

UNIVERSITY OF KALYANI

**REVISED SYLLABUS
FOR**

**5- YEARS
B.A.LL.B. (HONOURS) COURSE**

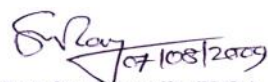
**WITH EFFECT FROM THE SESSION
2009 – 2010**

University of Kalyani

Revised Syllabus of 5-Years B.A.LL.B (Honours) Course (w.e.f. the session 2009-2010)

Contents

Course Design				<i>(Page L-1 – L-3)</i>
First Semester				
1.1	English-I	Language	<i>Page- L- 4</i>	
1.2	Political Science- I	Major	<i>Page- L- 5</i>	
1.3	Economics- I	Minor	<i>Page- L- 5</i>	
1.4	Sociology- I	Minor	<i>Page- L- 6</i>	
1.5	Law Of Tort Including MV Accident & Consumer Protection Laws	Compulsory Law Paper	<i>Page- L- 7</i>	
1.6	Law Of Contract	Compulsory Law Paper	<i>Page- L- 8</i>	
Second Semester				
2.1	English-II	Language	<i>Page L- 10</i>	
2.2	Political Science-II	Major	<i>Page L- 11</i>	
2.3	Economics-II	Minor	<i>Page L- 12</i>	
2.4	Sociology-II	Minor	<i>Page L- 13</i>	
2.5	Special Contract	Compulsory Law Paper	<i>Page L- 13</i>	
2.6	Family Law-I	Compulsory Law Paper	<i>Page L- 15</i>	


Secretary, Faculty Councils (U.G.)
University of Kalyani
Kalyani, Nadia

University of Kalyani

Revised Syllabus of 5-Years B.A.LL.B (Honours) Course (w.e.f. the session 2009-2010)

Contents

Third Semester		
3.1	English – III	(Page- L-18)
3.2	Political Science-III	(Page- L-20)
3.3	Economics-III	(Page- L-21)
3.4	Sociology-III	(Page- L-22)
3.5	Family Law-II	(Page- L-23)
3.6	Honors Paper-I	(Page- L-24)
Forth Semester		
4.2	Environmental Law	(Page- L-25)
4.3	Law of Crimes Paper-I – Penal Code-I	(Page- L-26)
4.4	Law of Crimes Paper-II – Cr.P.C	(Page- L-27)
4.5	Labour and Industrial Law-I	(Page- L-28)
4.6	Honors Paper-II	(Page- L-30)
Fifth Semester		
5.2	Constitutional Law-I	(Page- L-31)
5.3	Labour and Industrial Law-II	(Page- L-32)
5.4	Jurisprudence (Legal Method, Indian Legal System and Basic Theory of Law).	(Page- L-33)
5.5	Honors Paper-III	(Page- L-35)
5.6	Optional Paper-I	(Page- L-36)
Sixth Semester		
6.2	Constitutional Law-II	(Page- L-37)
6.3	Company Law	(Page- L-38)
6.4	Honors Paper-IV	(Page- L-39)
6.5	Optional Paper-II	(Page- L-40)
Seventh Semester		
7.1	Civil Procedure Code -I	(Page- L-42)
7.2	Property Law	(Page- L-43)
7.3	Honors Paper-V	(Page- L-44)
7.4	Optional Paper-III	(Page- L-45)
7.5	Clinical Paper-I	(Page- L-46)
Eighth Semester		
8.1	Civil Procedure Code -II	(Page- L-47)
8.2	Public International Law	(Page- L-48)
8.3	Honors Paper-VI	(Page- L-50)
8.4	Optional Paper-IV	(Page- L-51)
8.5	Clinical Paper-II	(Page- L-52)
Ninth Semester		
9.1	Law of Evidence	(Page- L-53)
9.2	Principles of Taxation	(Page- L-54)
9.3	Honors Paper-VII	(Page- L-55)
9.4	Optional Paper-V	(Page- L-56)
9.5	Clinical Paper-III	(Page- L-57)
Tenth Semester		
10.1	Administrative Law	(Page- L-58)
10.2	Honors Paper-VIII	(Page- L-59)
10.3	Optional Paper-VI	(Page- L-60)
10.4	Clinical Paper-IV	(Page- L-61)

Marks distribution of following papers, specially be noted in the content of the papers:

**Paper-3.1 (written examination: English-III only),
Paper- 7.5 (Clinical Paper-I),
Paper- 8.5 (Clinical Paper-II),
Paper- 9.5 (Clinical Paper-III),
Paper-10.4 (Clinical Paper-IV).**

Course Design According to New BCI Rule 2008

First Semester

- 1.1 English – I
- 1.2 Political Science-I
- 1.3 Economics-I
- 1.4 Sociology-I
- 1.5 Law of Torts
- 1.6 Law of Contract-I

Second Semester


- 2.1 English – II
- 2.2 Political Science-II
- 2.3 Economics-II
- 2.4 Sociology-II
- 2.5 Law of Contract-II
- 2.6 Family Law-I

Third Semester

- 3.1 English – III
- 3.2 Political Science-III
- 3.3 Economics-III
- 3.4 Sociology-III
- 3.5 Family Law-II
- 3.6 Honors Paper-I

Forth Semester

- 4.1 Political Science-IV
- 4.2 Environmental Law
- 4.3 Law of Crimes Paper-I – Penal Code-I
- 4.4 Law of Crimes Paper-II – Cr.P.C.
- 4.5 Labour and Industrial Law -I
- 4.6 Honors Paper-II


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Kalyani, Nadia

Fifth Semester

- 5.1 Political Science-V
- 5.2 Constitutional Law -I
- 5.3 Labour and Industrial Law -II
- 5.4 Jurisprudence (Legal Method, Indian Legal System and Basic Theory of Law).
- 5.5 Honors Paper-III
- 5.6 Optional Paper-I

Sixth Semester

- 6.1 Political Science-VI
- 6.2 Constitutional Law -II
- 6.3 Company Law
- 6.4 Honors Paper-IV
- 6.5 Optional Paper-II

Seventh Semester

- 7.1 Civil Procedure Code -I
- 7.2 Property Law
- 7.3 Honors Paper-V
- 7.4 Optional Paper-III
- 7.5 Clinical Paper-I

Eighth Semester


- 8.1 Civil Procedure Code -II
- 8.2 Public International Law
- 8.3 Honors Paper-VI
- 8.4 Optional Paper-IV
- 8.5 Clinical Paper-II

Ninth Semester

- 9.1 Law of Evidence
- 9.2 Principles of Taxation
- 9.3 Honors Paper-VII
- 9.4 Optional Paper-V
- 9.5 Clinical Paper-III

Tenth Semester

- 10.1 Administrative Law
- 10.2 Honors Paper-VIII
- 10.3 Optional Paper-VI
- 10.4 Clinical Paper-IV


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Honors Papers

Honors Paper-I – Land Laws including Tenure & Tenancy System

Honors Paper-II -- Offences against Child & Juvenile Offence

Honors Paper-III – Health Law

Honors Paper-IV – Human Right Law and Practice

Honors Paper-V – Corporate Governance

Honors Paper-VI – Information Technology Law

Honors Paper-VII A– IPR Management

Honors Paper-VIII – International Trade Economics

Optional Papers

Optional Law Paper-I – Local Self Government including Panchayat Administration

Optional Law Paper-II – Gender Justice and Feminist Jurisprudence

Optional Law Paper-III – Interpretation of Statutes and Principles of Legislation

Optional Law Paper-IV – Banking Law

Optional Law Paper-V – Private International Law

Optional Law Paper-VI – Penology and Victimology


Clinical Papers

Clinical Law Paper-I – Drafting, Pleading and Conveyance

Clinical Law Paper-II – Professional Ethics and Professional System

Clinical Law Paper-III – Alternate Dispute Resolution

Clinical Law Paper-IV – Moot Court Exercise and Internship


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(1.1)

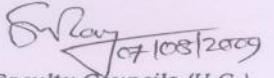
General English-I
(Written examination)

Grammar and usage

1. Concord (agreement of the verb with subject)
2. Prepositional phrases/ idioms
3. Adverbs (forms, comparison, formation)
4. Clauses (noun, adjective, adverb)
5. Basic transformations:
(passives, negatives, questions)
6. Question-tags and short responses
7. Reported speech
8. Punctuation

Composition skills

1. Paragraph writing(single paragraph)
2. Letter writing (formal / informal)
3. Précis (with title)
4. Translation from English into Bengali or Hindi


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(1.2)

Political Science
Paper –I

1. What is Politics---- Approaches to the status of Politics ; Traditional , Modern , Marxist, Feminist.
2. Political Science and Allied Studies : Politics and History, Politics and Sociology, Politics and Economics, Politics and Jurisprudence.
3. Theories of the origin and nature of the State: Define origin of theory, Social Construct Theory, Evolutions Theory, Marxist Theory.
4. Sovereignty of the State : monism and pluralism changing concept of Sovereignty in the context of Globalization
5. Forms of government- Parliamentary, Presidential, Unitary and federal, democracy and Dictatorship.
6. Organs of government: Executive, Legislature, Judiciary -functions, changing role.
7. Political party, Interest group, Public opinion, role in a democracy.
8. Rights , Duties , Liberty, Equality, Law, Justice, Obligation –Basic concepts and their inter relations.

Texts: Politics. Andrew Heywood.
Political Theory. Amal Roy
Mohit Bhattacharya.(World Press)

(1.3)

Economics Paper –I
(Microeconomics)

Economics and Law

Basic Concepts in Economics – Human wants, Utility, Commodity – value, Price- Income, wealth, - Production – Consumption – Factors of Production – Equilibrium – Market.

Household Behaviour – Consumption

Marshallian Analysis: Law of Diminishing Marginal Utility – Equi-Marginal Utility-Consumer's Surplus – Optional Purchase- Derivation of Demand Curve – Market Demand Curve – Law of demand – Demand Elasticity, Income Elasticity and Cross Elasticity.

Cardinalism and Ordinalism

Hicks-Allen Indifference Curve Analysis:

Properties of Indifferent Curves – Budget Line – Optional Purchase – Condition of Equilibrium – Substitution Effect, Income Effect, Price Effect.

Behaviour of the Firm: Production and Costs

Production Function – Laws of Variable Proportion and returns to Scale.

Costs: Accounting Costs and Opportunity Costs – Short and Long run Costs Curves – Average and Marginal Costs Curves – Supply Curve.

Revenue: Average Revenue, Marginal revenue - relation with Elasticity of Demand.

Profit Maximizing Output: Break-Even Point and Shut-Down Point in the Short Run

Market and Pricing

Market and Monopoly – Pricing under perfect competition – Monopoly Pricing – Discriminating Monopoly – Features of Monopolistic Competition and Oligopoly.

Factor Pricing

Marginal Productivity Theory- Theories of Rent – Theories of Wages - Loanable Fund Theory and Liquidity Preference Theory of Rate of Interest – Profit as a reward of risk and uncertainty.

Suggested Text:

I.P. Samuelson and W. Nordhams – Economics

(1.4) Sociology –I

1. Definition, Nature and Scope of Sociology.
Relationship between Law and Sociology.
2. Basic Concepts- society, community, association, culture, customs, norms and values, Sanction, folkways, institution.
3. Socialization- concepts and meaning, stages of socialization and agencies.
4. Social Stratification- concepts, types, Linear and Cyclical theories.
5. Social Control- meaning, types and agencies with emphasis on law.
6. Social Institutions and Law
 - Marriage (meaning, forms of marriage and functions).
 - Kinship (meaning, types, degrees, kinship terms, kinship usages).
7. Social Groups- Definition and Characteristics, types.
8. Village- features, growth, characteristics of Indian Village and changes in village community.

(1.5) Torts and Consumer Protection Laws

Group-A (Answer any four question out of eight given choices)

Torts and Tortious Liability

1. Introduction

- Definition and nature of tortious liability
- Constituents of Tort
- Tort distinguished from contract, quasi-contract crime

2. Principles of liability in tort

- Elements - Mental elements –Malice , negligence, motive, malfeasance,
- Fault –Damnum sine injuria and Injuria sine damnum,

3. Justifications in tort

- General defences

4. Liability for torts committed by others

- Vicarious liability
 - Principal and Agent
 - Master and servant
 - Partners
 - Liability of the state
 - Doctrine of Sovereign Immunity
 - Joint tortfeasors

5. Specific Torts:

Nuisance

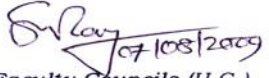
- Kind of nuisance
- Essentials of tort of nuisance
- Defences

Negligence

- Essentials of tort of negligence
- Proof of negligence: res ipsa loquitur
- Nervous shock
- Contributory negligence

Trespass to reputation (Defamation)

- Libel and slander
- Essentials of defamation
- Defences


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Kalyani, Nadia

Rule of Strict and Absolute Liability.

- The rule of strict liability
- Exception to the rule
- The rule of absolute liability as developed by Indian Judiciary.

6. Liability without fault under the M.V. Act, 1988

- Sections 140, 141 ,142

1.5 Torts and Consumer Protection Laws

Group – B (Answer any tow questions out of four given choices) (2×10=20 marks)

Consumer Protection Act, 1986

Definitions – Consumer , Complaint ,Complainant, Consumer dispute , Goods, Service, Unfair trade practice

- Consumer protection Councils- objects
- Consumer Disputes Redressal Agencies
- Composition , Jurisdiction, Powers and Procedure of District Consumer Forum.
- State Commission
- National Commission
- Appeals

(1.6)

Law of Contract

(Answer any five questions out of ten given choices)

General principles of contracts

The Indian Contract Act, 1872

1. General

- Definitions

2. Elements of contract

- Agreement
 - Proposal and Acceptance
 - Offer and invitation to an offer
 - Communication and revocation of proposal and acceptance

- Consideration
 - Definition
 - Requirement of consideration in a contract
 - Exceptions of consideration u/s 25
 - Inadequacy of consideration
 - Privity of Contract and of Consideration
 - Views of the Law Commission of India
- Capacity to contract
 - Minor
 - Person of unsound mind
 - Person disqualified by law

- Free consent
 - Factors vitiating free consent
 - Coercion
 - Fraud
 - Undue influence
 - Misrepresentation
 - Mistake
- Legality of object

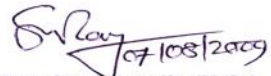
3. Contingent Contract and Wagering Agreement

4. Discharge of Contract-

- By Performance
- By Impossibility of Performance
- By Agreement
- By Breach
- Consequences of Breach of Contract

5. Damages for Breach

- Remoteness of Damages
- Measure of Damages
- Section 73 of the Act


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University of Kalyani
Kalyani, Nadia

(2.1) General English-II
(Written examination)

1. The Merchant of Venice
Shakespeare

a) Non- detailed study:

Act-I, Sc iii
Act III, Sc. iii

Phraseology & vocabulary from the said scenes - meaning in modern English

Class teaching: reading & interpretation; Shakespearian phraseology & vocabulary ----
--- its equivalent in modern English

b) Detailed study:

Act IV, Sc I (Trial scene)

🌐 Context questions: 2Q: (Extracts from
the scene & brief questions. Answers to be limited to 3 to 5 simple
sentences)

🌐 Characterization: 1Q :

2. Justice
John Galsworthy

a) 2 questions with alternatives:

Nature of the play; Significance of the title; Galsworthy as dramatist; Scene analysis;
Character sketch; any other as decided

🌐 Context questions:
(Extract from play & short Qs.)

(2.2)

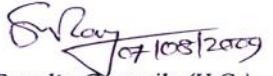
Political Science

Paper II

1. Making of the Constitution : Constitution Assembly of India.
2. The Philosophy of the Constitution: The Preamble.
3. Outstanding Features of our Constitution.
4. Citizenship.
5. Fundamental Rights + Fundamental Duties
6. The Union Executive : The President, The Prime Minister
7. The Union Legislature: Parliament
8. The Judicature : The Supreme Court, The High Court
9. The Government of States : Governor, Chief Minister.
10. Local Government : Panchyats , Municipalities
11. Party System – Features and Trends

Suggested Books

Introduction to The Constitution of India: D.D.Basu


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Kalyani, Nadia

(2.3)

Economics Paper II

(Macro Economics)

Circular Flow of Income – Withdrawal and Injections – Equilibrium.

National Income – Concepts – Measurement of National Income.

Determination of National Income – Aggregate Demand and Aggregate Supply – Equilibrium Level of Output and Employment Consumption Function – Investment Multiplier – Investment Function – Acquisition Principle.

Money:

Forms of Money – Functions- supply of Money – Demand for Money, Quantity Theory of Money.

Inflation – Demand Pull and Cost Push Inflation – Phillips Curve – Control of Inflation.

Commercial Bank – Functions – Creation of Money

Central bank- Functions – Control of Commercial Bank

International Trade and Finance:

Theory of Comparative Cost - Gains from Trade- terms of Trade – Balance of Trade and Balance of Payments – Remedies for Deficit Balance of Payments . IMF, World Bank, TO.

Public Finance: Budget – Sources of Government Revenue – Principles of Taxation – Direct Tax and Indirect tax – Impact, Shifting and Incidence of Tax – Tax Rate and Tax Revenue: Lafer – Curve - Public Debt – Burden of Debt- Deficit Financing.

Suggested texts:

- 1) Richard G Lipsey – An Introduction to Positive Economics (7th Ed), ELBS

(2.4) Sociology-II

1. Indian Society- (a) Pre-British and (b) Post-British period.
2. Family- Definition, types, functions, Joint family -its changing role in modern India; industrialization and family change.
3. Caste system- nature, function, origin of caste, caste and politics, concepts of dominant caste.
4. Tribes- Nature, type, problems of assimilation, tribe -caste continuum.
5. Industrialization- Growth of industries, its impact on society, industrialization, modernization and globalization.
6. Social Problems- Nature, approaches, social disorganization, juvenile in conflict with law, family disorganization, marital disorganization, social causes of legal consequences of divorce, child abuse, domestic violence and trafficking of women.
7. Village powers structure (Panchayati Raj System).
8. Rural Development.
9. Agrarian Structure in India.
10. Current sociological issues; ethnic violence; communalism & secularism and terrorism.

(2.5) Special Contracts

Group – A : Answer any two questions out of four given choices :

The Indian contract Act ,1872

- Agency
 - Definition and essentials
 - Creation of Agency
 - Relation of Principal and Agent – Rights and Duties of agents
 - Relation of Principal with third Party – Agent’s Authority
 - Personal liability of Agent – rectification
 - Determination of Agency

- Bailment
 - Definition and essential features
 - Duties of bailer and bailee
 - Rights of bailee
- Indemnity
 - Definition and nature
 - Extent of liability
 - Commencement of liabilities
- Guarantees
 - Definitions and essential features
 - Extent of Surety's liability
 - Discharge of Surety from liability
 - Rights of Surety.

Group –B: Answer any two questions

The Indian Partnership Act, 1932

General

- Definition and nature of Partnership.
- Essential elements of Partnership
- Different kinds of Partner.

Formation of partnership

- Registration of firm – Consequences of non - registration.

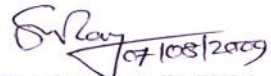
Rights and liabilities of Partners

- Mutual relationship between partners
- Authority of Partner

Admission and Outgoing of Partners

Dissolution of Firms

- Grounds
- Consequences


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Group –C: Answer any one questions

The Sale of Goods Act, 1930.

- General
 - Definitions – Buyer, Seller, Goods
 - Essential of Sale, Sale and Agreement to sell.
- Conditions and warranties – Doctrine of Caveat Emptor.
- Transfer of ownership.
 - Passing of Property
 - Transfer of title by non- owner
- Performance of Contract of Sale – Delivery
- Rights of liabilities of Buyers and Sellers.
 - Right of Unpaid Seller of goods.
 - Lien and stoppage in transit.

(2.6) Family Law –I

Answer any five questions out of ten given choices :

1. Introduction

- Nature and scope Hindu Law
- Applicability of the Hindu Law – Who are Hindus?
- Sources of Hindu Law

2. Marriage and Matrimonial Causes

- (a) Marriage
 - Nature of Marriage among Hindus

- **The Hindu Marriage Act, 1955.**

- Conditions of a Valid Marriage (S-5)
- Ceremonies (S-7)
- Registration (S-8)
- Void and voidable marriage- children of void and voidable marriage (Ss-11,12)
- Restitution of conjugal right (S-9)
- Judicial separation (S-10)
- (b) Divorce (Ss- 13, 13A, 13B, 14, 15, 16 ,17)
 - Grounds of Divorce
 - Divorce by mutual consent
- (c) Maintenance and alimony (Ss -24,25)

3. Adoption and Maintenance :

Hindu adoption and Maintenance Act, 1956

- Requisites of valid adoption (Ss-6-11)
- Effects of adoption. (S-12)
- Maintenance of wife, widowed daughter -in- law , children and aged parents and dependants (Ss-18-22)
- Amount of maintenance (Ss-23-25)

4. Minority and Guardianship :

The Hindu Minority and Guardianship Act, 1956

- Natural guardians – Powers (Ss 6-8)
- Testamentary guardians – Powers (S-9)
- De facto guardians – (S-11)
- Incapacity (S-10)

5. Succession :

The Hindu Succession Act, 1956.

- Rules of succession in the case of males (S-8-12)
- Rules of succession in the case of females (S-15)
- General provisions relating to succession
 - Full blood preferred to half blood (S -18)
 - Right of child in womb (S -20)
 - Presumption in case of simultaneous deaths (S -21)
 - S.23-24 Repealed by the Amendment of the Act 2005
 - Disqualifications for succession (Ss,25 -28)

The Special Marriage Act, 1954 :

- Condition for solemnization of marriage (S -4)
- Procedure for solemnization of marriage (Ss,5 -16)
- Registration of marriage solemnized in other forms (Ss -15,18)
- Consequence of marriage under the Special Marriage Act (Ss -19-21A)

(3.1)
ENGLISH –III

LEGAL WRITING AND LANGUAGE

Group A

60 Marks

1) Introduction to legal language

- i) Nature and scope of legal language
- ii) Importance of language in law
- iii) Legal language in India
- iv) Legal language *vis a vis* common language
- v) Problems of language and law

2) Fundamental Principles of legal writing

Concision, Clarity, Cogency, Simplicity of Structure

3) Basic Rules of Legal Writing

- i) Preparation
- ii) Layout
- iii) Sentences and Paragraphs
- iv) Punctuation
- v) Sentence, Construction and Grammar
- vi) Words and Phrases
- vii) Avoid redundant words and phrases
- viii) Verbs- active and passive voices
- ix) Modifying words
- x) Repetition and Elegant Variations
- xi) Using the right words
- xii) References to Studies and Cases

5) Legal Terminology - Terms used in civil and criminal law

abandon, abet, abduction, abrogate, abscond, absolve, accomplice, adjudge, affray, ambiguity, award, bail, bankruptcy, bench, breach, charge, claim, code, confession, contract, court, decree, disability, divorce, equity, estate, estoppels, execution, extradition, forgery, gift, infringement, injury, judge, judgment kidnapped, matrimonial, miscarriage, petition, redundant, retrospective, suit, tribunal, violation, void, writ, wrong

6) Latin Words and Phrases

ab initio, ad hoc, , ad idem, alma mater, alibi, ad valorem, ambiguitas patent, ambiguitas lateens, amicus curie, animus possidendi, bona fide, corpus juris, corpus delecti, coram non iudice, cy - pres, de facto, de jure, de novo, ex abundanti cautela, ex officio, ex parte, ex post facto, fac tum valet, fait accompli, felo de se, functus officio, in pari delicto, in lieu, loco parentis, in personam, in rem, in forma pauperice, inter se, inter alias, in situ, inter vivos, ipso facto, intra vivos, lis pendens, locus standi, mortis causa, mutatis and mutandis, onus probandi, obiter dictum, parens patriae, prima facie, quid pro quo, sine qua non, status quo, ultra vires

7) Maxims

Damnum Sine Injuria, injuria sine damnum, qui d facit per alium facit per se, res ipsa loquitor, ubi jus ibi remedium, action personolis moritur cum personam, ignrantia facti excusat, ignorantia juris non excuasat, actus non facit reum nisi mens sit rea, caveat emptor, donation mortis cause, nemo dat quod non habet, audi alteram partem, delgatus non potest delegate, nemo judex in causa sua, novus actus interveniens or novo causa interveniens, volenti non fit injuria

Group B

20 Marks

Experience and affliction of Mahatma Gandhi as law yer

Text: An Autobiography or The story of My Experiments with truth by M.K. Gandhi (Navajivan Publishing House)

1) Selected Chapters

Part I

Chapter XXIV: "called" – But then?

Chapter XXV: My Helplessness

2) Part II

Chapter III: The First Case

Chapter IV: The First Shock

Chapter V: preparing for South Africa


Chapter VIII: On the way to Pretoria

References

Legal Language by Madabhusi Sridhar

Legal Language by P.M. Bakshi

Outlines of Legal Language in India by Dr. Anirudh Prasad


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(3.2)

POLITICAL SCIENCE - III

Western Political Thought

1. Basic feature of Western Political Thought.
2. Plato- Theory of Justice and Education.
3. Aristotle-State and Constitution.
4. Roman Political Ideas-Polybius and Cicero-Roman Concept of Law.
5. Machiavelli: Morality and Religion.
6. Montesquieu: Separation of Power.
7. Idealism: Hagel and Green.
8. Marx and Engels: Dialectical and Historical Materialism; Theory of Class and Class Struggle.

Indian Political Thought

1. Sources of Indian Political Thought -Dandaniti-Seven Elements of State.
2. Muslim Political Thought: Duties and Responsibilities of Muslim Rulers.
3. Ram Mohan Roy- Liberalism.
4. Gandhi- Non-Violence and Satyagraha.
5. Nehru: Socialism.
6. Tagore: Nationalism and Internationalism.
7. Ambedkar: Social Justice.

References:

1. G.H.Sabine, A History of Political Theory.
2. B.Russel, A History of Western Political Philosophy.
3. Gettel, Western Political Thought .
4. W.A.Dunning, Political Theories.
5. C.L.Wayper, Political Thought.
6. Amal Kr. Mukhopadhyay, Western Political Thought.
7. Verma, V.P., Modern Indian Political Thought.
8. B.B.Majumdar, History of Political Thought from Rammohan to Dayananda.
9. Ram Gopal, Indian Muslims.
10. Buddhadev Bhattacharya, Evolution of Political Philosophy of Gandhi.

(3.3)

ECONOMICS PAPER -III

Indian Economics

Answer any five out of ten given choice.

Module I: Structure of the Indian economy

Basic Features including Basic Demographic Features and Occupational Structure and Backwardness

Module II: Indian National Income

Trend and Structure

Module III:

Agricultural Problem; Productivity: Institutional Reform - Abolition of Zamindari System and Land Reform:

Module IV:

Industrial Problem; Industrial Structure and its Change since 1951 till 1991.

Module V

Labour: Problem of Unemployment – Nature and Causes; Kinds of unemployment; Social Security.

Module VI:

Fiscal policy : Concepts of Budget, Fiscal and Budget Deficits – Trends and measures to adopt to reduce them.

Module VII:

Economic Liberalization - Planning vs Market Economy (Introduction to the Debate); Public Sector reform – Divestment Policy

Suggested Texts

- 1) R. Dutta and K.P.M. Sundaram (2008, Indian Economy. S Chand and Co. Ltd, New Delhi).
- 2) S.K. Mishra and V.K. Puri (2008. Indian Economy its Development Experience. Himalaya Pub. House, Mumbai)

(3.4)

SOCIOLOGY - III

Answer any five out of ten given choice.

Social Values and Ethics in profession


Social values and ethics- Definition, types and applications in profession, value crisis in contemporary society, human values and its implication in larger society.

Industrial Societies in India

Division of labour
Bureaucracy
Rationality
Surplus value and alienation

Social Research Methods

Social Research- Definition, importance, types, Techniques of Data Collection - Primary and Secondary sources of data, questionnaire, interview and schedule, observation, survey.


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(3.5)

FAMILY LAW – II

Group – A: Muslim Law (Any three questions)

1. Sources of Muslim Law

2. Marriage (Nikah):

- Nature and Concept of Marriage
- Essentials of Marriage
- Kinds of Marriage, Muta Marriage
- Legal Disability or Prohibition

3. Divorce (Talaq):

- Different modes of Talaq
- Right of Muslim women to dissolve her marriage
- Concept of Maintenance before and after divorce

4. Dower (Mahr):

- Concept and Nature
- Classification of dower
- Wife's rights and remedies on non-payment of dower

5. Gift (Hiba):

- Concept and Requisites of a valid gift
- Revocation of gift
- Hiba-bil-iwaz, Doctrine of Mushaa

6. Will (Wasiyat):

- Nature and Object of Will
- Requisites of a valid Will
- Doctrine of Consent

7. Inheritance:

- General Principles of Inheritance under Sunni law and Shia law

Group – B: The Divorce Act, 1869 (Any one question)

- Jurisdiction of the Act
- Dissolution of marriage
- Nullity of marriage
- Judicial separation
- Restitution of conjugal rights
- Custody of children

Group – C: The Indian Succession Act, 1925 (Any one question)

- Intestate Succession: Christian and Parsi

(3.6)

HONOURS PAPER - I Land Laws

Answer any five out of ten given choice.

A. The West Bengal Land Reforms Act, 1955

1. Introduction, Definitions
2. Rights of Rayat in respect of land
3. Permission for change of area, character or use of land
4. Bar to registration
5. Transferability of plot of land of a Raiyat
6. Limitation on Mortgage of Raiyat plot of land
7. Right of purchase by co-sharer or contiguous tenant
8. Restriction on alienation of land by Scheduled Tribes
9. Ceiling on land held by a Raiyat
10. Bargadars
11. Principles of distribution of vested land


B. The West Bengal Premises Tenancy Act, 1997

1. Definitions
2. Obligations of landlord and tenant
3. Control of eviction of tenants
4. Provisions regarding rent
 - Fixation of fair rent
 - Revision of fair rent
 - Deposit of rent by tenant
5. Sub-tenancies
6. Essential repairs
7. Appeal, Revision and Review

C. The West Bengal Apartment Ownership Act, 1972

1. Application of the Act
2. Definitions- Apartment, Association of apartment owners, Common areas and facilities, Declaration, Promoter, Owner
3. Apartment as a heritable and transferable property
4. Common areas and Facilities
5. Declaration
 - Contents of declaration
 - Submission before the competent authority
 - Registration of declaration
6. Withdrawal from the provisions of the Act
7. Bye-laws
8. Penalty

L-24


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(4.2)

ENVIRONMENTAL LAW

Answer any five out of ten given choice.

General

- i) Concept of environment and pollution
- ii) Environmental Policy in India
- iii) Right to Clean Environment as Human Right

Constitutional Perspective

- i) Fundamental Rights and Directive Principles
- ii) Right to clean and wholesome environment
- iii) Public Interest Litigation and Judicial approach towards protecting the environment

Environmental Principles

- i) Sustainable Development
- ii) Precautionary Principle
- iii) Polluter Pays Principle
- iv) Public Trust Doctrine
- v) Inter-Generational Equity

Statutory Protection of the Environment

- A) The Environment Protection Act, 1986
Object
Definitions, Prevention, Control and Abatement of environmental pollution
- B) Air and Water Pollution
 - i) The Air (Prevention and Control of Pollution) Act, 1981
 - ii) The Water (Prevention and Control of Pollution) Act, 1974
- C) Laws relating to Forest and Wildlife
 - i) The Forest Conservation, Act, 1980
 - ii) The Wild Life Protection Act, 1972

Special Laws for Dispute Redressal

The Public Liability Insurance Act, 1991

(4.3)

LAW OF CRIMES - I

Penal Code

Answer any five out of ten given choice.

1. i) Concept of Criminal law and Crime, ii) Fundamental elements of Crime, iii) Concept of Strict liability, iv) Stages in Commission of Crime.
2. General Explanations and Exceptions: Definitions - (Sections 21-25, 27,28, 29, 34, 39, 44, 52A), Joint and Constructive Liability, Mistake, Accident, Necessity, Infancy, Insanity, Intoxication, Consent, Communication made in Good faith, Private Defense.
3. Abetment and Criminal Conspiracy.
4. Attempt to commit offence.
5. Punishment: Theories, Punishment under IPC - Fine, Imprisonment, Capital Punishment.
6. Offences against the State and Public Tranquility: Sedition, Unlawful Assembly, Affray and Riot.
7. Offences affecting human life: Culpable homicide, Murder, Homicide by rash and negligent act.
8. Offences affecting human body: Hurt and Grievous hurt Wrongful restraint and Wrongful Confinement, Criminal force and Assault, Kidnapping and Abduction, Causing Miscarriage and Injuries to Unborn child.
9. Offences against Women: Obscene acts and songs, Outraging of modesty, Rape, Cruelty by Husband and his relatives, Bigamy, Adultery, Dowry death.
10. Offences against Property: theft, Extortion, Robbery, Dacoity, Criminal Misappropriation, Criminal breach of trust, Cheating, Mischief, Criminal trespass
11. Defamation

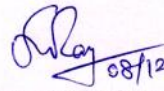
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LAW OF CRIMES PAPER - II

Code of Criminal Procedure

Answer any five out of ten given choice.

1. Concepts: Inquiry, Investigation, Trial, Cognizable offence, Non -cognizable offence, First Information Report, Complaint, Summons, Warrant, Judgment, Prosecutor, Plea bargaining, Compoundable offences,
2. Constitution and Powers of Criminal Courts, Power of Superior Police officers.
3. Arrest of Persons: With warrant and without warrant, Special provision on arrest of women, Medical examination of arrested person, Rights of Arrested Person.
4. Process to Compel appearance: Summons for appearance, Warrant of Arrest, Proclamation and Attachment.
5. Search and Seizure: Search warrant and searches without warrant, Police search during investigation, General principles of Search, Seizure
6. Information to police (FIR) and their power of investigation.
7. Bail: Concept, Purpose, Provisions for Bailable and Non -bailable offences, Cancellation of bail, Anticipatory bail, Powers of Appellate Court, General principles concerning Bond.
8. Proceedings before Magistrate: Cognizance of offences by the Magistrate, Complaints to Magistrate and dismissal of Complaints, Commence of proceedings before Magistrate.
9. Charge: Framing of Charge, Form and Content of Charge, Joinder of Charges, Separate Charges for distinct offences
10. Trial of Cases: Session Trial, Trial of warrant cases by Magistrate, Summons trial by Magistrate, Summary Trial
11. Appeal, Reference, Revision.


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(4.5)

LABOUR AND INDUSTRIAL LAW - I

(Answer any five questions taking at least two from each Group.)

Group-A

I. Industrial Dispute Act, 1947:

- i. Objects and Reasons.
- ii. Definitions:
Appropriate Government, Closure, Employer, Industry, Industrial Dispute, Lay Off, Lock Out, Public Utility Service, Retrenchment, Strike, Wages, Workman.
- iii. Authorities under this Act and their powers and duties.
- iv. Provisions relating to strikes and lock-outs.
- v. Provisions relating to lay off and retrenchment .
- vi. Special provisions relating to lay off, retrenchment and closure in certain establishments.
- vii. Provisions as to unfair labour practices
- viii. Penalties.

II. The Contract Labour (Regulation and Abolition) Act, 1970:

- i. Object and Reasons.
- ii. Definitions:
Appropriate Government, Contract labour, Contractor, Principal Employer, Workman.
- iii. Registration of establishments employing contract labour.
- iv. Licensing of contractors.
- v. Welfare and health of contract labour.
- vi. Penalties and Procedure.

Group-B

III. The Employee's State Insurance Act, 1948:


- i. Objects and Reasons.
- ii. Definitions:
Appropriate Government, Contribution, Dependent, Employee, Factory, Immediate Employer, Insured Person, Permanent Partial Disablement, Permanent Total Disablement, Principal Employer, Temporary Disablement, Wages.
- ii. Corporation, Standing Committee, Medical Benefit Council, Regional Boards, Local Committees, Regional and Local Medical Benefit Councils:
establishment, constitution, power, duties.
- iii. Contributions.
- iv. Benefits.
- v. Adjudication of disputes and claims.
- vi. Penalties

IV. The Unorganised Workers' Social Security Act, 2008:

- i. Objects and Reasons.
- ii. Definitions:
Employer, Home-based worker, Self-employed worker, Unorganised sector,
Unorganised worker, Wage worker.
- iii. Social Security Benefits.
- iv. National and State Social Security Board for unorganised workers.
- v. Registration.

Books Recommended:

1. Goswami, V.G.: Labour and Industrial Laws.
2. Mishra, S.N.: Labour and Industrial Laws.
3. Singh, Avtar: Introduction of Labour and Industrial Law.
4. Padhi, P.K.: Labour and Industrial Law.
5. Pai, G.B.: Labour Law in India.


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(4.6)

HONOURS PAPER -II

OFFENCES AGAINST CHILD AND JUVENILE OFFENCES

Answer any five out of ten given choice.

A) Constitutional and International Legal Status of Children

- i) Constitutional concern – Protection of the special status of the children and welfare of the children
- ii) International concern and endeavor for the welfare of the children – various Conventions and Declarations

B) Offences Relating To Child Labour

- i) Constitutional and Statutory Provisions - The Child Labour (Prohibition and Protection) Act, 1986
- ii) Judicial response to child labor in India

C) Sexual Abuse and Exploitation


- i) Child Sexual Abuse in India – The present legal regime
- ii) Commercial sexual exploitation and trafficking of children – Constitutional and statutory provisions
- iii) Judicial response to sexual abuse and exploitation of children in India

D) Discrimination against Female Children

- i) Foeticide and Infanticide – Abuse of Amniocentesis or female foeticide
- ii) The Pre-Conception and Pre- natal Diagnostic Techniques (Prohibition and Sex Selection) Act, 1994

E) Juvenile Justice – Administration and Implementation

- i) International law and administration of juvenile justice – Beijing Rules, 1985 and Convention on Rights of Children, 1989
- ii) The Juvenile Justice (Care and Protection of Children) Act, 2000


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(5.2)

CONSTITUTIONAL LAW OF INDIA – I

Answer any five questions out of ten given Choices.

I: Constitutional Developments from 1858-1947


II: Characteristics of Indian Constitution

III: Definition of the State-Laws inconsistent with or in derogation of the Fundamental Rights

IV: Fundamental Rights- Right to Equality- Right to Freedom of Speech and Expression – Right to Life and Personal Liberty – Right Against Exploitation – Right to Religion – Cultural and Educational Rights and Directive Principles of State Policy, relationship between Directive Principles of State Policy and Fundamental Rights.

RECOMMENDED READINGS:

1. V.N Shukla Constitutional Law
2. Pandey J.N Constitutional Law
3. Basu D.D Constitution of India
4. Jain M.P Indian Constitutional Law
5. Seeravai. H.M Constitution of India
6. Kagzi M.C.J Constitution of India
7. T.K.Tope Constitution of India


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(5.3)

LABOUR AND INDUSTRIAL LAW -II

(Answer any five questions taking at least two from each Group)

Group-A

I. The Trade Unions Act, 1926:

- i. Objects and Reasons.
- ii. Definitions:
Trade Dispute, Trade Union.
- iii. Registration of Trade Unions.
- iv. Rights and liabilities of registered Trade Unions.

II. The Workmen's Compensation Act, 1923:

- i. Objects and Reasons.
- ii. Definitions:
Dependant, Employer, Partial Disablement, Total Disablement, Wages, Workman.
- iii. Workmen's Compensation.
- iv. Accident arising out of and in the course of employment, Notional extension of employer's premises.

Group-B

III. Factories Act, 1948:

- i. Objects and Reasons.
- ii. Definitions:
Manufacturing process, Worker, Factory, Occupier.
- iii. Provisions relating to **health, safety, welfare** and **working hours** of adults.
- iv. Provisions relating to employment of young persons.

IV. Payment of Wages Act, 1936:

- i. Objects and Reasons.
- ii. Definitions:
Appropriate Government, Industrial or other Establishment, Wages,
- iii. Responsibility for payment of wages.
- iv. Fixation of wage-periods.
- v. Time of payment of wages.
- vi. Deductions which may be made from wages.
- vii. Fines.
- viii. Deductions for absence from duty, damage or loss, services rendered, recovery of advances, recovery of loans, payments to co-operative societies and Insurance schemes.

Books Recommended:

1. Goswami, V.G.: Labour and Industrial Laws.
2. Mishra, S.N.: Labour and Industrial Laws.
3. Singh, Avtar: Introduction of Labour and Industrial Law.
4. Padhi, P.K.: Labour and Industrial Law.
5. Pai, G.B.: Labour Law in India.

(5.4)

Jurisprudence (Legal Method, Indian Legal System and Basic Theory of Law)

Answer any five out of ten given choice.

Introduction:

- Definition, Nature and Scope, Importance and Utility

Legal Concepts:

1. Law:

- Concept and Definition
- Kinds of Law
- Function of Law in society

2. Sources of Law:

Custom

- Requisites of a valid custom
- Binding force of custom

Precedent

- The doctrine of Stare Decisis
- Ratio decidendi, Obiter dicta
- Kinds of Precedent
- Circumstances which destroy or weaken the binding force of precedent

Legislation

- Supreme and Subordinate legislation, Delegated legislation
- Advantages of legislation over precedent and vice-versa

3. Right:

- Concept and Definition
- Classification of Legal Rights
- Right-duty co-relation
- Hohfeld's analysis of Rights

4. Ownership and Possession:

- Concept and Definition
- Kinds of Ownership and Possession
- Essentials and subject-matter of ownership
- Relation between Possession and Ownership

5. Persons:

- Meaning and Definition
- Natural and Legal Persons
- Legal status of Lower Animals, Dead Persons, Unborn Persons
- Corporate personality

Legal Theory:


1. Natural Law School:
 - Meaning of Natural Law
 - Decline and Revival of Natural Law
 - Natural Law - Indian perception

2. Analytical School:
 - Jeremy Bentham
 - John Austin
 - Hans Kelsen - Pure theory of Law

3. Historical School:
 - Von Savigny - Volksgeist Theory
 - Henry Maine - Theory of Evolution of Law

4. Sociological School:
 - Leon Duguit - Social Solidarity Theory
 - Roscoe Pound - Social Engineering Theory

5. Realist School:
 - American Legal Realism
 - Scandinavian Legal Realism


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(5.5)

HONORS PAPER-III

Health Law

Answer any five out of ten given choice.

- 1) National Health Policy, Healthcare as state function, WHO and Medical Assembly Guidelines.
- 2) Right to Health: Human Rights, Constitutional and International Perspectives.
- 3) Health care rights of employees under various legislations.
- 4) Health care rights of persons with disabilities.
- 5) Nature of professional duties of health care professionals: Reasonable care, Skill, Knowledge and Competence.
- 6) Duties, responsibilities and liabilities of Health Professionals under the law of torts, law of contract, law of crimes and consumer protection laws.
- 7) Medical Council Act: Regulation of Health Professionals through Professional Body
- 8) Good Clinical practice Guidelines
- 9) Organ Transplantation and law.


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(5.6)

OPTIONAL PAPER - I

Local Self Government including Panchayet Administration

Answer any five out of ten given choice.

I. Concept and Development

Democratic decentralization - Grass root democracy

Historical perspective

Early Period

Gram Swaraj: The Gandhian Concept

Balwant Raj Mehata Committee recommendations

Ashok Mehata Committee Report

The 73rd and 74th Constitutional Amendment

II. Constitutional Scheme

Directive Principles: Article 40

Part IX of the Constitution of India

Constitution and Composition of Panchayats

Power, Authority and Responsibilities of Panchayats

Financial Powers

Levying Taxes

Licensing Power

Financial Resources and Powers

Elections to the Panchayat

Part IXA of the Constitution of India

Constitution and Composition of the Municipalities

Power, Authority and Responsibilities of the Municipalities

Financial powers

Levying Taxes

Licensing Power

Financial Resources and Powers

Elections to the Municipalities

III. State Law relating to Local Self Government


The W.B. Municipal Act, 1993

The W.B. Panchayat Act, 1973.

IV. Judicial and Quasi-judicial Powers of the Local Bodies

Pre-litigation conciliation by Panchayat

V. Working of Local Self Government.


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(6.2)

CONSTITUTIONAL LAW OF INDIA – II

Answer any five out of ten given choice.

I: Federalism, Co-operative Federalism, Nature of Indian Federalism from British Raj to Swaraj. Indian Federalism vis a vis American Federalism.

II: Centre State Relations.

- a. Legislative Relations
- b. Administrative Relations
- c. Financial Relations

III: Freedom of Trade, Commerce and Intercourse

IV: Doctrine of Pleasure and Constitutional Safeguards to Civil Servants

V: Supreme Court of India: Constitution and Jurisdiction - High Courts – Constitution and Jurisdiction

VI: The Union Executive – The President: Powers, Functions and Procedure for Impeachment; Council of Ministers and Formation of the Government.


VII: The State Executive – The Governor: Powers, Functions and the role of Governor.

VIII: The Emergency Provisions - National, State and Financial

IX: The Amendment of the Constitution.

RECOMMENDED READINGS:

1. V.N Shukla Constitutional Law.
2. Pandey J.N Constitutional Law
3. Basu D.D Constitution of India
4. Jain M.P Indian Constitutional Law
5. Seeravai. H.M Constitution of India
6. Kagzi M.C.J Constitution of India


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(6.3)
COMPANY LAW

Answer any five out of ten given choice.

MODULE-I: FORMATION OF COMPANIES

- A. Promoting
- B. Memorandum of Association
- C. Articles of Association
- D. Registration

MODULE-II: KINDS OF COMPANIES AND THE PROCESS OF THEIR TRANSFORMATION FROM ONE KIND TO ANOTHER

MODULE-III: ADVANTAGES AND DISADVANTAGES OF INCORPORATION

MODULE-IV: PROSPECTUS

MODULE-V: SHARES AND RELATED MATTERS

MODULE-VI: DEBENTURES AND RELATED MATTERS

MODULE-VII: COMPANY AND ITS ORGANS:-THEIR POWER, FUNCTION, DUTY AND INTERRELATIONSHIP


MODULE-VIII: FOSS v. HARBOTTLE RULE AND ITS EXCEPTIONS

MODULE-IX: MERGER AND DE-MERGER

MODULE-X: WINDING UP (BY COURT AND VOLUNTARY)

MODULE-XI: COMPANY LAW BOARD AND NATIONAL COMPANY LAW TRIBUNAL

MODULE-XII: BRIEF OVER VIEW OF SEBI GUIDELINES


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(6.4)

HONORS PAPER- IV

Human Rights Law and Practice

Time Allowed: 3 Hrs.

Answer any five out of ten given choice.

I. General

Meaning, nature, origin and development of Human Rights

Classification:

Three generation of Human Rights

Civil and Political Rights

Economic, Social and Cultural Rights

Solidarity Rights

II. International Instruments:

UN Charter

Universal Declaration of Human Rights

International Covenant on Civil and Political Rights

International Covenant on Economic, Social and Cultural Rights

and including two Optional Protocols

Their impact on the Constitution of India

III. Human Rights of specific Vulnerable Groups:

Refugees, Displaced Person, Migrants

Minorities

Aids patients

Prisoners

Disable person

IV. The Protection of Human Rights Act, 1993:

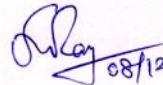
Definition:

Human Rights

National Human Rights Commission

State Human Rights Commissions

Their constitution, functions, power


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(6.5)

OPTIONAL PAPER- II

Gender Justice and Feminist Jurisprudence

Answer any five out of ten given choice.

1. Constitutional perspective
 - Equality provisions in the Constitution of India- Preamble, Fundamental Rights and Directive Principles.
 - Personal laws- unequal position of the women
 - Uniform Civil Code towards gender justice
 - Growth of feminism and feminist jurisprudence
2. International Commitments
 - Universal Declaration of Human Rights
 - Convention on the elimination of all forms of Discriminations against Women, 1979.
 - Declaration on the Elimination of Violence against Women, 1993.
3. Women and Inheritance Rights
 - Women's inheritance under various religious Laws – Hindu, Muslim, Parsi and Christian Laws.
 - Concept and issues of Matrimonial Property, Occupational Rights and Matrimonial Homes.
4. Women and Adoption and Guardian rights
 - Right of women to adopt a child.
 - Women and guardianship of minor.
 - Problems and Issues of Surrogate Mother and her Child.
5. Divorce and Maintenance Rights of Women under Hindu and Muslim Laws.
6. Gender based violence and crime against women
 - Rape
 - Marital Rape
 - Dowry death
 - Outraging the modesty of a woman
 - Domestic violence
7. Social Legislations
 - The Domestic Violence Act, 2005
 - Prevention of Immoral Traffic.
 - Amniocentesis and foeticide.

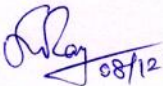

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8. Women and Employment

- Labour force
- Relevant provisions of the Equal Remuneration Act.
- The Maternity Benefits Act, 1961.
- Exploitation and sexual harassment at workplace .

9. Woman Participation in Democratic Government

- Parliament, State Legislatures and Local Bodies


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(7.1)

LAW OF CIVIL PROCEDURE -I

Answer any five out of ten given choice.

1. General
 - Basic Concepts
 - Definition- Judgement, Decree, Order, Mesne Profit, Legal Representatives, Cause of Action, Interpleader Suit.

2. Jurisdiction of civil Courts
 - Pecuniary and Territorial Jurisdiction

3. Pleadings
 - Plaint and Written Statement.

4. Interim Orders and Interlocutory Orders.
5. Judgement and Decree.
6. Appearance of Parties and Consequences of Non -Appearance.

PART –II

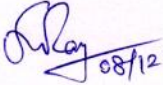
Limitation

1. Definitions
 - Applicant, Bond, Easement, Good Faith, Promissory Note.

2. Extension of period in certain cease.

3. Computation of period of Limitation.

4. Acquisition of Ownership of Possession.


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(7.2)

LAW OF PROPERTY

Answer any five out of ten given choice.

MODULE-I Interpretation clause

MODULE-II Transfer of Property- What may be transferred- Person Competent to Transfer

MODULE-III Conditions restraining alienation

MODULE-IV Transfer for the benefit of unborn person - Rule against perpetuity-Direction for accumulation-Vested Interest- Contingent Interest-Fulfilment of Condition precedent & condition subsequent

MODULE-V Doctrine of Election

MODULE-VI Transfer where third person is entitled to maintenance

MODULE-VII Transfer by ostensible owner- By unauthorised person who subsequently acquires interest in property concerned [Feeding the Estoppel by grant].

MODULE-VIII Doctrine of lis-pendens

MODULE-IX Fraudulent Transfer

MODULE-X Doctrine of part performance

MODULE-XI Sale of immovable property

MODULE-XII Mortgage

MODULE-XIII Lease of immovable property

MODULE-XIV Exchange

MODULE-XV Gifts

MODULE-XVI Easement-definition- Kinds-Imposition, acquisition and transfer of easement- incidents of easements-disturbance of easement-extinction, suspension and revival of easements - Licence

RECOMMENDED READING:

1. Transfer of Property Act, 1882
2. The Indian Easement Act, 1882

(7.3)

HONOURS PAPER - V

Corporate Governance

MODULE-I: Board of Directors- Functions, Appointments, Removal - Structure and Functions.

MODULE-II: Share Holder's Decision making.


MODULE-III: Director's Duties- Enforcement of Director's Duties

MODULE-IV: Breach of Corporate Duties- Administrative Remedies.

MODULE-V: Controlling Member's Voting

MODULE-VI: Unfair Prejudice

MODULE-VII: Corporate & Social Liability


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(7.4)

OPTIONAL PAPER - III

Interpretation of Statutes

Answer any five out of ten given choice .

1. Statute: Meaning and Nature, Constitutional Law vis -à-vis Statute law, Classification of Statutes: Declaratory Statutes, Codifying Statutes, Consolidating Statutes, Remedial Statutes and Enabling Statutes, Object and Need of Interpretation Statutes
2. Aids to Interpretation of Statutes: Internal Aids and External Aids
3. General/Primary Rules of Construction: Literal Rule, Golden Rule and Mischief Rule
4. Secondary Rules of Construction: Rule of Harmonious Construction, *Noscitur a sociis*, *Ejusdem Generis*, *Reddeno Singula Singulis*, *Expressio unis est exclusio alterius*, *geneailia Specialibus Non Derogant*, *Contemporanea exposition*, *Ut res Magis Valet QuamPereat*, *Bonam Partem*.
5. Construction with reference to i) Earlier statutes and ii) Subsequent Statutes.
6. Constitutionality of Statutes: Presumption, Test, Doctrine of Eclipse, Pith and substance, Severability and colorable legislation.


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(7.5)

CLINICAL PAPER -I

PRACTICAL - I

[Professional Ethics and Professional Accounting System]

OBJECTIVE OF THE COURSE: The lawyers, like other professionals have a code of conduct and basic knowledge of professional accounting. This module deals with them.

Marks-100

MODULE-I: Krishnamurthy Iyer's book on ' ADVOCACY'

MODULE-II: The Contempt Law and Practice

MODULE-III: The Bar Council Code of Ethics

MODULE-IV: 50 selected opinions of the Disciplinary Committees of Bar Councils.


MODULE-V: 10 major judgments of the Supreme Court on above subjects.

Written submissions.

Marks-90

Viva voce

Marks-10


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(8.1)

LAW OF CIVIL PROCEDURE – II

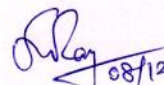
Group – A

1. Settlement of Disputes outside the Court.
2. Special Suits
 - Suits by or against Government or Public Officers
 - Suits by or against minors and lunatics.
 - Suits by indigent persons.
3. A. Appeal
 - Appeal from original decree
 - Second Appeal
 - Appeal from orders
 - Appeal to the Supreme CourtB. Reference
 - meaning, nature and scopeC. Review
 - meaning, nature and scopeD. Revision
 - meaning, nature and scope
 - conditions of filing revisionE. Distinction : Appeal, Reference, Review and Revision.

Group B

Specific Relief Act

1. Definitions
Obligation, Settlement, Trust, Trustee
2. Recovery of Specific Immovable Property
3. Suits by persons dispossessed of Immovable Property
4. Cases in which specific performance of contract enforceable
5. Who may obtain Specific Performance
6. Personal Bars to relief
7. Discretion of Court as to declaration of status or right
8. Temporary and permanent injunction
9. Perpetual injunction when granted.


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(8.2)

PUBLIC INTERNATIONAL LAW

Answer any five out of ten given choice.

1. General:

- Definition, Nature and Basis of international law
- Relationship between International Law and Municipal Law – Theories

2. Sources of International Law

3. Subjects of International Law:

- State, Individual, Non-state entities
- Place of Individual in international law

4. Recognition:

- Meaning and Definition – Theories
- Modes of recognition
- Legal effect of recognition and non-recognition
- Duty of a State to give recognition

5. State Succession:

- Definition and Meaning
- Kinds of State Succession
- Consequences of State Succession
- State Succession and India

6. Extradition and Asylum:


- Meaning and Definition
- Basis of the principle of Extradition and Right to Asylum
- Essential conditions of granting extradition
- Forms of asylum
- Asylum and Extradition are mutually exclusive

7. Neutrality:

- Definition and kinds
- Rational basis of neutrality
- Rights and duties of neutral states and belligerent states

8. Settlement of International Disputes:

- Pacific means of settlement
- Compulsive means of settlement



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9. Intervention:

- Meaning and Definition
- Kinds of Intervention
- Grounds/Justification of Intervention by a State
- Monroe Doctrine, Drago Doctrine

10. Treaties:

- Definition and meaning
- Kinds of Treaties
- Formation and Termination of Treaties
- General principles of Treaties
 - i) Pacta Sunt Servanda
 - ii) Pacta Tertis Nec Nocent Nec Prosunt
 - iii) Jus Cognes
 - iv) Rebus Sic Stantibus


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(8.3)

HONOURS PAPER VI

Information Technology Law


Answer any five out of ten given choice.

Information Technology Act, 2000

1. Definitions
2. Digital Signatures and Electronic Records
3. Certifying Authorities
4. Digital Signature Certificates
5. Duties of Subscribers, Penalties and adjudication for non performance of duties
6. Cyber Regulations Appellate Tribunal
7. Offences and penalties
8. Power of Police

Data Protection and Law

Information Technology related offences Under Indian Penal Code, 1860


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(8.4)

OPTIONAL PAPER- IV

Banking Law

Answer any five out of ten given choice.

MODULE-I: Evolution of Banking Institutions.

MODULE-II: Functions of Commercial Banks and services rendered by them: - Agency services- General Utility Services-Overseas Trading Services-Information and other Services.

MODULE-III: General Structure and methods of commercial banking: Principles of Commercial Banking – Employment of funds by commercial Banks-Earning Assets-Self Liquidating Paper Theory-Anticipated Income Theory

MODULE-IV: Mechanisms of Credit Creation.

MODULE-V: Systems of Banking- Group Banking and Chain Banking – Unit Banking and Branch Banking- Joint Stock Banking – Commercial Banks and Industrial Finance- Merchant Banking-Exchange Bank – Indigenous Banks and money lending –Cooperative Banks-Land Development Banks.

MODULE-VI: Indian Banking- Reserve Bank of India- State Bank of India.

MODULE-VII: Practical Banking- Banker and customer- Accounts of Customer Cheques & promissory notes- Pass Books- Paying Banker- Collecting Banker.

MODULE-VIII: Money Market- Foreign Exchange

MODULE-IX: Guarantees

MODULE-X: Banking Legislation and Reforms-Banking Companies [Acquisitions and Transfer of Undertakings] Act, 1980 – Banking Laws (Miscellaneous Provisions) Act – Banking Regulation Act, 149 – Reserve Bank of India Act, 1934.

(8.5)

CLINICAL PAPER -II

PRACTICAL-II [Drafting, Pleading and Conveyance]

OBJECTIVE OF THE COURSE: Draftsman ship is one compulsory skill for every lawyer. This module is intended to teach drafting to the students.

Marks-100

MODULE-I: DRAFTING:- General principles of drafting and relevant substantive rules

MODULE-II: PLEADINGS:

Marks-45

Civil- Complaint, Written Statements, Affidavit, Execution Petition, Interlocutory application, Original Petition, Memorandum of Appeal and Revision, Petition under Articles 32 & 226 of the Constitution of India, PIL petition.

Criminal- Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision

Practical exercises -15

3x15

MODULE-III: CONVEYENCE:

Marks-45

Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed,

Practical exercises -15

3x15

MODULE-IV: -

VIVA VOCE


Marks-10

(9.1)

LAW OF EVIDENCE

Answer any five out of ten given choice.

The Indian Evidence Act, 1872: Sections 1 - 167.


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(9.2)
PRINCIPLES OF TAXATION

Answer any five out of ten given choice.

Group-A : Principles Of Taxation Laws

MODULE-I: General perspectives

History and Development of Tax Laws in India.

Fundamental Principles Relating to Tax Laws.

Taxing Power and Constitutional Limitations.

Distinction between:

Tax, Fee & Cess

Tax Avoidance & Tax Evasion.

MODULE-II: Basic Concepts of Income Tax

Income, Previous Year, Assessment Year, Person Assessee & Total income.

Income not included in the Total Income.

Clubbing of Income.

Tax Planning.

Rate of Income Tax.

Heads of Income.

Salaries.

Income from House Property.

Income from Business or Profession.

Capital Gains.

Income from Other Sources.

Deductions under the Income Tax Act, 1961.

Income Tax Authorities: Power and Functions.

Filing of Returns and Procedure for Assessment.

Offences and Penal Sanctions.

MODULE-III: Wealth Tax

Taxable Wealth, Determination of Assets, Exemptions and Rate of Wealth Tax.

Wealth Tax Authorities.

Offences and Penalties.

Group-B: Other Taxes

MODULE-IV: Value Added Taxes

Meaning and importance of VAT.

Difference between VAT and Sales Tax.

West Bengal Value Added Tax Act, 2003.

Criticisms and Limitations of VAT system.

MODULE-V: Service Tax

Taxable Service.

Meaning and Importance of Service Tax.

Valuation of Taxable Service.

Offences and Penalties.

(9.3)

HONOURS PAPER- VII

Intellectual Property Law

Answer any five out of ten given choice.

I. GENERAL PRINCIPLES

1. Introduction- Nature, Character and Classification of Intellectual Properties.
2. Leading international instruments introducing principles concerning the intellectual property rights- The Paris Union, The Berne Convention, Universal Copyright Convention, The Madrid Agreement on the Registration of Marks, GATT, The UPOV Conventions, TRIPS, TRIMS, WTO,
3. WIPO, UNESCO

II. PATENT

Concept of Patent- Process for obtaining Patent- Rights and obligations of a Patentee- Transfer of Patent Rights- Powers, Functions and Jurisdiction of the Controller of Patent- Infringement of Patent Rights and Remedies.

III. TRADE MARK

Concept of Trade Mark; Registration of Marks; Doctrine of Honest and Concurrent users; Doctrine of Deceptive Similarity; Powers, Functions and Jurisdiction of the Registrar of Trade Mark; Infringement and Remedies.

IV. COPY RIGHT AND RELATED RIGHTS

1. Concept of Copyright; Ownership of Copyrights; Assignment of Copyrights; Powers and Functions of the Registrar of Copyrights; Copyright Board; Infringement and Remedies.

V. THE INFORMATION TECHNOLOGY ACT, 2000

1. Definitions.
2. Digital Signature: Object and Definite Clause of Access affixing digital signature.
3. Legal recognition: Use of electronic records; Retention and Publication; Attribution; Acknowledgement and Despatch.
4. Controller: Appointment; Powers and Functions; Penalty and Adjudication.
5. Cyber Appellate Tribunal: Composition, Powers, procedures and jurisdiction of offences.
6. Cyber Regulations Advisory Committee.

RECOMMENDED READING:

1. William Cornish, Intellectual Property, Eastern Book Company.
2. Scott Beattie & Elizabeth Beal, Intellectual Property & Media Law, Oxford University Press.
3. Hector Macqueen Charlotte Wealden, & Graeme Laurie, Text Book on Intellectual Property, Oxford University Press.

(9.4)

OPTIONAL PAPER -V

Private International Law

Answer any five out of ten given choice.

- I:** Subject matter, nature and basis of Private International law.
- II:** Historical Development and Theories
- III:** Relationship of International Law and Municipal Law
- IV:** Characterization
- V:** Renvoi
- VI:** Jurisdiction, Application & exclusion of foreign law - Foreign Judgement
- VII:** Nationality and Domicile
- VIII: Law of Family:**
Marriage, Matrimonial causes, Legitimacy and Legitimation, adoption, Guardianship, Custody.
- IX: Law of persons**
Corporations
- X: Property:** Characteristics-Immovable property, Tangible & intangible movables, Insolvency, Succession.
- XI: Law of Obligations**
Contracts-Torts

******students are expected to read current case laws. Only the current enactments and enactments as amended upto date will be taught.**

RECOMMENDED READING:

1. H.O AGARWAL-HUMAN RIGHTS AND INTERNATIONAL LAW
2. S.K KAPOOR-INTERNATIONAL LAW
3. PALOK BASU-LAW RELATING TO PROTECTION OF HUMAN RIGHTS
4. M.P TANDON AND DR. V.K ANAND- INTERNATIONAL LAW AND HUMAN RIGHTS
5. DR.S.SUBRAMANIAN-HUMAN RIGHTS: INTERNATIONAL CHALLENGES

(9.5)
CLINICAL PAPER-III

PRACTICAL- III
[Alternative Dispute Resolution]

OBJECTIVE OF THE COURSE: The formal dispute resolution system is too overburdened. Further the formal system is not very accessible to the poor man. So an alternative dispute resolution system has been evolved. The students will be exposed to this process in this module.

Marks-100

MODULE-I: Negotiation Skills to be learnt through simulated Programme and case studies.

MODULE-II: Conciliation Skills to be learnt through simulated Programme and case studies.

MODULE-III: Arbitration Law and Practice including International Arbitration and Arbitration Rules

Written submissions


Marks-90

Viva Voce

Marks-10

NOTE: Students will have to put in four weeks of internship compulsorily in Semesters VI, VII, VIII, IX, X, and obtain a certificate of internship without which the Bar Council may not enrol them. The students must maintain diary. They will be evaluated in the X Semester along with Moot Court Practical. The internship should be in the following Institutions or Organisations:

1. NGO
2. Trial and Appellate Advocates [compulsory]
3. Judiciary,
4. Legal Regulatory Authorities,
5. Legislatures and Parliament,
6. Market Institutions,
7. Law Firms,
8. Companies,
9. Local Self-government,
10. Other Legal Functionaries,
11. Any other body approved by the University.


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(10.1)
ADMINISTRATIVE LAW

Answer any five out of ten given choice.

1. Introduction to Administrative Law
 - Definition, Nature and Scope of Administrative Law
 - Reasons for the development of Administrative Law with special reference to India
 - Relationship between Constitutional law and Administrative Law
 - *Droit Administratif*
2. Concept of Rule of law with special reference to Indian Constitution
3. Doctrine of Separation of Powers and its relevance
4. Legislative Functions of Administration
 - Concept and meaning of Delegated Legislation
 - Necessity and Constitutionality of Delegated Legislation
 - Control over Delegated Legislation
 - a. Judicial Control
 - b. Parliamentary Control
5. Principles of Natural Justice
 - Rule against Bias
 - *Audi Alteram Partem*
 - Effect of non-compliance with principles of Natural Justice
 - Exception to principles of Natural Justice.
6. Judicial Review of Administrative Action
 - Jurisdiction of the Supreme Court - Articles 32 and 136
 - Jurisdiction of the High Courts - Articles 226 and 227
 - Modes of Public Law Review
 - (a) Writ of *Certiorari*, (b) Writ of *Mandamus*, (c) Writ of *Quo Warranto*,
 - (d) Writ of *Prohibition*, (e) Writ of *Habeas Corpus*
7. Liability of the Administration
 - Liability of the Administration in Contract
 - Liability of the Administration in Tort
 - Sovereign and non-sovereign functions, statutory immunity, Act of State
8. The Citizen and Administrative Faults
 - Ombudsman in India
 - The Lokpal Bill
 - Working of Lokayuktas in the States
 - Right to Know
 - The Right to Information Act, 2005

(10.2)

HONOURS PAPER- VIII

International Trade Economics

Answer any five out of ten given choice.

1. Concept of International Trade Law
 2. International Sale Contract:
 - a) United Nations Convention on Contract for International Sale of Goods, 1980, Convention on Agency in International Sale of Goods, Geneva, 1983; Convention on the Limitation Period in the International Sale of Goods, 1974,
 - b) The Sale of Goods Act, : Different types of goods, Passing of Property, Ownership in the Goods Sold, Passing of risk and Frustration, Delivery and Acceptance of Goods, Exclusion Clauses
 3. Special Trade Terms in Export Sale: CIF, FOB;
 4. Standard term contracts and common contractual clauses
 5. Condition, Warranties and Innominate terms, Consequences of their breach.
 6. Remedies of Buyer and Seller under International Sale Contract
 7. Finance of Export: Bill of Exchange, Collection Arrangement, Letters of Credit, Forfeiting and Factoring.
 8. The Carriage of Goods by Sea Act and Hague Rules : The Contract of Carriage by Sea, Implied Conditions, Charter Parties, Bills of Lading, Responsibilities and Liabilities of Carrier, Jettison and General average, Demurrage and Lay days, Freight and Lien.
 9. GATT: Objectives and Principles
 10. WTO: Objectives, Structure, Principles, Dispute Settlement Mechanism
 11. GATS: Importance, Purpose, Services covered, Categories of supply of services
- International Commercial Arbitration, Its Recognition and Enforcement.

(10.3)

OPTIONAL PAPER- VI

Penology & Victimology


Answer any five out of ten given choice.

1. Crime and Criminology
 - Concept and characteristics of crime
 - Criminology- Its nature and scope
 - Inter-relationship between Criminology, penology and Criminal Law

2. Causes of Criminal Behaviour
 - Classical school of criminology
 - Lombroso' Theory of Born Criminal
 - Sociological Theories
 - Anomie
 - Sutherland's Differential Association Theory
 - Economic Theories
 - Marxists Theory
 - Bonger's Economic Theory of Criminality
 - Multiple Causation Approach to Crime

3. Punishment of Offenders
 - Object of punishment
 - Punishment under Indian Criminal Law
 - Punishment under the IPC
 - Capital Punishment, Imprisonment, Fine
 - Capital Punishment controversy in India
 - Sentencing process and policies
 - Pre-sentencing inquiry
 - Capital punishment
 - Rarest of rare cases

4. Prison System & Reform
 - Problems associated with imprisonment
 - Solitary confinement
 - Prison reform in India
 - Prisoners rights
 - Judicial Response
 - Jail Committee on prisoners' rights
 - Open Prisons
 - Development and Indian experience


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(10.4)

CLINICAL PAPER -IV**PRACTICAL - IV**
[Moot Court Exercise and Internship]

OBJECTIVE OF THE COURSE: Legal study cannot remain confined to the class room alone. This module offers a chance for the students to be exposed to the real world.

MODULE-I: MOOT COURT**Marks-30**

- Each student will do at least three Moot Courts

10x3+30

Prepare memorial & Argument presentati on

MODULE-II: OBSERVANCE OF TRIALS**Marks-30**

- Civil Trial-1
- Criminal Trial-1

15

15

To be recorded in a diary

MODULE-III: INTERVIEWING TECHNIQUE,**PRE-TRIAL PREPARATION & INTERNSHIP DIARY****Marks-30**

Observance of interviewing session in Lawyer's office-2

15

To be recorded in a diary.

Preparation of documents and court papers -Recorded in a diary.

15

MODULE-IV: VIVA VOCE ON THE ENTIRE ABOVE MODULE**Marks-10**