

Devi Ahilya Vishwavidyalaya, Indore, M.P.

LL.B. (Hons) Revised Syllabus

LL.B. (HONS) PART -II SEMESTER - III

**Paper – I, Jurisprudence (Legal Method, Indian Legal System
And Basic Theory Of Law)**

Unit-I

Introduction 1. Definition of the term Jurisprudence 2. Definition of Law, kinds of law 3. Justice and its kinds 4. Sources of Law (Elementary study)

Unit-II

Schools of Jurisprudence 1. Natural law school 2. Analytical school, Imperative Theory of law. Pure Theory of law 3. Historical school 4. Sociological school 5. Realistic school 6. The ancient : The concept of 'DHARMA' 7. Feminist – Schools of Jurisprudence

Unit-III

Sources of Law 1. Legislation 2. Precedents: concept of stare decisis 3. Customs

Unit- IV

Legal Rights: the Concept 1. Rights: kinds, meanings 2. Duty: meaning and kinds 3. Relation between right and duty Persons 1. Nature of personality 2. Status of the unborn. minor. lunatic, drunken and dead persons 3. Corporate personality: Dimension of the modern legal personality: Legal personality of non-human beings.

Unit-V

Possession and Ownership: the Concept 1. Kinds of possession, Theories of Possession 2. Kinds of ownership, Theories of Ownership 3. Difference between possession and ownership 4. Title Liability 1. Condition of imposing liability (Wrongful Acts) 2. Strict liability 3. Vicarious liability Obligation: 1. Nature and kind 2. Difference between : Being obliged and having obligation (HLA Hart)

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Paper – II : Law Of Crimes -II (Criminal Procedure Code)

Unit – I

1. The rationale of criminal procedure: the importance of fair trial, The constitutional perspectives 2. Pre trial Process: Arrest 3. The distinction between cognizable and non cognizable offences: relevance and adequacy problems 4. Steps to ensure accused's presence at trial: warrant and summons 5. Arrest with and without warrant (Section 70-73 and 41) 6. The absconder status (section 82, 83, and 85) 7. Right of the arrested person Right to know ground of arrest (section 50(1), 55,75) 8. Right to be taken to magistrate without delay (section 56,,57) 9. Right to not being detained for more than twenty- four hours (section 57): Vis-a-vis Article 22 (2) of the constitution of India 10. Right to consult legal practitioner. legal aid and the right to be informed about rights to bail. 11. Right to be examined by a medical practitioner (section 54) Search and Seizure (Pretrial Process) 1. Search warrant (section 83, 94,97, 98) and search without warrant 2. Police search during investigation (section 165, 166, 153) 3. General principles of search (section 100) 4. Seizure (section 102) 5. Constitutional aspects of validity of search and seizure proceedings

Unit – II

1. F.I.R. (section 154) 2. Evidentiary value of F.I.R. (see section 145 and 157 of Evidence Act) Pre-trial Process: Magisterial Powers to Take Cognizance 1. Commencement of proceedings- (section 200, 201, 202) 2. Dismissal of complaints (section 203, 204) 3. Bail: concept, purpose: constitutional overtones 86 4. Bailable and non- bailable offences (section 436, 437, 438) 5. Cancellation of bail (section 437 (5). 6. Anticipatory bail (section 438) 7. Appellate bail powers (section 389 (1), 395 (1), 437 (5)) 8. General principles concerning bond (section 441 - 450)

Unit – III

1. Conception of fair trial 2. Presumption of innocence 3. Venue of trial 4. Right of the accused to know the accusation (section 221- 224) and accusation be held in the accused's presence 5. Right of cross- examination and offering evidence in defence: the accused statement 6. Right to speedy trial Charge 1. Framing of

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charge 2. Form and content of charge (section 211, 212, 216) 3. Separate charge for distinct offence (section 218, 219, 220, 221, 223) 4. Discharge – pre- charge evidence Preliminary Pleas to Bar the Trial 1. Jurisdiction (section 26, 177- 189, 461, 462, 479) 2. Time limitations: Rationale and scope (section 468 - 473) 3. Pleas of autrefois acquit and autrefois convict (section 300, and Art 22d) 4. Estoppel 5. Compounding of offences 6. Trial before a Court of Sessions: Procedural Steps and Substantive Rights 7. Summary Trial (Sec 260-265)

Unit – IV

1. Form and content (section 354) 2. Post conviction orders in lieu of punishment (section 360, 361, 31): emerging penal policy (Plea Bargaining) 3. Compensation and cost (section 357, 358) 87 4. Modes of providing judgement (section 353, 362, 363) Appeal, Review, Revision 1. No appeal in certain cases (section 372, 375, , 376) 2. The rationale of appeals, review, revision 3. The multiple ranges of appellate remedies 4. Appeal before Supreme Court of India and High Courts (section 374, 379) and (Article 31, 132, 134, 136 of constitution of India) 5. Appeal to Sessions Court (section 374) 6. Special right to appeal (section 380) 7. Government appeal against sentencing (section 377, 378) 8. Judicial power in disposal of appeal (section 368) 9. Legal aid in appeals 10. Revisional jurisdiction (section 397- 405) 11. Transfer of cases (section 406, 407)

Unit – V

1. Nature and magnitude of the problem 2. Causes 3. Juvenile court system 4. Treatment and rehabilitation of juveniles 5. Juvenile and adult crime 6. Legislative and judicial protection of juvenile offender 7. Juvenile justice (Protection and Care) Act 2000.

Texts & References

1. Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal, Delhi
2. Chandrasekharan Pillai, ed., Kelkar Lectures on Criminal Procedure (2001), Eastern Lucknow.
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PAPER III : ADMINISTRATIVE LAW

Unit – I

Introduction 1. Meaning, 2. Administrative Law – The Concept definitions, nature, historical development, sources, relationship with Constitutional law), 3. rule of law and separation of powers, 4. Classification of administrative functions and distinction between them. 5. Droit administrative.

Unit – II

Delegated Legislation 1. Meaning and its kinds, 2. Administrative directions 3. Distinction between delegated legislation and administrative directions. 4. Control over delegated legislation procedural, judicial and parliamentary control, 5. Principles of natural justice, 6. Civil services in India.

Unit – III

Administrative discretion 1. Judicial control of discretionary powers, 2. Act of State, 3. Tortious liability of the State. 4. Contractual liability of the State

Unit – IV

Government privileges in legal proceedings. 1. Meaning and kinds, Estoppel and Waiver 2. official secrets 3. right to information 4. lokpal and lokayukt 54 5. Central Vigilance Commissions 6. Commission of inquiry.

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Unit – V

Administrative Tribunals 1. Definition of Administrative Tribunals 2. Merits, demerits, 3. Reasons of growth 4. Distinction between courts and Tribunals 5. Public corporation - classification characteristics, controls, formation 6. Remedies - Constitutional and ordinary.

Texts & References

1. C.K. Allen, Law and Orders (1985).
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PAPER IV : MEDIA AND LAW**

Unit - I

Mass Media- Types of- Press Films, Radio Television 1. Ownership Patterns :- Press - private-public A - Films, Private B - Radio & Television - 2. Differences between visual and non - visual Media - Impact on people's minds

Unit - II

Press-Freedom of Speech and Expression — Article 19 (1) (a) 1. Includes Freedom of the Press 2. Laws of defamation, obscenity, blasphemy and sedition 3. Law relating to employees wages and service conditions of media, The working journalists and other news paper employee (condition of service) and Misc. Provisions Act, 1955, The working journalist (Fixation of Rates of wages) Act, 1958. 4. . Price and pages Schedule Regulation 5.

Newsprint Control order 6. Advertisement- is it included within freedom of speech and expression? 7. Press and the monopolies and Restrictive trade practices Act. 8. The working Journalist (Fixation of Rates of wages) Act, 1958.

Unit - III

Films - It Included in freedom of speech and expressions? 1. Censorship of films - constitutionality 2. The Abbas case 3. Differences between films and press - why pre- censorship valid for films but not for the press 4. Censorship under the cinematograph Act 120

Unit - IV

Radio and television- Government Policy: 1. The Press Council Act, 1978 2. Regulatory Code of Conduct 3. Report of the Chadha committee 4. Government policy 5. Commercial advertisement 6. Internal scrutiny of serials etc

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Unit – V

Constitutional Restrictions 1. Radio and television subject to law of defamation and obscenity 2. Power of legislature- Article 246 read with the seventh schedule 3. Power of impose tax - licensing and licence fee 4. Contempts of Court Act.

Texts & References

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Paper V : Professional Ethics And Professional Accounting System

Unit – I

Admission, Enrolment & Rights of Advocate 1. Importance of Legal Profession. 2. Persons who may be admitted as advocate on a State roll. 3. Disqualification for enrolment 4. Rights of Advocates 5. State Bar Councils (i) Establishment and Organization (ii) Powers and Functions 6. Bar Council of India (i) Organization (ii) Powers and Functions

Unit – II

Ethics of Legal Profession 1. Meaning, Nature and Need 2. Duty to the Client

Unit – III

Punishment for Professional or Other Misconduct 1. Professional or other Misconduct- Meaning and Scope 2. The Body or Authority empowered to punish for professional or other misconduct. (i) State Bar Council and its disciplinary committee (ii) Bar Council of India- and its disciplinary committee 102 3. Complaint against advocates and procedure to be followed by the Disciplinary Committee. 4. Remedies against the order of punishment.

Unit – IV

Bench Bar Relation 1. Role of Judge on Maintaining Rule of Law 2. Mutual Respect 3. Maintenance of orderly society 4. Invaluable aid of advocates to Judges 5. Privilege of Advocates 6. Duty to avoid interruption of Council 7.

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Administration of Justice clean & Pure 8. Uncourteous conduct, Misconduct of lawyers and Insulting Language.

Unit – V

Meaning and Categories of Contempt of Court 1. Contempt of Court- Its meaning and Nature 2. Kinds of Contempt (i) Criminal Contempt (ii) Civil Contempt 3. Contempt by Lawyers 4. Contempt by Judges, Magistrates or other persons acting judicially 5. Contempt by State, Corporate bodies & other officers

Texts & References

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Paper VI : Health Law

Unit - I

Concept 1. Concept & Definition of Health. 2. Right to health 3. International law & health. 4. Indigenous and Allopathic health system

Unit – II

Constitution of India 1. Constitutional protection – Fundamental Right & Directive principle.

Unit – III

Public health offences and Law 1. Offence affecting the Public Health, (Chapter XIV of IPC) 2. Nuisance, Miscarriage, (312.3.313 IPC), relevant provision of CRPC.

Unit – IV

Special critical problems 1. Immoral trafficking, 2. Female foeticides 3. Kidnapping and abduction – National protections

Unit – V

Health and Legal Protection 1. Health and Legal protection – Environments law, J.J. Act, prenatal diagnostic technique, regulation & prevention of misuses, 2. Factory Act, Mental Health Act 1987, Maternity Benefit Act. 107 UNIT-V Jurisprudence of health services 1. Health law & Judiciary. 2. Types of health insurance 3. Public service related situations – Negligence (Private eye sterilization camp etc.) 4. Disposal of medical and surgical waste 5. Health Care Units (Public/Private)

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OPTIONAL Paper VII : Law On Corporate Finance

Unit – I

Introduction 1. Meaning, importance and scope of corporate finance. 2. Capital Needs, capitalization, working capital, securities, borrowings, deposits, debentures. 3. Objectives of corporate finance – profit maximization and wealth maximization. 4. Constitutional perspectives – The following entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85 and 86 of List I (Union List); entry 24 of List II (State List).

Unit – II

Equity finance 1. Share Capital 2. Prospectus – information disclosure. 3. Issue and allotment. 4. Shares without monetary consideration. 5. Non-opting equity shares. **Debt Finance** 1. Debentures. 2. Nature, issue and class. 3. Deposits and acceptance. 4. Creation of charges. 5. Fixed and floating charges. 6. Mortgages. 7. Convertible debentures.

Unit – III

Conservation of corporate finance 1. Regulation by disclosure. 2. Control on payment of dividends. 3. Managerial remuneration. 4. Payment of commissions and brokerage. 5. Inter- corporate loans and investments. 6. Pay-back of shares. 7. Other corporate spending. 111

Unit – IV

Protection of creditors 1. Need for creditor protection 2. Preference in payment. 3. Rights in making company decisions affecting creditor interests. 4. Creditor self-protection. 5. Control over corporate spending. **Protection of Investors** 1. Individual share holder right. 2. Corporate membership right. 3. Derivative actions. 4. Qualified membership right 5. Conversion, Consolidation and Re-organisation of shares. 6. Transfer and transmission of securities. 7. Dematerialisation of securities **Corporate Fund Raising** 1. Depositories – IDR (Indian Depository Receipts), ADR (American Depository Receipts), GDR(Global Depository Receipts). 2.

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Public financing institution – IDBI, ICICI, IFC, and SFC. 3. Mutual fund and other collective investment schemes 4. Institutional investments – LIC, UTI and Banks. 5. FDI and NRI investment – Foreign institutional investments (IMF and World Bank).

.Unit – V

Administrative regulation on Corporate Finance 1. Inspection of accounts. 2. Central government control. 3. Control by Registrar of companies. 4. RBI control. 5. SEBI control, status of SEBI

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2. Ell's Ferran, Company Law and Corporate Finance (1999), Oxford.
3. Jonathan Charkham : Fair Shares : The Future of Shareholder Power and Responsibility (1999), Oxford. 112
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OPTIONAL Paper VII : INSURANCE LAW

Unit - I

Introduction: 1. Definition nature and history of insurance 2. Concept of insurance and law of contract and law of torts future of insurance in globalized economy. 3. History and development of insurance in India. 4. Insurance Regulatory Authority - role and functions.

Unit - II

General principles of law of Insurance: 1. Contract of Insurance - classification of contract of insurance, nature of various Insurance contracts parties thereto 2. Principle of good faith, non-disclosure, misrepresentation in insurance contracts 3. Insurable interest 4. The risk 5. The policy, classification of policies-its form and contents, its commencement, duration, cancellation, alteration, rectification, renewal, assignment, construction 6. Conditions of the policy 7. Alteration of the risk 8. Assignment of the subject matter

Unit - III

Insurance: 1. Nature and scope of life insurance, definition kinds of life insurances, the policy and formation of a life insurance contract 2. Event insured against life insurance contract 3. Circumstances affecting the risk 4. Amounts recoverable under life policy 5. Persons entitled to payment 6. Settlement of claim and payment of money.

Unit - IV

Marine Insurance: 1. Nature and scope 2. Classification of marine policies 3. The Marine Insurance Act 1963 4. Insurable interest, insurable value 5. Marine insurance policy-conditions, express-warranties, construction of terms of Policy 6. Voyage - deviation 7. Perils of the sea 8. Partial loss of ship and of freight, salvage, general average, particular charges 9. Measure of indemnity, total valuation, liability to third parties.

Unit - V

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Social Insurance in India: 1. Important elements in social insurance, its need. 2. Commercial insurance and social insurance 3. Workmen's compensation- scope, risks covered, industrial accidents, occupational diseases, cash benefits, incapacity, amount of compensation, nature of injuries, dependents, schedule 4. Sickness insurance, Adarkar scheme, Stack and Rao scheme for wage earners and others, risks covered, maturity and other benefits 5. Old age, premature death and invalidity insurance or pension insurance, public provident fund. 6. Fire Insurance 7. Social insurance for people like seamen, circus workers and agricultural, workers 8. Public Liability Insurance 9. The scheme 10. Authorities.

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