

CHHINDWARA UNIVERSITY, CHHINDWARA

(यह पाठ्यक्रम केवल सत्र 2019–20 में प्रवेशित विद्यार्थियों के लिए लागू होगा)

LL.B. PART II SEMESTER III (Session 2020-21)

S. No.	Paper No.	Paper Title
1	I	LAW OF CRIMES - (CRIMINAL PROCEDURE CODE)
2	II	LAW OF EQUITY AND TRUST
3	III	LEGAL WRITING INCLUDING GENERAL ENGLISH
4	IV	INTELLECTUAL PROPERTY LAWS
5	V	LAW OF HUMAN RIGHTS
6	VI	LAND LAWS INCLUDING TENURE AND TENANCY SYSTEM

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LL.B. PART II SEMESTER III

(Session 2020-21)

PAPER-I

LAW OF CRIMES - (CRIMINAL PROCEDURE CODE)

Unit- I Introduction

- 1) Object extent and scope of Criminal Procedure
- 2) Nature of Criminal Procedure
- 3) Preliminary Considerations
 - a. Definitions
 - b. Classification of offences
 - c. Constitution of Criminal Courts
 - d. Functionaries under the Code

Unit- II Maintenance of Wives, Children and Parents

(Ss. 125 to 128)

- 1) Essential conditions for granting maintenance
- 2) Jurisdiction of Magistrates
- 3) Alteration of allowance
- 4) Cancellation of the order of the maintenance

Unit- III Arrest (Ss. 41 to 44, S.47 S.48 to 50A and S.54 to 60A)

- 1) Meaning and purpose of arrest
- 2) Arrest with a warrant
- 3) Arrest without a warrant
- 4) Arrest by a private Person
- 5) Arrest of a woman
- 6) Arrest how made
- 7) Rights of Arrested Person

Search and Seizure (S.165, 166 and Ss.91 to 100)

- 1) Search with a warrant
- 2) Search without warrant
- 3) General provisions relating to searches
- 4) Illegalities in a search and its consequences

Unit – IV Investigation (Ss. 154 to 164 and 167 to 176)

- 1) Meaning and purpose of Investigation
- 2) Who can investigate?
- 3) When police can investigate?
- 4) Information to the police
- 5) F.I.R. and procedure after the recording of the F.I.R
- 6) Evidentiary value of statements made to the police
- 7) Investigation in the case of unnatural deaths and suicides, in police custody etc.

Charge (Ss.211 to 224)

- 1) Framing of charge
- 2) Form and content of charge
- 3) Joinder of Charges
- 4) Discharge - pre-charge evidence

Unit – V

Trials (Ss.225 to 265, Ss.406 to 412, S.265A to 265L and S.467 to 473)

- 1) Trial before a court of session
- 2) Trial of warrant cases
- 3) Summon Trial
- 4) Summary Trials
- 5) Plea Bargaining
- 6) Transfer of Criminal Cases
- 7) Limitation for taking cognizance of certain offences

Bail (Ss.436 to 439)

- 1) Bail: concept, purpose: constitutional overtones
- 2) When release on bail is mandatory?

3) When release on bail is Discretion?

4) Anticipatory bail

Appeals, Reference and Revision (Ss. 372 to 405)

1) Appeals: Concept and Basic Provisions

2) Reference: Concept and Basic Provisions

3) Revision: Concept and Basic Provisions

Selected Bibliography

1. Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal, Delhi
2. Chandrasekharan Pillai, ed., Kelkar Lectures on Criminal Procedure (2001),
Eastern Lucknow
3. Eastern Lucknow
4. Principles and commentaries on the Code of Criminal Procedure. 2 Vol.
(2000) Universal.
5. Woodroffe: Commentaries on Code of criminal Procedure, 2. vol. (2000)
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PAPER-II

LAW OF EQUITY AND TRUST

Unit I. Introduction

- 1- The concept of trust: distinction with agency and contract
- 2- Origin and growth of equity in England
- 3- Development of law: common law and equity
- 4- The Maxims of equity
- 5- Trusts: classification, (Including Religious, Constructive Trust, Charitable Trust and Public Trust)

Unit-II. Definition and Nature of Trust under Indian Law

- 1- Obligations and Nature of trust
- 2- Creation of trust: rules
- 3- Appointment of new trustees
- 4- Extinction of trust
- 5- Fiduciary Relations.

Unit-III Rights and Duties of Trustees

Rights

- 1- Title deed
- 2- Reimbursement
- 3- Indemnity
- 4- Seeking direction from court
- 5- Settlement of accounts
- 6- General authority

Duties –

- 1- Execution
- 2- Acquaintance with the nature of property
- 3- Duties in respect of title

- 4- Duty of care
- 5- Conversion
- 6- Impartiality
- 7- Prevention of waste
- 8- Keeping of accounts and giving of information
- 9- Investment

Unit –IV Powers and Liabilities including Disabilities of trustee.

- 1- Sale
- 2- Varying of Investment
- 3- Property of minors & women
- 4- Giving receipts
- 5- Power to compound, compromise and settle
- 6- Exercising authority on death or disclaimer of one of the trustees
- 7- Suspension of trustee's power
- 8- Discharge of trustees.
- 9- Liability for breach of trust.

Unit-V Rights and Liabilities of Beneficiaries

- 1- Rents and profits
- 2- Specific execution
- 3- Inspection and information
- 4- Transfer
- 5- Suit for execution
- 6- To have proper trustees
- 7- Right to compel the trustee to do the duties
- 8- Rights on wrongful purchase or acquisition by trustees
- 9- Follow up of trust properties in the hands of third parties
- 10- Blending of property by trustee
- 11- Wrongful application of trust property by partner trustee for partnership purposes.

Select Bibliography

1. S. Krishnamurthy Aiyar and Harbans Lal Singh, Principles and
2. Digest of Trusts Laws (1998). Universal Book Agency, Allahabad.
3. R.H. Mandsley and E.H. Bum, Trust and Trustees Cases and materials (1978) Butterworth London
4. R.E. Megarry and P.V. Baker Snell's principles of Equity (1964) ELBS, Sweet and Maxwell.
5. Philip H. Pettit, Equity and Law of Trust (1970)

6. Iyer N., Indian Trust Act (1997), Delhi Law House, New Delhi
7. Ahmedullah Khan, The Law of Wakf in India (1991) Delhi Law House, Delhi
8. Rao. C.R., The Indian Trust Act and Allied Laws (1999).
9. G.P. Singh, Equity Trust, Mortgages and Fiduciary relations, Central Law Agency.
10. B.M. Gandhi, Equity, Trusts and Specific Relief Eastern Book Company

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PAPER-III

LEGAL WRITING INCLUDING GENERAL ENGLISH

UNIT-I Introduction to Legal Language

1. Need and Importance of Legal Language
2. Legal Language in India
3. Official Language - the Constitutional Position (Articles 343 to 347, 348, 350, 351)

UNIT-II Proficiency in General English

1. Parts and Types of the Sentences
2. Parts of Speech - A Brief Introduction
3. Tenses: Forms and Use
4. Active and Passive Voice
5. Direct and Indirect (or Reported) Speech
6. Some Common Mistakes in English

UNIT-III Fundamental Principles of Legal Writing

1. Essay Writing on Topics of Legal Interests in English and Hindi
2. Editing of the Journal
 - a) Foot –Noting
 - b) Use of the Words Such As: Ibidem (Ibid), Supra, Infra, Opere Citato, Carry Forward etc.

UNIT-IV Legal Terminology

1. Terms Used in Civil and Criminal Law
2. Latin Words and Expressions

Meaning and use of the following shall be taught -

Ab Initio, Ad Idem, Ad Infinitum, Ad Nauseam, Ad Valorem, Alibi, Ambiguitas Latens, Ambiguitas Patens, Amicus Curiae, Animus Possidendi, Audi Alteram Partem, Bonafide, Caveat Emptor, De Facto, De Jure, De Novo, Ejusdem Generis, Ex Gratia, Ex Parte, Ex Post Facto, Factum Valet, Fait Accompli, Fiat Justitia, Inter Alia, In Limine, Jus Ad Rem, Jus In Personam, Letter Rogatory, Locus Standi, Malafide, Modus' Operandi, Mutatis Mutandis, Nudum Pactum,

Obiter, Onus Probandi, Parens Patriae, Pari Passu, Per Incuriam, Prima Facie, Pro Bono Publico, Quid Pro Quo, Ratio Decidendi, Raison D'etre, Res Integre, Res Nullius, Sine Qua Non, Intra-Vires, Ultra Vires,

UNIT-V

1. Classroom speech and Group discussion
2. Essay Writing- Essay Writing on different important topics Proficiency in General Hindi

Selected Bibliography

1. Communication Skill in English, Oxford University Press.
2. Grammar in Application, Oxford University Press.
3. SESSION: 2018-2019
4. M.K.Gandhi: The Law and the Lawyer, Navjivan Publications, Ahmedabad, 1962.
5. Ishtiaque Abidi: Law and Language, University Publishers, Aligarh, 1978.
6. G. Kumara Pillai: A Handbook of English Grammar and Composition.
7. M.C.Setalvad: Common law in India, Himalyn Lectures, Stevens and Sons.
8. N. Krishnamurthy: Guide to Modern English Grammer & Composition, Macmillan India
9. Hindi – English Glossary, Vidhi Sahitya Prakashan, Ministry of La

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PAPER – IV

INTELLECTUAL PROPERTY LAWS

UNIT – I Concept

1. Concept of Property vis-a-vis Intellectual Property

- a) Concept of Property and Theories of Property - An Overview.
- b) Theories of Intellectual Property Rights.
- c) Social and Economic Development and Role of Intellectual Property System.
- d) Need for Protecting Intellectual Property - Policy Consideration - National Perspectives and International Demands.

2. Types of Intellectual Property - Origin and Development - an Overview.

Intellectual Property Rights as Human Right.

Role of International Institutions

1. World Intellectual Property Organisation (WIPO)
2. Function of WIPO
3. Membership of WIPO
4. Agreement between the WIPO and the WTO
5. Dispute Settlement - New Treaties

UNIT – II Copyright: National Perspective

1. Copyright: What and Why?
2. Term of Copyright, Assignments and Licensing
3. Registration and Regulatory Authority
4. Procedure
5. Infringements and Remedies - Contractual, Civil, Criminal and Administrative.
6. An Overview of International Perspective

UNIT-III Trademarks

1. The rationale of protection of trademarks as an aspect of commercial and of
2. Consumer rights, Dilution Theories of trade mark
3. Definition and concept of trademarks
4. Registration of trademark- authorities under the trademark Act
5. Passing off and infringement
6. Remedies

UNIT-IV Patents

1. Concepts and Historical view of the patents
2. Process of obtaining a patent, authorities
3. Procedure for filling patents: patent co-operation treaty
4. Prior publication or anticipation
5. Rights and obligations of a patentee
6. Compulsory licences
7. Infringement - defences
8. Injunctions and related remedies

UNIT – V an Overview of:

1. The Geographical Indications of Goods Act, 1999.
2. The Semiconductor Integrated Circuits Layout- Design Act, 2000.
3. The Protection of Plant Varieties and Farmer's Rights Act, 2001.

Selected Bibliography

1. Cornish W.R. Intellectual Property, Patents, Trade Marks, Copy Right and Allied Right (1999), Asia Law House, Hyderabad.
2. Vikas Vashishth, Law and practice of Intellectual Property 1999 Bharat Law House Delhi.
3. P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta
4. Bibeck Debroy (ed). Intellectual Property Right (1998), Rajiv Gandhi Foundation, Delhi
5. U.I.F. Anderfelt, International Patent Legislation and Developing Countries (1971)
6. W.R. Cornish, Intellectual Property (3rd ed) (1996) Sweet and Maxwell
7. K. Thairani, copyright: The Indian Experience (1987)
8. W.R. Cornish, Para and Materials on Intellectual Property (1999) Sweet and Maxwell.

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PAPER – V

LAW OF HUMAN RIGHTS

UNIT-I

1. Meaning and Concept of Human Rights :
2. Evolution and Development of Human Rights Law :
 - a. Impact of Natural Law and Natural Rights
 - b. Broadening of Contents

UNIT-II

1. Human Rights and the United Nations
 - a. Charter Provisions
 - b. International Protection of Human Rights

UNIT-III

1. Universal Declaration of Human Rights
2. International Covenants and the Protocols
 - a. Civil and Political Rights
 - b. Economic, Social and Cultural Rights

UNIT-IV

1. Regional Protection of Human Rights :
 - a. European Convention
 - b. American Convention

UNIT-V

1. Impact and Implementation of International Human Rights Norms in India
2. Human rights norms reflected in fundamental rights in the constitution
3. Directive principles: legislative and administrative implementation of international human rights norms through judicial process
4. Enforcement of Human Right in India
5. Role of courts: the Supreme Court, High Courts and other courts
6. Statutory commissions- human rights, women, minority and backward class

Selected bibliography

1. S.K. Awasthi and R.P. Kataria. Law Relating to Human Rights, Orient New
2. Delhi.

3. Human Rights Watch women's Rights Project, The Human Rights Watch
4. Global Report on women's Human Rights (2000) Oxford.
5. Ermacora, Nowak and Tretter. International Human Rights (1993), Sweet
6. & Maxwell.
7. Wallace, International Human Rights: Text & Materials (1996), Sweet &
8. Maxwell.
9. Human Rights and Global Diversify (2001), Frank Cass, London.
10. Nirmal. B.C., The Right to Self determination in International (1995).
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LL.B. PART II SEMESTER III

(Session 2020-21)

PAPER – VI

LAND LAWS INCLUDING TENURE AND TENANCY SYSTEM

Unit – I Concept

- 1- Objects and Reasons and Basic features of enacting Madhya Pradesh Land Revenue Code, 1959.
- 2- Definitions: Abadi, Agriculture, Agriculture and Revenue years, Board, Bonafide Agriculturist, Co-operative Society, Government Forest, Government Lessee, Holding, Improvement, Land, Landless Person, Land Records, Mango grove, Orchard, Plot number, Rents, Revenue Officer.
- 3- Tenant, Tenure-holder,

Unit – II Revenue Board and Revenue officer

- 1- Constitution and Conditions of service of members.
- 2- Jurisdiction of Board and Powers of Board.
- 3- Revenue Officers, Their Classes and Powers and Procedure of Revenue
- 4- Officer and revenue courts.
- 5- Powers of State Government to alter the limits
- 6- Powers of State Government of appointing Revenue Officers
- 7- Sub-Divisional Officers
- 8- Powers to transfer Cases
- 9- Conferral of Status of Courts, Inherent Powers and other Powers of Revenue Courts
- 10- Appeal, Revision and Review
- 11- Appellate, Authorities and their powers and limitation for appeals,
- 12- Revision
- 13- Review of orders
- 14- Stay of execution of orders

Land and Land Revenue

- 1- State ownership in all lands, Liability of land to pay land revenue, land exempted from payment of land revenue, and variation of land revenue
- 2- Assessment, Reassessment,
- 3- Revenue Survey and Settlement in Non Urban Area.
- 4- Appointment and Powers of Settlement Officers,
- 5- Revenue Survey,
- 6- Settlement of Rent,
- 7- Assessment and Re-Assessment of Land in Urban Area,
- 8- Land Records
- 9- Formation of circles and appointment of Patwari and Revenue Inspectors,
- 10- Land Records, Field Map, Record of rights,
- 11- Realisation of Land Revenue

Unit – III Tenure Holders

- 1- Bhuswami
- 2- Right of Transfer, Forfeiture, lease, set aside of transfer, Reversion of land of members of aboriginal tribes, Diversion of land, Relinquishment, abandonment, disposal and partition of holding,
- 3- Occupancy Tenants,

Unit – IV Government lessee and service land rights and liabilities of Government lessee

1. Government lease - Appointment, Termination of lease, Service Land
2. Alluvion and Deluvion
3. Consolidation of Holding
4. Village Officers
5. Patels
6. Kotwars

Unit – V Rights in Abadi and unoccupied Land

1. Gram Sabha
2. Wajib-ul-arz
3. Nistar Patrak
4. Rights in forest Easement
5. Exclusive Jurisdiction of Revenue Courts
6. Miscellaneous Provisions

Select bibliography

1. M.P. Land Revenue Code – 1959 (Jindal) 2008 Ed.
2. Basantilal Babel (Diglot) Vedpal Law in India 2007