

# CHHINDWARA UNIVERSITY, CHHINDWARA

(यह पाठ्यक्रम केवल सत्र 2019-20 में प्रवेशित विद्यार्थी हेतु)

## LL.B. PART -II

### SEMESTER – IV

S. No.	Subject	Remarks
1	ADMINISTRATIVE LAW	
2	Public Interest Litigation, Legal aid and Para Legal Services	
3	LAW OF EVIDENCE	
4	LABOUR MANAGEMENT RELATIONSHIP (LABOUR LAW- I WITH NEW AMENDMENTS)	
5	LAW RELATING TO WOMEN AND CHILD	
6	INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION	

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## **LL.B. PART -II SEMESTER - IV**

### **PAPER-I**

#### **ADMINISTRATIVE LAW**

##### **UNIT-I Introduction**

1. Meaning,
2. Administrative Law – The Concept definitions, nature, historical development, sources, relationship with Constitutional law),
3. Rule of law and separation of powers,
4. Classification of administrative functions and distinction between them.
5. Droit administrative,

##### **UNIT –II Delegated Legislation**

1. Meaning and its kinds,
2. Administrative directions
3. Distinction between delegated legislation and administrative directions.
4. Control over delegated legislation procedural, judicial and parliamentary
5. control,
6. Principles of natural justice,
7. Civil services in India.

##### **UNIT – III Administrative discretion**

1. Judicial control of discretionary powers,
2. Act of State,
3. Tortious liability of the State.
4. Contractual liability of the State

##### **UNIT –IV Government privileges in legal proceedings.**

1. Meaning and kinds, Estoppel and Waiver
2. Official secrets
3. right to information
4. lokpal and lokayukt

5. Central Vigilance Commissions
6. Commission of inquiry.

### **UNIT-V Administrative Tribunals**

1. Definition of Administrative Tribunals
2. Merits, demerits,
3. Reasons of growth
4. Distinction between courts and Tribunals
5. Public corporation - classification characteristics, controls, formation
6. Remedies - Constitutional and ordinary.

### **Select bibliography**

1. C.K. Allen, Law and Orders (1985).
2. D.D. Basu, Comparative Administrative Law (1998).
3. M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000), Butterworths – India
4. Franks, Report of the Committee on Administrative Tribunals and Inquiries, HMSO, 1959.
5. Peter Cane, An Introduction to Administrative Law (1996) Oxford.
6. Wade, Administrative Law (Seventh Edition, Indian print 1997), Universal, Delhi.
7. J.C. Garner, Administrative Law (1989), Butterworths (ed.B.L.Jones).
8. M.P. Jain, Cases and Materials on Indian Administrative Law, Vol I and II(1996), Universal, Delhi.
9. Jain & Jain, Principles of Administrative Law (1997), Universal, Delhi.
- 10.S.P. Sathe, Administrative Law (1998) Butterworths, India, Delhi.

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## **LL.B. PART II SEMESTER-IV**

### **PAPER -II**

#### **Public Interest Litigation, Legal aid and Para Legal Services**

##### **UNIT I:**

1. Concept of Public Interest Litigation.
2. Public Interest Litigation in India.
3. Constitution of India, Articles in Parts III and

##### **UNIT II:**

1. Philosophical Basis of Public Interest in India.
2. Concept and Scope of Locus Standi.
3. Procedural Law in Public Interest Litigation.
4. Breach of Directive Principles of State Policy vis-à-vis Public Interest Litigation.
5. Socio-Economic Justice vis-à-vis Public Interest

##### **UNIT III:**

1. Litigation in India.
2. Judicial Activism to Public Interest Litigation Act.
  - a) Judicial Activism – Genesis and Relevance.
  - b) Critical Appraisal of Public Interest Litigation in India.
  - c) Uses of Public Interest Litigation and

##### **UNIT IV**

1. Abuses of Public Interest Litigation.
2. Role of Judiciary in enforcement of rights through Public Interest
3. Litigation and Social

## **UNIT V**

### Action Litigation.

- a. Atrocity over foot path dwellers.
- b. Police atrocities. Some leading cases on custodial death, torture, handcuffing and illegal detention by police.
- c. Environment and Pollution.
- d. Misuses of Public Property.
- e. Status and Rights of women in Indian Society.

### **Selected Bibliography:**

1. Mamta Rao, Public Interest Litigation Legal Aid and Lok Adalats
2. Dr. B.L. Wadehra, Public Interest Litigation - A Handbook

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## **LL.B. PART -II SEMESTER - IV**

### **PAPER – III**

#### **LAW OF EVIDENCE**

##### **UNIT-I Introductory**

1. The main features of the Indian Evidence Act 1861
2. Applicability of Evidence Act

##### **Central Conceptions in Law of Evidence**

1. Facts: section 3 definition: distinction - relevant facts/facts in issue
2. Evidence: oral and documentary
3. Circumstantial evidence and Direct evidence
4. Presumption
5. “Proving” “not proving” and “disproving”
6. Witness
7. Appreciation of evidence

##### **UNIT-II Facts: Relevancy**

1. The Doctrine of res gestae
2. The problems of relevancy of “otherwise” irrelevant facts
3. Facts concerning bodies and mental state

##### **Admission and Confessions**

1. General principles concerning admission
2. Differences between “admission” and “confession”
3. Non- admissibility of confessions caused by “any inducement, threat or promise”
4. Inadmissibility of confession made before a police officer
5. Admissibility of custodial confessions
6. Admissibility of “information” received from accused person in custody;
7. with special reference to discovery based on “joint statement”
8. Confession by co-accused
9. The problems with the judicial action based on a “retracted confession”

### **UNIT-III Dying Declarations**

1. The justification for relevance of dying declarations
2. The judicial standards for appreciation of evidentiary value of dying declarations
3. Conclusive Evidence

### **Relevance of judgments**

1. Admissibility of judgments in civil and criminal matters
2. “Fraud” and “Collusion”.

### **Expert Testimony**

1. Who is an expert? : types of expert evidence
2. Opinion on relationship especially proof of marriage
3. Judicial defence to expert testimony

### **UNIT IV Oral Documentary Evidence**

1. General principles concerning oral evidence, Primary / Secondary evidence.
2. General principles concerning documentary evidence.
3. General principles regarding exclusion of oral by documentary evidence,
4. Public & private documents.
5. Special problems: re-hearing evidence
6. Estoppel

### **Witness Examination and cross Examinations**

1. Competency to testify
2. State privilege
3. Professional privilege
4. Approval testimony
5. General principles of examination and Cross examination
6. Leading questions
7. Lawful questions in Cross-examination
8. Re-examination
9. Compulsion to answer questions put to witness
10. Hostile witness
11. Impeaching of the standing or credit of witness

## **UNIT V Burden of Proof**

1. General principles conception of onus-probans and onus-probandi
2. General and special exceptions to onus probandi
3. The justification of presumption and of the doctrine of judicial notice
4. Justification as to presumption as to certain offences
5. Presumption as to dowry
6. The scope of the doctrine of judicial notice

## **Estoppel**

1. Why estoppel? The rationale
2. Tenomacy Estoppel
3. Estoppel, res-judicial and waiver and presumption
4. Question of corroboration
5. Improper admission and of witness in civil and criminal cases

## **Selected Bibliography**

1. Sarkar and Manohar, Sarkar on evidence (1999), Wadhwa & Co. Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Ratanlal, Dhirajlal: Law of Evidence (1994), Wadhwa Nagpur
4. Polein Murphy, Evidence (51h Reprint 2000), Universal Delhi
5. Albert S. Osbom, The Problem Proof (First Indian Reprint 1998). Universal  
Delhi
6. Avtar Singh, Principles of Law of evidence (1992), Central Law Agency,  
New Delhi



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## **LL.B. PART II SEMESTER IV**

### **PAPER-IV**

#### **LABOUR MANAGEMENT RELATIONSHIP (LABOUR LAW- I WITH NEW AMENDMENTS)**

##### **UNIT I.**

1. Evolution of Industrial Legislation in India.

##### **UNIT II**

Industrial Disputes Act, 1947

1. Scope and Object, Main Features, Important Definition
2. Industry
3. Industrial Dispute and Individual Dispute
4. Workman and Employer
5. Reference of Disputes
6. Voluntary Arbitration (Section 10A)

##### **UNIT III**

1. Award
2. Authorities under the Act
3. Procedures, Powers and Duties of Authorities

##### **UNIT IV**

1. Strike
2. Lock-Out
3. Retrenchment
4. Transfer and Closure
5. Regulation of Management's Prerogative During Pendency of Proceedings.

##### **UNIT V**

##### **Trade Unions Act, 1926**

1. Growth of Unions
2. Important Definitions
3. Registrations of Trade Unions
4. Rights and Liabilities of Registered Trade Unions
5. Collective Bargaining

## **Selected Bibliography**

1. John Bowers and Simon Honeyball, Textbook on Labour Law (1996), Blackstone, London.
2. Shrivastava K.D. Commentaries on payment of wages Act 1936 (1998), Eastern, Lucknow.
3. Shrivastava K.D. Commentaries on minimum wages Act (1948) (1995), Eastern Allahabad.
4. Rao S.S. Law and Practice on minimum wages (1999), Law Publishing House, Allahabad.
5. Seth D.D. Commentaries on Disputes Act 1947 (1998), Law Publishing House, Allahabad.
6. Shrivastava K.D. Commentaries on factories Act 1948 (2000), Eastern Lucknow.
7. R.C. Saxena Labour problems and social welfare.
8. V.V. Giri Labour problems in Indian Industries.
9. O.P. Malhotra, The Law of Industrial Disputes (1998) Universal Delhi.
10. S.C. Srivastava, Social Securities and labour laws pts. 5 and 6 (1985), Universal Delhi.
11. S.C. Srivastava, Commentary on the Factories Act 1948), Universal Delhi.
12. Industrial Adjudication III, 2003 New Delhi.
13. Labour and Industrial Laws – Dr. V.G. Goswami
14. Labour and Industrial Laws – S.N. Mishra
15. Labour law – Indrajeet Singh

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## **LL.B. PART II SEMESTER IV**

### **PAPER – V**

#### **LAW RELATING TO WOMEN AND CHILD**

##### **UNIT I**

1. Legal Position of Women in Pre-Independence Period:
  - a. Legal Position of Women in Ancient India
  - b. Legal Position of Women in Medieval India
  - c. Legal Position of Women in British India
2. Women's Right and Indian Constitution:
  - a. Constitutional Provisions Concerning Equality and Protection of Women in Chapters of
  - b. Fundamental Rights and Directive Principles.

##### **UNIT II**

1. U.N. Convention on Elimination of Discrimination against Women, 1979.
2. U.N. Machinery for Advancement of Women's Equality and Women's Welfare.
  - a. International Commission on Status of Women
  - b. CEDAW
3. Social Legislation for Women
  - (i) Dowry Prohibition Act, 1961
  - (ii) Dowry Crimes and I.P.C., 1860
    - a) Cruelty against Married Women (Section 498 A)
    - b) Offence of Dowry Death (Section 304 B)
4. StreeDhan and Matrimonial Property
5. Women's Right to Control their Re-Productivity

### **UNIT III**

- 1- Concept of Child - Determination of Age
- 2- Protection of Children's Rights under Religion - Hindu, Islam and Christian
- 3- UN Declaration of the Rights of Child, 1959
- 4- UN Convention on the Rights of the Child, 1989
- 5- Impact of War on Child and Protection of Child during Armed Conflict

### **UNIT IV**

1. Protection of Children's Rights in Indian Constitution:
4. Child Labour (Prohibition and Regulation) Act, 1986

### **UNIT V**

1. Protection of Child under various Personal Laws
2. Protection of Child under Commercial Laws
3. Child and Delinquency with Special Reference to Juvenile Justice (Care and Protection of Children) Act, 2000

### **Selected Bibliography:**

1. S.K. Agrawal, Public Interest Litigation, 1985, Indian Law Institute, New Delhi
2. O.P. Gupta, Dimension of Social Justice, 1983
3. Lotika Sarkar, Crime And Women, Vikas Publication, New Delhi
4. Roma Mukherji, Women, Law and Free Legal Aid in India (Deep & Deep Delhi)
5. Shobha Sexena Crime Against Women (Deep & Deep, Delhi)

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## **LL.B. PART II SEMESTER-IV**

### **PAPER - VI**

## **INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION**

### **UNIT-I Interpretation of Statutes**

1. Meaning of the term statute, Kinds of statutes
2. Commencement, operation, repeal of statutes
3. Purpose of interpretation of statutes
4. Meaning of construction and interpretation – their difference

### **UNIT-II Aids to Interpretation**

#### **Internal aids**

1. Titles
2. Preamble
3. Heading and marginal notes
4. Sections and sub- sections
5. Punctuation marks
6. Illustrative exceptions, provisos and saving clauses
7. Schedules
8. Non - obstante clause

#### **External aids**

1. Dictionaries

2. Translations
3. Travaux preparatoires
4. Statutes in pari materia
5. Contemporanea Exposition
6. Debates, inquiry commission reports and Law commission reports
- 7 General Clauses Act

### **Unit-III Principles and Rules of Statutory Interpretation**

1. Primary rules
2. Literal rule
3. Golden rule
4. Mischief rule (rule in the Heydon's case)
- 5 Rule of harmonious construction
6. Noscitur a sociis
7. Ejusdem generis
8. Reddendo singula singulis

### **UNIT-IV Interpretation with reference to the subject matter and purpose**

1. Restrictive and beneficial construction
2. Taxing statutes
3. Penal statutes
4. Welfare legislation and principles of legislation
5. Presumption

### **UNIT-V Principle of Constitutional Interpretation**

1. Harmonious constructions
2. Doctrine of pith and substance

3. Colourable legislation
4. Ancillary powers
5. “Occupied field”
6. Residuary power
7. Doctrine of repugnancy

### **Selected Bibliography**

- 1- G.P. Singh, Principle of Statutory Interpretation,(7th ed.), 1999 WadhwaNagpur.
- 2- P.S. Langan (ed.), Maxwell on The interpretation of Statutes (1976, N.M.Tripathi, Bombay
- 3- K. Shanmukham, N.S. Bindras’ Interpretation of Statutes (1997) The LawBook Co. Allahabad.
- 4- V. Sarathi, Interpretation of Statutes (1984), Eastern & Co.
- 5- M.P. Jain, Constitutional Law of India, (1994) Wadhwa & Co.
- 6- M.P. Singh, (ed.) V.N. Shukla’s Constitution of India (1994) EasternLucknow
- 7- U. Baxi, Introduction to Justice K.K. Mathews, Democracy Equality andFreedom (19780 Eastern Lucknow.
- 8- Theories of Legislation by Jeremy Bentham, Tripathi Publication