

Maharshi Dayanand University Rohtak



Ordinances, Syllabus and Courses of Reading for LL.B. Part-IV Examination

Session—~~1997-98~~

1998-99

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SCHEME OF EXAMINATION

LL.B.IVth Year

		Max. Marks	Time
Paper-I	Legal Theory and Comparative Law	100	3 Hrs.
Paper-II	Administrative Law	100	3 Hrs.
Paper-III	Labour Law	100	3 Hrs.
Paper-IV	Criminal Procedure Code	100	3 Hrs.
Paper-V	Company Law	100	3 Hrs.

Any two of the following :

Paper-VI & VII

i)	Law of Insurance and Accidental Claims	100	3 Hrs.
ii)	Criminology and Criminal Administration	100	3 Hrs.
iii)	Commercial Law	100	3 Hrs.
iv)	Environmental Law and Consumer Protection	100	3 Hrs.
v)	Private International Law	100	3 Hrs.
iv)	Public Control of Business	100	3 Hrs.
vii)	Election Law	100	3 Hrs.
viii)	International Organisation & Human Rights.	100	3 Hrs.

Paper-I LEGAL THEORY AND COMPARATIVE LAW

Max. Marks : 100

Time : 3 Hours

Note : The entire syllabus is divided into five units. Ten questions shall be set with two questions from each unit. The candidates shall be required to attempt 5 questions in all selecting one question from each unit. All questions carry equal marks.

Unit-I

1. Definition, Nature of Jurisprudence and Scope of Jurisprudence
2. Schools of Jurisprudence
An Introductory study of : a) Analytical Positivist School b) Historical School, c) Sociological School, d) Realist School and e) Philosophical School

Unit-II

Definition and Nature of Law:

- a) Imperative theory of Law, b) Pure Theory of Law,
c) Hindu Concept of Law d) Administration of Justice

Unit-III

Source of Law (Custom, Legislation, Judicial Precedent)

Unit-IV

Legal Concepts: a) Legal rights and duties
b) Possession, c) Ownership, d) Personality, e) Property,

Unit-V Comparative Law

- (a) Definition, nature and scope of comparative law,
(b) Origin and Historical Development of Comparative Law
(c) Utility of Comparative Law.

Recommended Books

- | | |
|--|---------------------------------|
| 1. Salmond | Jurisprudence |
| 2. Dias | Jurisprudence |
| 3. Paton | Jurisprudence |
| 4. Dhyani, S.N. | Jurisprudence |
| 5. P.N.Sen | Hindu Jurisprudence |
| 6. Gutteridge H.C. | Comparative Law (Ch.I,II & III) |
| 7. Indian Law Institute of Comparative Law | |

Paper-II ADMINISTRATIVE LAW

Max. Marks : 100

Time : 3 Hours

Note: Covering all topics, the examiner will set ten questions of equal marks with two questions in each Unit. The students will be required to answer five questions, atleast one question from each Unit. All questions shall be set in English & Hindi.

Unit-I

Nature and Scope of Administrative Law, Rule of Law, Separation of Powers.

2. Delegated legislation; Factors leading to the growth of Delegated Legislation; Excessive delegation. Permissible and Non-permissible delegation. Judicial Control:
 - i) Constitutionality of the Parent Act
 - ii) Constitutionality of Delegated Legislation
 - iii) Substantive ultravires
 - iv) Procedural ultravires
 - v) Exclusion of Judicial Review
 Legislative control
 Sub-delegation of Legislative power.

Unit-II

- i) Principles of Natural Justice;
 - ii) Bias
 - iii) Audi-Alteram Partem
 - iv) Right to Counsel
 - v) Reasoned Decisions
2. Administrative Tribunals
 - i) Distraction from Courts
 - ii) Growth of Tribunals
 - iii) How far bound by rule of evidence
 A.K.Kraipak V. Union of India, AIR 1970 SC 150

Unit-III

1. Judicial control of Administrative Action:
 - Writ Jurisdiction
 - Scope of Art. 32 and Art. 226
 - Exhaustion of Alternative Remedies
 - Laches
 - Against whom writ can be issued
 - Who can apply for Writ
 - Public Interest litigation
 - Nature of Writs (Habeas Corpus, Mandamus, Certiorari (Prohibition and Quo Warrants)
 - Grounds for issue of Writs.

2. Statutory Judicial Remedies
-Injunctions and Declaratory actions
3. **Judicial Control of Administrative Discretion:**
Courts do not go into the merits of exercise of Discretion
Abuse of Discretion
Non-application of Mind
Non-compliance with procedural norms
Administrative discrimination
Partap Singh Vs. State of Punjab, AIR 1964 SC 72

Unit-IV

- Govt. privileges in Legal Proceedings
Whether State bound by a Statute
Govt. privilege not to produce documents
Miscellaneous privileges of the Govt.
-Notice
-Limitation
Official Secrets and Rights to Information
State of Punjab Vs. Sodhi Sukhdev Singh, AIR 1961 SC 493
2. Doctrine of Promissory Estoppel
Moti Lal Padam Pat Sugar Mill Vs. Uttar Pradesh(1979)
SC(Section 409).
Public Undertakings
-Govt. Control
-Parliamentary Control
-Judicial Control

Unit V

Tortious Liability of Govt.
Govt. Contracts:
Introductory, Formation of Govt. Contract
Art. 14, 19(g) Govt. Contracts
Institution of Ombudsan : Lok Pal

Suggested Readings

M.P.Jain	Principles of Administrative Law
J.R.Upadhyaya	Administrative Law
Paras Diwan	Administrative Law
Garner	Administrative Law
H.P.W.Wade	Administrative Law

I.P.Massey	Administrative Law
S.P.Sathe	Administrative Law
K.C.Joshi	Administrative Law

Paper-III LABOUR LAW

Max. Marks : 100

Time : 3 Hours

Note: Ten questions will be set with two questions from each unit. The candidate will be required to attempt five questions in all selecting one question from each unit. All questions shall carry equal marks.

Unit-I Trade Union Act 1926, definition ; Trade Union, Trade Dispute, Executive, Registrar, Office bearers.

Registration of Trade Unions (Ss. 3-9) cancellation of registration (S-10), Appeals (S-11), Incorporation of Registered Trade Union (S-13), Right and Liability of Registered Trade Unions (Ss-15-28).

Case: An Indian Steam Navigation Workers Unions, A.I.R.1936 Cal. 57.

The minimum Wages Act, 1948.

Object and Salient Features of the Act.

Definition; appropriate Government, Schedule Employments, Employer wages, Minimum Wage, Fare Wage, Living Wage, Fixation and Revisions of minimum rates of Wages (Ss.3-10).

Case:- Bijay Cotton Mills Limited V. State of Ajmer, A.I.R. 1955 S.C. 33.

Unit-II The Minimum Wages Act 1948. Payment of wages in kinds (S.11), payment of minimum rates of wages (S.12). Fixing hours of normal working day (s.13), overtime(s.14) Minimum time rate wages of piece work (s.17) Inspector's (s.19) Settlement of Claims (Ss.20&21).

The Workman's Compensation Act, 1923

The main features of the Act; Definitions; Compensation dependant; Employer; partial disablement, total disablement; Workman; Employer; liability for Compensation(S.3). Commissioner's power and jurisdiction (Ss.19 to 28) and Appeal (S.30).

Case: M. Mackenzie, Vs. I.M. Issak, A.I.R.1970 S.C. 1906.

Unit-III The Factories Act. 1948

Definition;-Factory; Manufacturing process; Hazardous process occupier its function and duties in inspecting staff (Ss.8-10) Statutory provisions relating to health and safety (Ss11 to 20-and Ss21 to 41) Statutory provisions relating to Welfare (Ss.42 to 50 working hours of Adults (Ss51 to 66).

Employment of young persons (Ss67 to 77) and Annual Leave with Wages (Ss 78 to 84).

Case: Hathras Municipality Vs. Union of India, A.I.R.1975 All. 364.

Unit-IV The Industrial Disputes Act. 1947

Main features of the Act. Definition; Appropriate Government, Industry; Workman; Industrial Dispute; Award of Settlement Authorities under the Act.Ss. 3 to 8, 11, 11-A, 12 to 15); Award and Settlement, (Ss. 16 to 21).

^{S.S 10 + 10 A of Industrial Disputes Act}
Cases: Management of Safadarjang Hospital Vs. Kuldeep Singh

Unit-V A.I.R.1970 S.C. 1407.

2. Bangalore Water Supply Vs. A. Rajappa A.I.R.1978 S.C. 548. Definition of Strike Lock-out and their relevant statutory provisions (S.20, 21) (Ss 22 to 28) Definition of Layoff (S.2.R.KK.) Retrenchment (200) Closure and the relevant statutory provisions (Ss. 25 A to 25H) Scope of Sec. 25 FF, 25FFF, 25FFA. Special provisions relating to layoff Retrenchment and closure (Chapter, V-B) Unfair Labour Practices Scope of Sections 33,33A,33B,33-C and 36.

Books Recommended:

1. O.P. Malhotra Law of Industrial Disputes Vol.I.
2. Dr. G.M. Kothari A Study of Industrial Law.
3. P.R.Bangri Law of Industrial disputes.
4. S.N.Mishra Labour and Industrial Law.
5. K.D.Srivastava Law Relating to Trade Unions in India Act.
6. Dr.S.C.Srivastava Labour Laws and Industrial Relations.

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|----------------------|---|
| 7. Mahesh Chandra | Minimum Wages Act. 1948. |
| 8. H. Saharary | Industrial and Labour Laws of India. |
| 9. Dr. S.K Puri | Labour and Industrial Laws. |
| 10. Dr. L.C. Dhingra | Law on Industrial adjudication in India. |
| 11. K.D. Srivastava | A Commentary on the Workman's compensation Act, 1923. |

Paper-IV CRIMINAL PROCEDURE CODE M. M : 100
Time : 3 Hours

Note: Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all selecting one question from each unit. All questions shall carry equal marks.

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|-----------------|---|
| Unit-I | 1. Preliminary (Section 1-5) |
| | 2. Constitution and power of Criminal Courts (Ss. 6 to 35). |
| | 3. Arrest of Persons (54 to 60). |
| Unit-II | 4. Processes to Compel appearance and the production of things (Ss. 61-105). |
| | 5. Order for maintenance of Wives, Children and Parents (Sc 125 to 128). |
| | 6. Maintenance of Public Order and Tranquillity (Ss 133 to 148). |
| | 7. Preventive Action of Police (Ss 149-153). |
| Unit-III | 8. Information to the Police and their powers to investigate (Sc 154 to 176). |
| | 9. Conditions requisite for initiation of proceedings (Sc. 190 to 199). |
| | 10. Complaints to Magistrates (Sc. 200 to 203) |
| Unit-IV | 11. The Charge (Sc 211 to 224). |
| | 12. The Trial before a court of session (Sc 225 to 237). |
| | 13. Trial of Warrant Cases by Magistrate (Sc 238 to 250). |
| | 14. Trial of Summons cases by Magistrate (Ss 251 to 259). |
| | 15. Summary Trial (Ss 260 to 265). |
| Unit-V | 16. The Judgement (Ss 353-365). |
| | 17. Appeals (Ss 372-394) |
| | 18. Reference and Revision (Ss 395-405) |

19. Provisions as to Bail and bail bonds (Ss 436-450)

- Leading cases**
1. State of U.P. Vs. Singhara Singh, AIR 1962 SC 358.
 2. Narayan Dass, Bhagwan Dass Vs. State of West Bengal, AIR 1978 S.C. 1110.
 3. Gurbax Singh Sibia Vs. State of Punjab, AIR, 1980 S.C. 514.
 4. Banwari Lal Vs. Union of India, AIR, 1963 S.C. 1620.

Books Recommended

- | | |
|----------------|-------------------------------------|
| 1. Kelkar R.V. | Outline of Criminal Procedure. |
| 2. Kelkar | Lectures on Criminal Procedure. |
| 3. Bare Act. | Code of Criminal Procedure
1973. |

Note: Only one question, Direct or indirect will be set from the leading cases.

Paper-V COMPANY LAW

Max. Marks : 100

Time : 3 Hours

Note: Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all selecting one question from each unit. All questions shall carry equal marks.

Unit-I

Corporate personality, advantages and disadvantages, lifting of the corporate Veil, kinds of company, Promoters case : Soloman, Vs. Soloman & Co. (1897) A.C.22, (1895-99) All E.R. Rep.33

Unit-II

Registration of a company, Memorandum of association - doctrine of ultra vires, Articles of association - doctrine of indoor management.

Case: Ashbury Railway carriage and Iron Co. Ltd. . Vs. Riche (1875) LR7HL 653, (1874-80) All E.R. Rep. Ext. 2219,
Royal British Bank Vs. Turquand,(1856) 119 ER 886, (1843-60) All E.R. Rep. 435

Unit-III

Prospectus, Shares-Meaning and kind,
Debentures-Meaning & Kinds, floating and fixed charge.

Unit-IV

Directors-Position, Powers & Duties, Rule in Foss Vs. Harbottle, prevention of oppression and mismanagement.

Case : Regal (Hastings) Ltd. V. Gulliver and Others, (1942) All E.R. 378 : Shanti Prasad Jain Vs Kalinga Tubes Ltd. (1965) I Comp. L.J.193, AIR 1965 SC 1535.

Unit-V

Winding Up-kinds and grounds, Liquidator-Powers, Rights, Duties & Liability.

Case: Madhu-sudan Gordhan-das & Co. V. Madhu Woolen Industries Pvt. Ltd., AIR 1971 SC. 2600, (1972) 42 Comp. Cas. 125

Note: *Not more than one question shall be directly set out of the Cases-prescribed above .*

Books : Shah, S.M.-Lecture on Company Law

Avtar Singh-Company Law

Gower, L.C.B.-Modern Company Law

Topham-Company Law

Paper-VI & VII (i) LAW OF INSURANCE AND ACCIDENTAL CLAIMS

Max. Mark : 100

Time : 3 Hrs.

Note: *Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all selecting one question from each unit. All questions shall carry equal marks.*

- Unit-I**
1. Concept and Nature of Insurance.
 2. Principles of Insurance.
 3. Evolution, Role and Importance of Insurance.

- Unit-II**
1. The Insurance Act. 1938
 - a) Requirement as to Capital (SS.6,6A, 6B and 6C)
 - b) Registration(SS.3,3A and 3B)
 - c) Licencing of Insurance Agents (SS.42, 42A, 42B, 42C and 43)
 - d) Investigations (S.33)
 - e) Duties and Powers of Controllor of Insurance (SS.34-34A)

- Cases:**
- 1) Mithoo Lal Vs. L.I.C. of India A.I.R 1962 SC 814
 - 2) M.D.Mehta V. D.K.Ramchandra Naik AIR 1967 SC. 108.

- Unit-III**
1. The Life Insurance Corporation Act, 1956.
 - a) Constitution, Capital and Functions of Corporation SS. 4-6A
 - b) Set up of Corporation and Committees (SS 18-19)
 - c) Authorities (SS 20-23).
 - d) Rights of Policy Holders.
 2. Miscellaneous Insurance: Marin, Fire and Aviation Insurance.

- Unit-IV**
1. The Motor Vehicle Act, 1988 (Ch. II, VIII, IX, X, XI & XII)

- Cases**
1. Anjana Devi Vs. Arumaghan, AIR1983 S.C. 282.
 2. British India Gen. Insurance Co. Vs. Captain Singh AIR 1959 SC 1331.
 3. New Asiatic Insurance Vs. Pesumal AIR 1964 SC 1736.

- Unit-V**
1. Fatal Accident Act. 1955.
 2. Dangerous Machines (Regulation) Act. 1983 (SS.1.34)

Cases: C.K.Subramaniam Iyer Vs. T.K.K. Nair AIR 1970 SC. 376.

Books Recommended:

1. The Insurance Act. 1938.
2. The Life Insurance Corporation Act. 1956.
3. Fatal Accident Act. 1855.
4. Motor Vehicle Act. 1988.
5. Dangerous Machines (Regulation) Act. 1983.
6. Misra, M.N. Insurance, Principles and Practices.
7. Misra, M.N Principles of Insurance.
8. Rao, C.R.-Treaties on the Law of Insurance.
9. Federation of Insurance Institute: Principles of Life Insurance.

Note: Not more than one question shall be set directly on the prescribed leading cases.

(Opt. ii) CRIMINOLOGY AND CRIMINAL ADMINISTRATION

Max. Marks : 100

Time : 3 Hours

Note: Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all, selecting one question from each unit. All questions shall carry equal marks. The paper setter will give Hindi translation of the paper also.

Unit-I Nature and extent of crime in India; general approaches to crime control; white collar crime; Socio economic crimes; crimes by professionals; drug addiction/alcoholism; juvenile delinquency.

Unit-II Schools of criminology; Pre-classical school, Classical school; Neo-classical school; positive school; Anthropological theories of Lombrose and others (Hereditary and mental retardation as causes of crime)

- Unit-III** Economic theories of crime causation; Benger's theory of crime causation; Sociological Theories of criminality; Social structure and social process; Environment, caste and community tensions; Multiple factors causation & approach to crime.
- Unit-IV** Concept and theories of punishment; modes of punishment Capital punishment and its relevance in the modern context prison administration and reform; Classification of prisoners; Constitutional imperatives (With Special reference to articles 20,21,22) and prison reforms; concept of open prison.
- Unit-V** Resocialization techniques; probation; salient features of the Probation of Offenders Act, 1958. Problems and prospects of probation; Judicial attitude towards probation; parole.

Books Recommended

- | | |
|------------------------------|--|
| 1. A.Siddique; | Criminology problems and prospectives. |
| J.M.Sethna; | Society and Criminology |
| 3. Jamens Teary; | Introduction to Criminology |
| 4. M. Pannanan; | Criminology and Penology |
| 5. N.V.Paranjape; | Criminology and Penology |
| 6. Sutherland; E. and Cressy | Principle of Criminology |

COMMERCIAL LAW

Max. Marks : 100

Time : 3 Hours

Note: Ten questions will be set with two questions from each unit. The candidate will be required to attempt five questions in all selecting one question from each unit. All questions shall carry equal marks.

Unit-I The Indian partnership Act 1932

1. Nature and definition of partnership.
2. Relation of partners to one another

3. Relation of partners to third parties, Implied Authority of partners, liability of partners for Act of firm liability for firm for Acts of partner, Doctrine of holding out. Minor" admission to partnership.

4. Cases:-

C.I.T.V. Nandlal Gandadal (1960) 40 I.T.R.(P.I)

5. C.I.T. Shah Mohandas Sadhu Ram A.I.R. 1966 S.C.15

Unit-II The Indian partnership Act. 1932

1. Incoming and out going partners
2. Introduction, retirement, expulsion, insolvency of partners (Sec. 31,32,33,34,36,37)
3. Dissolution of firm (Sec. 39-55)
4. Registration of firm (Sec. 56-77)
5. Case M/s Jammu Cold Storage V. Kherti Lal & Son 1960 J & K 101

Unit-III Negotiable Instrument Act, 1881.

1. Negotiable instrument; Notes, Bills and Cheques (SC. 4-7)
2. Holder in due course, payment in due course (Ss.8-10)
3. Negotiable instrument, indorsement-in blank and in full indorsement.
4. Maturity and cancellation of maturity (Ss.22-24)
Liability of a drawer and drawer of cheque (Ss.30-31)

Unit-IV Negotiable Instrument Act 1881.

1. Negotiation by delivery and by indorsement, effect of indorsement.
2. Holder driving title from holder in due course.
3. Negotiable instrument obtained by unlawfull means and for unlawfull consideration (Ss. 47-48, 50,53,58,)

4. Cheque payable to order, effect of material alteration, cheque crossed generally and specially (Ss. 85-87)

Crossing after issue, payment of cross cheque out of due course, cheque bearing note negotiable, Non Liability of banker receiving payment of cheque.

Cases:- Bangal Bank V. Satinder Nath A.I.R. 1952.Cal. 385
great Western Railway V. London and county Banking Co. 1901. A.C. 414.

Unit-V The Banking Regulation Act, 1949:- Ss. 5, 5A, 6-12
Audit (30)

Inspection (35)

Power of Reserve Bank to give directions (35A,) Ss. 35B (36)

Control over Management (36A, A, 36A.B.)

Suspension of business and winding up of banking Companies; (36 B, 37,38-45)

Books Recommended

- | | |
|--------------------------------------|---------------------------------------|
| 1. Avtar Singh | Law of partnership, |
| 2. Mulla | Law on sales of goods and partnership |
| 3. M/s Shyam Adiya | The Negotiable instrument Act |
| 4. J.S. Khargamuala | The Negotiable instrument Act |
| 5. Bangia R.K. | Negotiable instrument Act. |
| 6. Bangia R.K. | Indian Partnership Act. |
| 7. Desai | Law of Partnership |
| 8. The Banking Resolution Act, 1949. | |

ENVIRONMENTAL LAW AND CONSUMER PROTECTION

Max. Marks : 100

Time : 3 Hours

Note: Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all selecting one question from each unit. All questions shall carry equal marks.

- Unit-I** A. Meaning and definition of environment, environmental pollution, Factors responsible for environmental pollution . Provisions of following general Laws for protecting the environment in general.
- a) Constitution of India
 - b) Indian Penal Code.
 - c) Criminal Procedure Code.
 - d) The Factories Act. 1948.
- B. Definition of Noise, Sources of Noise, its harmful effects and remedies for Noise pollution.
- C. Leading case; Retlam Municipality Vs. Vardichand & Others AIR 1980 SC 1622.
- Unit-II** A. The water (Prevention and control of Pollution) Act,1974.
- B. Leading Case: M. C. Mehta Vs. Union of India (The Ganga Pollution case) AIR 1988 SC 1115.
- Unit-III** A. The Air (Prevention and Control of Pollution) Act, 1981.
- B. The Environmental (Protection) Act, 1986.
- Unit-IV** A. Role of public Interest Litigation in protection of environment.
- B. Role of Judiciary in protection of environment.
- C. Leading cases: a) Rural litigation Kendra, Dehradun Vs. State of U.P., AIR 1987 SC 385.
b) M.C.Mehta Vs. Union of India, AIR 1987 SC 965 (Oleum Gas Leakage case)
- Unit-V** A. Evolution of Consumer Law.
- B. The Consumer (Protection)Act, 1986
- C. Leading Cases: Indian Medical Association Vs. V.P. Shantha, AIR 1996 SC 550.

Note: Not more than one question shall be set directly on leading cases.

Books Recommended

1. Diwan, Paras "Environment Administration; Law and Judicial Attitude," (1992) Vol.I&II.

2. Singh Avtar "Consumer Protection, Law and Practice, : (1995)
3. Saraf, D.N. "Law of Consumer Protection in India (1990).

Statutes :

- A. The water (Prevention and control of Pollution) Act, 1974.
- B. The Air (Prevention and control of Pollution) Act, 1981.
- C. The Environmental (Protection) Act, 1986.
- D. The Consumer (Protection) Act, 1986.

Paper VI & VII A-5 PRIVATE INTERNATIONAL LAW

Max. Marks : 100

Time : 3 Hours

Note: Ten questions shall be set with two questions from each unit. The candidate shall be required to attempt five questions in all selecting one question from each unit. All questions shall carry equal marks.

Unit-1. Definition, nature and Scope of Private International Law
Origin and Development of Private International Law.

Unit-2 Theories of classification of Private International Law
Doctrine and Renvoi (a) Partial S. Single Renvoi (b) The Foreign Court Theory (Total and Double Renvoi)

Unit-3 Principles relating to Jurisdiction of English Courts.
Domicile.

Unit-4 Marriage and Matrimonial cases.

Law of Property

- a) Distinction between movables and immovables.
- b) The Law of movables
- c) The Law of immovables

Unit-5 Proper Law of contract

Cases:

1. In the Estate of Fold (No.3) 1968), p. 675 (1965) 3 All.
2. Rahimtoola v. The Nizam of Hyderabad, (1958) A.C. 379
1957 3 All FR441