

RAJESH PANDEY COLLEGE OF LAW

AKBARPUR AMBEDKAR NAGAR (U.P.)

AFFILIATED BY

DR. RAM MANOHAR LOHIA AWADH UNIVERSITY, AYODHYA (U.P.)

SYLLABUS

OF

LL.B. (THREE YEAR COURSE)

LL.B. 4th SEMESTER

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- I. JURISPRUDENCE-II (LEGAL CONCEPT)**
- II. LAW OF INSURANCE**
- III. PROPERTY LAW (TRANSFER OF PROPERTY ACT, 1882 AND INDIAN EASEMENT ACT.)**
- IV. CRIMINAL PROCEDURE CODE-II (INCLUDING THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN), 2000 AND THE PROBATION OF OFFENDERS ACT)**
- V. CIVIL PROCEDURE CODE AND LIMITATION ACT**
- VI. LABOUR AND INDUSTRIAL LAW-II**
- VII. PRACTICAL TRAINING: PLEADING, DRAFTING AND CONVEYANCING**

LL.B. Fourth Semester

PAPER-I

Maximum Marks: 100

JURISPRUDENCE-II (LEGAL CONCEPT)

UNIT-I

Right-meaning and definition; theories of rights; kinds 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 no-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- (i) wrongful act, (ii) Damnum sine injuria, (iii) Mensrea, (iv) Intention, (v) Motive, (vi) Recklessness, (vii) Vicarious liability.

UNIT-V

Law-meaning and definition.

Purpose of law

Justice- meaning and kinds.

Law and justice- approaches of different schools.

Morality- concept and meaning

Relationship between law and morality

LAW OF INSURANCE

UNIT-I

Definition, nature and history of insurance.
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

An insurable interest-its essentials; 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 contraction.

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.
Circumstance 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 power 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, barratry, 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; 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.

L.B. Fourth Semester

PAPER-III

Maximum Marks: 100

PROPERTY LAW (TRANSFER OF PROPERTY ACT, 1882 AND INDIAN EASEMENT ACT.)

UNIT-I

Concept and meaning of property

Kinds of Property- Movable property, tangible and intangible property
Intellectual property.

Important terms- immovable property; Actionable claim
"Transfer of property" Defined.
What may be transferred?

Transfer for the benefit to unborn persons. Rule
against perpetuity.
Vested interest.

Contingent interest; difference between vested and contingent interest.

UNIT-II

Condition transfer- fulfillment of condition precedent and fulfillment of condition subsequent.

Election- election when necessary, doctrine of election, right of disappointed
transference.

Apportionment

Restrictive covenant.

Transfer of property ostensible owner.

Transfer by unauthorized person.

Transfer by one co-owner

Transfer by co-owner of share in common property

LL.B. Fourth Semester

PAPER-IV

Maximum Marks: 100

CRIMINAL PROCEDURE CODE-II (INCLUDING THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN), 2000 AND THE PROBATION OF OFFENDERS ACT)

UNIT-I

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

Trial of warrant cases by Magistrate (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 defense evidence; judgment and connected matters.

Trial of summons cases and summary trial- steps in the trial; hearing of the prosecution cases, persona; examination of the accused; hearing of the defense case, acquittal or conviction.

Offences 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 behaviour

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 feature 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 essentials feature of the Act.

Powers of court to release certain offender 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

As prescribed for LL.B. Third Semester.

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 justice- 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 estoppel.

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

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

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

Issues- meaning and importance of issues; framing of issues; kinds of issues.

Trail- general; summoning and attendance of witnesses.

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

UNIT-III

Judgment- definition; essentials; judgment and decree; contents of judgment; alteration in judgment.

Decree- meaning; essentials; 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.

Order- 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.

Revision - meaning; nature and scope; object; who may apply?; grounds.

UNIT-V

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

Sufficient cause- meaning and applicability. Lega

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 of mistake, acknowledgement in writing and part-payment.

Acts

Code of Civil Procedure, 1908

Indian Limitation Act.

LL.B. Fourth Semester

PAPER-VI

Maximum Marks: 100

LABOUR AND INDUSTRIAL LAWS – 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; defences 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-powers 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.

Authority to hear claims- jurisdiction and powers; claim application and limitation.

Appeal- who can file appeal?

LL.B. Fourth Semester

PAPER-VII

Maximum Marks: 100

**PRACTICAL TRAINING: PLEADING, DRAFTING, AND
CONVEYANCING**

This course will taught class instructions and simulation exercises, 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 for each exercises) as detailed below:-

(A) DRAFTING- General Principles of drafting and relevant substantive rules shall be taught.

(B) PLEADING-

(1) Civil- (I) Plaint, (II) Written statement, (III) Interlocutory application, (IV) original Petition, (V) Execution petition, & (VI) Memorandum of appear and revision (VII) Petition under article 226 & 32 of the Constitution of India

(2) Criminal- (I) Complaints, (II) Criminal miscellaneous petition, (III) Bail application, (IV) Memorandum of appear and revision.

(C) CONVEYANCING- (I) Sale deed, (II) written statement, (III) Mortgage deed, (IV) Gift deed, (V) Promissory note, (VI) Power of attorney (VII) will