

**LL.B. Part IInd (Semester-IV)**

**Paper-IV THE LAW OF CRIME- II (CRIMINAL PROCEDURE CODE)**

**Maximum Marks – 100**

**Minimum Passing Marks – 40**

**Introduction**

- The rationale of criminal procedure: the importance of fair trial
- The constitutional perspectives: Article 14, 20 & 21

**Pre – Trial Process: Arrest**

- The distinction between cognizable and non cognizable offences: relevance and adequacy problems
- Steps to ensure accuseds presence at trial: warrant and summons
- Arrest with and without warrant (section 70-73 and 41)
- The absconder status (section 82, 83 and 85)
- Right of the arrested person
- Right to know ground of arrest (section 50(1), 55,75)
- Right to be taken to magistrate without delay (section 56,57)
- Right to not being detained for more than twenty – four hours (section 57): Article 22(2) of the constitution of India
- Right to consult legal practitioner, legal aid and the right to be told of rights to bail
- Right to be examined by a medical practitioner (section 54)

**Per- trail process: Search and Seizure**

- Search warrant (section 83, 94,97,98) and search without warrant (Section 103)
- Police search during investigation (section 165,166,153)
- General principals of search (section 100)
- Seizure (section 102)
- Constitutional aspects of validity of search and seizure proceedings

**Per- trail process: FIR**

- F.I.R. (section 154)
- Evidentiary value of F.I.R. (see section 145 and 157 of Evidence Act)

## **Per-trial process: Magisterial Powers to Take Cognizance**

### **Trial process**

- Commencement of proceedings: (section 200,201,202)
- Dismissal of complaints (section 203,204)
- Bail: concept, purpose: constitutional overtones
- Bailable and non bailable offences (section 436,437,439)
- Cancellation of bail (section 437 (5))
- Anticipatory bail (section 438)
- Appellate bail powers (section 389 (1), 395 (1), 437(5))
- General principles concerning bond (section 441 – 450)

### **Fair Trial**

- Conception of fair trial
- Presumption of innocence
- Venue of trial
- Right of the accused to know the accusation (section 221 – 224)
- The right must generally be held in the accused's presence (section 221 – 224)
- Right of cross-examination and offering evidence in defence: the accused's statement
- Right to speedy trial

### **Charge**

- Framing of charge
- Form and content of charge (section 211, 212, 216)
- Separate charge for distinct offence (section 218, 219, 220, 212, 223)
- Discharge – pre-charge evidence

### **Preliminary Pleas to Mar to Trial**

- Jurisdiction (section 26, 177 – 188, 461, 462, 479)
- Time limitations: rationale and scope (section 468 – 473)
- Pleas of autrefois acquit and autrefois convict (section 300, 22D)
- Issue Estoppel
- Compounding of offences

## **Trial before a court of session: Procedural Steps and Substantive Rights**

### **Judgment**

- From and content (section 354)
- Summary trial
- Post conviction orders in lieu of punishment: emerging penal policy (section 360,361,31)
- Compensation and cost (section 357, 358)
- Modes of providing judgment (section 353, 362, 363)

### **Appeal Review, Revision**

- No appeal, in certain cases (section 372, 375, 376)
- The rationale of appeals, review, revision
- The multiple ranges of appellate remedies
- Supreme Court of India (section 374, 379, Article 31, 132, 134, 136)
- High Court (section 374)
- Session Court (section 374)
- Special right to appeal (section 380)
- Government appeal against sentencing (section 377, 378)
- Judicial power in disposal of appeal (section 368)
- Legal aid in appeals
- Revisional jurisdiction (section 397-405)
- Transfer of cases (section 406,407)

### **Juvenile delinquency**

- Nature and magnitude of the problem
- Causes
- Juvenile court system
- Treatment and rehabilitation of juveniles
- Juveniles and adult crime
- Legislative and judicial protection of juvenile offender
- Juvenile justice (Protection and Care) Act 2000

### **Probation**

- Probation of offender's law
- The judicial attitude
- Mechanism of probation: standards of probation services
- Problems and prospects of probation
- The suspended sentences

## Reforms of Criminal Procedure

### Selected Bibliography

- Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal, Delhi
- Chandrasekharan pillai, ed, kelkar Lectures on Criminal Procedure (1998 Eastern Lucknow
- Principal's commentaries on the Code of Criminal Procedure 2 Vol. (2000) Universal
- Woodroffe: Commentaries on Code of Criminal Procedure 2 Vol. (2000) Universal
- Chandrasekharan pillai, ed, kelkar's outlines of Criminal Procedure Code 2001 Eastern Lucknow

LL.B. Part II<sup>nd</sup> (Semester-III)

Paper-V LABOUR & INDUSTRIAL LAW-I

Maximum Marks – 100  
Minimum Passing Marks -40

**General Introduction**

- Industrial jurisprudence.
- Labour policy in India.
- Industrial revolution in India, evils of industrializations, labour problems Growth of labour legislation in India.

**Industrial Dispute Act 1947**

- Short title, definition & authorities.
- Notice of change.
- Reference of certain industrial dispute of grievance settlements authorities, board, courts, tribunals.
- Power procedure & duties of authorities.
- Strike, lock out, lay, Retrenchment.
- Penalties.

**Trade Union Act 1926**

- Registration of trade union.
- Rights & liabilities of registered trade union.
- Regulation..
- Penalties & procedure.

**Minimum wages Act 1948**

- Introduction & definition.
- Minimum wages; fixation & procedure.
- Authorities under the act.
- Fixation of hours of work & wages.
- Claims & their determination.
- Cognizance of offence.

## Factories Act 1948

- Introduction, definition registration & licensing
- The inspecting staff
- Health
- Safety
- Working hours of adult
- Annual leave with wages
- Penalties & provisions.

## SELECTED BIBLIOGRAPHY

1. John Bowers and Simon Honeyball, Text book on Labour Law (1996), Blackstone, London.
2. Shrivastava K.D. Commentaries on payment of wages Act 1936 (1998), Eastern Lucknow.
3. Shrivastava K.D. Commentaries on minimum wages Act (1948) (1995), Eastern Lucknow.
4. Rao S.S. Law and Practice on minimum wages (1999), Law Publishing House, Allahabad
5. Seth D.D. Commentaries on Disputes Act 1947 (1998), Law Publishing House, Allahabad
6. Shrivastava K.D. Commentaries on factories Act (1948) (2000), Eastern Lucknow
7. R.C. Saxena, Labour problems and social welfare
8. V.V. Giri, Labour problems in Indian Industries
9. O.P. Malhotra The Law of Industrial Disputes (1998) Universal Delhi
10. S.C. Srivastava, Social Securities and Labour Law pts, 5 and 6 (1985), Universal Delhi.
11. S.C. Srivastava

## LL.B. Part IInd (Semester-IV)

### Paper-I CIVIL PROCEDURE CODE & LIMITATION ACT

Maximum Marks – 100  
Minimum Passing Marks -40

#### Introduction

#### Concepts

- Affidavit, order, judgment, decree, plaint, restitution, execution, decree- holder, judgment- debtor, mense profits. Written statement
- Distinction between decree and judgment and between decree and order

#### Jurisdiction

- Kinds
- Hierarchy of courts
- Suit of civil nature – scope and limits
- Res subjudice and resjudicata
- Foreign judgment – enforcement
- Place of suing
- Institution of suit
- Parties to suit: joinder, mis – joinder or non – joinder of parties : representative suit
- Fram of suit: cause of action
- Alternative disputes resolution (ADR)
- Summons

#### Pleading

- Rules of pleading, signing and verification
- Alternative pleading
- Construction of pleadings
- Plaint: particulars
- Admission, return and rejunction
- Written statement: particulars, rules of Evidence
- Set off and counter claim: distinction
- Discovery, inspection and production of documents
- Interrogatories
- Privileged documents
- Affidavits

## **Appearance, Examination and Trial**

- Appearance
- Ex-parte procedure
- Summary and attendance of witnesses
- Trial
- Adjournments
- Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver
- Interests or costs
- Execution
- The concept
- General principles
- Power of execution of decrees
- Procedure for execution (section 52-54)
- Enforcement, arrest and detention (ss 55-56)
- Attachment (ss(65-64)
- Sale (ss 65-97)
- Delivery of property
- Stay of execution

## **Suits in particular cases**

- By or against government (ss. 79-82)
- By aliens and by or against foreign rules or ambassadors (ss. 83-87A)
- Public nuisance (ss. 91-93)
- Suits by or against firm
- Mortgage
- Interpleader suits
- Suits relating to public charities

## **Appeals review, reference and revision**

- Appeals from decree and order, general provisions relation to appeal
- Transfer of cases
- Restitution
- Caveat
- Inherent powers of courts
- Law reform: Law Commission on Civil Procedure
- Amendments



Maximum Marks – 100  
Minimum Passing Marks -40

**Concept of Environment and Pollution**

- Environment. Meaning and concept
- Pollution- Meaning and effects of pollution
- Environmental Pollution (Water, Air and Noise Pollution)
- Meaning and standards, Culprits and victims, Offences and penalties.

**International Historical Perspective**

- Stockholm Conference
- Rio conference
- U.N. declaration on right to development

**Constitutional Provisions related to Environment**

- Constitution making - development and property oriented approach
- Directive principles, (Status, role and interrelationship with fundamental rights and fundamental duties)
- Fundamental Duty
- Judicial approach
- Fundamental Rights (Rights to clean and healthy environment. Environment Vs. Development)
- Enforcing agencies and remedies, ( Courts, Tribunal, Constitutional, statutory and judicial remedies)
- Emerging principles {Polluter Pays, Public Liability insurance, Precautionary principles}
- Sustainable development

**Environment Protection measures VIS A VIS Environment Pollution**

- Protection agencies: power and functions
- Protection: Means and sanctions.
- Emerging protection through delegated legislation.
- Hazardous waste
- Bio- medical waste
- Judiciary : complex problems in administration of environment justice

## **LAW OF LIMITATION**

The concept – the law assists to vigilant and not those who sleep over the rights

### **Object**

- Distinction with laches, acquiescence, prescription
- Extension and suspension of limitation
- Sufficient cause for not filling the proceedings
- Illness
- Mistaken legal advise
- Mistaken view of law
- Poverty, minority and purdha
- Imprisonment
- Defective vakalatnama
- Legal liabilities
- Foreign rule of limitation: contract entered into under a foreign law
- Acknowledgement – essential requisites
- Continuing tort and continuing breach of contract

### **SELECTED BIBLIOGRAPHY**

1. Mulla, Code of Civil Procedure (1990), Universal Delhi
2. C.K. Thacker, Code of Civil Procedure (1990) Universal Delhi
3. M.R. Mallick (ed.), B.B. Mitra on Limitation Act (1998), Eastern Lucknow
4. Majumdar P.K. and Katara R.P. Commentary on the Code of Civil Procedure 1908 (1998), Universal Delhi
5. Saha A.N., Code of Civil Procedure (2000), Universal Delhi
6. Sarkar's Law of Civil Procedure Vols. (2000), Universal Delhi
7. Universal's Code of Civil Procedure (2000)
8. Limitation Act- 1963

Maximum Marks 100  
Minimum Marks 40

## PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

- Professional ethics
- Accountancy for Lawyers and Bar-Bench relations.
- Recommended materials -
  - (i) Mr. Krishnamurthy Iyer's book on 'Advocacy'
  - (ii) The Contempt Law and Practice
  - (iii) The Bar Council Code of Ethics
  - (iv) Fifty selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject

~~Other reading materials as may be presented~~

Note -

- 1- The written exam of this paper will have 80 marks and the Viva Voce/research paper for project or participation in seminars will carry 20 marks.
- 2- Written examination will be conducted by the University.
- 3- Viva Voce will be conducted by the department.

### **Forest and wild Life Protection**

- Greenery conservation laws
- Forest conservation
- Conservation agencies
- Prior approval and non -forest purpose
- Symbiotic relationship and tribal people
- Denudation of forest; judicial approach
- Wildlife
- Sanctuaries and national parks
- Licensing of zoos and parks
- State monopoly in the sale of wild life and wild life article
- Offences against wild life

### **Bio-diversity**

- Legal control
- Control of eco-un friendly experimentation on animal plants, seeds and Microorganism.

### **Selected bibliography**

1. Armin Rosencranz, et. AJ. (eds.) Environmental Law and Policy in India (2000), Oxford
2. R.B. Singh and Suresh Mishra. Environmental Law in India (1996), Concept Pub. Co., New-Delhi
3. Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep and Deep Pub. New Delhi
4. Richard Riverze, et. El. (eds.) Environmental Lw, The Economy and sustainable Development (2000)[ Cambridge
5. Christopher D. stone, should Trees Have Standing and other Essays on Law, Moral and environment (1996), Oceana
6. Leelakrishnan, P. The Environmental Law in India (1999), Eastern Lucknow
7. Leelakrishnan, P. The Environmental Law in India (1999), Butterworth India
8. Department of Science and technology, Government of India, Report of the Committee Recommending Legislative Measures and Administrative Machinery for ensuring environment Protection (1980) (Tiwari Committee Report)

**LL.B. Part IIInd (Semester-IV)**

**Paper-IV INTERPRETATION OF STATUES**

**Maximum Marks – 100**

**Minimum Passing Marks -40**

**Introduction**

- Meaning of the term 'statues'
- Commencement, operation and repeal of statues
- Purpose of interpretation of statues

**Aids to interpretation**

**1. Internal aids**

- Titles
- Preamble
- Heading and marginal notes
- Sections and sub-section
- Punctuation marks
- Illustration, exceptions, provisos and saving clauses
- Schedules
- Non- obstinate clause

**2. External aids**

- Dictionaries
- Translations
- Travaux preparatoires
- Statues in pari material
- Contemporanea Exposito
- Debates, inquiry commission reports and Law commission reports

**Rules of statutory Interpretation**

- Primary rules
- Literal rule
- Golden rule
- Mischief rule (rule in the Heydon's case)
- Rule of Harmonious construction
- Noscitur a sociis
- Ejusdem generis
- Reddendo sigula sigulis

### **Interpretation with reference to the subject matter and purpose**

- Restrictive and beneficial construction
- Taxing statutes
- Penal statutes
- Welfare legislation

### **Principal of constitutional interpretation**

- Harmonious constructions
- Doctrine of pith and substance
- Colourable legislation
- Ancillary powers
- Occupied field
- Residuary power
- Doctrine of repugnancy

### **Selected bibliography**

1. G.P. Singh, principal of statutory interpretation, (7<sup>th</sup> ed.) 1999, wadhwa Nagpur
2. P.St. Langan (ed.) Maxwell on The Interpretation of Statues (19760, N.M. Tripathi, Bombay
3. K. Shanmukham, N.S. Bindras's Interpretation of Statues (1997) The Law book Co. Allahabad
4. V. Sarathi, Interpretation of Statues, (1984) Estern & Co..
5. M.P. Singh, (ed.) V.N. Shukla's Constitution of India ( 1994) Eastern Lucknow
6. U. Baxi Introduction to Justic K.K. Mathews, Democracy Equality and freedom ( 1978) Eastern Lucknow

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**LL.B. Part IInd (Semester-IV)**

**Paper-V LABOUR & INDUSTRIAL LAW-II**

**Maximum Marks – 100**

**Minimum Passing Marks -40**

**Introduction**

**Mines act 1952**

- Aims, object, commencement, definition
- Inspectors & certifying surgeons
- Committees
- Provisions as to health & safety
- Hours & limitation of employment
- Leave with wages
- Regulation, rules
- Penalties & procedures

**Bonded Labour System (Abolition) Act 1976**

- Aims, object, operation, definition of Act
- Abolition of bonded labour system
- Extinguishment of liability to repay bonded debt
- Implementing authorities
- Vigilance committee
- Offences & procedure for trial

**Equal remuneration Act 1976**

- Introduction, definition, Act to have overriding effect
- Payment of remuneration of equal rates to men & women works & other matters
- Miscellaneous- duty of employers to maintain register, inspection, penalties, offences by cognizance & trial of offence, power of central Government

**Child Labour (Prohibition & Regulation Act 1986)**

- Definition, object, scope of act
- Prohibition of employment of children in certain occupation & process
- Regulation of condition of work of children
- Miscellaneous
- Penalties, procedure, employment of inspector, power, rules repeal and saving

### E.S.I. Act 1948

- Definition, object, scope of act
- Corporation, standing committee & medical benefit leave
- Finance & audit
- Contribution
- Benefits
- Adjudication of disputes, clause
- Penalties

### BOOKS RECOMMENDED

Malik	Industrial Law
Shrivastava K.D.	Disciplinary Action Against
G.M. Kothari	A Study of Industrial Law
V.V. Giri	Labour Problem
S.N. Mishra	Labour & Industrial Law