

# PUNJABI UNIVERSITY, PATIALA

## SYLLABUS

### BACHELOR OF LAWS PART-IV (SEVENTH & EIGHTH SEMESTER)

#### (FIVE YEARS COURSE)

#### FOR 2017-18, 2018-19 & 2019-20 SESSIONS

### SCHEME OF STUDIES

#### SEVENTH SEMESTER

		<b>Univ. Exam</b>	<b>Int. Exam</b>	<b>Max. Marks</b>
Paper-I	Law of Evidence	74	26	100
Paper-II	Land Laws including Tenure & Tenancy System	74	26	100
Paper-III	Law of Crimes - I (Penal Code)	74	26	100
Paper-IV	Moot Court Participation and Seminar-I	-	-	100*
Paper: V	Any one of the following : a) Law Relating to Information Technology and Right to Information b) Banking Law c) Health Law	74	26	100
	Total	<b>296</b>	<b>104</b>	<b>500</b>

#### EIGHTH SEMESTER

		<b>Univ. Exam</b>	<b>Int. Exam</b>	<b>Max. Marks</b>
Paper-I	Drafting, Pleading and Conveyancing	74	26	100
Paper-II	Professional Ethics and Professional Accounting System	74	26	100
Paper-III	Law of Crimes-II (Criminal Procedure)	74	26	100
Paper-IV	Moot Court Participation and Seminar-II	-	-	100*
Paper: V	Any one of the following : (a) Insurance Law (b) Financial Marketing Regulation (c) Law on Education	74	26	100
	Total	<b>296</b>	<b>104</b>	<b>500</b>

\* For Paper- IV : Moot Court Participation and Seminar-I & Moot Court Participation and Seminar-II are of 100 marks i.e.

Moot Courts (Every Student will give presentation at two moot courts with 30 marks each) = 60 marks  
Court Visit = 20 marks  
Seminar = 20 marks

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100 marks  
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**GENERAL INSTRUCTIONS FOR THE PAPER-SETTERS  
FOR ALL THE PAPERS**

1. The maximum marks for each paper are 74 and the time allowed is 3 hours.  
For Paper-IV (Moot Court Participation and Seminar-I &  
Moot Court Participation and Seminar-II) are of 100 marks i.e.  
Moot Courts (Every Student will give presentation at two moot  
courts with 30 marks each) = 60 marks  
Court Visit = 20 marks  
Seminar = 20 marks  
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100 marks  
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2. The minimum number of marks required to pass each paper shall be 45% in University Examination and 45% in University Examination and Internal Assessment taken together.
3. The question paper will consist of three Units : I, II and III. Unit I and II will have four questions from the respective Units of the syllabus and will carry 11 marks each. Unit III will consist of 10 short answer type questions, which will cover the entire syllabus uniformly and will carry 30 marks in all.
4. Internal exams marks for each paper are 26 which includes 05 marks of Attendance, 11 marks of Written Assignment/ Project Work etc. and 10 marks for Two Mid-Semester Tests/ Internal Examination.

## B.A.LL.B. Part- IV (Seventh Semester)

### Paper I : Law of Evidence

#### Unit - I

Definitions and Relevancy of Facts	Ss 1-16
Admissions and Confessions	Ss 17-31
Statements by Persons who cannot be called as witnesses	Ss 32-33
Statements made under special Circumstances	Ss 34-38
How much of a statement is to be proved	S- 39
Judgement of Courts of Justice when relevant	Ss 40-44
- Opinions of Third Persons when relevant	Ss 45-51
- Character when relevant	Ss 52-55
- Facts which need not be proved	Ss 55-58
- Of Oral Evidence	Ss 59-60
- Of Documentary Evidence	Ss 61-90

#### Unit - II

- Of the Exclusion of Oral by Documentary Evidence	Ss 91-100
- Of the Burden of Proof	Ss 101-114-A
- Estoppel	Ss 115-117
- Of Witnesses	Ss 118-134
- Of the Examination of Witnesses	Ss 135-166
- Of Improper Admission and Rejection of Evidence	S- 167

#### Suggested Readings:

Rattan Lal and Dhiraj Lal	:	The Law of Evidence
S.R Myneni	:	Law of Evidence
Batuk Lal	:	Law of Evidence
Avtar Singh	:	Law of Evidence
Munirs	:	Law of Evidence

### Paper II : Land Laws including Tenure & Tenancy System

#### Unit – I

Punjab Land Revenue Act, 1887	
Definition of Key words	
Revenue officers and their powers	
Revenue Records	
Assessment of land revenue	
Collection of land revenue	
Partition	
Jurisdiction of civil courts under Land Revenue Law	1

Punjab Tenancy Act, 1887 & Punjab Security of Land Tenures Act, 1953

Definition of key words

Classes of tenants

Law of rent

Law of ejection of tenant

Relief for wrongful dispossession of tenant

Improvements and compensation

Evaluation of Tenancy Laws

## Unit - II

Punjab Land Reforms Act, 1972

Principles of economic and social justice and land reforms

Definition of key words

Permissible area

Determination of permissible and surplus area

Utilization of surplus area

Lands exempted from ceiling

Evaluation of Land Reform in Punjab

The Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

Definition of Key Words

Determination of Social Impact and Public Purpose

Notification and Acquisition

Rehabilitation, Resettlement Award, procedure and Manner

National Monitoring Committee and Establishment of Land

Acquisition, Rehabilitation and Resettlement Authority

Apportionment of Compensation and Payment

Offences and Penalties

### Suggested Readings:

1. Neety Kaul : Land Laws in Punjab and Haryana
2. Khurana's : A treatise on Land Laws in Punjab
3. G.S. Nagra : Punjab Land Record Manual
4. O.P. Aggarwal : Punjab Land Revenue Act
5. Jain & Jain : Punjab Land Revenue Act
6. O.P. Aggarwal : Punjab Tenancy Act
7. K.B. Jain : Punjab Security of Land Tenures Act
8. P.C. Joshi : Land Reforms in India Trends and Perspectives
9. P.S. Appu : Ceiling on Agricultural Holdings
10. A.B. Puranik : Law of Land Acquisition and Compensation

Punjab Land Reforms Act, 1972

The Right to fair Compensation and Transparency in Land Acquisition

Rehabilitation and Resettlement Act, 2013

## **Paper III : Law of Crimes - I (Penal Code)**

### **Unit - I**

- Group liability on the basis of common intention
- Unlawful Assembly
- Liability of a member of unlawful assembly
- Abetment
- Criminal Conspiracy
- Stages in the commission of crime
- Criminal liability of Companies
- Types of Punishment under the Indian Penal Code
- Right of private defence
- Insanity as a defence to criminal liability
- Offences against morality (Sections 292-294 I.P.C)
- Culpable homicide and Murder
- Death by rash or negligent act
- Simple and grievous hurt

### **Unit - II**

- Criminal force and Assault
- Kidnapping and Abduction
- Outraging the modesty of a woman
- Sexual Offences
- Bigamy
- Adultery
- Dowry death
- Cruelty by husband or relative of husband
- Theft, Extortion, Robbery and Dacoity
- Criminal misappropriation of property and Criminal breach of trust
- Sedition
- Defamation

### **Suggested Readings:**

1. Rattanlal and Dhirajlal : Law of Crimes
2. H.S.Gaur : Penal Law of India
3. P.S.A. Pillai : Criminal Law
4. T.Bhattacharya : Indian Penal Code

## **Paper IV : Moot Court Participation and Seminar-I**

Students would be attending Lok Adalats organised by the District Courts as well as would be encouraged to undertake various Legal Aid Campus.

Distribution of Marks is as under:

1. Moot Courts: Every student will give presentation at two Moot Courts with 30 marks each	60 Marks
2. Seminar	20 Marks
3. Court Visits	<u>20 Marks</u>
Total	<u>100 Marks</u>

(The students will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment).

## **Paper - V Option (a) : Law Relating to Information Technology and Right to Information**

### **Unit-I**

- Need, Aims, Objectives and Application of Information Technology Act, 2000
- Definitions : Computer, Computer Network, Computer Resource, Computer System, e-record, Information, Asymmetric crypto system
- Legal Recognition of Electronic Documents
- Legal Recognition of Digital Signatures
- E-Governance
- Attribution, Acknowledgement and Dispatch of e-record
  
- Regulation of Certifying Authorities
- Duties of Subscriber
- Offences, Contraventions and Extra Territorial Jurisdiction
- Penalties and Adjudication
- Service Providers and their exemption from liability
- Investigation and procedure of search and seizure
- Grey areas of IT Act, 2000

### **Unit-II**

- Historical Background of Right to Information : Colonial and Post Independent Scenario, British and American experiences
- Significance of Right to Information in Democracy
- Constitutional basis of RTI with special reference to Art. 19 and 21 of the Constitution of India
- Supreme Court on Right to Information
- Reasons, Aims, Objectives and Application of Right to Information Act, 2005
- Definitions, Right to Information and obligations of Public Authorities
- Central Information Commission, State Information Commission

- Powers and Functions of Information Commissions
- Appeals and Penalties
- Miscellaneous Provisions

### **Suggested Readings:**

1. Information Technology Act, 2000, Universal Publishing Co. Pvt. Ltd. (2009)
2. Dr. Farooq Ahmed, Cyber Law in India, New Era Law Publisher, 3rd Edition, (2008)
3. D.P. Mital, Law of Information Tech. (Cyber Law), Taxmann, 2000
4. J.H. Barowalia : Commentary on the Right to Information Act, Universal Law Publications
5. Nandan Kamath, A Guide to Cyber Laws and IT Act, 2000 with Rules and Notifications, Universal Law Publisher, 3rd Edition, (2007)
6. Parag Diwan & Shammi Kapoor, Cyber and E-commerce Law, 2nd Edition, Bharat Publisher, (2000)
7. Vakul Sharma, Information Technology : Law & Practice, Universal Law Publisher, 2nd Edition, (2007)  
Yatinder Singh : Cyber Laws

### **Paper-V - Option (b) - Banking Law**

#### **Unit-I**

Development of Banking

Definition and functions of Bank

The Banker, The Customer, General relationship between Banker and Customer, Special relationship as Debtor and Creditor, Special relationship of a bailee and a bailer, Special relationship as an agent and principal, Special relationship as a Trustee. Obligation to maintain Secrecy of the Account, Garnishee order, Non-Compliance of Garnishee order, Attachment order of Income Tax Authorities, Effect of attachment order, Rights of Banker - Right of General lien, Particular lien, Right to set-off, Right of Appropriation, Right to charge Interest, Commission etc.

#### **Unit-II**

Negotiable Instruments -

Definition, Characteristics & kinds of a Negotiable instrument, Cheque - Definition, Essentials, Obligation of Banker to honour the Cheque, Crossing of cheque, Kinds of Crossing, Dishonour of cheque, Consequences of wrongful dishonour, Complaint for dishonour of cheque, Procedure for filing complaint and liability for dishonour of cheque. Difference between Holder & Holder in due course, Kinds of Endorsement.

Special Customers of a Bank -

The Minor, The Lunatic - The Drunkard - The married women - The Pardanasheen women, The illiterate Persons, Joint Account Holder, Joint Hindu Family, Partnership Firm, Salient features of Reserve Bank of India Act, 1934.

### **Suggested Readings :**

1. Dr.Verma and Agarwal : Banking Law and Practice
2. Avtar Singh : Negotiable Instruments Acts
3. Negotiable Instruments Act, 1881
4. Reserve Bank of India Act, 1934.

### **Paper V option (c) : Health Law**

#### **Unit-I**

Right to Health and Indian Constitution

National Health Policy

Legal aspect of Private medical practice

The Mental Health Act, 1987: Mental Health Authorities, Admission and detention in psychiatric, Hospitals or Psychiatric Nursing Homes, Protection of Human Rights of Mentally ill persons.

Medical Termination of Pregnancy Act, 1971

#### **UNIT-II**

The Transplantation of Human Organs Act, 1994: Authority for the Removal of Human organs, Removal of organs in case of unclaimed bodies in hospital or prison, Restrictions on removal of Human organs, Offences and Penalties

Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994

Medical Negligence and Malpractices

Health Insurance in India

Role of Law in prevention of AIDS

Duties of Hospitals regarding Medico-legal cases

#### **Prescribed Books /Act**

The Medical Termination of Pregnancy Act, 1971

The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994

The Mental Health Act, 1987

The Transplantation of Human Organs Act, 1994

The Consumer Protection Act, 1986

Nandita Adhikari- Law and Medicine

R.M Jhala & K. Kumar (rev), Jhala & Raju's Medical jurisprudence, (1997)



## **B.A.LL.B. Part- IV (Eighth Semester)**

### **Paper -I : Drafting, Pleading and Conveyancing**

#### **Unit-I**

- Meaning, Scope and Object of Pleadings
- Plaint and written statement
- Fundamental rules of Pleadings
- Place of Suing
- Frame of suits and its essentials
- Parties to suit
- Plaint in suit for injunction
- Plaint in suit for specific performance
- Plaint in suit for breach of contract
- Plaint in suit for accounts by the Principal against the agent
- Suit for partition and possession
- Suit for damages for malicious prosecution
- Application for eviction of tenant under the East Punjab Rent Restriction Act, 1949
- Application to set aside *exparte* decree
- Application for appointment of guardian of a minor
- Written Statements

#### **Unit-II**

- Petition for Dissolution of Marriage under Section 13 of the Hindu Marriage Act, 1955
- Petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act, 1955
- Petition for Decree of Nullity of Marriage under Section 11 & 12 of the Hindu Marriage Act, 1955
- Petition for Judicial Separation under Section 10 of the Hindu Marriage Act, 1955
- Complaint for Maintenance of Peace and Order under Section 107 of the Code of Criminal Procedure, 1973
- Complaint for Public Nuisance
- Complaint for defamation
- Application for Maintenance under Section 125 of the Code of Criminal Procedure, 1973
  - Application for Bail
  - Application for Anticipatory Bail
  - Meaning, Object and Functions of Conveyancing
  - Components of deeds
  - Agreement to sell property
  - Sale Deed

- Gift Deed
- Mortgage Deed
- Lease Deed
- Deed of Exchange
- Will
- Power of Attorney
- Notice

### **Suggested Readings**

Mogha	:	Pleadings
Mogha	:	Conveyancing
A.N. Chaturvedi	:	Pleadings & Conveyancing
Bindra N.S.	:	Pleading & Practice

## **Paper - II : Professional Ethics and Professional Accounting System**

### **Unit-I**

**Historical Introduction to Legal Profession in India** : Development of Legal Profession in India

Privileges and Rights of Legal Profession, Importance, Distinction from other Professions and Business.

Admission and Enrolment of Advocates, Privileges and Rights to practice of Advocate  
Composition of State Bar Council and its Powers and Functions. Constitution of Disciplinary Committee, Powers, Receipt of Complaint, Disposal and Punishment.

**Bar Council of India** : Composition, Functions and Powers of Bar Council of India

**Conducts of Advocates** : Meaning and Scope of Professional and Other Misconducts

Constitution and powers of Disciplinary Committee

Punishment of Advocate for misconduct

Disciplinary powers of Bar Council of India

Disposal of disciplinary proceedings

Powers of Review, Revision and Appeal

Right to Appeal to the Supreme Court

### **Unit-II**

Professional Ethics of Lawyers

Duties of Advocates, Duty to Public and State

Duties towards Courts

Duties towards Clients

Duties to render Legal Aid

Duties towards Opponent, Colleagues and other Residual Duties

Conflicts between interest and duty

Bench-Bar Relationship and Lawyers' Strike

**The Contempt of Courts Act, 1971** : Meaning of Contempt, Categories of Contempt,  
Constitutional Validity of the *Contempt of Courts Act, 1971*

Constitutional Provisions Regarding Powers of the Supreme Court and the High Courts Houses of Parliament of State Legislatives for Punishing for their Contents Nature, Scope and Salient features of the Legal Service Authorities Act, 1987.

### **Suggested Readings**

A.N. Chaturvedi : Pleading and Conveyancing with Advocacy and Professional Ethics

Bare Act of Advocates Act, 1961 & Bar Council of India Rules  
14th Law Commission of India

Dr. Ravi Karan Singh : Dispensation of Justice - Role and Accountability of Judges and Advocates, Deep & Deep, 2004.

### **Paper-III : Law of Crimes-II (Criminal Procedure)**

#### **Unit - I**

Definitions Bailable Offence, Non-Bailable Offence, cognizable offence and non-cognizable offence, complaint, Police Report, Inquiry, investigation, Judicial Proceeding, Summons Case and Warrant Case.

Classes and Powers of Criminal Court.

Arrest of Persons with and without warrant.

Process to comply Appearance - (a) Summons, (b) Warrant of arrest  
(c) Proclamation and Attachment.

Process to comply production of thing - Summons to produce, Search Warrants, General Provisions Relating Searches, Powers of Police officer to seize certain Property.

Information to the Police and their Power to investigate (154-176)

Conditions requisite for initiations of proceedings (190-199)

Complaints to Magistrate (200-203)

Commencement of Proceedings before Magistrates (204-210)

Jurisdiction of the Criminal Courts in Inquiries and Trials (177-189)

#### **Unit - II**

The Charge (211-224)

Procedure for trial (225-265)

- Trial before court of session

- Trial of warrant cases

- Trial of summon cases

- Summary Trial

Pardon to accomplice

Provisions as to bail and Bonds (436-450)

Confirmation and Execution of Death Sentence

Suspension, Remission and commutation of sentences

Inherent Powers of the High Courts

Appeal, Reference and Revision  
Time Limitation for taking cognizance  
Rights of the Accused and Principles of fair trial.

### **Suggested Readings:**

1. Rattan Lal & Dhiraj Lal : Criminal Procedure Code 1973
2. R.V. Kelkar : Outlines of Criminal Procedure
3. M.P. Tandon : Criminal Procedure Code, 1973.

### **Paper-IV : Moot Court Participation and Seminar-II**

Students would be attending Lok Adalats organised by the District Courts as well as would be encouraged to undertake various Legal Aid Campus.

Distribution of Marks is as under:

1. Moot Courts: Every student will give presentation at two Moot Courts with 30 marks each	60 Marks
2. Seminar	20 Marks
3. Court Visits	<u>20 Marks</u>
Total	<u>100 Marks</u>

(The students will maintain a record and enter the various steps observed during their attendance on different days in the Court assignment).

### **Paper-V - Option (a) - Insurance Law**

#### **Unit-I**

Meaning of Insurance  
Definition of Insurance  
Nature of Insurance  
Functions of Insurance  
Types of Insurance  
Evolution of Insurance

#### **Life Insurance**

Definition of a Contract of Life Insurance  
Difference between Life Insurance and other forms of Insurance  
Insurable Interest, Presumption of insurable interest, Presumption of insurable interest, Procedure for effecting a Life Policy, Kinds of Life insurance policies, Assignment of Life Policies, Nomination by the Policy Holder, Effect of Suicide, Settlement of Claims.

## Unit-II

### Fire Insurance

Definition of a Contract of Fire Insurance  
Characteristics, What is 'Fire' and 'Loss or Damage by Fire' ?  
Procedure for effecting Fire Insurance  
Types of Fire Policies,  
Assignment of Fire Insurance Policies,  
Fire Insurance Claim

### Marine Insurance

Definition of a Contract of Marine Insurance  
Subject matter of a Contract of Marine Insurance, Maritime Derils,  
Characteristics of Marine Insurance Contracts, Kinds of Marine Policies, Insurable Interest, Warranties in a Contract of Marine Insurance, Kinds of Warranties, Marine Losses, Kinds of Losses, Rights of Insurer on Payment.

### Suggested Readings:

1. The Insurance Act, 1938
2. The Life Insurance Corporation Act, 1956
3. The Marine Insurance Act, 1963
4. The General Insurance Business (Nationalisation) Act, 1972
5. Avtar Singh, Mercantile Law
6. R.K. Bangia, Mercantile Law

### Paper-V - Option (b) - Financial Marketing Regulation

#### Unit-I

##### An overview of Financial System

- Constituents of Financial system
- Significance of Financial system
- Development and Growth of Financial and Market in India
- Regulatory Authorities Governing Financial Market

##### SEBI (Securities Exchange Board of India)

- Role and Powers
- Depositories Act, 1996; Right and Obligations of Depositories, Participants, Issuers and Beneficial Owners

##### Stock Exchange

- Stock Exchange, Functions and significance of Stock Exchange
- Operations of Stock Exchange
- Listing of Securities

#### Unit-II

##### Capital Market and Money Market

- Meaning & Significance
- Capital Market Instruments
- Money Market Instruments
- Capital Market vis-à-vis Money Market

- Formation and Regulation of NBFCs.
- Competition Act, 2002: Aims, Objectives, Prohibition of Certain Agreements, Abuse of Dominant Position and Regulation of Combinations and Penalties.
- FEMA(Foreign Exchange Management Act): Aims, Objectives, Definitions, Regulations regarding Foreign Currency, Offences and Penalties.

### **Suggested Readings:**

1. E. Gordon & H. Natarajan, Capital Market in India; Himalaya publishing House, Ramdoot, Dr. Bhalerao Marg, Girgaon, Mumbai- 400004
2. V.L. Lyer, SEBI practice Manual; Taxman allied Service (P) Ltd; 59/32, New Rohtak Road, New Delhi- 110005
3. M.Y. Khan, Indian Financial Systems; Tata Mcgraw Hill, 4/21, Asaf Ali Road, New Delhi-1100102
4. SEBI Manual, Taxman
5. A.K. Senguma & A,K, Agarwal, Money Market Operations in India: Skylark
6. SEBI Annual Reports
7. SEBI Monthly Bulletin
8. Bharat V. Pathak, ” Indian Financial System”, Pearson Education, 3<sup>rd</sup> Edition

### **Paper-V - Option (c) – Law on Education**

#### **Unit-I**

- International Human Rights Documents on Education
- GATTS And Education
- Globalization and Privatization in Education
- University Education Commission (1948-49):- Aims and general recommendations
- Secondary Education (Mudaliar) Commission (1952-53):- Aims and general recommendations
- Indian Education (Kothari) Commission (1964-66)(Kothari Commission):- Aims and general recommendations
- National Policy on Education, 1968

#### **UNIT-II**

- University Grant Commission Act 1956:- Aims and objectives of the Act, Composition, Powers and functions of the Commission
- National Policy on Education, 1986:- Aims and general recommendations
- Revised Policy on Education, 1992 and Programme of Action (POA)
- National Knowledge Commission
- Legal education in India: Aims, New Scheme, Future of Legal education, Recent Developments.
- Judicial Activism and Right to Education in India

- Constitutional Provisions on Education in India: Article 45, 86<sup>th</sup> Constitutional Amendment: Article 21-A, Article 51-A (K)
- The Right of Children to Free and Compulsory Education Act, 2009: Objectives; Definitions; Right to Free and Compulsory Education; Duties of Appropriate Government, Local authority and Parents; Responsibilities of Schools and Teachers; Curriculum and Completion of Elementary education; Protection of Right of Children; Miscellaneous.

### **Suggested Readings:**

- Govt. of India : Radha Krishan Commission Report.
- Govt. of India : Secondary Education Commission Report
- Govt. of India : Kothari Education Commission Report
- Govt. of India : Programme of Action- National Policy of Education, Ministry of HRD, New Delhi.
- University Grant Commission Act 1956
- V.D Kulshreshtha : Landmarks in India Legal and Constitutional History
- Walia, J.S : Modern Indian Education and its Problems, Vivek Publishers, Ambala, 1981.
- Rajan, Raj Kumar : Development of Educational System in India  
Khanna, Manoj Kumar Sharma
- Narula, S & Naik : A History of Education in India: McMillan
- The Right of Children to Free and Compulsory Education Act, 2009 : Bare Act
- The Constitution of India : Bare Act