

# University of Kota, Kota

Ordinance and Scheme of Papers, Examination etc. for LL.B. Professional  
Three Years (Semester Scheme) Degree Course 2012 – 2015 under the scheme  
prescribed by the Bar Council of India

LL.B. Professional Three Years (Semester Scheme) Degree Course 2012 – 2015  
Ordinance relating to the examination etc.

O. 256 D-1

There shall be a three years course for the degree of LL.B. (Professional) with two semesters in each year and examinations shall be conducted at the end of each semester namely.

1. LL.B. (P) First Semester examination at the end of the First Semester.
2. LL.B.(P) Second Semester examination at the end of the Second Semester.
3. LL.B. (P) Third Semester examination at the end of the Third Semester.
4. LL.B. (P) Fourth Semester examination at the end of the Fourth Semester.
5. LL.B. (P) Fifth Semester examination at the end of the Fifth Semester.
6. LL.B. (P) Sixth Semester examination at the end of the Sixth Semester.

O.256 D-2

(1) Eligibility for admission:

An applicant who has graduated/post graduated in any discipline of knowledge from a university established by an act of Parliament or by a State legislature or an equivalent national institution recognized as a deemed to be University or foreign University recognised as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years' degree program in law leading to conferment of LL.B. degree on successful completion of the regular program conducted by the University. For the purpose of applying for and getting admission the minimum percentage of marks not below 45% of the total marks in case of general category applicant and 40% of the total marks in case of SC and ST applicant, to be obtained for the graduate/post graduate qualifying examination. Provisions regarding age declared by BCI time to time shall be applicable.

**Explanation:** The applicants who have obtained graduation/ post graduation through open universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the LL.B. degree course.

- (a) Admission shall be made on the basis of merit and in accordance with rules made by the competent authority.
- (b) For the purpose of this Ordinance marks of only those subjects/ papers shall be taken into account which had been considered for awarding division at the Bachelor/Master's Degree Examination.
- (c) Not more than 20% of the total seats in LL.B. First Year shall be reserved for the candidates who will become eligible on the basis of Master's degree as defined above.
- (d) No student shall be allowed to simultaneously register for a Law degree program with any other graduate or post graduate or certificate course run by the same or any other University or an institute for academic or professional learning.

Provided that any short period part time certificate course on language, computer science or computer application of an institute or any course run by a center for

Distance Learning of a University however, shall be exempted

O.256 D-3

- (a.) A Candidate who has completed a regular course of study in the University Teaching Department of law or in an affiliated college for first semester will, subject to the other provisions of the Act, Statutes Ordinances. Rules and Regulations be admitted to the first semester examination of LL.B. (P) first year.
- (b.) A candidate who after passing the examination of the first semester has completed a regular course of study in the University. teaching department of law Or in an affiliated college for the second semester of LL.B. (P) course will, subject to the other provisions of the Act, statutes, Ordinances, Rules and Regulations, be admitted to the second semester examination of LLB. (P) First Year.
- (c.) A candidate who after passing the examination of the second semester has completed a regular course of study in the University Teaching Department of law or in an affiliated college for the third semester of LL.B. (P) First Year course will, subject to the other provisions of the act, statutes, Ordinances Rules and Regulations, be admitted to the Third semester examination of LL.B. (P) Second Year.
- (d.) A candidate who after passing the examination of the third semester has completed a regular course of study in the University Teaching Department of law or in an affiliated college for the fourth semester of LL.B. (P) Second Year course will, subject to the other provisions of the act, statutes, Ordinances Rules and Regulations, be admitted to the fourth semester examination of LL.B. (P) Second Year.
- (e.) A candidate who after passing the examination of the fourth semester has completed a regular course of study in the University Teaching Department of law or in an affiliated college for the fifth semester of LL.B. (P) Second Year course will, subject to the other provisions of the act, statutes, Ordinances Rules and Regulations, be admitted to the fifth semester examination of LL.B. (P) Third Year.
- (f.) A candidate who after passing the examination of the fifth semester has completed a regular course of study in the University Teaching Department of law or in an affiliated college for the sixth semester of LL.B. (P) Third Year course will, subject to the other provisions of the act, statutes, Ordinances Rules and Regulations, be admitted to the sixth semester examination of LL.B. (P) Third Year.

O.256 D-4

A Candidate who has completed a regular course of study in the University Teaching Department of law or in an affiliated college for all six semesters will, subject to the other provisions of the Act, Statutes Ordinances. Rules and Regulations shall be awarded the degree of the “Bachelor of Laws”/ LL.B.(Professional) three years (Semester Scheme) Degree Course.

O. 256 D-5: Every candidate of three years degree (semester scheme) course for the degree of LLB. (Professional) shall present himself for examination in the papers prescribed in the Regulations.

O. 256 D-6

Each paper in I, II, III, IV, V and VI semester in the LL.B. (Professional) Course Examination shall be of 100 marks.

O.256 D-7

A Candidate appearing for LL.B. II year and III year (III to VI semester) examination may choose any one of the optional paper prescribed for semester III, IV, V and VI as per the allocation of subject for each semester. The Principal or the Head of the Law Department will determine in the beginning of each session/ semester the optional papers and the options for which instructions will be provided during the session/semester. The choice of the candidate will be limited to the options so provided for instructions.

Candidates holding LL.B. degree of this University or of any other University recognised by the Board of Management of the University as equivalent there to may also take one of the enumerated options not already passed by the candidate as an additional paper. Such candidates will not be required to join any affiliated college for this purpose.

The marks of all the semester examination viz I and II semester examinations in first year, III and IV semester examinations in second year and V and VI semester examinations in third Year examination of the LL.B. (P) Degree will be counted together for classification of results.

O.256 D-8 - First Year: (Scheme of Examination)

- (a) The minimum marks for passing each year { both semesters in first year, second year and third year of LL.B. degree(P) Course taken together} shall be 36% in each theory and / or practical papers of the semester examinations and 48% marks in the aggregate of papers prescribed in aforesaid examinations.
- (b) The minimum marks for passing first year (I & II Semester taken together) shall be 36% in each theory paper of semester examinations and 48% marks in the aggregate of papers prescribed in I and II semester.
- (c) A candidate may be promoted to second year i.e. III semester if he/she secured at least 36% marks in at least five papers out of eight theory papers prescribed in I & II semesters taken together provided that the aggregate of marks in five papers of I and II semesters taken together is at least 48%. Such candidate shall be required to appear in not more than three papers of I & II semester so as to make his aggregate atleast 48% marks alongwith the theory and practical papers of III & IV semesters.
- (d) A candidate who fails to satisfy the passing criteria as prescribed in 256 D-8 (a), 256 D-8 (b), and 256 D-8 (c) for promotion to second year shall be required to reappear in consecutive semester in back papers of I & II semesters with satisfying the contents of Ord. 256 D-9 (c) and 256 D-11 (b), if otherwise eligible in accordance with the university regulations laid in this regard.

O.256 D-9 - Second Year: (Scheme of Examination)

- (a) The minimum marks for passing second year (III & IV semesters & including I & II semesters taken together) shall be 36% in each theory and practical papers of semester examinations and 48% marks in the aggregate of papers prescribed in aforesaid semesters.
- (b) A candidate may be promoted to third year that is V semester if he has secured at least 36% marks in Six theory and practical papers out of ten papers prescribed in III & IV semesters taken together provided that the aggregate of marks in six papers of III & IV semesters taken together is atleast 48%. Such a candidate shall be required to appear in not more than four theory and practical papers of III & IV semesters so as to make his aggregate at least 48% alongwith the theory and practical papers of V and VI semester. To be declared pass in Second Year he should secured atleast 36% marks in all eight papers of I & II semesters of the First year and 48% marks in aggregate taken together in these papers.
- (c) To promote in V semester a candidate should have passed in I and II semester completely and must have secured at least 36% marks in 6 theory and practical papers of III and IV semester taken together and 48% marks in aggregate in these papers.
- (d) A candidate who fails to satisfy the passing criteria as prescribed in 256 D-9 (a) 256 D-9 (b), and 256 D-9 (c) for promotion to third year shall be required to reappear in consecutive semester in back papers of III & IV semesters with satisfying the contents of Ord. 256 D-9

(b) and 256 D-11 (b), if otherwise eligible in accordance with the university regulations laid in this regard.

O.256 D-10 - Third Year: (Scheme of Examination)

- (a) The minimum marks for passing third year (V & VI Semesters and including I, II & III & IV semester) shall be 36% in each theory and practical papers of semester examinations separately and 48 % marks in aggregate of papers prescribed in aforesaid semesters.
- (b) If a candidate has secured 36% marks in six papers out of ten papers prescribed in V & VI semesters taken together provided that the aggregate of marks in six papers of V & VI semester taken together are atleast 48%. Such a candidate shall be required to appear in not more than four theory and practical papers of V & VI semesters to make his aggregate atleast 48% in the following semester examination. To be declared pass in Third Year he should secured atleast 36% marks in all eight papers of I & II semesters and all ten papers of III & IV semesters of the First and Second Year respectively and 48% marks in aggregate taken together in these papers.
- (c) A candidate who fails to satisfy the passing criteria in 256 D-10 (a) and 256 D-10 (b) at the end of VI semester, he/she shall be required to reappear in consecutive semester in back papers of V & VI semesters with satisfying the contents of ordinance 256 D-11 (b), if otherwise eligible in accordance with the university regulation laid in this regard.

O-256 D-11 (Scheme of Examination)

- (a) No student of the LL.B. degree program shall be allowed to take semester examination in a subject if the student concern has not attended minimum of 70% of the classes held in the subject concern as also the moot court room exercises, tutorials and practical training conducted in the subject taken together.

Provided that if a student for any exceptional reasons fail to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the college, as the case may be, may allow the student to take the examination if the student concern attended atleast 65% of the classes held in the subject concern and attended 70% of the classes in all the subject taken together.

Provided further that a list of such students allowed to take the examination with reasons recorded be forwarded to the Bar Council of India.

- (b) At the end of final examination, the candidate eligible for the award of LL.B. degree 'shall be classified on the basis of the marks obtained in all the semester examination taken together, as follows:  
1<sup>st</sup> Division: 60% OR more marks in aggregate in all six semester  
2<sup>nd</sup> Division: all others will be awarded II division if secure 48% marks in aggregate in all semester.
- (c) To award LL.B.(P) Degree a candidate must have passed the LL.B. three years examinations with in Six years from the year of initial admission in first semester of the course. If a candidate drops out after passing I and/or II year ( I to IV semesters) with 48% aggregate of marks due to some satisfactory grounds, may, with the permission of Principal be permitted up to eight year from the year of initial admission to I semester.
- (d) The marks actually obtained by a candidate in the back papers of the previous semester examination shall be taken into account for awarding division.
- (e) 1% grace marks of maximum marks in each Semester, including back papers, may be awarded in either aggregate or in one paper only to make 36% in individual paper or 48% in aggregate.
- (f) For distribution of marks and procedure of examination in practical papers see the details of practical papers prescribed in the contents of papers.
- (g) University teaching department of Law and affiliated colleges are advised to conduct practical as per the instruction of the University examination department and as per the

guidelines prescribed by the B.O.S. for this purpose. (including fee to be charged from the students for regular & back papers).

**Explanation : The ordinances 256 D-1 to 256 D-11 will apply to the candidates to be admitted to LL.B. Professional Three year (Semester Scheme) Degree course in the session 2009-10 and onwards.**

### **LL.B. I Year (Semester Scheme) 2013**

#### **Semester (I & II)**

In LL.B. I & II Semester there shall be 4 theory papers of 100 marks in each semester.

Student of LL.B. I year shall be examined at the end of I & II semester each in the following theory papers of 100 marks and of three hours duration.

#### **Scheme of Papers**

##### **Semester – I**

	<b>(A) Compulsory Papers</b>	<b>Max. Marks : 100 Duration : 3 Hr.</b>
Paper 1	Constitutional Law of India	- do -
Paper 2	General Principles of Contract	- do -
Paper 3	Family Law – I (Hindu Law)	- do -
	<b>(B) Optional Paper (any one)</b>	
Paper 4	(i) Land Laws including Tenure and Tenancy System (ii) Insurance Law	- do -

##### **Semester – II**

	<b>(A) Compulsory Papers</b>	<b>Max. Marks : 100 Duration : 3 Hr.</b>
Paper 5	Special Contracts	- do -
Paper 6	Law of Torts (including Motor Vehicle Accident and Consumer Protection Laws)	- do -
Paper 7	Family Law II (Mohammedan Law)	- do -
	<b>(B) Optional Paper (any one)</b>	
Paper 8	(i) Interpretation of Statutes including General Clauses Act (ii) Equity, Trust and Bankruptcy Laws	- do -
Additional Paper	Proficiency test in English <b>Note :</b> Examinee will have to pass this paper securing at least 36% marks. Marks obtained in this paper shall not be counted in award of division. If an examinee fails to secure at least 36% marks, he/she will be allowed to appear in this paper to be held in the forthcoming semester examinations. Without passing this paper, the Degree of LL.B. (P) will not be awarded to the examinee.	- do -

**LL.B. I Semester (I year) -2013**  
**Paper 1 - Constitutional Law of India**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

**CONTENTS**

1. Introductory: Salient features of the Constitution : Nature of the Indian Federalism, Preamble, Citizenship and State, Fundamental rights. Directive Principles and Fundamental duties.
2. Union and state Executive : President, Governor-Election, appointment. Powers, position, council of Ministers, Prime minister, Parliamentary system of Government; Union and State legislature : Lok Sabha, Rajya Sabha, Vidhan Sabha and Vidhan Parishad- Composition, speaker, Chairman, Privileges, Legislative Procedure.
3. Union - State judiciary - Supreme Court and High Courts, composition and powers, Writs.
4. Union State Legislative Relationship - Distribution of legislative powers, administrative and financial relationship.
5. Service under the union and the state : constitutional protection to civil servants. Public Service Commission of the Union and States.
6. Article 300-A - Property Rights.
7. Freedom of Trade, Commerce and Intercourse; State liability in contracts and Torts. Suits by and against the State.
8. Emergency Provisions - National, State and financial.
9. Amendment of the constitution - Constitutionality of ordinary laws and amendment laws, judicial Review of amendment and the doctrine of Basic Structure - Major Amendments and their constitutional value.

**Leading Cases :**

1. Minerva Mills V. Union of India, AIR 1 978 SC, 1789.
2. Maneka Gandhi V. Union of India. AIR 1978 SC 597.
3. Union of India. V. Tulsidas, AIR 1985 SC 1416.
4. Keshavanand Bharti V. State of Kerala AIR 1973 SC 1476.
5. Kedar Singh V. Union of India, AIR 1989 SC 653.

**Suggested Readings:**

1. Constitution of India as amended up to-date.
2. Shukla V.N. : Constitution of india.
3. Jam, M.P. : Constitutional law of India (Eng. & Hindi)
4. Basu, D.D. Introduction of the Constitution of India.
5. Paras Diwan: Constitution of India.
6. M.C.J. Kagzi : Constitution of India (Eng. & Hindi Ed.).
- 7 जी. एस. शर्मा : भारत का संविधान
8. जे. एन. पाण्डे : भारत की संवैधानिक विधि

**Paper 2 - General Principal of Contract**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

**CONTENTS**

1. Contract:
  - (a) Meaning, elements and characteristics of contract
  - (b) Basis of Contract
  - (c) Classification of contract, including the standard form of contract.
2. Proposal:
  - (a) Meaning, elements, characteristics and kinds of proposal, distinction between proposal and invitation to Proposal.

- (b) Acceptance: Meaning, Modes and Characteristics of Acceptance.
- (c) Communication, revocation and termination of proposal and Acceptance.
- 3. Consideration
  - (a) Meaning, definition and Elements of consideration
  - (b) Significance and adequacy of consideration
  - (c) Unlawful consideration and object.
  - (d) Concept of stranger to contract.
- 4. Capacity to contract:
  - (a) Who cannot make a contract, who is minor and the place of minor under the law of contract.
  - (b) Person of unsound mind, nature of contract 'by person of unsound mind
  - (c) Persons deprived of the capacity to contract.
- 5. Free Consent:
  - (a) Meaning of consent and free consent
  - (b) Factors rendering consent not free and their affect upon the validity of contract.
- 6. Void Agreements:
  - (a) Agreements in restraint of marriage: freedom of trade and right to initiate legal proceedings.
  - (b) Agreements involving uncertainty ∴ wager and impossibility. Contingent Ccgtract: Certain relations resembling to those created by contract (Quasi contract).
- 7. Performance of Contract:
  - (a) Who is liable to perform, joint rights and joint liability and performance of reciprocal promises.
  - (b) Time, place and manner or performance
  - (c) Discharge from liability to perform the contract.
- 8. Breach of Contract:
  - (a) Maning and kinds.
  - (b) Remedies for breach of contract.
    - (i) Damages - Measure of damages and remoteness of damages.
    - (ii) Specific performance of contract and injunction under Specific Relief Act.

**LeadingCases:**

1. Carlil V Carbollic Smoke Ball Co. (1883) IQB 256
2. Bhagwandas V Girdhari Lal & Co. AIR 1966 SC 543
3. Motilal Padampur Sugar Mill Co. Ltd. Vs State of UP AIR 1979 SC 621
4. Lalman Shukia V Gauri Dutt All IJ (1913) 409
5. Mohori Bibi V Dhurmodas Ghosh(1903)I.A. 172

**Suggested Readings:**

1. Atiyah, P.S. : An introduction to the law of contract.
- 2 Pollock: Principles of the law of contract.
3. Pollock & Mulla: Indian Contract & Specific Relief Act.
4. V.O. Ramobandra: The law of contract and Specific Relief Act.
5. T..R. Desai: Principles of law of contract.
6. Avtar Singh : Law of contract.
7. Avtar Singh : संविदा विधि
8. I.C. Saxena & R.I. Nawalakha: संविदा विधि

### **Paper 3 - Family Law-I (Hindu Law)**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

**CONTENTS**

1. Hindu Law :Sources, School and application, Coparcenary. Joint *family* property and self-acquired property. Karta & his power and obligation. Religious and Charitable Endowments - Essentials of an endowment, kinds. Shebait and Mahant.
2. The Hindu Marriage Act, 1955: Condition ofHindu Marriage its ceremonies and registration. Void and voidable marriages. Restitution of conjugal rights. Judicial separation, legitimacy of children, void-voidable marriages. Divorce, alternative relief in divorce, proceedings of

- divorce by mutual consent. One year bar to divorce, divorce persons when may marry again, Jurisdiction and procedure.
3. The Hindu Succession Act, 1956-Succession to the property of a Hindu Male. Succession to interest in coparcenary property, property of Hindu female. Succession to the property of Hindu female. General rules and disqualifications of Succession Escheat.
  4. The Hindu Adoption and Maintenance Act, 1956: Requisites of valid adoption. Succession to take an adoption. Effect of adoption, persons who may be adopted, other condition for a valid adoption. Effect of Adoption: Miscellaneous provisions of adoptions. Maintenance of 3.
  5. The Hindu Minority and Guardianship Act, 1956: Natural guardians and their powers. Testamentary guardians and their powers. De-facto guardian, general provisions of guardianship.
  6. Partition Under Hindu Law: Meaning property for partition, persons entitled to sue for partition and allotment of shares, partition, how affected. Determination of shares. Re-opening of partition. Re-union. Debts-Doctrine pious obligation : Antecedent Debt.

**Leading Cases:**

1. Shastri Yajna Purushasji V. Muldas AIR 1966 SC 11153
2. Hanooman Prasad, V. Mussamat Babooce Munraj Koonwaree (1856) 6 M.1.A. 305.
3. Gita Hariharan V. State Bank of India AIR 1996 SC 1149.
4. Bipin Chandra V. Prabhavati AIR 1957 S.C. 176.
5. Dr. N.G. Dastanee V. Sucheta Dastanee AIR 1975 S.C. 1534.
6. Dharmendra Kumar V. Usha Kumar AIR 1977 S.C. 2218.
7. Tulsan V. Sessa reddy, AIR 1977 S.C. 1944.

**Suggested Readings:**

1. Mulla : Principles of Hindu Law.
2. Raghvachariar: Hindu Law-Principles and precedents.
3. ParasDiwan:HinduLaw.
4. Tahir Mahmood: Hindu Law.
5. पारस दीवान : आधुनिक हिन्दू विधि
6. केसरी यू.पी.डी. : हिन्दू विधि

## **Paper 4 (i) - Land Laws including Tenure and Tenancy System**

**Max. Marks: 100                      Min. Passing Marks: 36                      Duration: 3 Hrs.**

**CONTENTS**

1. Rajasthan Tenancy Act, 1955 : Objects and reasons, definition. Khudakhasht ( section 2 to 13. Ijredars, grove holder (sections 194 to 205). Classes of tenants (sections 14 to 17 A) conferment of rights of subtenants or tenants Khuda Khasht (section 19) Primary rights of tenants 9 sections 31 to 37 Surrender. abandonment and extinction of tenancies (sections 55 to 64), improvement trees (section 65 to 87) declaratory suits (sections 88 to 92) Determination and modification of Rent (sections 93 to 129), Payment and Recovery of tenants, Remedies for wrongful ejection (section 216 to 221) provision for injunction and appointment of receiver (section 212) Appeal, review, revision (sections 222 to 232), Reference, Questions of proprietary rights in revenue courts (section 239) Question of Tenancy Rights in civil court (Section 242) Conflict of Jurisdiction (Section 243).
2. Rajasthan Land Revenue Act 1956: The Board of Revenue, Revenue courts and officers (section 4 to 30) Appeal. Reference revision and review (Ss 74-87) Land (Ss 88 to 105)



- Survey (Ss 100-1 12). Record of Rights, Maintenance of maps and record. Annual Registers (Ss 113-137). Settlement operations; Rent Ratio, determination of rent, term of settlement (Ss 142-177). Collection of Revenue (Ss 224 to 257).
3. Rajasthan Premises (Control of Rent and Eviction) Act. 2000. Definition, Rent kinds, fixation eviction of tenants grounds, restriction on eviction, restitution of possession, waiver on default.

**Leading Cases :**

1. Khemchand v. State and Others 1999 D.N.J. Raj 239.
- 2 Sarla Ahuja v. united Insurance Co. Ltd. AIR 1999 SC 100
3. Nathu Singh v. Laxaman Singh 1995 RRD 124.
4. Panne Singh v. Guman Singh 1964 RRD 101.
5. Bhonra v. Ganes 1996 RRD 71.
6. Shivshankar V. Murli Sri Bade Muthuresthan land 1996 RRD 316.

**Suggested Readings:**

1. S.K. Dutta- Rajasthan Tenancy Law Rajasthan Land Revenue Act. Rent Control in Rajasthan.
2. Mathur & Mathur- Land Laws in Rajasthan.
3. Dr. G.S. Karkara - Land Laws in Rajasthan.
- 4.B.L.Babel- Rajasthan Ki Bhoomi Vidhia

## **Paper 4(ii) - Insurance Law**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

**CONTENTS**

1. Principles of Insurance: Life Insurance introduction, Life Insurance Policies annuities, Conditions of Life Insurance Policy. Premium computations.
2. Life Insurance Act. 1956:-  
Definitions: Its establishment- function- Transfer of existing Life Insurance, Business to the corporation- Management, Finance, accounts & Audit Miscellaneous.
3. General Insurance- Corpn. of India- Scheme for reorganization of General insurance, business- Function of corporation and acquiring companies and their management Miscellaneous.
4. Marine Insurance Act. 1963.

**Suggested Readings:**

1. Srivastava, Baichand: Elements of Insurance.
2. Dravid & Joshi: Bima Siddhant Evam Vyavahar.
3. Life Insurance Act. 1956.
4. General Insurance Business (Nationalisation )Act. 1972.
5. Marine Insurance Act. 1963.

**LL.B.II Semester (I year) -2013**  
**Paper 5 - Special Contract**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

**CONTENTS**

1. Contract of Indemnity and Guarantees:

- (a) Meaning, Distinction between indemnity and guarantee and kind of guarantees.
- (b) Right of indemnity holder.
- (c) Rights of the surety, extent of liability of the surety.
- (d) Discharge of liability of the surety.

2. Contracts of Bailment and Pledge:

- (a) Meaning and kinds of contract of Bailment-Bailment without consideration
- (b) Rights and duties of bailee and bailor.
- (c) Termination of contract of Bailment.
- (d) Position of the finder of goods under law.
- (e) Contract of pledge - meaning and definition. Pledge by unauthorised persons.
- (f) Rights and duties of pawner and pawnee

3. Contract of Agency:

- (a) Definition, kinds and modes of creation of Agency.
- (b) Relations between the Principal and agent.  
The Principal and third party and The agent and the third party.
- (c) Determination of agent's Authority :-  
By the acts of parties and by operation of Law. Irrevocable authority.

4. Contract of Sale of Goods:

- (a) Sale .Meaning Definition and elements.
- (b) Agreement to sell, hire-purchase agreements and a contract for work and labour .meaning and distinctions from sale.
- (c) Goods .existing future and contingent.
- (d) Condition and warranties.
- (e) Passing of property and risk from seller to buyer.
- (f) Sale by unauthorised person.
- (g) Law relating to performance of sale.
- (h) Rights of unpaired seller.

5. Contract of Partnership:

- (a) Meaning definition, formation and the characteristics of contract of partnership.
- (b) Distinction between:
  - (i) Co-ownership and partnership
  - (ii) Joint Hindu Family firm and partnership ; and
  - (iii) Company and partnership
- (c) Position of Minor
- (d) Relations interest of partners and relation of partners with third parties.
- (e) Registration of partnership firm
- (f) Dissolution of partnership and of firm.

**Leading cases:**

- 1. National Bank of India Ltd. V Sohanlal, AIR 1962 Punj.534.
- 2. Amritlal Goverdhan Lallan V State Bank of Travancore, AIR 1960 SC 1432.
- 3. Patnaik & Co. V State of Orissa, AIR 1965 S.C. 1655.
- 4. State of Gujarat V Maman Mohd. AIR 1967 SC 1885.

**Suggested Readings:**

- 1. Atiyah P.S. : An introduction to the law of contract.
- 2. Pollock : Principles of the Law of contract.
- 3. Pollock & Mulla: Indian Contract and Specific Relief Acts.

4. V.G. Rarnchandran : The law of Contract in India.
5. V.G. Ramchandran : Law of Agency.
6. Desai S.T. : The law of partnership in India and Pakistan.
7. Avtar Singh: Law of contract (English & Hindi)
8. Avtar Singh: Law of partnership (English & 1-lindi)
9. Kapoor N. D. Mercantile Law. a

## **Paper 6 - Law of Torts (including Motor Vehicle Accident and Consumer Protection Laws)**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

### **CONTENTS**

1. Definition, nature, scope, objects and elements of Tort, Maxims, Extinction or Discharge of Tortious Liability, Joint Tort - Feasors.
  2. General Defences of Tortious Liability. Vicarious Liability Doctrine of common employment, State Liability. Absolute or Strict Liability.
  3. Remedies, Kinds and measure of damages, Remoteness of damages.
  4. Torts to person and property including Negligence. Nuisance, nervous shock. interference with contract or business, intimidation, conspiracy, deceit or fraud, malicious prosecution, defamation.
  5. Consumer protection Act, 1986. Definitions, Consumer protection councils, Consumer Dispute Redressal agencies- Establishments, Jurisdiction Procedure and orders.
  6. The following provisions of The Motor Vehicle Act, 1988 :
    - (a) Liability without fault in certain cases, chapter 10, from sections 140 to 144.
    - (b) Insurance of Motor Vehicle against third party, chapter 11, from sections 145 to 166.
- Claims Tribunal, chapter 12, sections 165 to 176, with concerning Rajasthan Motor Vehicle Rules, 1990.

### **Leading Cases:**

1. Ushaben V. Bhagva Laxmi Chitra Mandir. AIR 1970 GUJ. 18.
2. N. Mahendra Rao V. State of A.P. AIR S.C. 2663.
3. Municipal Corpn. of Delhi V. Subhagwati. AIR 1966 SC 1750.
4. Rylands V. fletcher(1869) IRHT 330.
5. Indian Medical Association Vs V.P. Shantha AIR 1996 SC 500.
6. Dipal Girish Bhai v/s United Insurance Company, 2004 AIR, S.C.W. 1864.
7. Shivaji Dayani Palit v/s Smt. Vatsala Uttam More, AIR 1991 SC, 1769.
8. United India Insurance Co. Ltd. Shimla v/s Tilak Singh, AIR 2006 SC 1576.

### **Suggested Readings:**

1. Winfield: Law of Torts.
2. Ramaswami Iyar: Law of Torts.
3. B.S. Saba : Law of Torts.
4. Salmond: Law of Torts.
5. Street: Law of Torts.
6. G.S. Karkara: Contributory Negligence.
7. जे. एन. पाण्डे : अपकृत्य विधि
8. एस. एल. अग्रवाल : अपकृत्य विधि के सिद्धान्त
9. आर. के. बंगिया : अपकृत्य विधि
10. एम. एन. ठुक्ला : अपकृत्य विधि

11. Gurbax Singh : Law of Consumer Protection
12. Avtar Singh : Law of Consumer Protection
13. P. Leela Krishan : Consumer Protection & Legal Contracts
14. धाकड़ : उपभोक्ता संरक्षण कानून
15. Motor Vehicle Act, 1988 and its rules.

## **Paper 7 - Family Law -II (Mohammedan Law)**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

### **CONTENTS**

1. Mohammedan Law : Origin development sources, schools. Application, interpretation and conversion.
2. Marriage : Nature of marriage, essential of marriage Khyar-ul-bulug Iddat. Khilwat-us-sahih, Matrimonial stipulations, kinds of marriage and effects of marriage.
3. Mahr: Meaning, nature, kinds, Objects and subject matter. Wife's right on non-payment of dower. Dissolution of marriage : Talaq, ha, Zihar Mahr: Meaning, nature, kinds. object and subject matter. Matter. Wife's right on non-payment of dower. Dissolution of marriage : Talaq, ha, Zihar, Talaq-ulTafweez, Mubarat, Khula, Lien, Fashk, Section 2 of the Dissolution of Muslim Marriage Act, 1939. Legal effects of divorce.
4. Pre-emption, Meaning, nature and classification of Haq shufa (Pre-emption) Right of pre-emption when conflict of law, subject matter and formalities of pre-emption, legal effects of Pre-exemption. Devices for evading preemption.
5. Gift Hiba: Meaning and requisites of gift (Hiba): Gift of Musha, Conditional and future gifts. Life estate, Life interest, I-Iiba-bil-awaz, Hiba-bil-shart-ulawaj.
6. Will (Vasiyat): Competancy of testator and legatee, valid subject of will Testamentary limitations, formalities of a will and abatement of legacy.
7. Legitimacy and acknowledgment : Legitimacy and legitimation, presumption of legitimacy under Muslim law and section 112 of the Indian Evidence Act, conditions of a valid acknowledgment.
8. Maintenance : Persons entitled to maintenance, Principles of maintenance, The Muslim Women (Protection of Rights on Divorce) Act, 1986.
9. Death Bed Transactions : Meaning and effect of Marj-ul-maut.
10. Wakf: Meaning, essential and kinds. Beneficiaries of wakf. The Wakf validating Act, 1913. Formalities for creation wakf, wakf of Musha, Muslim religions institutions and officers. Administration of Wakfs, Mutawali.
11. Inheritance : General Principles of law of inheritance. Doctrine of Aul and Radd under hanafi and shia law.

### **Leading Cases:**

1. Mama Bibi V. Chaudhary Vakil Ahmed (1923)52 la 145.
2. HabiburRehman V. AltafAli(1921)481A 114.
3. Moonshee Buzul-ul-Rahem V. Luteefun Nissa, (1861)3 MIA 379.
4. Abdul Fata V. Russomoy Choudhary (1894)221 A 76.
5. Mohd. Abmad Khan V. ShahBano Begum, AIR 1985 S.C.945.

### **Suggested Readings:**

1. Fyzee : Mohammedan Law.
2. Mulla : Principles of Mohammedan Law.
3. Verma B.R.: Islamic Law.

4. Aquil Ahmed: Mohammedan Law.
5. Amir Au: Mohammedan Law.
6. के. पी. शर्मा : मुस्लिम विधि
7. हफीजुरहमान : मुस्लिम विधि
8. बी. एल. वर्मा : मुस्लिम विधि

## **Paper 8(i) - Interpretation of Statutes Including General Clauses Act**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

### **CONTENTS**

#### **Interpretation of Statutes**

Meaning of Interpretation — Basic principles of interpretation — intention of the legislature statute be read as a whole. Plain meaning rule. Harmonious Construction, Golden and Mischief rule — pith and substance rule. Aids to Interpretation — External — Parliamentary — legislative debates. Statement of objects and reasons. Dictionary. Statute in Pari materia. Contemporanea exposition, Internal — Title, preamble, Heading. Marginal Notes. proviso and function. Principle of Interpretation of Constitution and Penal and Fiscal Statutes.

#### **General Clauses Act, 1897**

#### **Leading Cases :**

1. Alamgir v. State of Bihar, AIR 1979, SC 436.
2. Inder Singh v. State of Rajasthan, AIR 1957, SC 510.
3. Suraj Mal-Singhvi v. State of Rajasthan, 1966 RLW 566.
4. Tilakayat Shri Govind Lal Ji v. State of Rajasthan, AIR 1963 SC 1630.

#### **Suggested Readings :**

1. Maxwell — the interpretation of Statute.
2. Grawford — Statutory constitution.
3. Craies — Statute Law.
4. Swarup — Interpretation of Statutes.
5. Bindra — interpretation of Statutes.
6. Sarathi— Interpretation of Statutes.
7. Bhattacharva, T. — Interpretation of Statutes (Hindi & English)

## **Paper 8(ii) - Trust, Equity & Bankruptcy Law**

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

### **CONTENTS**

This paper shall consist of following two parts – Part (A) 50 marks, Part (B) 50 Marks.

#### **Part A**

1. Equity: Concept of Equity - Origin and Growth of Equity in England - Maxims of equity .
2. Indian Trusts Act, 1982: Definition- Creation of Trusts - Duties and liabilities of Trustees - Rights and Powers of trustees - Disabilities of trustees - Rights and Liabilities of the Beneficiary, Vacating the office of Trustees - Extinction of Trustees - Certain obligations in the nature of Trusts.
3. Rajasthan Public Trusts Act, 1959 : Definition and validity of certain public trusts - Registration of Public Trusts - Management of Public Trust property - Powers of officers in

relation to Public Trusts - Control of Public Trusts - Social provisions in respect to certain trusts - Dharmada - Procedure and Penalties.

## Part B

- A. Acts for study.
1. The provincial Insolvency Act, 1920.
  2. The presidency Towns Insolvency Act, 1909.
  3. The Rajasthan Insolvency Rules.
- B. Contents: - Definition, - Origin and History of bankruptcy law, Constitution and power of Court, Proceedings form act of insolvency of discharge. Order of adjudication, Proceeding consequent on order of adjudication, Discharge, Annulment of Adjudication, Administration of property Realization
- B. of property, Distribution of property, Appeal to court against receiver Penalties, Summary Administration, Appeals Miscellaneous.

### Leading Cases:

1. Official Assigners V. Tehmina Dineshaw Tehrani AIR 1972 Mad. 187.
2. Abdul Shakoor V. Arji Law AIR 1967 SC 1150.
3. Gandhi V. Gitanjali 1972 IMLJ -234.
4. Mahomed Siddiqui V. The Official Assignee (1943) 70 IA 93.
5. Khat Mal V. Chaggaraj, AIR 1963 Rajasthan 123.
6. Hindu religious Endowments, Madras V. shri Lakshmindar Thiratha Swamiar of Shri Shirur Mutt, 1954 SC 282.
7. Durgah Committee, Ajmer V. Syed hussain Au, AIR 1961 SC 1402.
8. Surajthal Singhvi V. State of Rajasthan, 1966 RLW 566.
9. Tilakayat Shri Govindlaji V. State of Rajasthan, AIR 1963 SC 1630.

### Suggested Readings:

1. Mulla: The law of insolvency in India.
2. Williams on Bankruptcy.
3. Rameshwar Dayal : Commentary on the Provincial insolvency Act.
4. Mulla & Bhagwati : The Law of insolvency in India'
5. Upadhyaya, J.J.R. - Equity, Trusts with Fiduciary Relation and. Specific Relief.
6. Gandhi, B.M. - Equity, Trusts and Specific Relief.
7. Varadachari, V.K. - Law of Hindu Religious and Charitable Endowments.
8. Varadachari, V.K.- Public Trusts and Taxation.
9. जी. पी. सिंह : साम्य, न्यास एवं विशिष्ट सहायता अधिनियम
10. बी. एल. बाबेल : साम्य, न्यास एवं विशिष्ट अनुतोश अधिनियम

## Additional Paper Proficiency Test in English

**Note :** Examinee will have to pass this paper securing at least 36% marks. Marks obtained in this paper shall not be counted in award of division. If an examinee fails to secure at least 36% marks, he/she will be allowed to appear in this paper to be held in the forthcoming semester examinations. Without passing this paper, the Degree of LL.B. (P) will not be awarded to the examinee.

**Max. Marks: 100**

**Min. Passing Marks: 36**

**Duration: 3 Hrs.**

### CONTENTS

#### (A) Vocabulary:

1. Use of legal phrases and terms (list of legal terms given below)
2. Pairs of words.
3. One word substitution.

4 Latin Maxims (Listed Below )

**(B) Composition Skills**

1. Brief Writing and drafting notice. Letter and applications
2. Essay writing on topics of legal interest.
3. Translation (from English to Hindi and Hindi to English)
4. Precise writing.
5. Varieties of Sentence Structures & Verb Patterns.

**List of legal terms which, are relevant for LLB. Students:**

Abet Abstain Accomplice  
Act of God Actionable Accused  
Adjournment Actionable Admission  
Affidavit Amendment Appeal  
Acquittal Articles Assent  
Attested Adornment Averment  
Bail Bailment Citation  
Clause Coercion Code  
Cognizable Confusion p' Compromise  
Consent Conspiracy Contempt  
Contingent Comorian Conviction  
Convention Corporate Custody  
Damages Decree Defamation  
Defense Escheat Estoppels  
Eviction Executive Ex-parte  
Finding Floating charge Forma Pauperise  
Franchise Fraud Frustration  
Good faith Guardian Habeas Corpus  
Hearse Homicide hypothecation  
Illegal indent Inheritance  
Bench Bill Bill of attainder  
Bill of rights Blockade Bonafide  
By-laws Capital Punishment Charge  
Chattles Justiciable Legislation  
Legitimacy Liability Liberty  
Licence Lieu Liquidation  
Maintenance Malafide Malfeasance  
Minor Mifeasance Mortgage  
Murder Negligence Negotiable  
Instruments Neutrality Nonfeasance  
Notification Nuisance Novation  
Oath Obscence Offender  
Order Ordinance over rule  
De-facto De hire Deposit  
Detention Discretion Distress  
Earnest Mone Enact Entrceable  
Equality Partition Perjun  
Petilion Plaintiff Pledge  
Preamble Pre-emption Prescription  
Presumption Privilege Privit  
Prize Process Promisson Note  
Proof Proposal Prosecution  
Proviso Ratify Receiver  
Redemption Reference Regulation  
Remand Remedy Rent

Repeal Res Judicata Respondent  
 In Limine Insanity Institute  
 Insurance Interstate Issue  
 Judgement Judicial Jurisdiction  
 Justice Restitution Rule  
 Ruling Schedule Section  
 Settlement Sovereignty Specific Performance  
 Stamp duty Sttus quo Statute  
 Stay of excution Sucession Suiniiions  
 Surety Tenant Testator  
 Tesiari, Title Tort  
 rade Mark Tea son Treaty  
 Trespass Trial Tribunal  
 True Ultra Vires Undue influence  
 Usage Valid Verdict  
 Vested Violate Vis-major  
 Void Voidable Wager  
 Waiver Warrant Warranty  
 Vill Writ Wrong

**List of Latin Maxims:**

1. Ab initio (from the beginning)
2. Actio personalis moritur cum persona (Personal rights by action dies with the person).
3. Actus curae neminem gravabit (an act of the court shall prejudice no one).
4. Actus non facit reum. nisi mens sit rea (the act itself does not constitute guilt unless done with a guilty intent).
5. Actus reus (wrongful act).
6. Ad interim (in the meantime)
7. Ad iudicium (for the suit).
8. Ad valorem (according to the value).
9. Alibi (plea of being elsewhere)
10. Amicus curiae (friend of the court).
11. Animus (intention).
12. Audi alteram partem (hear the other side).
13. Caveat emptor (buyer beware).
14. Conviction by the testimony of the thing in itself sine sensu).
15. Damnum sine injuria (damage without injury).
16. De facto (in fact).
17. De jure (in law).
18. De minimis non curat lex (the law takes no account of trifling matters).
19. Decree nisi (a decree which takes effect after a specified period), delegated).
20. Doli incapax (incapable in malice).
21. Donatio mortis causa (gift by a person on the death bed).
22. Eiusdem generis (of the same category).
23. Eminent domain (the supreme right).
24. Ex officio (by virtue of an office).
25. Ex parte (not in the presence of the opposite party).
26. Ex post facto (by subsequent act).
27. Factum valet (the fact which cannot be altered).
28. Factum accompli (an accomplished fact).
29. Ignorantia legis neminem excuset (ignorance of law is no excuse).
30. In pari materia (in an analogous case, cause or position)
31. Injuria sine damno (injury without damage).



32. Interest republicae Ut sit fims litiuin (it is in the interest of the republic that there should be an end of law suit).
33. intra vires (within the powers).
34. Jus terti (The right of a third party)
35. Lis pendens (pending suit).
36. Mens rea (a guilty mind)
37. Mesne profits (the profits received by a person on wrongful possession).
38. Nemo det quod non habet (no man can't transfer better little than be himself).
39. Neiv ck bis vn pro et idem causa (no man be tce xed for t1E sane cause).
40. Nemo in p acaijux ese et(no oi ought tobe ajixige in his ocase)
41. Nolle prosequi (to be unwilling to prosecute).
42. Obiter dicta (an opinion of law not necessary to the decision)
43. Onus probandi (the burden of proof)
44. Pacta sunt servanda (pact must be respected).
45. Pendenti lite (during litigation)
46. Per capita (per head)
47. Per incuriam (through inadvertence or carelessness).
48. Per stripes (by stocks)
49. Plenum dominium (full stocks)
50. Pro bono publico (for the public good)
51. Ratio decidendi (grounds for decision, principles of the case).
52. Res geste (connected facts forming the part of the same transaction).
53. Res ipsa loquitur (the thing speaks for itself)
54. Res judiciala (a matter already adjudicated upon).
55. Res nallius (an ownerless thing)
56. Rule nisi (a rule or order upon condition that is to become absolute when cause is shown to the contrar).
57. Status quo (existing position).
58. Sub judice (in course of adjudication).
59. Sui juris (one's own right).
60. Suo motti (of ones own accord)
61. Ubi jus ibi reniedium (where there is a right, there is remedy)
62. Ultra vires (beyond the powers of).
63. Volenti non fit injuria (Risk taken Voluntarily is not actionabale).

**Leading Cases:**

1. State of Rajasthan v Smt. Kalbu & Others AIR 1981 SC 1390.
2. Kuljeet Singh alias Ranga v Union of India AR 1981 SC 1572.
3. State of Meharashtra v Champa Lal AIR 1981 SC 1675
4. Nand Lal v. State of Punjab & another AIR 1981 SC 2041
5. Smi. Jewanti Pandey v Kishan Chandra Pandey AIR 1980 SC 517

**Suggested Readings:**

1. GaInvile William : Learning the Law
2. Wren & Martin : English Grammar.
3. Ganga Sahai Sharraa: Fundamental of Legal Writing.
4. Hindi-English Legal glossary: Vidhi Sahitya Prakashan, Ministry of Lafl Government of India. New Delhi.
5. David Green : Contemporary English Grammar, structure and composition.
6. Ishtiaque Abidi: Law and Language
7. Dr. Anirudha Prasad: Legal Language & Writing.
8. Dr. Surendra Yadav : Legal Language, Legal Writing Including Gen. Eng
9. Dr. R.L. Jain : Legal Language, Legal Writing Including Gen. Eng.