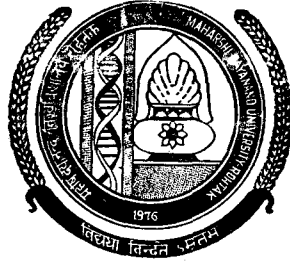


# Maharshi Dayanand University Rohtak



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## Ordinances, Syllabus and Courses of Reading for LL.B. 5th Semester Examination

Session—2002-2003

*Available from :*

Deputy Registrar (Publication)

Maharshi Dayanand University

Rohtak 124 001 (Haryana)

*Price :*

At the Counter : Rs. 50/-

By Regd. Parcel : Rs. 75/-

By Ordinary Post : Rs. 75/-

**ORDINANCE - BACHELOR OF LAWS (LL.B. 5 YEAR COURSE)  
SEMESTER SYSTEM**

1. The duration of the course leading to the degree of Bachelor of Law (LL.B.) shall be of five academic years. Each year shall be divided into two semesters i.e. July to November/December and January to April/May. The examination shall ordinarily be held in the month of December and April/May on such dates as may be fixed by the Vice-Chancellor.
2. The schedule of dates fixed in accordance with Clause-I shall be notified by the Controller of Examinations.
3. The last date by which the examination forms and fee must reach the Controller of Examinations shall be fixed by the Vice-Chancellor.
4. A candidate, who fulfils the following conditions shall be eligible to seek admission in the First Semester of LL.B. (Five Year) Course :-
  - i) has passed an examination in 10+2 course of schooling recognised by the educational authority of Central or State Government with 40% marks in aggregate.

OR

- ii) posses any other equivalent academic qualifications recognised by this University. Those who have done graduation or Post-graduation shall not be eligible for Five Year Law Course.
5. A person who has passed the Semester I or II or III or IV or V or VI or VII or VIII and IX shall be eligible to join the Semester II or III or IV or V or VI or VII or VIII or IX or X respectively of the LL.B. Course. This is, however, subject to Clauses-12 and 13 (7.2) below.
6. The examination of Semester I/II/III/IV/V/VI/VII/VIII/IX/X shall be open to a student who :-
  - i) has passed the requisite examination as laid down above in Clause 4 and 5, as the case may be, or is covered under Clause 13 below; and
  - ii) has his name submitted to the Controller of Examinations by the HOD/Director and produces the following certificates signed by him :
    - a) of having good character,

- b) of having remained on the rolls of the Law College for the semester concerned proceeding the examination;
  - c) of having satisfactorily performed the work of his class;
  - d) of having attended not less than 75% of the lectures in each semester as also in practical training (to be counted upto the last day when the classes break up for the preparatory holidays).
7. A candidate on the rolls of the Law College or an Ex-student shall submit his application for admission to an examination on the prescribed form with the requisite certificate duly countersigned by the HOD/Director or a senior member of the teaching staff nominated by him.
  8. The amount of admission fee to be paid by a candidate for each Semester shall be as prescribed by the University from time to time.
  9. The medium of instruction and examination shall be English only.
  10. Candidates shall be examined according to the scheme of examination and syllabus as approved by the Academic Council from time to time.
  11. The minimum number of marks required to pass in each paper of LL.B. I,II,III,IV,V,VI,VII,VIII,IX and X semester Examination shall be 45% and 50% in aggregate of Semester examination.
  12. A candidate who has failed in a semester examination, or having been eligible fails to appear therein, may be allowed on the recommendation of the HOD/Director to appear/re-appear in the examination/paper(s), as the case may be, in accordance with clause-I. Such a candidate may be exempted from appearing in the paper(s) in which he obtains atleast 50% marks.

Provided that a candidate for the LL.B. Degree must pass the whole examination (Semester I,II,III,IV,V,VI,VII, VIII, IX and X within Seven years of his admission to the LL.B. first Semester class failing which he will be deemed to be unfit for the course and shall not be allowed to appear in the same either by attending classes again as a regular student or as an ex-student.

**Note : The candidate admitted to LL.B. Course shall not be allowed to switch over to any other course, otherwise his candidature for LL.B. course shall be cancelled forthwith.**

- 13.1 A candidate who has appeared and failed in a semester Examination shall be promoted from I, to II,III, to IV and V to

VI,VII to VIII and IX to X Semester, subject to the provision of Clause 13.2.

The Vice-Chancellor may, in very exceptional cases and where he is satisfied that there are unavoidable circumstances e.g. serious illness, serious calamity like death of father or mother etc., allow a candidate who having been eligible failed to appear in the I/III/V/VII/IX semester Examination on, to study for the II/IV/VI/VIII/X semester Examination, as the case may be, provided that an intimation to this effect accompanied by a documentary proof thereof is received in the office of the Controller of Examinations through the H.O.D./Director within 10 days of the expiry of the concerned examination.

13.2 A candidate who has failed in the Semester I & II or III & IV or V & VI or VII & VIII shall be promoted to the III,V,VII, IX Semesters, as the case may be, only if he has got exemption in the papers as mentioned below :

From Semester I & II to Semester III If he has passed at least six papers of Semester I & II

From Semester III & IV to Semester V If he has passed at least 15 papers of Semester -I to IV including six papers of Semester I & II and six papers of Semesters III&IV

From Semester V & VI to Semester VII If he has passed all the papers of Semester - I & II, 15 papers of Semester III to VI including six papers of Semesters III & IV and six papers of Semesters V & VI

From Semester VII and VIII to Semester IX If he has passed all the papers of Semester - I & IV, 15 papers of Semester V & VIII including six papers of Semesters V & VI and six papers of Semesters VII & VIII.

Every student of Semester I,II,III,IV,V,VI,VII,VIII and IX who is entitled to be promoted to LL.B. Semester II,III,IV,V,VI,VII,VIII,IX and X respectively, shall submit an application on the prescribed form for fresh admission to the Semester II,III,IV,V,VI,VII,VIII,IX and X. Any such admission may be refused by the HOD/Director on reasonable grounds.

14. The details of the practical training (Legal Method, Moot Courts etc.) to be imparted as per syllabus and the dates will be notified by the HOD/Director from time to time.
15. Four weeks after the termination of the examination or as soon thereafter as is possible, the Controller of Examinations shall publish the result and issue Detailed Marks Cards.
- 16.1 The successful candidates after passing 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Semester examination of Five Year LL.B. Course will be awarded a graduate degree of B.A. (Law). such Candidates will not be entitled to practice.

Classification of division for the successful candidates of B.A.(Law), shall be arranged as under on the aggregate marks of I,II,III,IV,V and VI Semester Examinations :

- (a) Those who obtain 60% or more mark First Division
- (b) Those who obtain 50% marks or more marks but less than 60% marks. Second Division

- 16.2 The candidate who successfully complete the five years (Semester I to X) of LL.B. Course will be awarded LL.B. Degree .

A list of successful candidates shall be prepared on the aggregate marks obtained in Semester V,VI,VII,VIII,IX and X examination and shall be arranged in division as under :

- (a) Those who obtain 60% or more mark First Division
- (b) Those who obtain 50% marks or more marks but less than 60% marks. Second Division

17. Notwithstanding the integrated nature of this course, which is spread over more than one academic year, the ordinance in force at the time a student joins the course shall hold good only for the examination held during or at the end of the academic year and nothing in this ordinance shall be deemed to debar the University from amending the ordinance and the amended ordinance, if any, shall unless specified otherwise, apply to all students whether old or new.

# **SCHEME OF EXAMINATION (LL.B. 5th Semester)**

**2002-2003**

		<b>Marks in written paper</b>	<b>Internal Assess- ment</b>	<b>M.M.</b>	<b>Time</b>
Paper-I	Law of Crimes	80	20	100	3 hrs
Paper-II	C.P.C. & Limitation Act	80	20	100	3 hrs
Paper-III	Administrative Law	80	20	100	3 hrs
Paper-IV	Corporate Law-I	80	20	100	3 hrs
Paper-V	Environmental Law	80	20	100	3 hrs

## **Note :**

1. The internal assessment will be evaluated by the teacher teaching the subject on the basis of assignment and presentation of the student in the class. The student making presentation of assignments will be subject to the questions from the teacher and the classmates and the assessment will be based on overall performance of the student in writing assignment, presentation of assignment and questions put to him/her by the teachers and students during presentation.
2. In theory there will be eight questions in four units. Two questions will be set from each unit. Candidate will be required to attempt 5 questions selecting at least one question from each unit. The examiner will be free to set the questions in problem forms based on case law.
3. Every student will have to obtain minimum pass marks in theory paper and he will be declared successful on the basis of aggregate of theory and assessment.

**Paper-I Law of Crimes-I**

M.M. : 80

Time : 3 hrs.

*Note : Two questions will be set from each unit. Candidates will be required to attempt 5 questions selecting atleast one question from each unit. All questions carry equal marks.*

**Unit-I Mens-rea, Preparation, Attempt, commission, strict liability.**

General Explanations (6 - 52 A)

General Exceptions (76-106)

Abetment (107-120)

Criminal Conspiracy (120A,B)

Offences against State (121-130)

**Unit-II Offences against public tranquility (141-160)**

Offences against human body (299-377)

**Unit-III Offences against property (378-462)**

**Unit-IV Forgery (463-465)**

Offences relation to Marriage (493-498)

Cruelty by Husband & relative of Husband (498-A)

Defamation (499-502)

*Note : Not more than one question will be set directly from the leading cases :*

**Leading Cases :**

State of Maharashtra v. M.H. George, (AIR 1965, SC 722).

B.K. Ghosh V. King Emperor, (1924-25 ILR 40 C.P.C.)

Kedar Nath V. State of Bihar, (AIR 1962, SC 955)

Rex V. Govinda (1870 ILRI Bombay 342)

**Books Recommended**

- |                      |                           |
|----------------------|---------------------------|
| 1. Kenny             | Outline of Criminal Law   |
| 2. Smith & Hogan     | Criminal Law              |
| 3. Williams Glamille | Text Book of Criminal Law |

4. Ratan Lal Dhiraj Lal      Indian Penal Code
5. Mishra, S.N.              Indian Penal Code
6. Gaur, K.D.                Cases & Material on Criminal Law
7. Bare Act of Indian Penal Code

**Paper-II CIVIL PROCEDURE CODE & LIMITATION ACT**

M.M.: 80

Time : 3 hrs.

*Note : Two questions will be set from each unit. Candidates will be required to attempt 5 questions selecting atleast one question from each unit. All questions carry equal marks.*

**Unit-I : Definitions (Sec 2)**

Jurisdiction of courts & Res subjudicata (Sec 9-11)

Place of suing and institution of suits (15-21)

Summons & discovery, judgement & Decree, interest and costs (27-35)

Execution (36-74)

**Unit-II: Incidental proceedings - commissions, order XXVI suits in particular cases (75-82)**

Reference, Review, Revision (113-115 and order 46-47)

**Unit-III: Miscellaneous (Sec. 144, 148, 148-A, 149, 151, 152) Orders 1 to 10, order 14-20.**

**Unit-IV Limitation Act, 1963 (Sec 4-6, 9, 12, 14, 17-20, 25 & 27)**

*Note : Not more than one question will be set directly from the leading cases :*

**Leading Cases :**

1. Gulab Chand Chhotalal Parikh V. State of Gujrat, AIR 1965, 1153.
2. Hira Lal Patni, V. Srikali Nath, AIR 1962 SC 199 .



3. Bhavan Voya V. Solanki Haniji AIR 1972 SC 1371.
4. Chhojju Ram V. Neki, 49 Indian Appeal, 144, 1922 PC 112; 72 Indian Cases 566.

**Books Recommended :**

1. C.K. Takwani Civil Procedure
2. Mulla, D.F. The Code of Civil Procedure 1908
3. Sarkar The Law of Civil Procedure
4. Tandon The code of Civil Procedure

**Paper-III Administrative Law**

M.M. : 80

Time : 3 hrs.

**Note :** Two questions will be set from each unit. Candidates will be required to attempt 5 questions selecting atleast one question from each unit. All questions carry equal marks.

**Unit-I** Nature & scope of administrative Law, rule of law, separation of powers, delegated legislation, judicial control of delegated legislation, legislative control, of delegated legislation, sub-delegation of legislative power, Principles of natural justice - Bias, Audit-alteram partem, right to counsel, reasoned decisions.

**Unit-II** Administrative Tribunals - distinction from court, growth of tribunals - How far bound by rules of evidence, judicial control of administrative action.

**Unit-III** Statutory judicial remedies, judicial control of administrative discretion, Government privileges.

**Unit-IV** Doctrine of promissory estoppel, Tortious liability of Govt.

**Note:** Note more than one question will be set directly from the leading cases :

**Leading Cases :**

1. A.K. Kraipak V. U.O.I, AIR 1970 SC 150.

*Syllabus LL.B. Sem. V*

2. Partap Singh V. State of Punjab AIR 1964, SC 72.
3. State of Punjab V. Sodhi Sukhdev Singh AIR 1961 SC 493.
4. Moti Lal Padam Pat Sugar Mill V. Uttar Pradesh 1979 SC 621.

**Books recommended :**

M.P. Jain	Principles of Administrative Law
HPW Wade	Administrative Law
I.P. Massey	Administrative Law
S.P. Sathe	Administrative Law
C.K. Takwani	Administrative Law
Paras Diwan	Administrative Law
K.C. Joshi	Administrative Law

**Paper-IV CORPORATE LAW I**

M.M. : 80

Time : 3 hrs

**Note :** Two questions will be set from each unit. Candidates will be required to attempt 5 questions selecting atleast one question from each unit. All questions carry equal marks.

**Unit I** Company - nature, definition, characteristics, kinds, Incorporation of Company, Lifting of veil, Promoter, Memorendem of Association - Objects, contents and alteration, rule of ultra vires.

Articles of Association - contents, alteration, rule of Indoor management.

Prospectus - contents, remedies against misrepresentation.

**Unit-II** Company management - Directors, their appointment, qualifications, position, duties, liabilities & powers, removal of directors, Managerial remuneration, company law board - their powers, functions, other managerial persons, managing director, managers & secretary, meetings and their proceedings, accounts, audit, investigators.

Unit-III Majority rule and minority protection; rule in Foss V. Harbottle, Prevention of oppression and mismanagement, compromise, arrangements, reconstructions & amalgamations, takeover bids.

Unit-IV Winding up of companies - meaning of winding up, modes of winding up - by Govt. under supervision of court & Voluntary winding up, Grounds for the winding up, Consequences of winding up procedure, official liquidator duties, powers, liabilities, statement of affairs (sec 454), committee for inspection (Sec. 464-465), general powers of the court (Sec 443), contributors-liabilities, right of set off (Sec 469), Role of liquidator in voluntary winding up, Winding up of unregistered companies & insolvent companies, Antecedents and other transactions (Sec. 531-537), offences antecedant to in the course of winding up (Sec 538-545).

#### Leading Cases :

Ashbury Railway Carriage Co. V. Riche (1875) LR 7HL 653  
Derry V. Peek (1889)

Re City Equitable fire Insurance Co. (1925)

Calinga Tubes Ltd. V. Shanti Prasad Jain (1964) SC

Bind Overseas Private Ltd. V. R.P. Jhunjhunwala AIR 1976  
SC 565.

#### Books Recommended :

LCB Grower	Principles of Company Law
Avtar Singh	Indian Company Law
Pennington	Principle of Company Law
Romayya A	A Guide to Companies Act
N.D. Kapoor	Company Law
L.C. Dhingra	Principles of Company Law
A.K. Majumdar & G.K. Kapoor	Company Law & Practice (Taxman)

**Paper-V ENVIRONMENTAL LAW**

M.M. : 80

Time : 3 hrs

Note : Two questions will be set from each unit. Candidates will be required to attempt 5 questions selecting atleast one question from each unit. All questions carry equal marks.

Unit I Meaning and definition of environment, environmental pollution - factors responsible for environmental pollution. Provisions of following general laws for protecting environment in general-Constitution of India, IPC, Cr.P.C., Factories Act, 1948, Noise - its definition, sources & its harmful effects, remedies for noise pollution.

Unit II The Water (Prevention and Control of Pollution) Act 1974, The Air (Prevention & Control of Pollution) Act 1981.

Unit III Role of Public Interest Litigation in protection of Environment, The Role of Judiciary in Environment Protection, The National Environment Tribunal Act, 1995. The Wild Life Protection Act, 1971.

Unit IV The Doctrine of Absolute liability

The Public Liability Insurance Act, 1991.

The Prevention of Cruelty to animals Act.

**Leading Cases :**

Ratlam Municipality V. Vardhi Chand & Ors AIR 1980 SC 1622.

M.C. Mehta V. UOI AIR 1988 SC 1115.

Rural Litigation Kendra V. State of U.P. AIR 1987 SC 305

M.C. Mehta V. UOI AIR 1987 SC 965.

*Note : Not more than one question will be set directly from the leading cases.*

**Books Recommended :**

Paras Diwan	Environment Administration, Law & Judicial Attitude (1992) Vol. I & II
P.S. Jaswal	Environment Law
Chandra Pal	Environmental Pollution & Development
Naresh Kumar	Air Pollution and Environmental Protection

The Water (Prevention & Control of Pollution) Act, 1974.

The Air (Prevention & Control of Pollution) Act, 1981.

The Environment Protection Act, 1986.

The Public Liability Insurance Act, 1991

The National Environment Tribunals Act, 1995.

The Wild life Protection Act, 1971

The Prevention of Cruelty of animals Act.

**Paper-VI INFORMATION TECHNOLOGY**

M.M. : 80

Time : 3 hrs.

Information concepts and processing: Evolution of information processing, data.

Elements of a computer processing system : Hardware - CPU, Storage devices and media, VDU, Input-output devices, data communication equipment, software-system software, application software.

Programming languages; classification, machine code, assembly language, higher level language, forth generation languages.

Operating Systems : Concept as resource manager and co-ordinator of processor, devices and memory, concept of priorities, protection of parallelism, command interpreter, Typical commands of DOS/UNIX/ Netware, GUI-Windows.