

SANJIVANIE COLLEGE OF LAW

LL.B. Fourth Semester

Paper-I

JURISPRUDENCE – 1 (LEGAL CONCEPT)

UNIT-I

Right-meaning and definition; theories of rights; right – duty co-relation.

UNIT-II

Person – concept ; nature of personality,

Status of unborn, minor , lunatic , drunken, and dead persons.

Corporate personality and its theories.

Dimensions of modern legal personality – legal personality of non- human beings.

UNIT-III

Ownership –concept; meaning; kinds of ownership.

Various modes of acquisition of ownership.

Possession- concept; meaning ; kinds of possession

Various modes of acquisition of possession

Difference between ownership and possession.

UNIT-IV

Property- concept and meaning of property.

Kinds of Property

Liability – Conditions for imposing liability –

1. Wrongful act

2. Damnum sine injuria

3. Mens rea

4. Intention

5. Motive

6. Recklessness

7. Strict liability , and

8. Vicarious liability.

UNIT-V

Law Meaning and definition .

Purpose of law

Justice-meaning and kinds

Law and justice –approaches to different schools.

Morality – concept and meaning

Relationship between law and morality.

Books (As prescribed for LL.B. Third Semester.)

T.P.Tripathi, Jurisprudence

LL.B. Fourth Semester

Paper- II

LAW OF INSURANCE

UNIT-I

Definition, nature and history of insurance in India.

Concept of insurance- law of contract and law of torts.

Future of insurance in globalised economy.

Contract of insurance – classification of contract of insurance; nature of various insurance contracts; difference between general contract and insurance contract.

Meaning of reinsurance and double insurance.

UNIT-II

Insurable interest- its essential; indemnity as the controlling principle on insurance laws.

An insurance contract is a contract of uberrime fidei (of utmost good faith)

Doctrine of subrogation – its essentials; subrogation as a necessary corollary of the principle of indemnity.

Doctrine of contribution – its essentials.

Policy – classification of policies; its form and contents; its commencement, duration, cancellation, alteration, rectification, renewal, assignment, and construction.

conditions of policy; alteration of the risk; assignment of the subject- matter.

UNIT-III

Life insurance – definition, nature and scope; kinds of life insurance.

Policy and formation of life insurance contract; event insured against life insurance contract.

Circumstances affecting risk; amounts recoverable under the policy; persons entitled to payment; settlement of claim and payment of money.

Life Insurance Corporation of India – its organization and functions.

IRDA – constitution powers and functions.

UNIT-IV

The Marine Insurance Act, 1963.

Marine Insurance (Cargo insurance, hull insurance, freight insurance, liability insurance)- nature, scope and importance.

Insurable risk (perils of sea, fire , jettison, barratery, risk of theft, war risk, and land risk) Voyage deviation.
Marine insurance contract- insurable interest; utmost good faith; warranties; worthiness of sea; legality of venture.

Conditions of marine insurance.

Fire Insurance- meaning, scope and importance of fire insurance ; fire insurance contract; method of indemnity.

Insurable interest, utmost good faith; conditions of fire insurance policy.

UNIT-V

Social Insurance in India

Need and importance of social insurance –its elements.

Commercial insurance and social insurance.

Workmen's compensation (scope, risk covered, industrial accidents, occupational diseases, amount of compensation, nature of injuries, dependents).

Sickness Insurance, old age , premature death and invalidity insurance or pension insurance, public provident fund and jeevandhara policy.

Unemployment insurance.

Acts

The Life Insurance Corporation of India Act, 1956.

The marine Insurance Act, 1963.

Workmen's Compensation Act, 1923.

Books

M.N.Sreenivasan, Principles of Insurance Law, (Ramania Publishers, Bangalore)

B.A.Singh, New Insurance Law, (Union Book Publishers , Allahabad)

Ivamy, General Principal of Insurance Laws, (Butterworths).

Ivamy. Case Book on Insurance Law, (Butterworths).

Dr. Mamta Chaturvedi, Law of Insurance

LL.B. Fourth Semester

Paper- III

Law of Property- II (Transfer of Property Act, 1882 and Indian Easement Act, 1882)

UNIT –I

Sale- definition of sale; essentials of a valid sale; sale how made.

Rights and liabilities of buyer and seller.

Distinction between sale and exchange; sale and gift.

Exchange- definition and essentials.

Rights and liabilities of parties.

UNIT –II

Mortgage- definition; essentials of mortgage; kinds of mortgage.

Rights and obligations of mortgages and mortgagee including right of redemption and right of foreclosure or sale.

Marshaling of securities.

Doctrine of subrogation including legal and conventional subrogation.

Charges- kinds of charges; distinction between charge and mortgage, charge and lien.

UNIT –III

Definition of leaser , lessor , lessee, premium and rent.

Essential elements of lease; leases how made.

Rights and liabilities of lessor and lessee.

Determination of lease.

Exemption of leases for agricultural purposes.

UNIT-IV

Gift- definition; essential elements; transfer how effected ; modes of making gift.

When gift may be suspended or revoked.

Onerous gift.

Universal donor.

Actionable claim – definition ; transfer of actionable claim; liability of transferee; mortgaged debt.

UNIT-V

Easement – definition; nature and scope; classification of easement.

Who may impose easement? Who may acquire easement?

Modes of acquisition of easement.

License- definition; Who may grant license; distinction between license and lease.

Acts

The Transfer of Property Act, 1882.

The Easement Act, 1882.

Books

As prescribed for LL.B. Third Semester.

Dr. T.P.Tripathi , Law of Property Act.

Subba Rao, Transfer of Property Act.

V.P. Sarathy, Transfer of Property, (EBC, Lucknow)

Mulla, Transfer of Property Act, (Universal, Delhi)

LL.B. Fourth Semester

Paper- IV

Criminal Procedure Code-II [Including Juvenile Justice (Care and protection of children) Act, 2000 and Probation of Offenders Act]

UNIT –I

Trial before a Court of Session - initial steps, evidence for prosecution, steps to follow the prosecution evidence; for the defence, steps to follow the defence evidence; judgment and connected matters.

Trial of warrant cases by Magistrates (Cases instituted on a police report and cases instituted otherwise than on a police-report)- initial steps in the trial, evidence for prosecution- steps to follow the prosecution evidence; evidence for defence – steps to follow the defence evidence; judgment and connected matters.

Trial of summons cases and summary trial-steps in the trial; hearing of the prosecution cases, personal examination of the accused; hearing of the defence cases; acquittal or conviction

Offence triable in a summary way; procedure to be followed in summary trials; judgment in cases tried summarily.

UNIT-II

Security for Keeping peace and good behavior

Public nuisances and disputes as to immovable property.

Maintenance of public order and tranquility

Maintenance of wives, children and parents.

Plea bargaining.

UNIT-III

Appeal

Reference

Revision

UNIT-IV

Juvenile Justice (Care and protection of Children) Act, 2000.

Object and essential features of the Act.

Definitions- Begging, child in need of care and protection, narcotic drugs and psychotropic substance, juvenile in conflict with law.

Juvenile Justice Board- constitution, procedure and powers.

Child welfare committee- constitution, procedure and powers.

Special homes.

Offences under the Act.

UNIT –V

Probation of Offenders Act

Object and essential features of the Act.

Powers of court to release certain offenders on probation of good conduct.

Restrictions on imprisonment of the offenders under twenty one years of age.

Probation Officers, duties of Probation Officers.

Acts

Criminal Procedure Code, 1973.

Juvenile Justice (Care and protection of Children) Act, 2000.

Probation of Offenders Act

Books

Dr. Parajai, Criminal Procedure Code

LL.B. Fourth Semester

Paper-V

Civil Procedure Code and Limitation Act

UNIT-I

Definitions- decree, judgment, decree holder, judgment debtor, mesne profits.

Jurisdiction-Jurisdiction of civil courts

Suits of Civil nature

Place of suing- general principle-pecuniary jurisdiction, territorial jurisdiction and Jurisdiction as to subject- matter.

UNIT-II

Res sub Judge-nature and Scope; object; conditions; sub res judice and res judicata.

Res judicata-nature and scope; object; res judicata and rule of law; res judicata and estoppels.

Suit- meaning; essentials of suit; parties to suit; joinder of parties; non-joinder and misjoinder of parties; representative suit.

Suits By indigent person, minor insane person , and corporation.

Pleadings- definition; basic and general rules of pleadings; plaint and written statement; set off and counter –claim .

Issue – meaning and importance of issue; framing of issue; kinds of issue.

Trial –general ; summoning and attendance of witness.

Adjournment- discretion of court; when granted and when refused.

UNIT-III

Judgment – definition; essential; judgment and decree; contents of judgment; alteration in judgment.

Decree- meaning ; essential; contents of decree; classes of decree; decree and order.

Execution- meaning; nature and scope; execution proceedings under the CPC; application for execution – who may apply? – Against whom application may be made?- To whom application may be made? – contents of application; procedure for hearing application; stay of execution; mode of execution.

Arrest and detention.

Attachment of property.

Sale and delivery of property.

UNIT-IV

Appeal – first and second appeal – meaning; essentials; right of appeal; no second appeal lies in certain cases.

Appeals from orders.

Orders- Meaning; nature and scope.

Reference- nature and scope; object; who may apply?; powers and duties of referring court; reference and appeal; reference and review; reference and revision.

Review- meaning; nature and scope ; object ; Who may apply? grounds.

Review- meaning; nature and scope ; Who may apply? grounds.

UNIT-V

Limitation- meaning; nature and scope of the law limitation.

Bar of limitation and its efficacy.

Sufficient cause- meaning and applicability.

Legal disability – meaning, scope and effect.

Computation of period of limitation and exclusion of time in legal proceedings.

Computation of period of limitation in certain cases- death, fraud or mistake, acknowledgement in writing, and part-payment.

ACTS

Code of Civil Procedure, 1908.

Indian Limitation Act.

Books

Dr. T.P.Tripathi, Civil Procedure Code

Dr. P.C.Vishwakarma, Civil Procedure Code

C.K.Thakkar, Civil Procedure Code, (EBC Lucknow)

Mulla, Code of Civil Procedure, (Universal, Delhi)

Sakar's Law of Civil Procedure

LL.B. Fourth Semester

Paper-VI

LABOUR AND INDUSTRIAL LAW-II

UNIT-I

Workmen's Compensation Act, 1923.

Object, scope and application.

Definition of important terms- dependent, partial disablement, total disablement, wage, and workman.

Employer's liability for compensation – doctrine of notional extension of employer's premises; defenses available to an employer from liability for compensation.

Employer's liability in cases of occupational diseases

Amount of compensation

Workmen's Compensation Commissioner- reference to Commissioner- power and functions.

UNIT-II

Employees' State Insurance Act, 1948.

Object and scope of the Act.

Concept of factory, principal employer, employee, insured person, and employment injury.

Benefits available under the Act – Sickness benefit, maternity benefit, disablement benefit, dependent's benefit, and medical benefit.

General rules concerning benefits.

Employees' Insurance Court – constitution powers and functions.

UNIT-III

Payment of Wages Act, 1936.

Object and its application.

Time of payment of wages.

Deductions- meaning; authorized deductions and unlawful deductions.

Meaning and definition of wages; mode of payment; responsibility for payment of wages.

Inspector – powers and functions of inspector.

Authority to hear claim – jurisdiction and powers; claim application and limitation. Appeal- who can file appeal?

UNIT –IV

Factories Act, 1948.

Object and reasons, scope and applicability of the Act.

Definition of important terms- factory, manufacturing process, worker, and occupier.

Inspecting Staff.

Measures in regard to health. Safety and welfare.

Employment of young persons on dangerous machines.

UNIT-V

Minimum Wages Act , 1948

Aims and object of the Minimum Wages Act.

Different concepts of wages- living wages. Fair wages, minimum wages- Need- based minimum wages and National minimum wage.

Minimum rates of wages.

Fixation and revision of minimum wages.

Inspector.

Claims.

Maternity Benefit Act, 1961.

Object and scope of the Maternity Benefit Act.

Restrictions on employment or work by women.

Right to payment of maternity benefit.

Forfeiture of maternity benefit

Different leaves

Inspectors- appointment, powers and duties.

Acts

Workmen's Compensation Act, 1923.

Employees' State Insurance Act, 1948.

Payment of Wages act, 1936.

Factories Act, 1948.

Minimum Wages Act, 1948.

Maternity Benefit Act, 1961.

Books

As prescribed for LL.B. Third Semester

Indrajeet Singh, Labour Law

Dr. V.G.Goswami, Labour Law

LL.B. Fourth Semester

Paper-VII

Max. Marks. : 100

Practical Training : Pleading, Drafting and Conveyancing

This course will taught class instructions and simulation exercise, preferably with the assistance of practicing Lawyers/retired judges. Apart from teaching the relevant provisions of Law. the course will include 15 exercises in Drafting carrying to total of 45 marks and 15 exercises in conveyancing carrying another 45 marks (3 marks exercises) as detailed below:-

(A) Drafting - General Principal of drafting and relevant substantive rules shall be taught.

(B) Pleading -

- 1) Civil** - **(i)** Complaint, **(ii)** Written statement, **(iii)** Interlocutory application **(iv)** Original Petition, **(v)** Execution petition, & **(vi)** Memorandum of appeal and revision **(vii)** Petition under article 226 & 32 of the Constitution of India.
- 2) Criminal** - **(i)** Complaints, **(ii)** Criminal miscellaneous petition, **(iii)** Bail application and **(iv)** Memorandum of appeal and revision.

(C) Conveyancing :- **(i)** Sale deed **(ii)** Mortgage deeds, **(iii)** Lease deed, **(iv)** Gift deed, **(v)** Promissory note, **(vi)** Power of attorney, **(vii)** Will