

# **FACULTY OF LAW**

**BHAKTA KAVI NARSINH MEHTA UNIVERSITY**

**JUNAGADH**



**FACULTY OF LAW**

**LL.B. Syllabus -3-Years- [ CBCS ]**

**Semester – 3 & 4**

**Effective From June - 2019**

**BHAKTA KAVI NARSINH MEHTA University**

**GOVT. POLYTECHNIC CAMPUS, BILKHA ROAD, KHADIYA**

**JUNAGADH – 362 263**

**Gujarat , India.**

**Website : [www.bknmu.edu.in](http://www.bknmu.edu.in)**

## Semester – 3

No.	Course Code	Course Title	C	IM	EM	TM
1.	Core	Family Law -1 (Hindu Law)	5	30	70	100
2.	Core	Administrative Law	5	30	70	100
3.	Core	Principles of Taxation Law & GST	5	30	70	100
4.	Core	Labour & Industrial Law-1	5	30	70	100
5.	Elective	Interpretation of Statutes & Principles of Legislation.	5	30	70	100

**C = Credits**

**IM=Internal Marks**

**EM=External Marks**

**TM=Total Marks**

**CCT=Core Course**

**SO=Sill Oriented Course**

**ICT=Interdisciplinary Course**

**SS=Self Study Course**

**DP=Dissertation / Project Work**

**ECT=Elective Course**

**Bhakta Kavi Narsinh Mehta Universtiy, Junagadh**

### Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Core		Family Law -1 (Hindu)	5	30	70	-	Two Hours Thirty Minutes

		<b>EXT</b>	<b>+</b>	<b>ENT</b>	<b>=</b>	<b>TOTAL</b>
1.	<b>Family Law – 1</b>	<b>70</b>	<b>+</b>	<b>30</b>	<b>=</b>	<b>100</b>
		<b>70</b>	<b>+</b>	<b>30</b>	<b>=</b>	<b>100</b>

#### Course Objectives:

The course structure is designed mainly with three objectives in view.

- One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting.
- The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts.
- The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code.

## **Course Contents:**

### **Unit - 1. Marriage and Kinship.**

- 1.1. Evolution of the institution of marriage and family.
- 1.2. Role of religious rituals and practices in moulding the rules regulating marital relations.
- 1.3. Types of family based upon.
- 1.3.1. Lineage – partilineal matrilineal.
- 1.3.2. Authority structure – patriarchal and matriarchal.
- 1.3.3. Location – partilocal and matrilocal.
- 1.3.4. Number of conjugal units – nuclear, extended, joint and composite.
- 1.4. emerging concepts : maitri sambandh and divided home.

### **Unit - 2. Customary practices and State regulation.**

- 2.1. Polygamy.
- 2.2. Concubinage.
- 2.3. Child marriage.
- 2.4. Sati.
- 2.5. Dowry.

### **Unit - 3. Conversion and its effect on family.**

- 3.1. Marriage.
- 3.2. Adoption.
- 3.3. Guardianship.
- 3.4. Succession.

### **Unit - 4. Joint Family.**

- 4.1. Mitakshara joint family.
- 4.2. Mitakshara coparcenary – formation and incidents.
- 4.3. Property under Mitakshara law – separate property and coparcenary property.
- 4.4. Davabhaga coparcenary - formation and incidents.
- 4.5. Property under Dayabhaga law.
- 4.6. Karta of the joint family – his position, powers, privileges and obligations.
- 4.7. Alienation of property – separate and coparcenary.
- 4.8. Debts – doctrines of pious obligations and antecedent debt.
- 4.9. Partition and re-union.
- 4.10. Joint hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
- 4.11. Matrilineal joint family.

### **Unit - 5. Inheritance.**

- 5.1. Hindus.
- 5.1.1. Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act 1956.
- 5.1.2. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act 1956.

- 5.1.3. Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956.
- 5.1.2. succession to property of Hindu female dying intestate under the Hindu Succession Act 1956.
- 5.1.3. Disqualification relating to succession.
- 5.1.4. General rules of succession.
- 5.1.5. Marumakkattayam and Aliyasantana laws governing people living in Travancore-Cochin and the districts of Malabar and south Kanara.
- 5.2. Hindu.
- 5.2.1. General rules of succession and exclusion from succession.
- 5.2.2. Classification of heirs under Hanafi and Ithna Ashria schools and their shares and distribution of property.
- 5.3 Heirs and their shares and distribution of property under the Indian Succession Act of 1925.

**Text Books :**

- 1. Hindu Law, D.F. Mulla.
- 2. Law of Marriage & Divorce., Kusum.

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**Bhakta Kavi Narsinh Mehta Universtiy, Junagadh**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Core		Administrative Law	5	30	70	-	Two Hours Thirty Minutes

**2. Administrative Law**

<b>EXT</b>	<b>+</b>	<b>ENT</b>	<b>=</b>	<b>TOTAL</b>
<b>70</b>	<b>+</b>	<b>30</b>	<b>=</b>	<b>100</b>
<b>70</b>	<b>+</b>	<b>30</b>	<b>+</b>	<b>100</b>

**Course Objectives:**

- A formidable body of law has come into existence for the purpose of exercising control over administration.
- For long administrative lawyers have primarily been concerned with such matters as excess or abuse of power, mal administration and abuse of discretion. However, in recent years there has been a shift in emphasis from finding what the administration may not do to what it must do.
- The courts in India, no doubt, strike down administrative acts which are ultra vires or in violation of procedural norms; however, not much has so far been achieved in compelling the administration to perform statutory duties, though a beginning has been made in respect of matters relating to fundamental human liberties.
- Most of the statutory duties imposed on administrative agencies or authorities remain largely in the realm of discretion.
- A course on administrative law must, therefore, lay emphasis on understanding the structure and modus operandi of administration.

**Course Contents:**

**Unit - 1. Evolution, Nature and Scope of Administrative Law.**

- 1.1 From a laissez-faire to a social welfare state
  - 1.1.1. State as regulator of private interest.
  - 1.1.2. State as provider of services.
  - 1.1.3. Other functions of modern state : relief, welfare.
- 1.2. Evolution of administration as the fourth branch of government – necessary for delegation of powers on administration.
- 1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration.
  - 1.3.1. Regulatory agencies on the United States.
  - 1.3.2. Conselil d'Etat.
  - 1.3.3. Tribunalization in England and India.
- 1.4. Definition and scope of administrative law.
- 1.5. Relationship between constitutional law and administrative law.
- 1.6. Separation of powers.
- 1.7. Rule of Law.

**Unit - 2. Civil Service in India.**

- 2.1. Nature and organization of civil service : from colonial relics to democratic aspiration, Powers and functions.
- 2.2. Accountability and responsiveness: problems and perspectives, Administrative deviance- corruption, nepotism, mal-administration.
- 2.3. Informal Methods of Settlement of Disputes and Grievance Redressal Procedures.
  - 2.3.1. Conciliation and mediation through social action groups.
  - 2.3.2. Use of media, lobbying and public participation.
  - 2.3.3. Public inquiries and commissions of inquiry.
  - 2.3.4. ombudsman : Lok Pal, Lok Ayukta.
  - 2.3.5. Vigilance Commission.
  - 2.3.6. Congressional and Parliamentary Committees.

**Unit - 3. Legislative Powers of Administration & Judicial Powers of Administration.**

- 3.1. Necessity for delegation of legislative power. Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute., Requirements for the validity of delegated legislation, Consultation of affected interests and public participation in rule-making, Publication of delegated legislation, Administrative directions, circulars and policy statements.
- 3.2. Legislative control of delegated legislation, Laying procedures and their efficacy, Committees on delegated legislation – their constitution, function and effectiveness, Hearings before legislative committees, Judicial control of delegated legislation, Sub-delegation of legislative powers.
- 3.3. Judicial Powers of Administration, Need for devolution of adjudicatory authority on administration, Administrative tribunals and other adjudicating authorities : their ad-hoc character, Tribunals – need, nature, constitution, jurisdiction and procedure, Jurisdiction of administrative tribunals and other authorities, Distinction between quasi-judicial and administrative functions, The right to hearing – essentials of hearing process, No man shall be judge in his own cause, No man shall be condemned unheard.
- 3.4. Rules of evidence – no evidence, some evidence and substantial evidence rules, Reasoned decisions, The right to counsel, Institutional decisions, Administrative appeals.

**Unit - 4. Judicial Control of Administrative Action.**

- 4.1. Exhaustion of administrative remedies.
- 4.2. Standing : standing for Public interest litigation (social action litigation) collusion, bias.
- 4.3. Laches.
- 4.4. Res judicata.
- 4.5. Grounds : Jurisdictional error/ultra vires, Abuse and non exercise of jurisdiction., Error apparent on the face of the record, Violation of principles of natural justice, Violation of public policy, Unreasonableness, Legitimate expectation.
- 4.6. Remedies in judicial Review : Statutory appeals Writs, Declaratory judgments and injunctions, Specific performance and civil suits for compensation.

**Unit - 5.****5.1 Administrative Discretion.**

- 5.1.1. Need for administrative discretion.
- 5.1.2. Administrative discretion and rule of law.
- 5.1.3. Limitations on exercise of discretion.
- 5.1.4. Malafide exercise of discretion.
- 5.1.5. Constitutional imperatives and use of discretionary authority.
- 5.1.6. Irrelevant considerations.

## **5.2 Liability for Wrong (Tortuous and Contractual).**

- 5.2.1 Non-exercise of discretionary power.
- 5.2.2 Tortious liability: sovereign and non-sovereign functions.
- 5.2.3 Statutory immunity.
- 5.2.4 Act of state.
- 5.2.5 Contractual liability of government.
- 5.2.6 Government privilege in legal proceedings-state secrets, public interest.
- 5.2.7 Transparency and right to information.
- 5.2.8 Estoppel and waiver.

## **5.3 Corporations and Public Undertakings.**

- 5.3.1 State monopoly – remedies against arbitrary action or for acting against public policy.
- 5.3.2 Liability of public and private corporations – departmental undertakings.
- 5.3.3 Legislative and governmental control.
- 5.3.4 Legal remedies.
- 5.3.5 Accountability-Committee on Public Undertakings, Estimates Committee, etc.

### **Text Books :**

1. S.P.Sathe, Administrative Law (1998) Butterworths-India, Delhi.
2. Administrative Law – C.K.Takwani.
3. Vahivati Kanooon – Harubhai Mehta.

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**Bhakta Kavi Narsinh Mehta Universtiy, Junagadh**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Core		Principles of Taxation Law & GST	5	30	70	-	Two Hours Thirty Minutes

**3. Principles of Taxation Law  
Income Tax Law  
GST**

**Course Objectives:**

- Power to tax had been described as the power to destroy.
- This idea is being floated often whenever the state introduces a new tax. Is this true? Is it not necessary that in order to raise revenue and place the economy on solid foundation, the taxing power should be conferred on the state?
- The power to tax shall not go unregulated. In the context of a federal structure the distribution of the taxing powers assumes added significance.
- Along with this, an analysis of the different laws enacted in exercise of these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the Union and the States.
- Obviously, a study of the constitutional framework on taxation becomes important.

**Course Contents:**

**Unit - 1. General Perspective.**

- 1.1. History of tax law in India.
- 1.2. Fundamental principles relating to tax laws.
- 1.3. Governmental financial policy, tax structure and their role in the national economy.
- 1.4. Concept of tax :
  - 1.4.1. Nature and characteristics of taxes.
  - 1.4.2. Distinction between :
    - 1.4.2.1. Tax and fee
    - 1.4.2.2. Tax and cess.
    - 1.4.2.3. Direct and indirect taxes.
    - 1.4.2.4. Tax evasion and tax avoidance.
  - 1.5. Scope of taxing powers of Parliament, state Legislature and local bodies.

**Unit - 2. Income Tax.**

- 2.1. Basic Concepts :
  - 2.1.1. Income
    - 2.1.2. Total income.
    - 2.1.3. income not included in total income.
    - 2.1.4. Deemed income.
    - 2.1.5. Clubbing of income.
  - 2.2. Assessee.
  - 2.3. Person.
  - 2.4. Tax Planning.
  - 2.5. Chargeable income.



- 2.5.1. Heads of income.
- 2.5.1.1. Salaries.
- 2.5.1.2. Income from house property.
- 2.5.1.3. Income from business or profession.
- 2.5.1.4. Capital gains.
- 2.5.1.5. Income from other sources.
- 2.5.2. Deductions, relief and exemptions.
- 2.5.3. Rate of income tax.
- 2.6. Income Tax Authorities :
- 2.6.1. Power and functions.
- 2.7. Offences and penal sanctions :
- 2.8. Settlement of grievances :
- 2.8.1 Authorities, powers and functions.

### **Unit – 3 Section II.**

#### **G.S.T.**

- 3.1 Concept, Object and Constitutional Amendment.
- 3.2 Kinds of GST ( CGST, SGST and IGST)
- 3.3 Important Definitions of the GST.  
Aggregate Turnover, Place of Supply, Address of Delivery, Business, Capital Goods, Consideration, Continue supply of Goods and Services, E Commerce and E Commerce Operator, Agent Supply, Goods and Services, Input and Input Services.
- 3.4 Scope of Supply, Composite and mixed supply.
- 3.5 Composition Levy.
- 3.6 Provisions of Input Tax Credits.
- 3.7 Penalty Provisions for -
  - 3.7.1 Registration
  - 3.7.2 Tax Invoice,
  - 3.7.3 Accounting Records
  - 3.7.4 Return requirement

#### **Select Reading Material :**

- 1. Sampath iyenger, Law of Income Tax (1998), Bharat Law House, New Delhi.
- 2. GST Law Manual

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Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Core		Labour & Industrial Law -1	5	30	70	-	Two Hours Thirty Minutes

**4. Labour & Industrial Law -1**  
**Industrial Disputer Act**  
**Trade Union Act.**  
**Factory Act.**  
**Employees Provident Fund Act.**  
**Industrial Employment**  
**(Standing Orders) Act.**

**Course Objectives:**

- Problems arising out of the constant conflicts between different classes.
- The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence.
- Protection of labour is a constitutional mandate.
- A constitution inspired by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is a factor of national progress. Labour makes significant contribution in this respect.

**Course Contents:**

**Units - 1. Historical perspectives on Labour**

- 1.1. Labour through the ages - slave labour - guild system - division on caste basis - labour during feudal days.
- 1.2. Colonial labour law and policy
- 1.3. Labour capital conflicts: exploitation of labour, profit motive, poor bargaining power, poor working conditions, unorganised labour, bonded labour, surplus labour, division of labour and super-specialisation - lack of alternative employment.
- 1.4. Theories of labour and surplus value
- 1.5. From laissez faire to welfarism and to globalisation: transition from exploitation to protection and from contract to status : changing perspectives on labour.

**Unit- 2. Trade unionism**

- 2.1. Labour movement as a counter measure to exploitation - history of trade union movement in India.
- 2.2. Right to trade union as part of human right to freedom of association – international norms and the Indian Constitution.
- 2.3. Legal control and protection of trade union: registration, amalgamation, rights, immunities, liabilities and dissolution.
- 2.4. Problems: multiplicity of unions, over politicisation - intraunion and inter-union rivalry, outside leadership, closed shop and union-shop, recognition of unions.

### **Unit - 3.            Collective Bargaining.**

- 3.1. The concept.
- 3.2. International norms – conditions precedent – merits and demerits
- 3.3. Bargaining process.
- 3.3.1. Negotiation.
- 3.3.2. Techniques of Pressurization : strike and lockout, go-slow, work to rule, gherao, bundh.
- 3.4. *Structure of bargaining : plant, industry and national levels.*
- 3.5. Duration and enforcement of bipartite agreement.
- 3.6. Reforms in Law

<b>Unit - 4</b>	<b>Industrial Employment[Standing Orders] Act, 1946</b>
<b>Unit – 5</b>	<b>Industrial Disputes Act 1947, Factories Act, 1948</b>

**Text Books :**

1. Industrial Law – P.L.Malik.

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**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	3	Elective		Interpretation of Statutes	5	30	70	-	Two Hours Thirty Minutes

5.	Interpretation of Statutes and Principles of Legislation.	EXT 70 70	+ + +	ENT 30 30	= = =	TOTAL 100 100
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**Course Objectives:**

- Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation.
- With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes.
- Judicial interpretation involves construction of words, phrases and expressions.
- In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation.
- Judiciary plays a highly creative role in this respect.
- What are the techniques adopted by courts in construing statutes?
- How far are they successful in their strategy?

**Course Contents:**

**Unit - 1. Principles of Legislation.**

- 1.1. Law –making-the legislature, executive and the judiciary.
- 1.2. Principles of utility.
- 1.3. Relevance of John Rawls and Robert Nozick – individual interest to community interest.
- 1.4. Operation of these principles upon legislation.
- 1.5. Distinction between morals and legislation.

**Unit - 2.**

- 2.1 **Interpretation of Statutes :** Meaning of the term ‘statutes’, Commencement, operation and repeal of statutes, Purpose of interpretation of statutes.
- 2.2 **Aids to Interpretation :** Internal aids, Title, Preamble, Headings and marginal notes, Sections and sub-sections, Punctuation marks, Illustrations, exceptions, provisos and saving clauses, Schedules, Non-obstante clause, External aids, Dictionaries, Translations, Travaux Preparatoires, Statutes in pari material, Contemporanea Exposito, Debates, inquiry commission reports and Law Commission Reports.
- 2.3 **Rules of Statutory Interpretation :** Primary Rules, Literal rule, Golden rule, Mischief rule (rule in the Heydon’s case), Rule of harmonious construction, Secondary Rules, Noscitur a sociis., Ejusdem generis, Reddendo singula singulis.

- 2.4 Presumptions in statutory interpretation :** Statutes are valid, Statutes are territorial in operation., Presumption as to jurisdiction, Presumption against what is inconvenient or absurd, Presumption against intending injustice, Presumption against impairing obligations or permitting advantage from one's own wrong, Prospective operation of statutes.

**Unit - 3. Maxims of Statutory Interpretation.**

- 3.1 Delegatus non potest delegare.
- 3.2 Expressio unius exclusio alterius.
- 3.3 Generalia specialibus non derogant.
- 3.4 In pari delicto potior est conditio possidentis.
- 3.5 Ultes valet potior quam pareat.
- 3.6 Expressum facit cessare tacitum.
- 3.7 In bonam partem.

**Unit - 4. Interpretation with reference to the subject matter and purpose.**

- 4.1 Restrictive and beneficial construction.
  - 4.1.1 Taxing statutes.
  - 4.1.2 Penal statutes.
  - 4.1.3 Welfare legislation.
- 4.2. Interpretation of substantive and adjunctival statutes.
- 4.3. Interpretation of directory and mandatory provisions.
- 4.4. Interpretation of enabling statutes.
- 4.5. Interpretation of codifying and consolidating statutes.
- 4.6. Interpretation of statutes conferring rights.
- 4.7. Interpretation of statutes conferring powers.

**Unit - 5. Principles of Constitutional Interpretation.**

- 5.1 Harmonious construction
- 5.2 Doctrine of pith and substance.
- 5.3 Colourable legislation.
- 5.4 Ancillary powers.
- 5.5 "Occupied field".
- 5.6 Residuary power.
- 5.7 Doctrine of repugnancy.

**Select bibliography :**

- 1. G.P. Singh, Principles of Statutory Interpretation, (7<sup>th</sup> Edition) 1999, Wadhwa, Nagpur.
- 2. V. Sarathi, Interpretation of Statutes, (1984) Eastern, Lucknow.

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## Semester – 4

No.	Course Code	Course Title	C	IM	EM	TM
1.	Core	Jurisprudence	5	30	70	100
2.	Core	Family Law -2 (Momedian Law, Parsi Law & Christian Law)	5	30	70	100
3.	Core	Labour & Industrial Law-2	5	30	70	100
4.	Core	Company Law	5	30	70	100
5.	Elective	Human Rights Law and Information Technology (Cyber Crime)	5	30	70	100

**C = Credits**

**IM=Internal Marks**

**EM=External Marks**

**TM=Total Marks**

**CCT=Core Course**

**SO=Sill Oriented Course**

**ICT=Interdisciplinary Course**

**SS=Self Study Course**

**DP=Dissertation / Project Work**

**ECT=Elective Course**

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### Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Core		Jurisprudence	5	30	70	-	Two Hours Thirty Minutes

1.	Jurisprudence	EXT	+	ENT	=	TOTAL
	(Legal Method Indian Legal System)	70	+	30	=	100
	Basic Theory Law	70	+	30	=	100

#### Course Objectives:

- At the heart of the legal enterprise is the concept of law. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society.
- Moreover, without a comprehension of the cognitive and teleological foundations of the discipline, pedagogy becomes a mere teaching of the rules. It is unable to present various statutes, cases, procedure, practices and customs as a systematic body of knowledge, nor is it able to show the inter-connection between these various branches of law, procedures and principles.

- The fact that the basic nature and purpose of law should be clear to every student and that it should be the very foundation of law teaching needs little argument.
- A course in jurisprudence should, primarily, induct the student into a realm of questions concerning law so that he is able to live with their perplexity or complexity and is driven to seek out answers for himself it.

#### **Course Contents:**

##### **Unit - 1. Introduction.**

- 1.1. Meaning of the term 'jurisprudence'.
- 1.2. Norms and the normative system.
  - 1.2.1. Different types of normative systems, such as of games, languages, religious orders, unions, clubs and customary practice.
  - 1.2.2. Legal system as a normative order : similarities and differences of the legal system with other normative systems.
  - 1.2.3. Nature and definition of law.

##### **Unit - 2.**

- 2.1 Schools of Jurisprudence :** Analytical positivism, Natural law, Historical school, Sociological school, Economic interpretation of law, The Bharat jurisprudence., The Ancient : the concept of 'Dharma'. The Modern : PIL, social justice, compensatory jurisprudence.
- 2.2 Sources of Law :** Legislation, Precedents : concept of stare decisis, Customs, Juristic writings.
- 2.3 Purpose of Law :** Justice, Meaning and kinds, Justice and law : approaches of different schools, Power of the Supreme Court of India to do complete justice in a case : Article 142, Critical studies, Feminist jurisprudence.
- 2.4 Legal Rights : the Concept :** Rights : kinds, Right duty correlation.

##### **Unit - 3.**

- 3.1 Persons :** Nature of personality : Status of the unborn, minor, lunatic, drunken and dead persons, Corporate personality, Dimensions of the modern legal personality : Legal personality of non-human beings.
- 3.2 Possession : the Concept :** Kinds of possession.
- 3.3 Ownership : the Concept.**
  - 3.3.1 Kinds of ownership.
  - 3.3.2 Difference between possession and ownership.
- 3.4 Property : the concept :** Kinds of property.

##### **Unit - 4. Liability.**

- 4.1 Conditions for imposing liability.
- 4.2 Wrongful act.
- 4.3 Damnum sine injuria.
- 4.4 Causation.
- 4.5 Mens rea.
- 4.6 Intention.
- 4.7 Malice.
- 4.8 Negligence and recklessness.
- 4.9 Strict liability.
- 4.10 Vicarious liability.

**Unit - 5. Obligation : Nature and kinds :**

**5.1** Sources of obligation.

**5.2** Procedure.

5.2.1 Substantive and procedural laws : difference.

5.2.2 Evidence : Nature and Kinds.

**Select Bibliography :**

1. V.D. Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern, Lucknow.
2. Kaydana Khyalo – B.M. Sukla.

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## Bhakta Kavi Narsinh Mehta Universtiy, Junagadh

### Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Core		Family Law -2 (Momedian Law, Parsi Law & Christian Law)	5	30	70	-	Two Hours Thirty Minutes

	EXT	+	ENT	=	TOTAL
2. Family Law – 2	70	+	30	=	100
	70	+	30	=	100

#### Course Objectives:

The course structure is designed mainly with three objectives in view.

- One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting.
- The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts.
- The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code.

#### Course Contents:

##### Unit -1. Matrimonial Remedies.

- 1.1 Non-judicial resolution of marital conflicts.
  - a. Customary dissolution of marriage – unilateral divorce, divorce by mutual consent and other modes of dissolution.
  - b. Divorce under Muslim personal law – talaq and talq-e-tafweez.
- 1.2. Judicial resolution of marital conflicts : the family court.
- 1.3. Nullity of marriage.
- 1.4. Option of puberty.
- 1.5. Restitution of conjugal rights.
- 1.6. Judicial separation.
- 1.7. Desertion : a ground for matrimonial relief.
- 1.8. Cruelty: a ground for matrimonial relief.
- 1.9. Adultery: a ground for matrimonial relief.
- 1.10. Other grounds for matrimonial relief.
- 1.11. Muslim law (Khula and mubaraat).
- 1.12. Bar to matrimonial relief:
  - 1.12.1. Doctrine of strict proof.
  - 1.12.2. Taking advantage of one's own wrong or disability.
  - 1.12.3. Accessory.
  - 1.12.4. Connivance.
  - 1.12.5. Collusion.
  - 1.12.6. Condonation.
  - 1.12.7. Improper or unnecessary delay.
  - 1.12.8. Residuary clause – no other legal ground exists for refusing the matrimonial relief.

**Unit - 2.           Alimony and maintenance.**

- 2.1. Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves: provisions under the code of Criminal Procedure 1973.
- 2.2. Alimony and maintenance as an independent remedy: a review under different personal laws – need for reforming the law.
- 2.3. Alimony and maintenance as an ancillary relief.
- 2.4. Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act 1986: a critical review.

**Unit - 3.           Child and the Family.**

- 3.1. Legitimacy.
- 3.2. Adoption.
- 3.3. Custody, maintenance and education.
- 3.4. Guardianship and parental rights – welfare of the child principles.

**Unit - 4.           Family and its changing patterns.**

- 4.1. New emerging trends:
  - 4.1.1. Attenuation of family ties.
  - 4.1.2. Working women and their impact on spousal relationship : composition of family, status and role of women.
  - 4.1.3. New property concepts, such as skill and job as new forms of property.
- 4.2. Factors affecting the family: demographic, environmental, religious and legislative.
- 4.3. Processes of social change in India: sanskritization, westernisation, secularisation, universalization, parochialization, modernization, industrialization and urbanization.

**Unit - 5.**

**5.1           Settlement of spousal property :** Need for development of law.

**5.2           Establishment of Family Courts.**

5.2.1. Constitution, power and functions.

5.2.2. Administration of gender justice.

**5.3           Uniform Civil code – need for**

5.3.1. Religious pluralism and its implications.

5.3.2. Connotations of the directive contained in Article 44 of the constitution.

5.3.3. Impediments to the formulation of the Uniform Civil Code.

5.3.4. The idea of Optional Uniform Civil Code.

**Text Books:**

- 1. Mohammedan Law, Parsi Law & Christian Law – D.F. Mulla,

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## Bhakta Kavi Narsinh Mehta Universtiy, Junagadh

### Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Core		Labour & Industrial Law -2	5	30	70	-	Two Hours Thirty Minutes

	EXT	+	ENT	=	TOTAL
<b>3. Labour &amp; Industrial Law -2</b>	<b>20</b>	<b>+</b>	<b>05</b>	<b>=</b>	<b>25</b>
Employee's State Insurance Act	10	+	05	=	15
Payment of Bonus Act.	10	+	05	=	15
Payment of Wages Act.	10	+	05	=	15
Minimum Wages Act.	10	+	05	=	15
Gratuity Act.	10	+	05	=	15
Workmen Compensation Act.	70	+	30	=	100

#### Course Objectives:

- Labour is not merely a commodity.
- It is not only a factor in production.
- Today's labour is engaged in a battle for position of honour and status equal with management.
- He needs appropriate wages, regular payment without illegal deduction, equal pay for equal work.
- He needs security at work place, compensation at the instance of losing earning capacity due accident at work place.
- He needs economic security at the time of his rainy days.
- This course requires to learn all these necessities of life of the labour.

#### Course Contents:

##### Unit – 1 Remuneration for Labour

- 1.1. Theories of wages : marginal productivity, subsistence, wages fund, supply
- 1.2. Concepts of wages (minimum wages, fair wages, living wages, need-based minimum wages)
- 1.3. Components of wages : dearness allowance, principle of fixation.
- 1.4. Disparity in wages in different sectors - need for rationalisation and national approach
- 1.5. Wage determining process - modes and modalities.
  - 1.5.1. Unilateral fixation by employer
  - 1.5.2. Bilateral fixation
  - 1.5.3. Conciliation, arbitration and adjudication
  - 1.5.4. Wage Board and Pay Commission
  - 1.5.5. Principles of wage fixation
- 1.6. Concept of bonus - computation of bonus
- 1.7. Protection of wages : non-payment, delayed payment, unauthorised deductions - remedial measures.

## **Unit- 2. Health and Safety**

- 2.1. Obligations for health and safety of workmen - legislative controls : factory, mines and plantations.
- 2.2. Employer's liability:
  - 2.2.1. Workmen's compensation
  - 2.2.2. Employee's State Insurance
  - 2.2.3. Liability for hazardous and inherently dangerous industries - environmental protection

## **Unit - 3. Labour Welfare**

- 3.1. Welfare provided by the employers and through bipartite agreements and by statutory prescription.
- 3.2. Provident fund and family pension.
- 3.3. Gratuity
- 3.4. Insurance
- 3.5. Inter-state migrant workmen - regulation of employment and conditions of service.
- 3.6. Employment of young persons: prohibition of employment of children, regulation of employment of young persons.
- 3.7. Woman and labour force
  - 3.7.1. Equal remuneration law, maternity benefits, protective provisions for women under factories, plantations and mines laws

## **Unit - 4. Protection of the weaker sectors of labour**

- 4.1. Tribal labour : need for regulation
- 4.2. Unorganised labour like domestic servants : problems and perspectives
- 4.3. Bonded labour : socio-economic programmes for rehabilitation.
- 4.4. Contract labour - regulation
- 4.5. Daily wage workers.

### **Text Books:**

- 1. Industrial Law – P.L.Malik.
- 2. Srivastava K.D., Commentaries on Payment of Wages Act 1936 (1998), Eastern, Lucknow
- 3. Srivastava K.D., Commentaries on Minimum Wages Act 1948 (1995), Eastern, Luknow

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**Bhakta Kavi Narsinh Mehta Universtiy, Junagadh**

## Faculty of Law

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Core		Company Law	5	30	70	-	Two Hours Thirty Minutes

	EXT	+	ENT	=	TOTAL
4. Company Law	70	+	30	=	100
	70	+	30	=	100

**Course Objectives:**

- **Industrialisation plays a very vital role in the economic development of India. In the post Independence era, industrial regulation is employed as a principal means in the strategy for attaining constitutional values.**
- **Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, vast varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risks.**
- **Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.**

### Course Contents:

## **Unit - 1.            Meaning of Corporation.**

- 1.1. Theories of corporate personality.
- 1.2. Creation and extinction of corporations.

**Unit - 2. Forms of corporate and Non-corporate Organisations.**

- 2.1. Corporations, partnerships and other associations of persons, state corporations, government companies, one person company, small scale, co-operative, corporate and joint sectors.

**Unit - 3. Law relating to companies – public and private – Companies Act, 2013.**

- 3.1. Need of company for development formation of a company registration and incorporation.
- 3.2. Memorandum of association – various clauses – alteration therein – doctrine of ultra vires.
- 3.3. Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.
- 3.3.1. Prospectus – issue – contents – liability for misstatements – statement in lieu of prospectus, private placement of securities

- 3.4. Promoters – position – duties and liabilities.
- 3.4.1. Shares – general principles of allotment statutory restrictions – share certificate its objects and effects – transfer of share – restrictions on transfer – procedure for transfer – refusal of transfer – role of public finance institutions – relation ship between transferor and transferee – issue of shares at premium and discount – depository receipts – dematerialised shares.
- 3.4.2. Shareholder – who can be and who cannot be a shareholder – modes of becoming a shareholder – calls on shares – forfeiture and surrender of shares – lien on shares.
- 3.4.3. Share capital – kinds – alteration and reduction oOf share capital – further issue of capital – conversion of loans and debentures into capital – duties of courts to protect the interests of creditors and share holders.
- 3.5. Directors – position – appointment – qualifications – vacation of office – removal – resignation – powers and duties of directors – meeting, registers, loans – remuneration of directors – role of nominee directors – compensation for loss of office – managing directors – compensation for loss of office – managing directors and other managerial personnel.
- 3.5.1. Meetings – kinds – procedure – voting.
- 3.5.2. Dividends – payment – capitalisation – profit.
- 3.6. Internal Audit, Secretarial Audit, Internal accounts and Financial Reporting, Corporate Social Responsibility, Corporate Governance, Role of Company Secretaries
- 3.7. Borrowing powers – powers – effect of unauthorised borrowing – charges and mortgages – loans to other companies – investments – contracts by companies.
- 3.8. Debentures – meaning – fixed and floating charge – kinds of debentures – share-holder and debenture holder – remedies of debenture holders.
- 3.9. Protection of minority rights.
- 3.10. Protection of oppression and mismanagement – who can apply? – Powers of the company, court and of the central government.
- 3.11. Investigation – powers.
- 3.12. Private companies – nature and advantages – government companies – holding and subsidiary companies.
- 3.13. Regulation and amalgamation.
- 3.14. Winding up – types – by court – reasons – grounds – who can apply – procedure-powers of liquidator – powers of court – consequences of winding up order – voluntary winding up by members and creditors-winding up subject to supervision of courts – liability of past members – payment of liabilities – preferential payment, unclaimed dividends – winding up of unregistered company.

**Unit - 4. Law and Multinational companies.**

- 4.1. International norms for control.
- 4.2. National law FEMA (Foreign Exchange Management Act 1999) controls joint-ventures – investment in India – repatriation of project.
- 4.3. Collaboration agreements for technology transfer.

**Unit - 5. Corporate liability.**

- 5.1. Legal liability of companies – civil and criminal.
- 5.2. Remedies against them civil, criminal and tortuous – Specific Relief Act, writs, liability under special statutes.

**Text Books:**

- 1. Avtar Singh, Indian Company law (1999), Eastern, Lucknow.
- 2. Company Law – Ashwin Shah.

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**Bhakta Kavi Narsinh Mehta Universtiy, Junagadh**

**Faculty of Law**

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Internal Marks	External Marks	Practical / Viva Exam Marks	External Exam Time Duration
LL.B.	4	Elective		Human Rights Law and Information Technology (Cyber Crime)	5	30	70	-	Two Hours Thirty Minutes

<b>5. Human Rights Law</b>	<b>EXT</b>	<b>+</b>	<b>ENT</b>	<b>=</b>	<b>TOTAL</b>
<b>And Information Technology (Cyber Crime)</b>	<b>70</b>	<b>+</b>	<b>30</b>	<b>=</b>	<b>100</b>
	<b>70</b>	<b>+</b>	<b>30</b>	<b>+</b>	<b>100</b>

**Course Objectives:**

- The main thrust of this course shall be development of human rights (HR) law and jurisprudence at international, regional and national levels.
- To acquaint students with violence of Human Rights and Vulnerable Groups.
- To make aware regarding Violation and Remedies of Human Rights.
- To evaluate Impact and implementation of international human rights norms in India .

**Course Contents:**

**Unit – 1. The Framework of the UN charter and the role of the United Nations & The International Bill of Human Rights.**

- The UN Charter, 1945.
- Normative and Institutional framework of the United Nations.
- Role of the UN General Assembly, the Economic and Social Council And other UN Bodies.
- The Universal Declaration of Human Rights 1948.
- International Convention on Economic, Social and Cultural Rights, 1966.
- International Covenant on Civil and Political Rights, 1966.
- Optional Protocols.
- American Convention on Human Rights, 1969

**Unit -2 Human Rights and Vulnerable Groups, Violation and Remedies of Human Rights. Impact and implementation of international human rights norms in India**

- Human rights norms reflected in fundamental rights in the Constitution
- Directive Principles: legislative and administrative implementation of international human rights norms
- Implementation of international human rights norms through judicial process

**Unit 3 International Humanitarian Law and Terrorist, The Protection of Human Rights Act, 1993**

**Unit 4 Enforcement of Human Rights in India units**

- Role of courts: the Supreme Court, High Courts and other courts
- Statutory commissions- human rights, women's, minority and backward class



## **Unit 5                      Information Technology Act. (Cyber Crime)**

- 5.1 Information Technology - 2000 / Definitions, Regulations at Authorities Appellate Tribunal, Rules – 2003
- 5.2 Use of Digital Signature Rules – 2004
- 5.3 Information Technology (Security Procedure) 2004
- 5.4 Responsibility of Cyber Cafe Horner
- 5.5 Offences : E – Commerce.
- 5.6 Offences and Punishment (Right To Privacy etc.)
- 5.7 Cyber Crime with Reference to Indian Penal Code and Criminal Procedure Code

### **Books :**

1. S.K.Avesti and R.P.Kataria, Law Relating to Human Rights, Chh IV, V, VIII, XIV, XXIX and XXXIX (2000) Orient, New Delhi
2. Nirmal.C.J. (ed.), Human Rights in India (2000), Oxford
3. M.G. Gor, Bhurat Lakhtaria, Law of Cyber Crime (Information Technology Act. 2000)

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**BHAKTA KAVI NARSINH MEHTA UNIVERSITY – JUNAGADH**

**Faculty : Law**

**Subject :**

**Semester : L.L.B. Semester – 3**

**ACADEMIC YEAR : 2019-20**

Sr. No.	Level UG or PG	Sem ester	Course Group Core Elective – 1 Elective – 2 / Allied / SEC / DEC	Course (paper) Title	Paper No.	Credit	Teaching Hours	Internal Marks	External Marks	Practical Internal Marks	Practical External Marks	Total Marks
3	UG	3	Core	Family Law - 1 (Hindu Law)	1	5	1	30	70	-	-	100
			Core	Administrative Law	2	5	1	30	70	-	-	100
			Core	Principles of Taxation Law & GST	3	5	1	30	70	-	-	100
			Core	Labour & Industrial Law-1	4	5	1	30	70	-	-	100
			Elective	Interpretation of Statutes & Principles of Legislation.	5	5	1	30	70	-	-	100

**Note : As Per BCI & UGC Regulations**

**BHAKTA KAVI NARSINH MEHTA UNIVERSITY – JUNAGADH**

**Faculty : Law**

**Subject : -**

**Semester : L.L.B. Semester –4**

**ACADEMIC YEAR : 2019-20**

Sr. No.	Level UG or PG	Semester	Course Group Core Elective – 1 Elective – 2 / Allied / SEC / DEC	Course (paper) Title	Paper No.	Credit	Teaching Hours	Internal Marks	External Marks	Practical Internal Marks	Practical External Marks	Total Marks
4	UG	4	Core	Jurisprudence	1	5	1	30	70	-	-	100
			Core	Family Law -2 (Momedian Law, Parsi Law & Christian Law)	2	5	1	30	70	-	-	100
			Core	Labour & Industrial Law-2	3	5	1	30	70	-	-	100
			Core	Company Law	4	5	1	30	70	-	-	100
			Elective	Human Rights Law and Information Technology (Cyber Crime)	5	5	1	30	70	-	-	100

**Note : As Per BCI & UGC Regulations**