

LL.B. Fourth Semester

PAPER-I

JURISPRUDENCE-I (Legal Concept)

UNIT - I

Right-meaning and definition; theories of rights; kinds of rights: rights-duty co-relation.

UNIT - II

Person-concept; nature of personality.

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

Corporate personality and its theories.

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

UNIT - III

Ownership – concept; meaning; kinds of ownership

Various modes of acquisition of ownership.

Possession – concept; meaning; kinds of possession

Various modes of acquisition of possession.

Difference between ownership and possession.

UNIT - IV

Property – concept and meaning of property.

Kinds of property

Liability – conditions for imposing liability – (i) wrongful act, (ii) Damnum sine iuris (iii)

Mensrea, (iv) Intention, (v) Motive, (vi) Recklessness, (vii) Strict liability, and (viii) Vicarious liability.

UNIT - V

Law meaning and definition.

Purchase of Law

Justice meanings and kinds.

Law and justice – approaches to different schools.

Morality – concept and meaning

Relationship between law and morality.

Books

As prescribed for LL.B. Third Semester.

This Notes are available in TRC Law College, Satrikh, Barabanki

PAPER-II

LAW OF INSURANCE

UNIT - I

Definition, nature and history of insurance in India.

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

Future of insurance in globalised economy.

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

Meaning of reinsurance and double insurance.

UNIT - II

Insurable interest – its essentials; indemnity as the controlling principle on insurance law.
An insurance contract is a contract of uberrime fidei (of utmost good faith)
Doctrine of subrogation – its essentials; subrogation as a necessary corollary of the principle of indemnity.
Doctrine of contribution – its essentials.
Policy – classification of policies; its form and contents, its commencement, duration cancellation, alteration, rectification, renewal, assignment, and construction.
Conditions of policy; alteration of the risk; assignment of the subject-matter.

UNIT – III

Life insurance – definition, nature and scope; kinds of life insurance.
Policy and formation of life insurance contract; event insured against life insurance contract.
payment; settlement of claim and payment of money.
Life Insurance corporation of India – its organization and function.
IRDA – constitution powers and function.

UNIT – IV

The Marine Insurance Act, 1963.
Marine Insurance (cargo insurance, hull insurance, freight insurance liability insurance)
nature, scope and importance.
voyage deviation.
Marine insurance contract – insurable interest; utmost good faith; warranties; sea; legality of venture.
Conditions of marine insurance.
Fire Insurance – meaning, scope and importance of fire insurance; fire insurance contract;
method of indemnity.
Insurable interest, utmost good faith; conditions of fire insurance policy.

UNIT – V

Social insurance in India.
Need and importance of social insurance – its elements.
Commercial insurance and social insurance.
Workmen's compensation (scope, risk covered, industrial accidents, occupational diseases,
amount of compensation, nature of injuries, dependents).
Sickness insurance, old age, premature death and invalidity insurance or pension insurance,
public provident fund and jeevandhara policy.
Unemployment insurance.

Books

M.N. Sreenivasan, Principles of Insurance Law, (Ramania Publishers, Bangalore)
B.A. Singh, New Insurance Law, (Union Book Publishers, Allahabad).
Ivamy, General Principles of Insurance Law, (Butterworths).
Ivamy, case book on Insurance Law, (Butterworths).
This Notes are available in TRC Law College, Satrikh, Barabanki

PAPER-III

LAW OF PROPERTY-II (Transfer of Property Act, 1882 and Indian Easement Act, 1882)

UNIT - I

Safe – definition of sale; essentials of a valid sale; sale how mode.

Rights and liabilities of buyer and seller.

Distinction between sale and exchange; sale and gift.

Exchange – definition and essentials.

Rights and liabilities of parties.

UNIT - II

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

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

Marshalling of securities.

Doctrine of subrogation including legal and conventional subrogation.

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

UNIT – III

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

Essential elements of lease; leases how mode.

Rights and liabilities of lessor and lessee.

Determination of lease.

Exemption of leases for agricultural purposes

UNIT – IV

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

When gift may be suspended or revoked.

Onerous gift.

Universe once.

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

UNIT – V

Easement definition; nature and; cone; classification of easement

Who may impose easement?-Who may acquire easement?

Modes of acquisition of easement.

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

Books

As prescribed for LL.B. Third Semester.

This Notes are available in TRC Law College, Satrikh, Barabanki



PAPER-IV

CRIMINAL PROCEDURE CODE –II (Including Juvenile Justice (Care and Protection of Children) Act, 2000 and Probation of Offenders Act)

UNIT - I

Trial before a Court of Session-initial steps, evidence for proses

Prosecution evidence; evidence for the defence, steps to judgment and connected matters.

Trial of warrant cases by Magistrates (Cases instituted

Instituted otherwise than on a police report) – initial steps in the Prosecution – steps to follow the prosecution evidence; evidence for defence follow the defence evidence; judgment and connected Trial of summons cases and summary trial – steps in the trial; cases, personal examination of the accused; hearing of the conviction Offences triable in a summary way; procedure to be judgment in cases tried summarily.

UNIT - II

Security for keeping peace and good behaviour
Public nuisances and disputes as to immovable property.
Maintenance of public order and tranquility
Maintenance of wives, children and parents.
Plea bargaining.

UNIT – III

Appeal
Reference
Revision

UNIT – IV

Juvenile justice (Care and Protection of Children) Act, 2000
Object and essential features of the Act,
Definitions – Begging, child in need of care and protection psychotropic substance, juvenile in conflict with law.
Juvenile justice Board – constitution, procedure and powers
Child Welfare Committee – constitution, procedure and powers
Special homes.
Offences under the Act.

UNIT – V

Probation of Offenders Act
Object and essential features of the Act.
Powers of court to release certain offenders on probation of good conduct.
Restrictions on imprisonment of the offenders under twenty one years of age.
Probation Officers, duties of Probation Officers.

Books

As prescribed for LL.B. Third Semester.
This Notes are available in TRC Law College, Satrikh, Barabanki

PAPER-V **CIVIL PROCEDURE CODE AND LIMITATION ACT**

UNIT - I

Definitions – decree, judgment, decree holder, judgment debtor, mesne profits.
Jurisdiction – jurisdiction of civil courts
Suits of civil nature.
Place of suing – general principle-pecuniary jurisdiction, territorial jurisdiction and jurisdiction as to subject-matter.

UNIT - II

Res sub judice- nature and scope; object; conditions; sub res judice and res judicata.
Res judicata – nature and scope; object; res judicata and rule of law; res judicata and estoppels.
Suit – meaning; essentials of suit; parties to suit; joinder of parties; non-joinder and misjoinder of parties; representative suit.
Suits by indigent person, minor, insane person, and corporation.
Pleadings – definition; basic and general rules of pleadings; plaint and written statement; set off and counter-claim.
Issues – meaning and importance of witnesses.
Adjournment – discretion of court; when granted and when refused.

UNIT – III

Judgment – definition; essentials; judgment and decree; contents of judgment; alteration in judgment.
Decree – meaning; essentials; contents of decree; classes of decree; decree and order.
Execution – meaning; nature and scope; execution proceedings under the CPC; application for execution – who may apply? – Against whom application may be made. To whom application may be made – contents of application procedure for hearing application; stay of execution; mode of execution.
Arrest and detention.
Attachment of property.
Sale and delivery of property.

UNIT – IV

Appeal – first and second appeal – meaning; essentials, right of appeal; no second appeal lies in certain cases.
Appeals from orders.
Order – meaning; nature and scope.
Reference – nature and scope; object; Who may apply; powers and duties of referring court; reference and appeal. reference and review; reference and revision.
Revision – meaning; nature and scope; Who may apply; grounds.

UNIT – V

Limitation – meaning; nature and scope of the law of limitation
Bar of limitation and its efficacy.
Sufficient course – meaning and applicability.
Legal disability – meaning, scope and effect.
Computation of period of limitation and exclusion of time in legal proceedings.
Computation of period of limitation in certain cases – death, fraud or mistake, acknowledgement in writing, and part-payment.

Books

C.K. Thakkar, Civil Procedure Code, (EBC, Lucknow).
Mulla Code of Civil Procedure, (Universal, Delhi).
Sarkar's Law of Civil Procedure
This Notes are available in TRC Law College, Satrikh, Barabanki



PAPER-VI LABOUR AND INDUSTRIAL LAWS-II

UNIT - I

Workmen's Compensation Act, 1923.

Object, scope and application.

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

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

Employer's liability in cases of occupational diseases

Amount of compensation

Workmen's Compensation Commissioner – reference to Commissioner – powers and functions.

UNIT - II

Employees' State Insurance Act, 1948

Object and scope of the Act.

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

Benefits available under the Act-sickness benefit, maternity benefit, disablement benefit, dependent's benefit, and medical benefit,

General rules concerning benefits.

Employees' Insurance Court – constitution powers and functions.

UNIT - III

Payment of Wages Act, 1936

Object and its application.

Time of payment of wages.

Deduction – meaning; authorized deductions and unlawful deductions.

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

Inspector – powers and functions of inspector.

Authority to hear claims – jurisdiction and powers; claim application and limitation

Appeal – who can file appeal.

UNIT - IV

Factories Act, 1948.

Object and reasons, scope and applicability of the Act.

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

Inspecting Staff.

Measures in regard to health, safety and welfare.

Employment of young persons on dangerous machines.

UNIT - V

Minimum Wages Act, 1948

Aims and objects of the Minimum Wages Act.

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

Minimum rates of wages.

Fixation and revision of minimum wages.

Inspector.

Claims.

Maternity Benefit Act, 1961.

Object and scope of the Maternity Benefit Act.

Restrictions on employment or work by women.

Right to payment of maternity benefit.

Forfeiture of maternity benefit

Different leaves

Inspectors – appointment, powers and duties.

Books

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PAPER-VII

PRACTICAL TRAINING: DRAFTING, PLEADING AND CONVEYANCE

This course will be taught class instructions and simulation exercise with the assistance of practicing lawyers/ retired judges. Apart from relevant provisions of law, the course will include not less than 15 carrying a total of 45 marks (3 marks for each) and 15 exercises in conveyance another 45 marks (3 marks for each exercise) as detailed below:-

- (a) Drafting – General Principles of drafting and relevant substa taught.
- (b) Pleadings –
 - 1. Civil; Plaintiff, Written Statement, Interlocutory application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision, Petition under 226 and 32 of the Constitution of India.
 - 2. Criminal: Complaint, Criminal Miscellaneous Petition, Bad Application, Memorandum of Appeal and Revision.
 - 3. Conveyance: Sale Deed, Mortgage Deed, Lease Deed, Promissory Note, Power of Attorney, Will, and Trust Deed.
 - 4. Drafting of writ petition and PIL petition.

The remaining 10 marks will be given in a viva-voice which will understanding of legal practice in relation to drafting, pleading and conveyance viva-voice shall be conducted by a Board of Examiners consisting of one existing examiner and one internal examiner to be appointed by the Board of Studies.