Search

(relating to immovable property)

(1) Importance and meaning of investigation of title.

(2) How to read seven-twelve extracts, city survey, extract etc.

(3) Examination of title deeds; what and how to be examined.

(4) Inspection of Public records : Meaning of search; search to be taken in respect of which documents, in which offices and for how many years in the past Method of search.

(5) Enquiry into possession, site inspection; map reading, etc.

(6) Title Report : Preparation and guidelines while preparing a title Report; Contents of the Title Report and proforma of a Title Report.

Notes : Reading Material

(1) Chapters 7, 8 and 9, Part II of " Law of Ownership of Property and investigation of title-by J. C. Verma, published (Bharat Law House, New Delhi).

(2) Chapter VIII (Investigation of title) in "Conveyancing Draftsman" (Vol. I) by N. S. Bindra (Law Publishers, Allahabad).

(B) Rules Relating to Parole of Convicted Prisoners

Rules regarding the grant of Parole :

1. Authorities who can sanction parole.
2. When may a prisoner be released on parole.
3. Who can make an application for parole.
4. Procedure for dealing with the applications for parole;
5. Conditions which may be imposed on the prisoner;
6. Period and extension of parole;
7. Intimations relating to the release on parole and of non-surrender of the prisoner.

(C) Important aspects in Medical Jurisprudence

*Note :—*See chapter 37 of Maharashtra Prison Manual. 1973-Prisons (Bombay Furlough and Parole) Bombay Rules, 1950-(A) Rules regulating the grant of Furlough. (B) Rules regarding the grant of Parole (Rules 18 to 27 only).

FIFTH LL.B. VIII

Practical Training (Paper IV)

Field Work

This course shall consist of the following :

- | | |
|---------------------------------|----------|
| (I) Legal Clinic Practical | Marks 25 |
| (II) Moot Court etc. activities | Marks 30 |
| (III) Visits and Attendance | Marks 25 |
| (IV) Vive-voce Examination | Marks 20 |

I. Legal Clinic-Practical

Every college shall constitute a Committee which will be in charge of the practical Legal Aid and the Clinical Legal Education Course. The Committee will ordinarily consist of the Principal as its Chairman and such other members as the Principal may decide, and which will ordinarily include

a member of the Local judiciary or a retired judge, the President of the local Bar Association or his nominee, two social workers one of whom shall be a woman, with a full time or a part time professor as its Secretary.

Every college shall be required to have a Legal Aid Clinic which may preferably be located in the premises of the college and/or at such other place as the College may decide.

The Colleges which are recognised or which desire to be recognised by the Maharashtra State Legal Aid and Advice Board may however, constitute the Legal Aid Clinic and the various Committee as required under the Maharashtra State Legal Aid Clinics Rules, 1986 which will however, besides other things under those Rules, will have to performed all the activities to be performed by the Legal Aid Committee as mentioned hereunder.

This course will comprise of the following courses at Items (A) to (E) as mentioned below. It will be compulsory for every college to undertake course (A) and any two of the remaining. Every student shall, however, be required to participate in any two of the following courses as may be undertaken by the College.

The object of all these courses is two fold : To make the course educative as well as to train the students, while learning law, the practical lessons in law, i.e. the application of law to the facts :

(A) Working in the Legal and Clinic

This includes :

- (a) (1) Interviewing clients who approach the Clinic;
- (2) Taking instructions from them and examining relevant documents;
- (3) Advising them on possible courses of actions;
- (4) Helping them in drafting complaints/applications to the Police and other authorities;

(5) Seeking administrative remedies through visits to public offices;

(6) Conciliating settlement of disputes.
and/or

(b) Litigative Assistants :—The actual litigative aid in Courts be given through professors or volunteering advocates, preferably former alumni of the college and the students be given an opportunity to help the concerned advocates in the same.

and/or

(c) Participating in Legal Aid Camp which may be held at selected places, where the work usually done in Legal Aid Clinic and/or the work of spreading Legal Literacy may be undertaken.

(B) Participation in Legal Literacy Programme

The object of this programme is to promote legal literacy and create legal awareness amongst the weaker sections of the community in regard to their rights, benefits and privileges as conferred upon them by social welfare legislations and other enactments and to explain about the remedies available to them for enforcing their rights.

This programme will also be of useful educative value to the students, who will know and understood the various social welfare legislations, and will inculcate in them the spirit of social obligation towards the Society and help them in communicating their ideas to others.

This includes :

(1) Preparing simple informative pamphlets in Marathi on Social Welfare Legislations and other laws.

(2) Distributing or informing the contents of the pamphlets to those for whom they are meant.

(3) Holding small exhibitions at selected places with emphasis on legal literacy.

(4) Explaining in simple language in Marathi the rights, benefits and remedies available under social welfare legislations and other laws.

For this course, it will, however, be essential on the part of teachers to explain the students participating in this course, in brief, (a) some important provisions of selected social welfare legislations and other laws relevant to the place and the class of persons amongst whom the programme of legal literacy is to be implemented, and (b) the art of public speaking in simple language in Marathi.

(C) Legal Research and/or Socio Legal Survey

The object of such small surveys is to find out the problems of the poor or any other sections of the society, implementation of social or welfare legislations or such other allied subjects or on any other problems of importance :

This includes :

- (1) Identifying problems;
- (2) Designing project proposal;
- (3) Preparation of a Questionnaire;
- (4) Visiting certain locations or persons;
- (5) Eliciting responses to the Questionnaire;
- (6) Collection of data;
- (7) Analysing the data;
- (8) Preparation of the Report of the Survey.

(D) Law Reform Activities

The object of this course is two-fold; namely to inculcate amongst the students to consider the existing laws to find out the deficiencies in them, if any and also to enable them to chalk out the solutions in that behalf and thus to suggest law reforms and to voice their views for legislative support programme or otherwise :

This include :

- (1) Finding out deficiencies in the existing laws;
- (2) Finding out proper solutions in that behalf;

(3) Holding discussions on (a) fresh legislations e.g. the Muslim Women's Right on Divorce Bill, 1986;

(4) Holding discussions and sending views on the Questionnaire issued by the Law Commissions or other bodies;

(5) Writing one's views, for articles or lobbying for law reforms or on fresh legislations;

(6) Proposing amendments to the existing laws;

(7) Preparing draft bills.

(E) Case Comments

The object of this course is to inculcate amongst the students the spirit of legal research.

This includes :

Selection of an important decision of the Supreme Court or the High Court and to make one's own's comments on the same from the legal angle and in the background of law and other decided cases on the point or points involved in the decision selected for this purpose.

Note :

(a) Professor-in-charge

Each of the above courses shall be under the supervision of a professor in charge appointed for the course. The concerned professor may form groups and the work may be assigned to each group.

(b) Maintenance of Journal :

Each student shall compulsorily maintain a Journal, as may be prescribed by the College, for the clinical work done by him. Each student shall, from time to time regularly write about the work allotted to and done by him, in his own handwriting, and the dates thereto, and signed by him, and the same be scrutinised and counter-signed, from time to time, by the concerned professor-in-charge. The Journal shall be submitted to the College as and when so required by the College for the purpose of assessment and the award of marks.

(c) Evaluation and Award of Marks :

The Journal shall be assessed by the Professor-in-charge or some other examiner or a panel of examiners and from time to time or at the end of the year, as per the discretion of the Principal of the concerned college. Questions on the basis of the Journals so maintained may also be asked at the time of Viva-voce Examination that may be taken for the practical training course.

II. Moot Courts Activities

This Course consists of the following, out of which every student shall be required to undergo the training in course (A) and in either (a) or (b) 'B' course as mentioned below :

(A) Moot Course

Actual individual participation in at least two moot courts during the academic year shall be compulsory for every student.

The moot court will consist of - (i) Preparation of a brief; and (ii) oral argument on the points involved on behalf of one or the other party. The participant may be allowed to prepare his brief and/or argue in Marathi if so permitted by the professor-in-charge of this course.

For the purpose of Moot Courts, groups shall be formed under a professor-in-charge and cases involving several issues in any branch of law or laws be assigned to each group.

Each student shall be required to maintain a Journal as may be prescribed by the college, and the student shall keep a regular record in the same of his brief, points of his argument and case law, if any, from time to time, in his own handwriting and signed by him and counter-signed by the professor-in-charge.

The professor-in-charge and/or any other examiner as may be decided by the Principal in that behalf shall assess (i) the Journal, and (ii) the performance of the student in oral arguments, including proper etiquettes, conduct, etc. and shall allot the marks for the same.

The total marks allotted to this Course will be
out of which marks to the extent of be.

(B) Other Activities

(a) Group Discussion, Debate or Talk, etc.

A student for this Course shall be required to participate at least twice in the year in a group discussion or debate or a talk or a dissertation in a group on any other preferably on a topic of current legal importance, as may be decided by the professor-in-charge.

The student shall record his views in his own hand writing from time to time signed by him and countersigned by the professor-in-charge in the Journal which will be duly assessed for the purpose of allotting the marks.

OR

(b) Legal Quiz :

The student for this course shall be required to participate in a Legal Quiz, with questions on any sources connected with law with emphasis on current legal topics, important case law, topics of study in the course.

The student shall maintain the record about the same in his own handwriting, signed and countersigned by him and the professor-in-charge respectively in his Journal which will be assessed accordingly, for the purpose of allotting marks.

III. Visits and Attendance

(A) Visits :

The student in convenient groups, under the supervision of a professor-in-charge shall visit at least any three of the following on such days and during such timings as may be decided by the concerned college.

The object of this course is to enable the students to understand the working in some of the departments and the documents maintained by them with a view to familiarise them of the same.

The visits will be to at least any three of the following :

- (1) Office of the Registrars, Clerks of the Courts Nazirs, Record Keepers, etc. in Courts.
- (2) Police stations.
- (3) Office of the Sub-Registrar under the Indian Registration Act.
- (4) Prison/Jail/Sub-Jail.
- (5) Chemical Analyser's Laboratory.

The professor-in-charge will explain the students the working in these offices and will enlist the cooperation of the concerned officials in that behalf. The Principal will also try to enlist the cooperation of the concerned officiate who may be requested to give explanatory talks to the students about their offices and the connected procedure.

(B) *Attendance in Courts :*

Each student shall be required to attend at least any two cases or proceedings or interim petitions in courts, as far as possible from start to finish, arising out of the following:

- (i) civil suit;
- (ii) criminal case;
- (iii) sessions case;
- (iv) small cause proceeding; or
- (v) a proceeding before a cooperative court; or a labour court, or a revenue court, or any other court as may be decided by the professor-in-charge.

Suitable groups may be formed for this course under a professor-in-charge and the students shall be required to attend courts at least for five days/in a year during court hours from 11-30 a.m. to 5.00 p.m. per term.

The students shall be required to make their own notes, observations and views about the proceedings so visited and attended by them, including the facts of the proceedings, rival cases, and the law involved, if any, in the Journal maintained.

The Journal so maintained for this purpose shall be assessed for the purpose of allotting marks.

Cooperation of the advocates appearing in the concerned cases may be enlisted by the professor-in-charge so as to enable the students to know the facts involved in the proceeding before the students actually visit and attend a particular proceeding.

AND

(C) *Attendance at a Lawyer's Chamber :*

The student for this course shall attend the office of an advocate on such days and during such timings, as may be suggested by the concerned advocate.

The object of this course is to enable a student to make himself conversant with the working in an advocate's office, how he takes instructions from clients and so on.

The Principal of the College is expected to prepare a panel of advocates with good practice and who are ready to cooperate in the working of such a course, preferably with the good offices of the President of the local Bar Association. The Advocates may be requested to apprise his student trainee on points that the Advocate may consider as important.

The students shall be required to attend the office of the advocate at least for a week and shall keep a Journal for the same as may be prescribed by the College and countersigned by the advocate in token of his having attended the office.

The Journal shall be assessed for allotment of marks.

IV. *Viva Voce Examination*

Besides the marks being allotted to the Journals, a Viva Voce Examination shall be held on behalf of the University by a Committee of two examiners—one external and one internal—to be appointed by the University who will ask questions to the students on the basis of the clinical work done by them and assess and allot marks to them.

Circular No. 324 of 1987

Subject :—Medium of answering the paper on Drafting, Pleading, Conveyancing in the Law Course.

In pursuance of the decision taken by the University authorities it is hereby notified for the information of all concerned that the introduction of English at the 3rd, 4th and 5th year of New Five Year Law Course for the students who desire to write their papers in Marathi is held in abeyance.

The students will have an option to answer the paper on 'Drafting Pleading and Conveyancing and Practical Training at 3rd year of three year Law Course and also taught in the Practical Training No. II (Drafting and Conveyancing etc.) at the 4th year of New Five Year Law Course in Marathi Medium eventhough the medium of instructions for such students will be English. However, the question papers will be set in English till such time as may be decided in future. This will be effective for the examinations to be held from the current year.

Ganeshkhind, Pune 411007
Ref. No. CBL/1582
Date : 29-8-1987

A. H. Thorat
for Registrar.

Circular No. 353 of 1987

Subject :—New Five Year Law Course, Annual Question Papers of 80 Marks

In pursuance of the decision taken by the University authorities and in supersession of the Circular No. 250 of 1986 issued on 12-7-1986 to set the question papers for 100 marks and then to reduce the marks out of 80, it is hereby notified the information of all concerned that question papers of 80 marks instead of 100 marks will be set all the subjects Annual examinations of the New Five Year Law Course other than the Practical Training Paper No. IV

of the 5th Year of New Law Course for which there is no Annual or University Examination. The papers will be of three hour duration.

This will be effective for the examination to be held from the current year.

Ganeshkhind, Pune 411007.
Ref. No. CBL/1768,
Dated 22-9-1987.

A. H. Thorat,
For Registrar.

Circular No. 121 of 1988

Subject :—A.T.K.T. Concession for three subjects to students of 3rd & 4th year of New Five-year Law Course.

In pursuance of the decision taken by the University authorities it is hereby notified for the information of all concerned that at the 3rd & 4th year of New Five-year Law course the A.T.K.T. will be given for the 3 (Three) subjects instead of 2 (two) subjects. However a candidate obtaining A.T.K.T. will not be allowed to proceed to next higher class unless he clears the remaining subjects of the Lower class, e. g. candidate obtaining A.T.K.T. at the 3rd year of New Five-year Law course will be allowed to keep term for the 4th year. However he will not be allowed to proceed to 5th year unless he clears a backlog of 3rd year of New Five-year Law course. This will be effective from the examination held in April/May 1988.

Ganeshkhind, Pune-411007.
Ref. No. CBL/443,
Date : 17-3-1988.

V. S. Pol
for Registrar

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