

CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. PART-II, SEMESTER-III, PAPER-I

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

(Session 2020-21 and onwards)

Maximum marks : 80

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

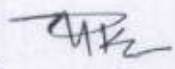
1. Strike
2. Lock-Out
3. Retrenchment
4. Transfer and Closure
5. Regulation of Management's Prerogative during Pendency of Proceedings.

UNIT V

Trade Unions Act, 1926

1. Growth of Unions
2. Important Definitions


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(Dr. Janyanti Kutece)

3. Registrations of Trade Unions
4. Rights and Liabilities of Registered Trade Unions
5. Collective Bargaining

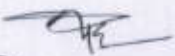
Leading Cases:

1. The Bangalore Water Supply V. Rajappa AIR 1978 SC 548
2. Western India Automobile Association v. The Industrial Tribunal Bombay & others AIR 1949 PC 111
3. The Associated Cement Company Ltd. V. Workmen's AIR 1960 SC 56

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 ILI, 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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CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. PART-II, SEMESTER-III, PAPER-II

LAW OF EQUITY AND TRUST

(Session 2020-21 and onwards)

Maximum marks : 80

UNIT I. Introduction

- 1- The concept of Equity:
- 2- Origin and growth of equity in England
- 3- Development of law: common law and equity
- 4- The Maxims of equity

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

- 1- Obligations and Nature of trust
- 2- Trusts: classification, (Including Religious, Constructive Trust, Charitable Trust and Public Trust)
- 3- Creation of trust: rules
- 4- Appointment of new trustees
- 5- Extinction of trust
- 6- 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


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- 7- Prevention of waste
- 8- Keeping of accounts and giving of information
- 9- Investment
- 10- Sale

UNIT –IV Powers and Liabilities including Disabilities of trustee.

- 1- Sale
- 2- Varying of Investment
- 3- Property of minors
- 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.

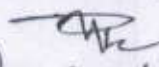
Leading Cases:

1. Jessaram Fatehchand v. om Narayan Tankha AIR 1967 SC1162
2. Bedgiri Laxmi Narsimh A Swami Mandir v. I.P. Reddy AIR 1967 SC 781
3. Puranchand v. Murti Sree Radhakrishn Ji & Others AIR 1989 MP 10

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)


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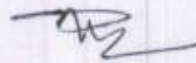

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ELBS, Sweet and Maxwell.

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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CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. PART-II, SEMESTER-III, PAPER-III

LEGAL WRITING INCLUDING GENERAL ENGLISH

(Session 2020-21 and onwards)

Maximum marks : 80

UNIT-I Proficiency in General English

1. Parts and type of the sentences.
2. Part of speech- a brief introduction.
3. Tenses: forms and use.

UNIT-II Fundamental Principles of Legal Writing

1. Essay Writing on Topics of Legal Interests in English and Hindi
2. Letter Writing

UNIT-III 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 Valorem, Alibi, Ambiguitas Latens, Ambiguitas Patens, Amicus Curiae, Audi Alteram Partem, Bonafide, Caveat Emptor, De Facto, De Jure, De Novo, Ejusdem Generis, Ex Gratia, Ex Parte, Ex Post Facto, Inter Alia, Jus Ad Rem, Locus Standi, Malafide, Modus' Operandi, Mutatis Mutandis, Nudum Pactum, Onus Probandi, Per Incuriam, Prima Facie, Pro Bono Publico, Quid Pro Quo, Ratio Decidendi, Res Nullius, Sine Qua Non, Intra-Vires, Ultra Vires,

UNIT-IV

Translation from English to Hindi to English

UNIT-V

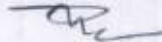
1. Hindi & English meaning of words.
2. Classroom speech and Group discussion

Selected Bibliography

1. Communication Skill in English, Oxford University Press.



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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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CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. PART-II, SEMESTER-III, PAPER-IV

PROPERTY LAW I (TRANSFER OF PROPERTY ACT, 1882)

(Session 2020-21 and onwards)


Maximum marks : 80

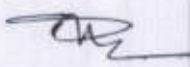
UNIT-I General Principles Applicable to Transfer of both Moveable and Immoveable Properties:

1. General Definitions - Immovable Property, Attestation, Notice
2. Meaning of 'Transfer of Property' (Section 5)
3. Meaning of 'Property' Including Non-transferable properties (Section 6)
4. Persons Competent to Transfer, Incidents of Transfer, Oral Transfer (Sections 7, 8 and 9).
5. Conditions Restraining Alienation (Sections 10 to 12)
6. Transfer for Benefit of Unborn Person and Rule Against Perpetuity (Sections 13 to 18).
7. Vested and Contingent Interests (Sections 19 and 21)
8. Conditional Transfers (Sections 25 to 29)
9. Election (Section 35)

UNIT-II General Principles applicable to transfer of Immoveable Properties only

1. Deed (Section 58),
1. Charge (a) Transfer by Unauthorised Persons Other than Full Owner (Sections 41 and 43)
2. (b) Restrictive Covenant and Protection of Third Persons Rights (Sections 39 and 40)
3. Lis Pendens (Section 52)
4. Fraudulent Transfer (Section 53)


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(Dr. Damyanti Kulkarni)

5. Part-Performance (Section 53A)

UNIT-III Sale of Immoveable Property:

1. Definition and Mode of Sale
2. Exchange

UNIT-IV Mortgages:

2. Definitions of Mortgage, Mortgagor, Mortgagee, Mortgage Money, Mortgage e (Section 100).
3. Kinds of Mortgage (Section 58)
4. Mode of Formalities for Creation of Mortgage (Section 59)
5. Right to Redeem,
6. Partial Redemption,
7. Clog on Redemption, (Section 60),
8. Marshalling and Contribution(Sections 81 and 82),
9. Subrogation (Sections 91 and 92).

UNIT-V Leases of Immoveable Property & Gift

1. Definition of Lease (Section 105) and Licence,
2. Leases How Made (Section 107)
3. Determination of Lease (Section 111)
4. Effect of Holding over (Section 116).
5. Definition of Gift (Section 122)
6. Transfer how Effected (Section 123)
7. Onerous Gift (Section 127)
8. Universal Donee (Section 128)
9. Definition Acquisition And Kinds of Easements (Section 4-18 of Easement Act)

Leading Cases

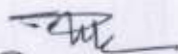
1. Rajesh Kanta Roy v. Santi Debi 1957 AIR 255
2. Murarilal v. Devkaran (AIR 1973 All 462)
3. Gangaram v. Triveni Bai (AIR 1973 All 462)

Selected Bibliography

1. Mulla : Transfer of Property Act
2. V.P. Sarthy : Transfer of Property
3. R.K. Sinha : Law of Transfer of Property



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CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. PART-II, SEMESTER-III, PAPER-V

JURISPRUDENCE

(Session 2020-21 and onwards)

Maximum marks : 80

UNIT-I Introduction

1. Definition of the term Jurisprudence
2. Definition of Law, kinds of law
3. Justice and its kinds
4. Sources of Law (Elementary study)

UNIT-II Schools of Jurisprudence

1. Natural law school
2. Analytical school, Imperative Theory of law, Pure Theory of law
3. Historical school
4. Sociological school
5. Realistic school

UNIT III Sources of Law


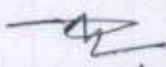
1. Legislation
2. Precedents: concept of stare decisis
3. Customs

UNIT- IV Legal Rights: The Concept

1. Rights: kinds, meanings
2. Duty: meaning and kinds
3. Relation between right and duty

Persons

1. Nature of personality
2. Status of the unborn, minor, lunatic, drunken and dead persons


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3. Corporate personality: Dimension of the modern legal personality: Legal personality of non-human beings

UNIT-V Possession and Ownership: The Concept

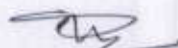
1. Kinds of possession, Theories of Possession
2. Kinds of ownership, Theories of Ownership
3. Difference between possession and ownership
4. Law and Justice:
 - (a) Concept of Justice
 - (b) Theories of Justice

Select Bibliography

1. Bodenheimer, Jurisprudence – The Philosophy and Method of Law (1996)
Universal. Delhi.
2. Universal. Delhi.
3. Fitzgerald, (ed) Salmond on Jurisprudence (1999) Tripathi. Bombay
4. W. Friedmann. Legal Theory (1995) Universal. Delhi.
5. V.D. Mahajan, Jurisprudence and Legal Theory (1996 reprint), Eastern Lucknow.
6. M.D.A. Freeman(ed.). Lloyd's introduction to Jurisprudence. (1994), Sweet and Maxwell
7. Paton G.W. Jurisprudence (1972) Oxford, ELBS
8. H.L.A. Hart, The concepts of Law (1970) Oxford, ELBS
9. Roscoe Pound, Introduction to the Philosophy of Law (1998 reprint) Universal Delhi
10. Dias, S.N. Jurisprudence: A Study of Indian Legal Theory (1985), Metropolitan New Delhi



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CHHINDWARA UNIVERSITY, CHHINDWARA

LL.B. PART-II, SEMESTER-III, PAPER-VI

LAW OF EVIDENCE

(Session 2020-21 and onwards)

Maximum marks : 80

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

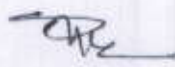
1. The Doctrine of res gestae
2. The problems of relevancy of "otherwise" irrelevant facts
3. Facts concerning bodies and mental state

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


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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

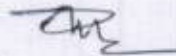
Witness Examination and cross Examinations

1. Witness
2. Privilege communication.
3. Competency to testify
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-probands and onus-probandi
2. General and special exceptions to onus probandi
3. The justification of presumption and of the doctrine of judicial notice


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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

Leading Case

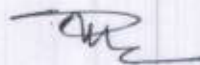
1. Pakala Narayan Swami v. Emperor PC 43
2. Munna Raja v. State of MP AIR 1976 2199

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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. Osborn, 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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