

INTEGRAL UNIVERSITY, LUCKNOW

FACULTY OF LAW

LL.B.

SCHEME OF EVALUATION

w.e.f. 2019 -2020

Year-II

Semester-IV

S.N.	SUBJECT CODE	SUBJECT	PERIOD (PER WEEK)			CREDIT C	EVALUATION SCHEME				
			L	T	P		Sessional (CA)			EXAM	SUJECT TOTAL
							CT	TA	TOTAL	ESE	
1.	LW 227	Jurisprudence & Legal Theory -II	3	1	0	4	25	15	40	60	100
2.	LW 228	Laws Relating to Environment	3	1	0	4	25	15	40	60	100
3.	LW 229	Civil Procedure Code-II	3	1	0	4	25	15	40	60	100
4.	LW 230	Criminal Procedure Code –II	3	1	0	4	25	15	40	60	100
5.	LW 231	Corporate Law	3	1	0	4	25	15	40	60	100
6.	LW 232	Transfer of Property Act	3	1	0	4	25	15	40	60	100
7.	LW 165	Fundamental to the use of Legal E Resources	1	--	2	2	-	-	-	100	100
Total			19	06	02	26	150	90	240	460	700

L = Lecture, P = Practical, T = Tutorials, C = Credit, CT = Class Test, TA = Teacher's Assessment, ESE = End Semester Examination, Subject Total = Sessional Total (CA) + End Semester Exam (ESE)

LW 227

JURISPRUDENCE & LEGAL THEORY - II

L	T	P	C
3	1	0	4

COURSE OBJECTIVES

1. The objective of this paper is to develop a clear understanding of different jurisprudential concepts of Law among students.
2. To create an analytical approach of the procedural and the substantive laws within the jurisprudential thinking.

UNIT I

08

State, Sovereignty and Law: Nature and Functions of a State and its relationship with Law; Nature and Development of Sovereignty; Nature and kinds of Law and Theories of Justice.

UNIT II

10

Law and Legislation: Law and Morality; Law and Religion; Law and Social Change; Principles of Liability; Liability and Negligence; absolute Liability; Immunity.

UNIT III

10

Administration of Justice: Theories of Punishment; Probation and Parole; Theories regarding for and against of Capital Punishment.

UNIT IV

07

Indian Debate on the role of the judges on the notion of Judicial Review; Independence of Judiciary; Law for bringing efficiency and social stability; the utilitarian views; The differences between the ends of Legal Order, Political Order and Religious Order.

UNIT V

10

Recent Trends in Indian Jurisprudence: Inter-relation between Law and Society; the Indian Constitution – Social Document; Judicial Activism; Caution against Excessive PIL, fast track Courts, Lok Adalat, Plea bargaining and Alternative Dispute Resolution Methods.

Suggested Books:

- R.W.M. Dias, Jurisprudence (LexisNexis, 5th edn., Reprint 2014).
- John Austin, The Province of Jurisprudence Determined (Universal Law Publishing Co., Indian Economy Reprint 2010).
- W. Friedmann, Law and Social Change (Universal Law Publishing Co., 2nd edn., Reprint, 2012).
- S.N. Dhyani, Fundamentals of Jurisprudence the Indian Approach (Central Law Agency, 3rd edn., Reprint 2015).
- P.J. Fitzgerald, Salmond on Jurisprudence (Universal Law Publishing Co., 12th edn., 1966).
- Dr. N.V. Paranjape, Studies in Jurisprudence and legal theory (Central Law Agency, 7th edn.)

LAWs RELATING TO ENVIRONMENT

L	T	P	C
3	1	0	4

COURSE OBJECTIVES

1. To make the students aware of the importance of the sustainability of environment in accordance with the established principles of law.
2. To create awareness among the students with regard to the various laws in relation to the environment.

UNIT I: 08

Meaning, Definition and Concept of Environment; Nature and Scope of Environmental Law; Concept of Pollution and its kinds Environment Protection Act, 1986; Object and Scope, Main Provisions.

UNIT II: 10

Constitutional Provisions and Judicial Principles laid down for the Protection of Environment; Sustainable development; Polluter Pay Principle, Precautionary Principle and Public Trust Doctrine.

UNIT III: 09

The Water (Prevention and Control of Pollution) Act, 1974; Definitions, Powers and Functions of the Central and State Pollution Control Boards.

The Air (Prevention and Control of Pollution) Act, 1981: Definitions Powers and Functions of the Central and State Pollution Control Boards.

The Noise (Prevention and Control of Pollution) Act, 1972: Definitions Powers and Functions of the Central and State Pollution Control Boards.

UNIT IV: 10

Importance of Forests and Need for its Conservation, Indian Forest Act, 1927 and Its Salient Features, Forest Conservation Act, 1980 and its Salient Features, Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 and its Salient Features. The wildlife protection Act, 1972; sanctuaries and national parks, offences against wildlife.

UNIT V: 08

The National Green Tribunal Act, 2010: Establishment of the Tribunal, Jurisdiction, Powers and Proceedings of the Tribunal, Environment Impact Assessment – Definition and Meaning, Recent Amendments.

Suggested Books & Bare Act

- The Water (Prevention and Control of Pollution) Act, 1974.
- The Air (Prevention and Control of Pollution) Act, 1981.
- The Environment (Protection) Act, 1986.
- The National Environment Tribunal Act, 1955
- The National Environment Appellate Authority Act, 1997
- S.C. Shastri, **Environmental Law, Sixth Edition Eastern Book Co.**
- Dr. J.J.R. Upadhyaya, **Fourth Edition, Central Law Agency**
- Dr. Gurdip Singh, **Environmental Law, Second Edition, Eastern Book Co.**

LW 229

CIVIL PROCEDURE CODE - II

L	T	P	C
3	1	0	4

COURSE OBJECTIVES

1. The paper will focus on the Civil Procedure followed in instituting a suit.
2. The students will be familiarized with law relating to limitations of filing a suit.

UNIT I-Suits in Particular Cases **08**

- By or against government (Section 79-82)
- Public Nuisance (Section 91 and 93)
- Suits by or against Firm (Order 30)
- Suits by or against Minor or Lunatic (Order 32)

UNIT II-Suits in Particular Cases **08**

- Suits by Indigent person (Order 33)
- Suits relating to Mortgages (Order 34)
- Inter pleader Suits (Section 80, Order 35)
- Suits relating to Public Charities (Section 92)

• **UNIT III-Appeals** **09**

- Appeals from Original Decree (Section 96-99, Order 41)
- Appeals from Appellate decree (Section 100-103, Order 42)
- Appeals from Orders (Section 104-106, Order 43)
- Appeal by Indigent person (Order 44)
- Appeals to the Supreme Court (Section 109, Order 45)

UNIT IV-Reference, Review and Revision **10**

- Reference to High Court (Section 113, Order 46)
- Review (Section 114, Order 47)
- Revision (Section 115)
- Distinction between reference and appeal, reference and review, reference and revision, review and appeal, revision and appeal, revision and review.
- Inherent Power of Court (Section 151)
- Caveat (Section 148A)

UNIT V-Law of Limitation **10**

- Meaning, Nature, Scope and Efficiency
- Sufficient Cause for not filing the proceedings
- Legal Disabilities

Suggested Books:

- M.P. Jain, The Code of Civil Procedure (LexisNexis, 3rd edn., Reprint 2015).
- D.N. Mathur, The Code of Civil Procedure (Central Law Publication, 3rd edn., 2015).
- Mulla, Code of Civil Procedure (Universal Law Publishing, 1999)
- C.K. Takwani, Civil Procedure with Limitation Act, 1963 (Eastern Book Company, 7th edn., Reprint 2016).
- T.P. Tripathi, The Code of Civil Procedure (Allahabad Law Publication, 3rd edn., 2015).

LW 230

CRIMINAL PROCEDURE CODE - II

L T P C

3 1 0 4

COURSE OBJECTIVE:

1. This paper provides the students a thorough knowledge of procedural aspects of working of Criminal Courts and other Machineries operative in the criminal justice system.
2. The paper is aimed at driving home the students how pre-trial, trial and the subsequent process are geared up to make administration of criminal justice effective.

UNIT I-

07

- Charge
- Framing of charge: Form and content of charge (Section 211-217)
- Joinder of charge (Section 218-224)
- Evidence in Inquiries, jurisdiction and trials (Section 272-299)
- General Provisions as to inquiries and trials (Section 300-327)

UNIT II-

10

- Trials
- Trial before Court of Session (Section 225-237)
- Trial of Warrant Cases by Magistrate (Section 238-250)
- Trial of Summon Cases by Magistrate (Section 251-259)
- Summary Trial (Section 260-265)

UNIT III-

10

- Judgment and Sentencing
- Form and content of Judgment (Section 353-359)
- Order to pay cost and compensation (Section 357-359)
- Suspension, Remission and Commutation of sentences (Section 413-435)

UNIT IV-

07

- Appeal, Review, Revision
- No Appeal in Certain cases (Section 372, 375 and 376)
- Appeal in Supreme Court of India (Section 374, 379 and Article 31, 132, 134, 136)
- Appeal to High Court and Session Court (Section 314)
- Special right of appeal (Section 380)
- Governmental appeal against sentencing (Section 377 and 378)
- Revisional jurisdiction (Section 397-405)

UNIT-V-

11

- Bail and Limitation for taking Cognizance
- Provision Relating to Bail (Section 436-450)
- Limitation for taking Cognizance (Section 467-473)

Suggested Books:

- M.D. Chaturvedy, The Code of Criminal Procedure, 1973 (Allahabad Law Agency Publication, 5th edn., 2015).
- C.K. Thakkar & M.C. Thakkar, Takwani Criminal Procedure (LexisNexis, 4th edn., 2015).
- K.N. Chandrashekhra Pillai, R.V. Kelkar's Criminal Procedure (Eastern Book Company, 6th edn., 2014).
- K.D. Gaur, Leading Cases on Criminal Law (Universal Law Publishing Co., 2015 edn.).
- Batuk Lal, The Code of Criminal Procedure (Central Law Agency, 2nd edn., Reprint 2011).

CORPORATE LAW

L	T	P	C
3	1	0	4

COURSE OBJECTIVES

1. The objective of the paper is to study about the formation of a company, capital formation and administrative powers.
2. To have the broad understanding of the nature of capital, position of the share and debenture holders in a cooperative settlement.

UNIT I**08**

Formation, Registration and incorporation of Company, Company and its classification, Meaning of Company, Distinction between company and other associations, Nature and kinds of Company

UNIT II**06**

Formation, Promotion and Incorporation of Companies, Promoters: Position, Duties and Liabilities, Mode and Consequences of Incorporation, Theory of Corporate Personality

UNIT III**11**

Memorandum of Association: Meaning, Purpose and Contents, Alteration and Binding Nature of Memorandum of Association, Doctrine of Ultra Vires, Articles of Association: Meaning, form and Contents, Binding Nature, Alteration Relation with Memorandum of Association, Doctrine of Constructive Notice of Memorandum and Articles, Doctrine of Indoor Management and its Exceptions.

UNIT IV**10**

Capital formation of Regulation; Prospectus: Contents, Statement in lieu of Prospectus, Registration of Prospectus and Remedies against Misrepresentation in the Prospectus of Foreign Companies.
Shares: Meaning and Kinds of Shares, Allotment of Shares, General Principles regarding allotment, Statutory Restrictions on Allotment; Statutory Share Certificate, its Objects and effects; Transfer of Shares: Procedure for Transfer of Shares and Restrictions on Transfer of Shares, Certification of Transfer Relationship between Transferor and Transferee; Share Capital, Reduction of Share Capital.

UNIT V**10**

Debentures: definitions, characteristics and kinds of debentures, distinction between debentures and shares shareholders and debenture holder, remedies available to debenture holder against non-payment debenture holders.

Bare Act: The Company Law Act, 2013

Suggested Books:

- Avtar Singh, Indian Company Law (Eastern Book Co., 16th edn., Reprint 2016).
- Dr. N. V. Paranjape, Company Law (Central Law Agency, 7th edn., 2016).
- L.C.B. Gower, Principles of Modern Company Law (Sweet & Maxwell, 1997).
- S.C. Tripathi, New Company Law (Central Law Publication, 1st edn., Reprint 2015).
- Karan Gupta, Introduction to Company Law (LexisNexis, 1st edn., 2013).

TRANSFER OF PROPERTY ACT

L	T	P	C
3	1	0	4

COURSE OBJECTIVES

1. The objective of this paper is to understand the basic principles of the Property, its transfer and ownership. And to understand the specific concepts related to the property and easementary rights.
2. The main objective of the course is to make the students aware of the property rights and how property is transfer.

UNIT I - Concept of Property**10**

Meaning and Concept of Property and General Principles Relating to Transfer of Property; Distinction between Moveable and Immoveable Property; Definition Clause (S.3): Immoveable Property, instrument, attestation, registration, notice, actionable Claim; Definition to Transfer of Property (S.5): Kinds of Transfer (S.6), Competence to transfer (S.7) and modes of transfer (S.8); Condition restraining alienation (S.10); Transfer to Unborn Person (S.13); Rule against Perpetuity (S.14); Doctrine of accumulation (S.17); Vested and Contingent Interest (S.19 & 21); Conditional transfer (S.25); Doctrine of Election (S.35).

UNIT II- General Principles Governing Transfer of Immoveable Property**10**

Transfer by Ostensible Owner (S.41)-The Benami Transaction Act, 1988 & its effect; Rules of feeding the Grant by Estoppels (S.43); Property rights created by transfer (S.48); Improvement made by bonafide holder under defective title (S.51; Doctrine of *Lis Pendence* (S.52); Fraudulent transfer (S.53); Doctrine of Part Performance (S.53-A).

UNIT III-Specific Transfers-I**10**

Sale (S.54); Sale and Contract to Sell; Rights and Liabilities of Buyer and Seller (S.55); Marshalling by subsequent purchaser (S.56); Gift (S.122-126); Onerous gift (S.127); Universal Donee (S.128).

UNIT IV-Specific Transfers-II**07**

Mortgage (S.58-98); Charge (S.100); Lease (S.105-117).

UNIT V- Indian Easement Act**08**

Origin and development of easement; Definition and essential features of easement; Kinds of Easement; Creation of easement; Difference between customary easement and customary rights; Imposition, acquisition and transfer easement, The Transfer of Property Act, 1882.

Suggested Books:

- G.P. Tripathi, The Transfer of Property Act (Central Law Publication, 18th edn., 2014).
- Vepa P. Sarthi, Law of Transfer of Property (Eastern Book Co., 5th edn., Reprint 2013).
- Poonam Pradhan Saxena, Property Law (LexisNexis, 2nd edn., 2015).
- R.K. Sinha, The Transfer of Property Act (Central Law Agency, 17th edn., 2016).

LW1 65

FUNDAMENTALS TO THE USE OF LEGAL E-RESOURCES

LTPC

1022

Course Objective

This course seeks to enable first year students to identify, analyse the importance of computer in the field of law and access to the e-resources.

UNIT I

Informative sources of Law: Meaning, Definition, Nature, Evolution, Types of sources :Primary, Secondary & Tertiary (print and electronic)

UNIT II

Introduction To Microsoft Office; Internet Creation of Email Id, Exchange of Email with and Without Attachment, Searching Materials on Internet Using Different Search Engines, Downloading and Uploading Of Data

UNIT III

Legal materials – Enactments, notifications, judgments, reports of commissions, etc. Where to find and how to find these materials, how to check their validity.

UNIT IV

Tools of research: Use of Library, observation, questionnaire, interview, sampling, case study, participation.

UNIT V

Elements of Legal Research: Research problem, hypothesis, experimentation, analysis and interpretation of data, report writing.

Suggested Books

1. Mastering Windows Xp Home Edition – Guy Hart-Davis, BPB Publication (2003) LL.B.
2. Glanville Williams: Learning the Law