

ARYAVART INTERNATIONAL UNIVERSITY

Tilthai, Dharmanagar, North Tripura-799250

Syllabus for LLB

Semester 1

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW101	Jurisprudence	4	0	0	4	70	30	0	100	
25LW102	Law of Contract-I	4	0	0	4	70	30	0	100	
25LW103	Law of Torts & Consumer Protection	4	0	0	4	70	30	0	100	
25LW104	Family Law-I	4	0	0	4	70	30	0	100	
25LW105	Bharatiya Nyaya Sanhita (BNS)	4	0	0	4	70	30	0	100	
Total					20	350	150	0	500	

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विद्याधनं सर्वधनप्रधानं

Detailed Syllabus

JURISPRUDENCE

Code: 25LW101

Max Marks: 70

Course Objectives: The objective of this course is to: (i) provide comprehensive knowledge about jurisprudence – the philosophy of law which besides providing disciplinary knowledge further enhances power of analytical reasoning of the students; (ii) explore the philosophical implications of understanding law as a cognitive process to encourage the research orientation among students; and (iii) inculcate an understanding of vocabulary, concepts, doctrines and various principles used in contemporary jurisprudential debates as well as a nuanced understanding of ideological and philosophical approaches in legal argumentation.

UNIT I: Clarificatory Jurisprudence

(07 Hrs)

- a. What is jurisprudence, and why is jurisprudence?
- b. Descriptive, normative, and critical legal theory
- c. Concept of law - Classical Indian and Islamic schools
- d. Why obey the law, law as an Anarchy or an Obligation or Law as a Social Fact?
- e. Law and Morality
 - i. Judicial morality, moral and semantic questions relating to the judge's duty and choice, moral realism
 - ii. Hart v Fuller and Hart v Devlin
 - iii. Natural Law v Legal Positivism

UNIT II: Sources of Law

(07 Hrs)

- a. Custom:
 - i. What is custom? Kinds of custom.
 - ii. Essentials of a valid custom to become a law
- b. Precedent:
 - i. Concept of Precedence
 - ii. Types- Authoritative and Persuasive, original and declaratory
 - iii. Difference between custom, precedent and legislation
- c. Legislation
 - i. Legislation and kinds of legislation
 - ii. Delegated legislation and its kinds
 - iii. Reasons for the group of delegated legislation
 - iv. Legislation and its permissible limits in India

UNIT III: Jurisprudential Schools of Thought

(09 Hrs)

- a. Natural law
 - i. Classical natural law theory-Aristotle, Plato, St. Augustine, and Thomas Aquinas
 - ii. Hard and Soft natural law
 - iii. Natural law in political philosophy-Hobbes, Locke, Rousseau
 - iv. Decline of natural law
- b. Legal positivism
 - i. Classical legal positivism - Sir Jeremy Bentham and John Austin, their comparison.
 - ii. Modern legal positivism- H.L.A. Hart, Hans Kelsen, Joseph Raz
- c. Legal Realism

UNIT IV: Law and Social Theory

(09 Hrs)

- a. The Sociological Perspective
 - i. Roscoe Pound, Eugene Ehrlich, Emile Durkheim (social solidarity and law)
 - ii. Max Weber (typology of law, theory of legitimate domination, capitalism and law)
 - iii. Karl Marx (ideology and legal fetishism); Jürgen Habermas (concept of modern state and law)
 - iv. Agreement on Subsidies and Countervailing Measures
- b. Anthropological/Historical Jurisprudence
- c. Feminist Jurisprudence
- d. Post Modernism
- e. Why do legal systems differ?
- f. Savigny, Sir Henry Maine, Max Gluckman.

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UNIT V: Concepts

(08 Hrs)

- a. Rights and duties
 - i. What is a Right? Theories of Rights
 - ii. Hohfeld's Analysis
 - iii. Human rights, Animal rights
- b. Personality
- c. Property, Possession, and Ownership
- d. Negligence
- e. Punishment: Retributivism-weak and strong, Consequentialism, restoration
- f. Theories of Justice- Utilitarianism, Libertarianism, Concept of equality, and Social justice
- g. Effectiveness of Precedents

PSDA (Professional Skill Development Activities)

(1 Hr/Week)

- ❖ Jurisprudential analysis of one contemporary problem/issue
- ❖ Preparation of Biographies of an Eminent Jurist
- ❖ Watching the Movie Schindler's List about how a Sovereign becomes the one above the Law
- ❖ Discussions and debates on contemporary jurisprudential issues

Text Books:

1. RWM Dias, Jurisprudence, LexisNexis (2013) (5th Edition).
2. H.L.A. Hart, The Concept of Law, Oxford University Press, UK, 2012 (3rd Edn.)
3. Nigel Simmonds, Central Issues in Jurisprudence, Thomson Reuters, London, 2018(5th Edn.)
4. Brian Bix, Jurisprudence: Theory and Context, Sweet& Maxwell, London, 2019(8th Edn.)
5. Stephen Mulhall & Adam Swift, Liberals and Communitarians, Wiley Blackwell, USA, 1996(2nd Edn.)
6. Will Kymlicka, Contemporary Political Philosophy, Oxford University Press, Oxford, 2002(2nd Edn.)

References:

1. Joseph Raz, The Authority of Law, Oxford, 1979, (Chapter 1, a critique of Wolff's view)
2. Joseph Raz 'Government by Consent' in Ethics in the Public Domain, Oxford, 1994
3. John Mitchell Finnis, Natural Law and Natural Rights, Vol. I & II, OUP, UK, 2011 (2nd Edn.). Read for prominent defenses of view (1) read either chapter 11, or John Finnis, 'Law as Coordination', in 2 Ratio Juris 301, 1989
4. Ronald Dworkin, Law's Empire, Harvard University Press, Cambridge, pp.190-216, 1986 73
5. Christopher H. Wellman & John Simmons, Is There a Duty to Obey the Law?, Cambridge University Press, Cambridge, 2005
6. N.E. Simmonds, 'Protestant Jurisprudence and Modern Doctrinal Scholarship' in 60(2), Cambridge Law Journal, pp. 271-300, July 2001(Focus on the chapter called 'A watershed')
7. Robert Ladenson, 'In Defence of a Hobbesian Conception of the Law', in 9(2), Philosophy and Public Affairs, pp.134-159,1980
8. Jean Hampton, Hobbes and the Social Contract Tradition, Cambridge University Press, Cambridge, 1986(Read Chapter 4, pp. 97-113)
9. Hampton, 'Democracy and the Rule of Law' in The Rule of Law, Nomos XXXVI, pp. 13-45, Ian Shapiro (ed.), NYU Press, 1994
10. David Dyzenhaus, 'Hobbes and the Legitimacy of Law', in 20 Law and Philosophy, 2001, 483. <http://plato.stanford.edu/entries/hobbes-moral/>
11. Joseph Raz, Practical Reason and Norms, OUP, Oxford, pp. 129-48, 1990, (2nd Edn.)
12. A. Marmor, 'The Pure Theory of Law', Stanford Online Encyclopaedia of Philosophy. <http://plato.stanford.edu/entries/lawphil-theory/4. Law and Morality>
13. Neil MacCormick, Legal Reasoning and Legal Theory, H.L.A. Hart, Stanford, pp. 42-60, 2008 (2nd Edn.)
14. Hans Kelsen, General Theory of Law and State, Harvard University Press, Massachusetts, pp. 58-64, 123-36, 115-22, 1945
15. Hans Kelsen, Pure Theory of Law, Vol. I, (Translated by Knight), pp. 114-19, 221-36, 193-214, University of California Press, Berkeley, 1967, (2nd Edn.)
16. H.L.A. Hart, 'Positivism and the Separation of Law and Morals', 71(4), Harvard Law Review, pp.593-629, 1958
17. W.J. Waluchow, 'Herculean Positivism', 5 (2), Oxford Journal of Legal Studies, pp. 187-210, 1985
18. William A. Edmundson, An Introduction to Rights, Cambridge University Press, Cambridge, 2004
19. H.L.A. Hart, 'Are There Any Natural Rights?', in Philosophical Review, 64, pp/ 175-91, 1955
20. Matthew Kramer, Nigel Simmonds, Hillel Steiner, A Debate Over Rights, OUP, Oxford, 2000
21. Roger Cotterill, The Politics of Jurisprudence, University of Pennsylvania Press, US, 2009

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22. Denis J. Galligan, Law in Modern Society, Oxford University Press, UK, 2007
23. Brian Tamanaha, A General Jurisprudence of Law and Society, Oxford University Press, Oxford, 2001
24. Kitty Calavita, Invitation to Law and Society, University of Chicago Press, Chicago, 2010
25. David Nelken's Law in Action or Living Law? Back to the Beginning in Sociology of Law', Legal Studies 4, pp. 152-174, 1984
26. Marc Hertogh (ed.) Living Law: Reconsidering Eugen Ehrlich, Hart Publishing, London, 2008

List of Cases:

1. Deputy Commissioner of Income Tax v. Pahar Ganj Grih Nirman Sahkari (2006) 99 TTJ JP 549
2. Union of India & Anrv. Raghbir Singh (Dead) By Lrs. Etc., AIR 1989 SC 1933: 1989 SCR (3) 316
3. Salar Jung Sugar Nulls Ltd. Etc v. State of Mysore & Ors., 1972 SCR (2) 228
4. State of Gujarat v. Gordhandas Keshavji Gandhi AIR 1962 Guj 128: (1962) 0 GLR 269
5. Nishikanta Roy v. Monmohon Sen Gupta, AIR 1973 Cal 529, 77 CWN 424
6. Late Nawab Sir Mir Osman Ali Khan vv.
7. Commissioner of Wealth Tax, 1987 AIR 522: 1986 SCR
8. (3)1072
7. Bandhua Mukti Morchav. Union of India, AIR 1984 SC 802: 1984 SCR (2) 67
8. Queen-Empress. Maru and Anr. (1888) ILR 10 All 207
9. Debendra Narain Roy v. Jogendra Narain Deb and Ors., 167 Ind Cas 615
10. Kanizak Husain And Ors. v. Jadu Rai And Anr. (1886) ILR 8 All 576

LAW OF CONTRACT-I

Code: 25LW102

Max Marks: 70

Course Objective: This course aims to (i) develop understanding of conceptual and operational parameters of the general principles of contractual relations; (ii) trace the evolution of law of contract with a view to appreciate the relevance of widely used different forms of contracts such as tenders, auction, online contracts, etc.; (iii) understand the importance of concept of consideration and the necessity of the same to form a valid contract; (iv) analyze judicial reasoning to distil rules of contract law; (v) analyse the role of the state in regulating freedom of contract to understand the need for such interference; and (vi) examine the remedies available under the law of contract for the concerned violations.

UNIT I: Formation of Contract

(10 Hrs)

- a. Meaning, Nature, and Scope of Contract
- b. Offer / Proposal: Definition, Communication, Revocation, General/ Specific Offer
- c. Invitation to Treat
- d. Acceptance: Definition, Communication, Revocation, Tenders /Auctions
- e. Effect of Void, Voidable, Valid, Illegal, Unlawful Agreements
- f. Standard Form of Contract
- g. Online Contracts

UNIT II: Consideration and Capacity

(10 Hrs)

- a. Consideration- Definition, Kinds, Essentials, Privity of Contract
- b. Capacity to Enter into a Contract
- c. Minor's Position
- d. Nature/ Effect of Minor's Agreements

UNIT III: Validity, Discharge and Performance of Contract

(10 Hrs)

- a. Free Consent
- b. Coercion, Undue Influence, Misrepresentation, Fraud, Mistake
- c. Unlawful Consideration and Object
- d. Discharge of Contracts
- e. Performance, Impossibility of Performance and Frustration
- f. Breach: Anticipatory and Present

UNIT IV: Remedies and Quasi-Contracts

(10 Hrs)

- a. Breach

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- b. Remedies:
 - i. Damages: Kinds
 - ii. Quantum Meruit
- c. Quasi Contracts

PSDA (Professional Skill Development Activities)

1 Hr/Week

- ❖ Contract Formation Exercise – Impact of IT & E-Contract
- ❖ Judgement Analysis
- ❖ Drafting of a Contract
- ❖ A class-based Moot Court Competition in Contract Law

Text Books:

1. Anson, *Law of Contract*, Oxford University Press, 2010 (29th Edn.)
2. Pollock & Mulla, *The Indian Contract and Specific Relief Act*, Lexis Nexis, 2013 (14th Edn.)

Reference Books:

1. Avtar Singh, *Law of Contract and Specific Relief*, Eastern Book Company, 2013 (11th Edn.)
2. Pollock & Mulla, *The Indian Contract and Specific Relief Act*, Lexis Nexis, 2013 (14th Edn.)
3. Cheshire and Fifoot, *Law of Contract*, Lexis Nexis, 2010 (10th Edn.)

List of Cases:

1. Carlill v. Carbolic Smoke Ball Co. (1893) All ER Rep. 127
2. Pharmaceutical Society of Great Britain v. Boots Cash Chemist (Southern) Ltd. (1952) 2 All ER Rep. 456
3. Balfour v. Balfour (1918-19) All ER 860 (CA).
4. Lalman Shukla v. Gauri Datt (1913) XL ALJR 489 (All.).
5. Bhagwandas Goverdhandas Kedia v. M/s. Girdharilal Parshottam Das & Co. AIR 1966 SC 543.
6. Harvey v. Facey (1893) AC 552.
7. Felthouse v. Bindley (1862) 11 CB 869.
8. Kedarnath Bhattacharji v. Gorie Mahomed (1886) 7 I.D. 64 (Cal.)
9. Mohori Bibee v. Dharmodas Ghose (1903) 30 I.A. 114
10. Khan Gul v. Lakha Singh, AIR 1928 Lah. 609

LAW OF TORTS & CONSUMER PROTECTION

Code: 25LW103

Max Marks: 70

Course Objectives: This course aims to enable the students to (a) understand the origin, development, and general principles of the Law of torts, (b) understand the fundamental principles of the Law of torts, (c) analyse the theoretical background of torts along with significant principles of liability, (d) study and evaluate the specific torts against the individual and property, (e) learn the affirmative defences available in an action for torts and (f) give an over view of Consumer Protection Act, 2019.

UNIT I: Introduction and Principles of Liability in Tort

(10 Hrs)

- a. Definition of Tort
- b. Development of the Law of Torts
- c. Distinction between Law of Tort, Contract, Quasi-Contract, and Crime
- d. Constituents of Tort: Injuria sine damnum, Damnum sine injuria
- e. Justification in Tort, Volenti in Jure, Necessity, Plaintiff's default, Act of God, Inevitable Accidents, Private Defence

UNIT II: Specific Torts-I

(10 Hrs)

- a. Negligence
- b. Nervous Shock
- c. Nuisance
- d. False Imprisonment and Malicious Prosecution
- e. Judicial and Quasi-Judicial Acts
- f. Parental and Quasi-Parental Authority

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UNIT III: Specific Torts-II (10 Hrs)

- a. Vicarious Liability
- b. Doctrine of Sovereign Immunity
- c. Strict Liability and Absolute Liability
- d. Defamations

UNIT IV: The Consumer Protection Act, 2019 (10 Hrs)

- a. Definitions of Consumer, Goods, and Services
- b. Rights and Duties of Consumer
- c. Authorities for Consumer Protection
- d. Remedies

PSDA (Professional Skill Development Activities) 1 Hr/Week

- ❖ Mock Trial
- ❖ Moot Court
- ❖ Movie Review
- ❖ Poster Making

Text Books:

1. W. V. H. Rogers, Winfield and Jolowicz Tort, Sweet & Maxwell, London, UK, 2010 (18th Edn.)
2. Ratanlal & Dhirajlal, The Law of Torts, Lexis Nexis, India, 2013 (26th Edn)

References:

1. B. M. Gandhi, Law of Torts with Law of Statutory Compensation and Consumer Protection, Eastern Book Company, Lucknow & Delhi, 2011 (4th Edn)
2. R. K. Bangia, Law of Torts including Compensation under the Motor Vehicles Act and Consumer Protection Laws, Allahabad Law Agency, Allahabad, 2013
3. Ramaswamy Iyer's The Law of Torts, Lexis Nexis, India, 2007 (10th Edn.)

List of Cases:

1. Donoghue v. Stevenson (1932) A.C.562: 147L.T.281:48T.L.R.494
2. Klaus Mittelbachert V. EastIndia Hotels Ltd., 1997AIR201Delhi (Single Judge)
3. Ashby v. White (1703) 2 Lord Rayn, 938:(1703) 1 Sm.L.C. 13th Edn., 253
4. Bhim Singh v. State of J&K, 1986AIR494
5. Gloucester Grammar School Case (1410) Y.B. Hill 11 Hen, 4 of 47, p.21, 36
6. Hall v. Brooklands Auto Racing Club (1932) All E.R. Rep. 208: (1932) 1 K.B. 205
7. Cassidy v. Ministry of Health (1951) 1 All E.R. 574
8. D. P. Choudhary v. Manjulata, 1997 AIR 170 Raj.
9. King v. Phillips (1953) 1 Q.B. 429
10. Kasturi Lal v. State of U.P., AIR 1965SC1039

FAMILY LAW-I

Code: 25LW104

Max Marks: 70

Course Objectives: This paper aims to enable students to (i) analyse and critically understand the concept of marriage as a social institution and compare and contrast it to its changing form such as live-in relationships and same sex marriages; (ii) critically examine the provisions related to judicial separation, divorce and maintenance with help of decided case laws both in Hindu and Muslim laws; and (iii) analyse it from sociological perspective thereby understanding the importance of adoption law.

UNIT I: Hindu Marriage and Dissolution (10 Hrs)

- a. Institution of Marriage under Hindu Law
 - i. Evolution and Concept of the Institution of Marriage
 - ii. Forms, Validity, and Voidability of Marriage
- b. Matrimonial Remedies
 - i. Restitution of Conjugal Rights
 - ii. Judicial Separation
 - iii. Dissolution of Marriage: Theories, Forms of Divorce, Grounds
 - iv. Divorce by Mutual Consent
 - v. Irretrievable Breakdown as a Ground for Dissolution

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UNIT II: Muslim Marriage and Dissolution of Marriage

(10 Hrs)

- a. Nikah (Muslim Marriage)
 - i. Definition, Object, and Nature
 - ii. Essentials for Validity
 - iii. Kinds, Restitution of Conjugal Rights, Muta Marriage, Distinction between Nikah and Muta
- b. Dissolution of Marriage
 - i. Talaq: Introduction, Conditions, Modes, Talaq-i-Ahsan, Talaq-i-Hasan, Talaq-i-Biddat, Ila, Zihar, Talaq-ul-Tafweez, Khulla, Mubarrat, Lian, Faskh
 - ii. Dissolution of the Muslim Marriage Act, 1939

UNIT III: Adoption, Maintenance and Guardianship

(10 Hrs)

- a. Adoption
 - i. Nature
 - ii. Law on adoption
 - iii. Conditions and Effect
 - iv. Ceremonies
 - v. Capability
 - vi. Effect
 - vii. Inter Country Adoption
- b. Maintenance Under Hindu Adoption and Maintenance Act, 1956
 - i. Definition
 - ii. Maintenance of Wife
 - iii. Maintenance of Widowed Daughter in law
 - iv. Maintenance of Children and aged parents, Dependents
 - v. Determining Amount of Maintenance
- c. Maintenance (Nafaqa)
 - i. Definition
 - ii. Maintenance of Wife
 - iii. Maintenance of Children and Parents
 - iv. Maintenance under the Bhartiya Nagarik Suraksha Sanhita, 2023
- d. Guardianship Under the Hindu Minority and Guardianship Act, 1956
 - i. Natural Guardian and his Powers
 - ii. Testamentary Guardians and Powers
 - iii. Certified Guardians and Powers
 - iv. Guardian by Affinity
 - v. De Facto Guardian
- e. Guardianship Under Muslim Law
 - i. Guardianship of Person (Walayat-e-Nafs)
 - ii. Guardianship during Marriage (Walayat-e-Nikah)
 - iii. Guardianship of Property (Walayat-e-Mal)
 - iv. Testamentary Guardian and Powers
 - v. Certified Guardians and Powers
 - vi. De Facto Guardian

UNIT IV: Civil Marriage and Emerging Trends in Family Law

(10 Hrs)

- a. Important Provisions of the Special Marriage Act, 1954
- b. Emerging Trends:
 - i. Surrogacy: Meaning and Types, Causes, Arguments against Surrogacy, Surrogacy Bill, Surrogacy throughout the world
 - ii. Live-in Relationship: Meaning, Reasons Associated, Live-in Relationship in India
 - iii. Domestic Violence: Definition, Causal Factors, Domestic Violence Act, 2005
 - iv. Same Sex Marriage: Historical Background, Homosexuality: For and Against, Same sex Marriage in India, Homosexuality, Homosexuality and Same sex Marriage in Other Countries

Text Books:

1. Paras Diwan, Modern Hindu Law, Allahabad Law Agency, 2019.
2. Mulla, Principles of Hindu Law, Lexis Nexis India, 2018.
3. Shivani Goswami, Family Law I, Central Law Publications, Allahabad, 2018.
4. Mulla, Principles of Mohammadan Law, Lexis Nexis India, 2017.

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References:

1. M. Afzal Wani, Social Dynamics & Legal Control of Child Marriage In India, Fehmi Computers, Delhi, 2014.
2. Kanwal DP Singh and Shivani Goswami (ed.), Vulnerability of Women in Contemporary Times: A Socio-Legal Perspective, Satyam Law International, New Delhi, 2020.
3. Kumud Desai & Kusum, Indian Law of Marriage and Divorce, Lexis Nexis India, 2020.
4. B.M. Gandhi, Family Law, Eastern Book Company, Delhi, 2019.
5. Tahir Mahmood and Saif Mahmood, Introduction to Muslim Law, Universal Law Publishing, 2017.
6. Aqil Ahmad, Mohammedan Law, Central Law Agency, Allahabad, 2016.
7. Paras Diwan, Family Law, Allahabad Law Agency, 2018.

BHARATIYA NYAY SAMHITA (BNS)

Code: 25LW105

Max Marks: 70

Course Objectives: It aims to familiarize students with the newly enacted criminal law framework that replaces the Indian Penal Code, focusing on the substantive aspects of criminal law in India. The course is designed to help students understand the objectives, structure, and key provisions of the Bhartiya Nyay Samhita, including definitions of crimes, general exceptions, punishments, and classifications of offences. It encourages critical analysis of legal reforms, promotes awareness of contemporary criminal justice issues, and equips students with the foundational knowledge required to interpret and apply criminal law effectively in legal practice.

UNIT I

(05 Hrs)

Concept of Crime and Introduction to BNS

1. Nature, concept of crime, and relationship between Crime, Ethics, and Morality.
2. Stages of crime and essential elements of crime
3. Salient features of BNS
4. Definition (sec. 2)
5. Punishments (sec 4 to 13)

UNIT II

(05 Hrs)

General Exceptions (Sec. 14 to 44)

1. Mistake of Fact and Mistake of Law
2. Judicial act, and Accident
3. Act of a child, act of a person of unsound mind, and intoxication
4. Act in good faith and consent
5. Right of private defense

UNIT III

(05 Hrs)

Inchoate offences (sec. 45 to 62 and 189 to 191)

1. Logic behind criminalizing Inchoate offence
2. Abetment
3. Attempt
4. Criminal conspiracy
5. Unlawful assembly

UNIT IV

(05 Hrs)

Offences against Women and Children (sec. 63 to 99)

1. Rape (Sec. 63-71)
2. Sexual Harassment, Voyeurism, Stalking, and Insulting the modesty of a woman (Sec.75,77 to 79)
3. Dowry death and cruelty by husband and relatives (Sec. 80, 85 to 86)
4. Causing Miscarriage (Sec. 88 to 90)
5. Offences against children (Sec. 96 to 99)

UNIT V

(05 Hrs)

Offences Affecting the Human Body (Sec. 100 to 146)

1. Culpable Homicide and Murder
2. Organized Crime
3. Hurt and Grievous Hurt
4. Criminal Force and Assault

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5. Kidnapping and Abduction

UNIT VI

(05 Hrs)

Offences relating to the State, Election, and public servants

1. Waging war against the Government of India (sec. 147 to 150)
2. Act endangering the sovereignty, unity, and integrity of India (Sec. 152)
3. Offences relating to election (Sec. 169 to 177)
4. Rioting (Sec. 191 to 193)
5. Offences by or relating to Public Servants (Sec. 198 to 205)

UNIT VII

(05 Hrs)

Offense against property (sec 303 to 334)

1. Theft and extortion, Snatching
2. Robbery and Dacoity
3. Misappropriation of property and criminal breach of trust
4. Cheating and mischief
5. Criminal trespass, house trespass and house breaking

UNIT VIII

(05 Hrs)

Offences relating to Evidence, Reputation and Safety

1. Giving and Fabricating of False Evidence (Sec. 227 to 229)
2. Forgery and making of false documents (Sec. 335 to 337)
3. Defamation
4. Food and Drugs adulteration (Sec. 274 to 278)
5. Public Nuisance and Obscenity (Sec. 270 to 273 and 294 to 296)

References:

1. Bare Act of Bhartiya Nyaya Sanhita.

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Theory Paper

Total: 100 Marks

External: 70 Marks

Internal: 30 Marks

External: 70 Marks

10 Question (MCQ): 1 mark each (1x10 = 10)

Answer any 10 out of 12 (Short 50-70 Words): 3 marks each (3x10 = 30)

Answer any 6 out of 8 (Long 100-120 Words): 5 marks each (5x6 = 30)

Internal: 30 Marks

Two Internal Assessment Examinations will be conducted, each carrying 50 marks. The average of the two scores will be considered and scaled to 15 marks for the final assessment. Additionally, 5 marks will be allotted for assignments submitted, 5 marks for attendance, and 5 marks for general proficiency, making a total of 30 internal assessment marks.

विद्याधनं सर्वधनप्रधानं

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Syllabus for LLB

Semester 2

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW201	Bhartiya Sakshya Adhiniyam	4	0	0	4	70	30	0	100	
25LW202	Law of Contract-II	4	0	0	4	70	30	0	100	
24LW203	Public International Law	4	0	0	4	70	30	0	100	
25LW204	Family Law-II	4	0	0	4	70	30	0	100	
25LW205	Bharatiya Nagarik Suraksha Sanhita (BNSS)	4	0	0	4	70	30	0	100	
Total					20	350	150	0	500	

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Detailed Syllabus

BHARTIYA SAKSHYA ADHINIYAM

Code: 25LW201

Max Marks: 70

Course Objectives: The course aims to provide students with a foundational understanding of the Bharatiya Sakshya Adhiniyam and its role in the administration of justice. It enables learners to interpret and apply the principles of relevancy, admissibility, and evaluation of evidence, including digital and electronic records. The objective is to develop the ability to analyze and present evidence effectively while ensuring fairness and due process in legal proceedings.

UNIT I: Introduction to Law and Relevancy of Facts (08 Hrs)

- a. History, Nature, Scope and Applicability of Bharatiya Sakshya Adhiniyam, 2023
- b. Definitions (Section 2)
- c. Relevancy and Admissibility; Rebuttable Presumptions, Irrebuttable Presumptions and Conclusive Proof
- d. Types of Evidence and Admissibility of Circumstantial Evidence
- e. Relevancy of Facts and Closely Connected Facts (Sections 3-14)

UNIT II: Relevancy of Statements and Judgements (08 Hrs)

- a. Admissions and Confessions (Sections 15-25)
- b. Statement of Persons who cannot be called as Witness (Sections 26-27)
- c. Dying Declaration (Section 26(a))
- d. Statements under Special Circumstances (Sections 28-32)
- e. Judgments of Courts when relevant (Sections 34-38)

UNIT III: Expert Opinion, Relevancy of Character and Types of Evidence (08 Hrs)

- a. Opinions of Third Persons when relevant (Sections 39-45)
- b. Opinion of Forensic Science Expert and Evidentiary Value of D.N.A. Test, Narco-Analysis and Polygraph Test (Section 39)
- c. Character when relevant (Sections 46-50)
- d. Facts which need not to be proved (Sections 51-53)
- e. Oral and Documentary Evidence and Admissibility of Electronic Evidence (Sections 54- 73)

UNIT IV: Documentary Evidence and Doctrine of Estoppel (08 Hrs)

- a. Public Documents (Section 74-76)
- b. Presumptions as to Documents (Section 78-93)
- c. Exclusion of Oral by Documentary Evidence (Section 94-103)
- d. Burden of Proof and Presumptions relating to Burden of Proof (Section 104 -120)
- e. Doctrine of Estoppel (Section 121-123)

UNIT IV: Production and Effects of Evidences (08 Hrs)

- a. Witnesses and Privileged Communications (Sections 124-139);
- b. The Oaths Act, 1969 and its relation with the Bharatiya Sakshya Adhiniyam, 2023
- c. Examination of Witnesses (Sections 140-168)
- d. Witness Protection Schemes
- e. Improper Admission and Rejection of Evidence (Sections 169)

PSDA (Professional Skill Development Activities) (1 Hrs/Week)

- ❖ Visit to Court
- ❖ Case Study
- ❖ Visit to Forensic Lab
- ❖ Interaction with Stakeholders

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References:

1. Ram Jethmalani and D. S. Chopra, Law of Evidence: Concise Commentary, Thomson Reuters, 2015.
2. Stephen Mason, Electronic Evidence, 4th Ed., 2017 <http://humanitiesdigitallibrary.org/index.php/hdl/catalog/book/electronicEvidence>
3. Stephen Mason, Electronic Signatures in Law, 4th Ed, 2016, <http://humanitiesdigitallibrary.org/index.php/hdl/catalog/book/electronicSignatures>
4. Woodroffe & Amir Ali (Revised by B. M. Prasad & Manish Mohan) Law of Evidence (Set of 04 Volumes): Lexis Nexis. 20th Ed. 2017

List of Cases:

1. Aghnoo Nagesia v. State of Bihar AIR 1966 SC 119
2. Anvar P.V v. P. K. Basheer & Ors. AIR 2015 SC 180
3. Arjun Panditrao Khotkar v. Kailash Kushanrao Gorantyal and Ors. (2020) 7 SCC 1
4. Dudh Nath Pandey v. The State of U.P. AIR 1981 SC 911
5. Goutam Kundu v. State of West Bengal And Anr. AIR 1993 SC 2295
6. Mahender Chawla & Others v. Union of India & Others 2018 SCC Online SC 2678
7. M.C. Verghese v. T.J. Ponnann & Another 1969 SC
8. Nishi Kant Jha v. State of Bihar 1969 SC
9. Pakala Narayana Swami v. Emperor 1939 BOMLR
10. Palvinder Kaur v. The State of Punjab 1952 SC
11. Selvi & Others v. State of Karnataka & Another 2010 SC
12. The State of Bombay v. Kathi Kalu Oghad & Others 1961 SC

LAW OF CONTRACT-II

Code: 25LW202

Max Marks: 70

Course Objectives: This course aims to: (i) enable students to understand the basic concepts of indemnity, guarantee and agency in detail to further enhance their knowledge as to special kinds of contracts existing under contract law regime; (ii) study the nature of rights and duties of indemnifier/bailor/bailee/principal/agent to appreciate existing similarities and difference between stated kinds; (iii) apprise students about the nuances of partnership laws and sale of goods laws as extended contracts covered under different statutes owing to their own peculiarities; (iv) impart knowledge as to negotiable instruments and related laws for grasp over the various instrumental modes of payments.

UNIT I: Indemnity, Guarantee and Agency (Conceptual Study)

(08 Hrs)

- a. Indemnity and Guarantee
- b. Right and Duties of Indemnifier
- c. Discharge of Surety
- d. Rights and Duties of Bailor/Bailee, Lien, etc
- e. Definitions of Agent and Principal, Creation of Agency, and its Termination

UNIT II: The Indian Partnership Act, 1932

(10 Hrs)

- a. Nature of Partnership Firm
- b. Rights /Duties of Partners *inter se*
- c. Incoming and Outgoing Partners, Position of Minor
- d. Dissolution and Consequences

UNIT III: The Sale of Goods Act, 1940

(10 Hrs)

- a. Definitions and Distinction between Sale and Agreement to Sale
- b. Conditions and Warranties
- c. Passing off, Property
- d. Rights of Unpaid Seller and Remedies for Breach of Contract

UNIT IV: The Negotiable Instrument Act, 1881

(12 Hrs)

- a. Definition and Kinds of Negotiable Instruments
- b. Holder and Holder-in-Due Course
- c. Material Alterations and Crossing of Cheque, etc.
- d. Dishonour of Negotiable Instruments

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Text Books:

1. Pollock & Mulla, Indian Contract and Specific Relief Act, Lexis Nexis, Delhi, 2013(14th Ed)
2. Avtar Singh, Law of Partnership, Eastern Book Company, Lucknow, 2012 (4th Ed)
3. Avtar Singh, Law of Contract and Specific Relief, Eastern Book Company, Lucknow 2013 (11th Ed).
4. S. P. Sengupta, Commentaries on Negotiable Instruments' Act, Central Law Agency, Allahabad, 2008 (3rd Ed).

References:

1. Avtar Singh, Sale of Goods, Eastern Book Company, Lucknow, 2011 (7th Ed).
2. Michael G Bridge(ed.), Benjamin's Sale of Goods, Sweet & Maxwell, London, 2013 (8th Edn.)
3. P. S. Atiyah, Sale of Goods, Pearson Education, India, 2010 (12th Ed).
4. B.M. Prasad and Manish Mohan, Khergamvala on the Negotiable Instrument Act, 2013, Lexis Nexis, New Delhi, 2013 (21st Ed).
5. P. Mulla, The Sale of Goods and Indian Partnership Act, Lexis Nexis, New Delhi, 2012 (10th Ed).



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PUBLIC INTERNATIONAL LAW

Code: 25LW203

Max Marks: 70

Course Objectives: This paper aims to enable students to (i) develop knowledge of the nature of public international law and the structure of the international legal system; (ii) define and understand the implications of the basic elements of public international law - its sources and subjects, the recognition and jurisdiction of States in international law and principles of State responsibility; and (iii) appreciate the significant differences and similarities of international law and domestic law.

UNIT I: Introduction

(10 Hrs)

- a. Nature and Development of International Law
- b. Subject of International Law
- c. Concept of Subject of Law and of Legal Personality
- d. States: Condition of Statehood, Territory and Underlying Principles, Sovereignty
- e. International Organisation: Concept, Right and Duties under International Law
- f. Status of Individual
- g. Other Non-State Actors
- h. Relationship Between International Law and Municipal Law (UK, USA, India)
- i. Codification of International Law

UNIT II: Sources of International Law

(10 Hrs)

- a. Treaties
 - i. Nature, Scope and Types of Treaty
 - ii. Vienna Convention on Law of Treaties, 1969
 - iii. Accession to the treaty
 - iv. Ratification of Treaty
 - v. Reservation in the Treaty
 - vi. Termination of Treaty
- b. Custom
- c. General Principles of Law
- d. Jurist Works
- e. General Assembly Resolutions, Security Council Resolutions
- f. Other Sources

UNIT III: Recognition, Extradition and the Law of the Sea

(10 Hrs)

- a. Recognition
 - i. Theories of Recognition
 - ii. Defacto, Dejure Recognition
 - iii. Implied Recognition
 - iv. Withdrawal of Recognition
 - v. Retroactive Effects of Recognition
- b. Extradition and Asylum
 - i. State Jurisdiction
 - ii. Customary Law Basis
 - iii. Treaty Law
 - iv. The Nature of Obligation
- c. Law of The Sea
 - i. Territorial Sea
 - ii. Contiguous Zone
 - iii. Exclusive Economic Zone
 - iv. Continental Shelf
 - v. High Sea

UNIT IV: Contemporary International Issues

(10 Hrs)

- a. Prohibition of the Use of Force
- b. Exceptions to the Prohibition: Individual and Collective Self Defence, Authorized or Recognized Military Actions
- c. Responsibility to Protect
- d. International Criminal Court

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PSDA (Professional Skill Development Activities)

(1Hr/Week)

- ❖ Research Paper
- ❖ Moot Court
- ❖ Symposium on Contemporary Issues
- ❖ Analysis of International Treaties/Conventions
- ❖ Discussion Forums

Text Books:

1. Oppenheim, International Law, Biblio Bazaar, LIC, 2010
2. James Crawford Brownlie, Principles of International Law, Oxford University Press, UK, 2019 (9th Edn.)

References:

1. Starke, Introduction to International Law, Butterworths Law, UK, 2013(11th Edn.)
2. Shaw, International Law, Cambridge University Press, 2008 (6thEdn.)
3. A. Boyle & C. Chinkin, The Making of International Law, Foundations of Public International Law, Oxford University Press, New York, 2007
4. R.P. Dhokalia, The Codification of Public International Law, Manchester University Press, United Kingdom, 1970
5. Mark Villiger, 'The Factual Framework: Codification in Past and Present', in Customary International Law and Treaties, Mark Villiger, pp.63-113, Martinus Nijhoff, Netherlands, 1985
6. S.K. Kapoor, International Law, Human Rights, Central Law Agency, Allahabad, (8th Edn. 2018)
7. Brownlie, International Law and the Use of Force by States, Clarendon Press, Oxford, 1991

List of Cases:

1. S.S. Lotus (France v. Turkey), PCIJ
2. North Continental Shelf Case, ICJ Rep., 1969
3. Asylum Case, ICJ Rep., 1950
4. Right of Passage over Indian Territories (Portugal v. India), ICJ Rep., 1960
5. Anglo-Norwegian Fisheries Case, ICJ Rep., 1951
6. Vishaka v. State of Rajasthan, AIR 1997 SC 3011
7. Union of India v. Sukumar Sengupta, AIR 1990 SC 1692
8. Mubarak Ali Ahmed v. State of Bombay, AIR 1957 SC 857
9. Corfu Channel Case, ICJ Rep., 1949
10. Libya v. Tunisia Continental Shelf Case, ICJ Rep., 1982

FAMILY LAW-II

Code: 25LW204

Max Marks: 70

Course Objectives: This paper aims to enable the students to (i) critically analyse both codified and uncoded portions of Hindu Law and Mohammedan Law relating to inheritance, intestate and testamentary succession, gifts, wills etc. in India; (ii) appraise the nature of property transaction that exist in Hindu family relations and the importance of ancestral property and Karta in Hindu family; and (iii) develop critical understanding of the property relations in a family, legal incidence of joint family and testamentary succession and intestate succession according to the Personal Law of different communities with practical approach.

UNIT I: Joint Hindu Family

(10 Hrs)

- a. *Mitakshara* and *Dayabhaga* Schools
- b. Formation and Incident under the Coparcenary Property under *Dayabhaga* and *Mitakshara*
- c. Karta of Joint Family: Position, Powers and Privileges
- d. Debts: Doctrine of Pious Obligation and Antecedent Debts

UNIT II: Partition

(10 Hrs)

- a. Meaning, Division of Right and Division of Property
- b. Persons Entitled to Demand Partition
- c. Partition how Affected; Suit for Partition
- d. Re-opening of the Partition; Re-union

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UNIT III: Principles of Inheritance under Hindu and Muslim Law

(10 Hrs)

- a. The Hindu Succession Act, 1956, General Rules of Succession of a Hindu Male and Female dying Intestate under the Hindu Succession Act, 1956, Hindu Succession (Amendment) Act, 2005
- b. *Stridhan* and Women's Estate
- c. Principles of Inheritance under Muslim Law (Sunni Law)

UNIT IV: Muslim Law of Property

(10 Hrs)

- a. *Hiba*: Concept, Formalities, Capacity, Revocability
- b. *Wasiyat*: Concept, Formalities.
- c. *Marz-ul- Maut*

PSDA (Professional Skill Development Activities)

(1 Hrs/Week)

- ❖ Exercises on Distribution of Property
- ❖ Drafting a Deed of Hiba/Wasiyat
- ❖ Preparation of Pleading for a Partition Suit

Text Books:

1. Paras Diwan, Modern Hindu Law, Allahabad Law Agency, 2019.
2. Mulla, Principles of Hindu Law, Lexis Nexis India, 2018.
3. Tahir Mahmood and Saif Mahmood, Introduction to Muslim Law, Universal Law Publishing, 2017.
4. Paras Diwan, Muslim Law in Modern India, Allahabad Law Agency, 2016.

References:

1. RK Aggarwal, Hindu Law, Central Law Agency, 2019.
2. Paras Diwan, *Family Law*, Allahabad Law Agency, 2018.
3. Mulla, *Principle of Mahomedan Law*, Lexis Nexis, 2017.
4. Poonam Pradhan Saxena, *Family Law- II Lectures*, Lexis Nexis, 4th Edn., 2018.
5. U.P.D. Kesari, Modern *Hindu Law*, Central Law Publications, 2018.
6. Kanwal DP Singh and Shivani Goswami (ed.), *Vulnerability of Women in Contemporary Times: A Socio-Legal Perspective*, Satyam Law International, 2020.

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BHARATIYA NAGARIK SURAKSHA SANHITA (BNSS)

Code: 25LW205

Max Marks: 70

Course Objectives: This paper's objective is to: (i) enhance the understanding of criminal courts and the judicial process; and (ii) help students nurture professional attitudes by acquiring procedural knowledge about criminal courts' structural set-up and working operations.

UNIT I: Introduction (10 Hrs)

- a. Object and Importance of Bharatiya Nagarik Suraksha Sanhita, 2023, Basic concepts under BNSS.
- b. Functionaries under BNSS.
- c. Constitution of criminal courts and offices, power of courts.
- d. Powers of superior officers of police and aid to the magistrates and the police.
- e. Information to the Police and their powers to investigate

UNIT II: Process to compel appearance and Production of things (10 Hrs)

- a. Punitive and Preventive Arrest (with or without warrant) and Provision for Bail under the BNSS.
- b. Summons, warrant, proclamation, and attachment
- c. Search (with or without warrant)
- d. Illegal search, arrest, and allied rights and remedies

UNIT III: Proceeding before Magistrate-I (10 Hrs)

- a. Condition Requisites for Initiation of Proceeding
- b. Complaint to Magistrate
- c. Commencement of Proceeding before Magistrate
- d. Provisions as to Accused Persons of Unsound Mind

UNIT IV: Proceeding before Magistrate-II (10 Hrs)

- a. Security for Keeping Peace and Good Behaviour
- b. Maintenance of Public Order and Tranquillity
- c. Proceedings for Maintenance of 'wife', 'children', and 'parents'

PSDA (Professional Skill Development Activities) (1 Hrs/Week)

- ❖ Mock Trial
- ❖ Visit to Police Station/Court/Prosecution Office
- ❖ Visit to Jail
- ❖ Symposium on Sentencing
- ❖ Exercise on Plea Bargaining
- ❖ Drafting a complaint

Text Books:

1. Ratanlal & Dhirajlal, Criminal Procedure, Lexis Nexis Butterworths Wadhwa, Nagpur, 2012.
2. S.C. Sarkar, The Law of Criminal Procedure, Wadhwa & Co., Nagpur, 2007.

Reference Books:

1. K. N. Chandrasekharan Pillai, R.V. Kelkar's Lectures on Criminal Procedure, Eastern Book Company, 2013.
2. K.N. Chandrasekharan Pillai, Criminal Procedure, Eastern Book Company, 2004.
3. Aiyer, Mitter, Law of Bails- Practice and Procedure, Law Publishers (India) Pvt. Ltd., 2012.
4. P. V. Ramakrishna, Law of Bail, Bonds, Arrest and Custody, Lexis Nexis, 2008.
5. P.K. Majumdar, Law of Bails, Bonds and Arrest, Orient Publication, 2012.
6. Justice P. S. Narayana, Code of Criminal Procedure, ALT Publications, 2012.
7. Bare Act of Bhartiya Nagarik Suraksha Sanhita, 2023.

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Theory Paper

Total: 100 Marks
External: 70 Marks
Internal: 30 Marks

External: 70 Marks

10 Question (MCQ): 1 mark each ($1 \times 10 = 10$)
Answer any 10 out of 12 (Short 50-70 Words): 3 marks each ($3 \times 10 = 30$)
Answer any 6 out of 8 (Long 100-120 Words): 5 marks each ($5 \times 6 = 30$)

Internal: 30 Marks

Two Internal Assessment Examinations will be conducted, each carrying 50 marks. The average of the two scores will be considered and scaled to 15 marks for the final assessment. Additionally, 5 marks will be allotted for assignments submitted, 5 marks for attendance, and 5 marks for general proficiency, making a total of 30 internal assessment marks.



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Syllabus for LLB

Semester 3

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW301	Constitutional Law-I	4	0	0	4	70	30	0	100	
25LW302	Property Law	4	0	0	4	70	30	0	100	
25LW303	Drafting, Pleading & Conveyancing	4	0	0	4	70	30	0	100	
25LW304	Private International Law	4	0	0	4	70	30	0	100	
25LW305	Women and Criminal Law	4	0	0	4	70	30	0	100	
Total		4	0	0	20	350	150	0	500	

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Detailed Syllabus

CONSTITUTIONAL LAW-I

Code: 25LW301

Max Marks: 70

Course Objectives: This paper aims to: (i) provide an understanding of basic concepts of the Indian Constitution and various organs created by the Constitution and their functions; and (ii) undertake elaborate discussions on the preamble, constitutionalism, and constitutional organs to develop interpretive skills in understanding every aspect of the Constitution.

UNIT I: Meaning and Concept of Constitution and Constitutionalism (10 Hrs)

- a. Definition of Constitution, Constitutionalism, and its Classification
- b. Sources and Framing of the Indian Constitution
- c. Preamble
- d. Salient features of the Indian Constitution
- e. Is the Indian Constitution Federal in nature?

UNIT II: Constitutional Organs of the Government (10 Hrs)

- a. Parliament
 - i. Composition
 - ii. Parliamentary Sovereignty
 - iii. Parliamentary Privileges
- b. Executive Power: Position and Power of President and Governor
- c. Judiciary
 - i. Jurisdiction of the Supreme Court and High Courts
 - ii. Appointment and Independence of Judiciary

UNIT III: Distribution of Powers between Union and States (10 Hrs)

- a. Legislative Relations between the Union and the States
- b. Administrative Relations between Union and the States
- c. Financial Relations between the Union and the States
- d. Relevant Doctrines:
 - i. Territorial Nexus
 - ii. Harmonious Construction
 - iii. Pith and Substance
 - iv. Doctrine of Repugnancy
 - v. Colourable Legislation

UNIT IV: Emergency, Amendments and Freedom of Trade and Commerce, etc. (10 Hrs)

- a. Freedom of Trade, Commerce, and Intercourse
- b. Emergency Provisions: Articles 352- 360
- c. Amendment of Constitution
 - i. Procedure of Amendment of the Constitution
 - ii. Doctrine of Basic Structure

Text Books:

1. V. N. Shukla, Constitution of India, Eastern Book Agency, Lucknow, 2017 (13th Ed).
2. M. P. Jain, Indian Constitutional Law, Lexis Nexis, New Delhi, 2018.

References:

1. D. D. Basu, Introduction to the Indian Constitution of India, Prentice Hall of India Private Ltd., New Delhi, 2019.
2. H. M. Seervai, Constitutional Law of India, Universal Law Publishing Co., Delhi, 2016.
3. Glanville Austin, Indian Constitution-Corstone of the Nation, Oxford University Press, UK, 1999.
4. P. M. Bakshi, The Constitution of India, Universal Law Publishing Co., Delhi, 2015.

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PROPERTY LAW

Code: 25LW302

Max Marks: 70

Course Objectives: The objective of Property Law is to provide a clear understanding of principles and doctrines relating to the transfer and ownership of immovable property. It aims to equip students with skills to interpret and apply laws like the Transfer of Property Act, understand leases, gifts, and mortgages, and analyze property-related legal issues. The course also familiarizes students with drafting basic property documents and prepares them to deal with contemporary challenges in property law.

UNIT I: Concept of Property and General Principles Relating to Transfer of Property (12 Hrs)

- a. Concept of property: distinction between movable and immovable property
- b. Definition clause: Immovable property, Attestation, Notice, Actionable claim
- c. Definition of transfer of property (Sec. 5)
- d. Transfer and non-transfer property (Sec. 10-12)
- e. Transfer to an unborn person and rule against perpetuity (Sec. 13, 14)
- f. Vested and Contingent interest (Sec. 19 & 21)
- g. Rule of Election (Sec. 35)

UNIT II: General Principles Governing Transfer of Immoveable Property (12 Hrs)

- a. Transfer by ostensible owner
- b. Rule of feeding the grant by estoppel
- c. Rule of Lis Pendens
- d. Fraudulent transfer
- e. Rule of part performance
- f. Vested and contingent interest
- g. Conditional transfer

UNIT III: Specific Transfers (10 Hrs)

- a. Sale and gift
- b. Mortgage and charge
- c. Lease and Licence

UNIT IV: Easement Act (06 Hrs)

- a. Object and main provisions of the Easement Act

Acts:

1. The Transfer of Property Act, 1882
2. The Indian Easement Act, 1882

Text Books:

1. Mulla, Transfer of Property Act, 1999, Universal Delhi
2. Subba Rao, Transfer of Property Act, 1994, Subbiah Chetty, Madras
3. V. P. Sarathy, Transfer of Property, 1995 Eastern Book Co.
4. T. P. Tripathi, Transfer of Property Act, 2007
5. S. N. Shukla, Transfer of Property Act, 2007

Reference Books:

1. "Indian Property & Real Estate Law for A Common Man" by Sree Krishna Seelam
2. "Transfer of Property Act" commentary by Mulla
3. "Property Law" by R. K. Sinha
4. "Property Law" course e-book by Surbhi Aggarwal
5. "Guide on Benami Law" by Raj Kumar

DRAFTING, PLEADING, AND CONVEYANCING

Code: 25LW303

Max Marks: 70

Course Objectives: This course aims at helping students: (i) to enhance their legal drafting skill which is one of the most intellectually demanding of all skills lawyers require; (ii) focus on the theory of effective drafting guidelines; (iii) emphasis on relevant formats to assist in understanding practical application of concepts and develop necessary skills for drafting legal documents; and (iv) to enable students to understand practical defects and difficulties in the legal drafting through critical assessment, scrutiny of documents and survey of cases.

UNIT I: Fundamental Pleadings

(10 Hrs)

- a. Pleadings (Order 6 CPC)
- b. Complaint Structure
- c. Written Statement and Affidavit
- d. Difference between Writ, Complaint, and Written Statement
- e. Fundamental Rules of Drafting
- f. Application under Section 5 of the Limitation Act
- g. Application for Setting aside ex parte Decree
- h. Application for execution
- i. Application for caveat section 148A of CPC
- j. Application for Compromise of Suit
- k. Writ Petitions

UNIT II: Civil Pleadings

(10 Hrs)

- a. Suit for Recovery under Order XXXVII of CPC
- b. Suit for Permanent Injunction
- c. Suit for Dissolution of Partnership
- d. Petition for dissolution of Marriage
- e. Application for Temporary Injunction Order XXXIX of CPC
- f. Appeal from Original Decree under Order 41 of CPC
- g. Revision Petition
- h. Review Petition

UNIT III: Criminal Pleadings

(10 Hrs)

- a. Application under Section 156 CRPC
- b. Application for Bail
- c. Application under Section 125 CRPC
- d. Compounding of Offences by Way of Compromise under Section 320 (i) CRPC
- e. Complaint under Section 138, Negotiable Instruments Act, 1881
- f. Application under Section 482, CRPC

UNIT IV: Conveyancing

(10 Hrs)

- a. Notice to the Tenant under Section 106 of the Transfer of Property Act
- b. Notice under Section 80 of CPC
- c. Notice for Specific Performance of Contract
- d. Reply to Notice
- e. General Power of Attorney
- f. Special Power of Attorney
- g. Will
- h. Agreement to SELL
- i. Sale-Deed
- j. Lease-Deed
- k. Partnership Deed
- l. Mortgage Deed
- m. Relinquishment Deed
- n. Deed of Gift

Model Drafts

- i. Petition for Grant of Probate / Letters of Administration
- ii. Application for Appointment of Receiver/Local Commissioner

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- i. Application for Appointment of Guardian
- ii. Application to Sue as an Indigent Person under Order 33 CPC
- iii. Appeal from orders under order 43 of CPC
- iv. Appeal from appellate decree
- v. Reference to Arbitration and Deed of Arbitration

PSDA (Professional Skill Development Activities)

(1 Hr/Week)

- ❖ Drafting of Different types of Legal documents and Deeds, etc.
- ❖ Drafting of Notices
- ❖ Scrutiny of Documents
- ❖ Survey of Cases due to Drafting Defects

Text Books:

1. N.S. Bindra, Conveyancing, Draftsman and Interpretation of Dates, Delhi Law House, Delhi, 1985
2. G.C. Mogha & S. N. Dhingra, Mogha's Law of Pleading in India with Precedents, Eastern Law House, Delhi, 2013(18th Edn.)

References:

1. R.N. Chaturvedi, Conveyancing, Eastern Book Company, Lucknow, 2011 (7th Edn.)
2. G.C. Mogha, Indian Conveyancer, Dwivedi Law, Allahabad, 2009 (14th Edn.)
3. C. R. Datta & M.N. Das, D'Souza's Form and Precedents of Conveyancing, Eastern Law House, Delhi, 2008 (13th Edn.)
4. Rodney D. Ryder, Corporate and Commercial Agreements Drafting Guidelines, Forms and Precedents, Universal Law Publishers, New Delhi, 2011
5. MC Agarwal & GC Mogha, Mogha's Pleading, EBC, Lucknow, 2017 (Latest Edn.)
6. KS Gopalakrishnan's Pleadings and Practice, ALT Publications, Hyderabad, 2014

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PRIVATE INTERNATIONAL LAW

Code: 25LW304

Max Marks: 70

Course Objectives: The objective of this course is to: (i) study the basic principles governing conflict of laws in their application to various situations; (ii) understand the difference in public and private international law and its area of operation; (iii) appreciate the effects of legal decisions taken in different jurisdictions into other jurisdictions; (iv) deeper understanding among students about the selection and the application of relevant legal system wherein foreign parties/laws are involved.

UNIT I: Introduction

(10 Hrs)

- a. Application and Subject Matter of Private International Law
- b. Distinction with Public International Law
- c. Characterization and Theories of Characterization
- d. Concept of Renvoi
- e. Application of Foreign Law
- f. Domicile
- g. Jurisdiction of Courts

UNIT II: Family Law Matters

(10 Hrs)

- a. Material and Formal Validity of Marriage under Indian and English Law
- b. Choice of Law and Jurisdiction of Courts in Matrimonial Causes: Dissolution of Marriage, Grounds of Divorce, Restitution of Conjugal Rights, Recognition of Foreign Judgments

UNIT III: Adoption

(10 Hrs)

- a. Recognition of Foreign Adoptions
- b. Adoption by foreign Parents,

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- c. Jurisdiction under Indian and English Law

UNIT IV: Indian Law relating to Foreign judgement

(10 Hrs)

- a. Basis of recognition, recognition
- b. Finality, Failure
- c. Direct Execution of Foreign Decrees

Text Book:

1. Cheshire, Private International Law, Oxford University Press, 2008 (14th Edn.)

References:

1. Dr. Paras Diwan, Private International Law, Deep and Deep Publication, 1998 (4th Edn.)
2. Morris, Private International Law, Sweet and Maxwell, 2012
3. Lakshmi Jambholkar, Select Essays on Private International Laws, Universal Law Publishing, 2011

List of Cases:

1. *Udny v. Udny* (1869) LR 1 SC & Div 441
2. *Kedar Pandey v. Narayan Vikram*, AIR 1966 SC 160
3. *Sankar Govinadan v. Lakshmi Bharati*, AIR 1974 SC 1774
4. *Loicis De Raedt v. Union of India*, AIR 1991 SC 1886
5. *Ogden v. Ogden* (1908) LRP 492
6. *Khambatta v. Khambatta*, AIR 1935 Bom 5
7. *Sarla Mudgal v. Union of India* AIR 1995 SC 1531
8. *Parwatawwa v. Channawwa*, AIR 1966 Mys 100
9. *Narasimha Rao v. Venkatalakshmi* (1991) 3 SCC 451
10. *Anoop Beniwal v. Jagbir Singh Beniwal*, AIR 1990 Delhi 305
11. *Lakshamma v. Thayamma*, AIR 1974 AP 255
12. *Pires v. Pires* AIR 1967 Goa 113
13. *My Space v. Super Cassettes Industries*, [236 (2017) DLT 478]
14. *Shaligram v. Firm Daulat Ram Kundanwal*, AIR 1967 SC 739

Code: 25LW305

Max Marks: 70

Course Objectives: The objective of the course is to (i) expose students to the complex and multidisciplinary - social, political, economic, religious and legal problems women face in a male dominated society with focus on the issues specific to India; (ii) develop a critical understanding of the historical discrimination and victimization of women; (iii) make them to critically appreciate rights and protection provided for the women in the Constitution and in various laws and schemes - personal and general; and (iv) sensitize students on gender issues, to introspect on their attitudes and beliefs and question the gender discrimination.

UNIT I: Women and Constitution

(10 Hrs)

- a. Status of Women in India
 - i. Women in India during different periods: Vedic Period, Post Vedic Period, Medieval Period, British Period, Post Independent India
- b. Women under different religions
 - i. Women in Hindu Religion
 - ii. Women in Islam
 - iii. Women in Christianity
 - iv. Women in Parsi Religion
- c. International Instruments on Rights of Women
 - i. Introduction
 - ii. Preamble of United Nations Charter

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- iii. Convention on the Political Rights of Women, 1953
- iv. Convention on the Nationality of Married Women, 1957
- v. Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, 1962
- vi. Convention on Elimination of All Forms of Discrimination against Women, 1979
- vii. Format of the Convention
- viii. Reservations
- ix. Optional Protocol
- x. Declaration on Elimination of Violence against Women, 1993
- xi. Other Instruments
- d. Women and Constitution of India
 - i. Preamble,
 - ii. Equality Provisions and Fundamental Rights i
 - iii. Equality and Directive Principles of State Policy
 - iv. Fundamental Duties related to Equality 151
 - v. Panchayat, Cooperative Societies, Reservation of seats: 73rd and 74th Constitutional

UNIT II: Women and Personal Laws

(10 Hrs)

- a. Inequality Provisions Pertaining to Divorce and Guardianship between Men and Women
- b. Inequality Provisions Pertaining to Adoption and Maintenance
- c. Inequality Provisions Pertaining Inheritance
- d. Uniform Civil Code
 - i. Historical Background and Constitutional aspect
 - ii. Uniform civil code and women under personal laws
 - iii. Judicial Trends
 - iv. Compulsory registration of Marriages
 - v. Opinion of the Law Commission

UNIT III: Women and Law of Crimes

(10 Hrs)

- a. Laws related to adultery
 - i. Historical Perspective
 - ii. Scenario Prior to the Joseph shine Judgment
 - iii. Analysis of Joseph Shine
 - iv. Union of India
- b. Rape related Laws
 - i. Meaning, Scope, Judicial pronouncements
 - ii. Notable Changes in Rape laws after 2013
 - iii. Difference between Rape and Attempt to Rape
 - iv. Observation of Judiciary with Special Reference to Character of Victim
- c. Outraging the modesty of Women
 - i. Section 509 and Section 354 of IPC
 - ii. What constitute outraging Modesty of women
 - iii. Related Case Laws

UNIT IV: Women and Special Enactments/Legislations

(10 Hrs)

- a. The Immoral Traffic (Prevention) Act, 1956
 - i. The Scheme of the act
 - ii. Important Provisions
 - iii. Recent Developments
- b. Sexual Harassment at Work Place
 - i. Position before the Act
 - ii. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
 - iii. Recent Litigations
 - iv. IPC on Sexual Harassment
- c. Domestic Violence
 - i. Definition, Meaning, Type and Effects of Domestic Violence
 - ii. Important provisions and Related Case Laws
- d. Government Schemes Related to Women in India
 - i. Introduction

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- ii. National Perspective Plan for Women 1988 – 2000, Support to Training and Employment Programme for Women (STEP), Rashtriya Mahila Kosh – (National Credit Fund for Women), Indira Gandhi Matritva Sahyog Yojana (IGMSY) – Conditional Maternity Benefit (CMB) Scheme, SWADHAR (A Scheme for Women in Difficult Circumstances), Mother and Child Tracking System (MCTS), Pradhan Mantri Matritva Vandana Yojana (PMMVY), Rajiv Gandhi Scheme for Empowerment of Adolescent Girls – Sabla, Mahila E-haat, Beti Bachao Beti Padhao Scheme (BBBP. One Stop Centre Scheme (OSC), Working Women Hostels, Swayamsiddha Scheme, Development of Women and Children in Rural Areas (DWCRA), Nai Roshni, Digital Gender Atlas, Nand-Ghar Yojan.

PSDA (Professional Skill Development Activities)

(1 Hr/Week)

- ❖ Visit to Tripura State Commission for Women (TSCW)
- ❖ Write judgement analysis
- ❖ Write a research paper

Text Books:

1. Mamta Rao, Law Relating to Women and Children, EBC, Delhi, 2019
2. Shivani Goswami & Neelu Mehra, Women & Law, Satyam Law Internationals, Delhi, 2020
3. Lalita Dhar Parihar, Women and Law, Eastern Book Company, Delhi, 2016

References:

1. Monica Chawla. Gender Justice Women and Law in India. New Delhi : Deep & Deep Publications Pvt. Ltd., 2006
2. Flavia Agnes, Women and law in India, Oxford, 2016
3. Dr S.C. Tripathi and Vibha Arora, Law Relating to Women & Children, Central Law Publications, Allahabad, 2017
4. Dr Anjani Kant, Law Relating to Women and Children, Central Law Publications, Allahabad, 2020
5. Dr SC Tripathi, Women and Criminal Law, Central Law Publications, Allahabad, 2014

List of Cases:

1. *Indian Young Lawyers Association v. State of Kerala*, 2018 SCC OnLine SC 1690
2. *Joseph Shine v. Union of India*, 2018 SCC OnLine SC 1676
3. *Gita Hariharan v. Reserve Bank of India*, AIR 1999 SC 1149
4. *Vineeta Sharma v. Rakesh Sharma and Others*, SLP Nos. 17661767 of 2020
5. *Mohd. Ahmed Khan v. Shah Bano Begum*, (1985) 2 SCC 556
6. *Shayara Bano v. Union of India and others*, 1985 (2) SCC 556.
7. *Danial Latifi v. Union of India* (2001) 7 SCC 740
8. *Vishaka and Others v. The State of Rajasthan*, AIR 1997 SC 3011
9. *Sarla Mudgal v. Union of India*, 1995 AIR 1531
10. *Air India v Nargesh Mirza*, (2011) 11 SCC 538

Theory Paper

Total: 100 Marks
External: 70 Marks
Internal: 30 Marks

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External: 70 Marks

10 Question (MCQ): 1 mark each (1x10 = 10)
Answer any 10 out of 12 (Short 50-70 Words): 3 marks each (3x10 = 30)
Answer any 6 out of 8 (Long 100-120 Words): 5 marks each (5x6 = 30)

Internal: 30 Marks

Two Internal Assessment Examinations will be conducted, each carrying 50 marks. The average of the two scores will be considered and scaled to 15 marks for the final assessment. Additionally, 5 marks will be allotted for assignments submitted, 5 marks for attendance, and 5 marks for general proficiency, making a total of 30 internal assessment marks.

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Syllabus for LLB

Semester 4

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW401	Constitutional Law-II	4	0	0	4	70	30	0	100	
25LW402	Code of Civil Procedure and Limitation Act	4	0	0	4	70	30	0	100	
25LW403	Professional Ethics & Professional Accounting System	4	0	0	4	70	30	0	100	
25LW404	Human Rights Laws & Practice	4	0	0	4	70	30	0	100	
25LW405	Criminal Psychology	4	0	0	4	70	30	0	100	
25LW491	Moot Court Exercise I	0	0	4	4	0	30	70	100	
Total					24	350	180	70	600	

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Detailed Syllabus

CONSTITUTIONAL LAW-II

Code: 25LW401

Max Marks: 70

Course Objectives: This paper aims to: (i) orient students on constitutional rights and duties, including expansive judicial interpretation of various rights, enforcement, and remedies for their violations; (ii) enable students to critically appreciate the interface between fundamental rights and directive principles of state policies; and (iii) develop rational thinking while dealing with the various Constitutional issues.

UNIT I: Fundamental Rights – I

(12 Hrs)

- a. Evolution of the Concept of Fundamental Rights
- b. Definition of 'State' for Enforcement of Fundamental Rights: Justifiability of Fundamental Rights, Doctrine of Eclipse, Severability, Waiver
- c. Right to Equality (Articles 14-18): Doctrine of Reasonable Classification and the Principle of Absence of Arbitrariness, Legitimate Expectations, Principle of Compensatory Discrimination
- d. Fundamental Freedom (Article 19): Freedom of Speech and Expression, Freedom of Press, Judicial Interpretation of Article 19; Reasonable Restrictions (Article 19 clause (2) to (6))

UNIT II: Fundamental Rights – II

(15 Hrs)

- a. Right to Life and Personal Liberty (Articles 20-22): Scope and Content
- b. Right to Education (Article 21A): RTE Act, 2009
- c. Right against Exploitation (Articles 23-24): Forced Labour, Child Employment, and Human Trafficking
- d. Freedom of Religion (Articles 26-28)
- e. Educational Rights of Minorities (Articles 29-30)

UNIT III: Right to Constitutional Remedies

(07 Hrs)

- a. Article 32 and Article 226
- b. Writ Jurisdiction, Its Genesis
- c. Writs: *Habeas Corpus*, *Mandamus*, *Certiorari*, Prohibition, and *Quo Warranto*
- d. Public Interest Litigation

UNIT IV: Directive Principles and Fundamental Duties

(06 Hrs)

- a. Nature and Justifiability of the Directive Principles of State Policies
- b. Detailed Analysis of Directive Principles (Articles 37-51)
- c. Fundamental Duties

Text Books:

1. V.N. Shukla, Constitution of India, Eastern Book Agency, Lucknow & Delhi, 2017.
2. M.P. Jain, Indian Constitutional Law, Lexis Nexis. New Delhi, 2018.

References:

1. D.D. Basu, Introduction to the Indian Constitution of India, Prentice Hall of India Private Ltd., New Delhi, 2019.
2. H. M. Seervai, Constitutional Law of India, Universal Law Publishing Co., Delhi, 2016.
3. Glanville Austin, Indian Constitution: Cornerstone of the Nation, Oxford University Press, UK, 1999.
4. P.M. Bakshi, The Constitution of India, Universal Law Publishing Co., Delhi, 2015.

CODE OF CIVIL PROCEDURE AND LIMITATION ACT

Code: 25LW402

Max Marks: 70

Course Objectives: The paper aims to (a) familiarize the students with the various stages involved in a civil case. This paper will acquaint the students with drafting plaints, written statements, Interlocutory applications, etc., involved in civil cases, which will further enhance their skills of argument. (b) Make them aware of the nuances of suit filing, rules as to pleadings, specific requirements of plaint and written statements, counter-claims. (c) Develop understanding of some crucial concepts like res judicata, res subjudice, inherent powers of courts, and jurisdiction, which are sine qua non for proceeding with civil matters before the courts. (d) Consolidate a code relating to the procedure which is to be followed by the Court of Civil Judicature (e) Facilitate justice and adopt a law relating to the procedure followed by the civil courts.

UNIT I: Introduction

(08 Hrs)

- a. Definitions: Decree, Judgement, Order, Foreign Court, Foreign Judgement, Mesne-Profits, Affidavit, Suit, Plaint, Written Statement
- b. Important Concepts: Res Sub-Judice, Res Judicata, Restitution, Caveat, Inherent Powers of Courts
- c. Execution of Judgement and Decree

UNIT II: Initial Steps in a Suit

(10 Hrs)

- a. Jurisdiction and Place of Suing
- b. Institution of Suit
- c. Pleadings: Meaning, Object, General Rules, Amendment of Pleadings
- d. Plaint and Written Statement
- e. Appearance and Non-Appearance of Parties
- f. Discovery and Inspection

UNIT III: Interim Orders

(10 Hrs)

- a. Commissions
- b. Receiver
- c. Temporary Injunctions
- d. Summary Procedure
- e. Suits by Indigent persons
- f. Inter-pleader Suit

UNIT IV: Appeal, Reference, Review, Revision, and Limitation Act, 1963

(12 Hrs)

- a. Appeals from Original Decree
- b. Appeals from Appellate Decrees
- c. General Provisions relating to Appeals
- d. Reference to High Court
- e. Review
- f. Revision
- g. Limitation Act
 - i. Procedural Law: Section 5 Condonation of Delay, Section 6-9 Legal Disability, Section 14-15 Exclusion of Time of Proceeding in Good Faith in Wrong Court, Section 18-19 Acknowledgement
 - ii. Substantive Law: Section 25 Law of Prescription and Section 27 Adverse Possession, Section 29 Saving Clause

PSDA (Professional Skill Development Activities)

(1 Hr/Week)

- ❖ Guest Lecture by Advocate
- ❖ Judgment Writing Competition
- ❖ Court Visit

Text Books:

1. Code of Civil Procedure, 1908
2. C. K. Takwani, Civil Procedure with Limitation Act, Eastern Book Company, Lucknow & Delhi, 2017 (8th Edn.)
3. Mulla, Code of Civil Procedure, Lexis Nexis, India 2017, (19th Edn.)
4. Sarkar, Code of Civil Procedure, Lexis Nexis, India, 2016, (12th Edn.)

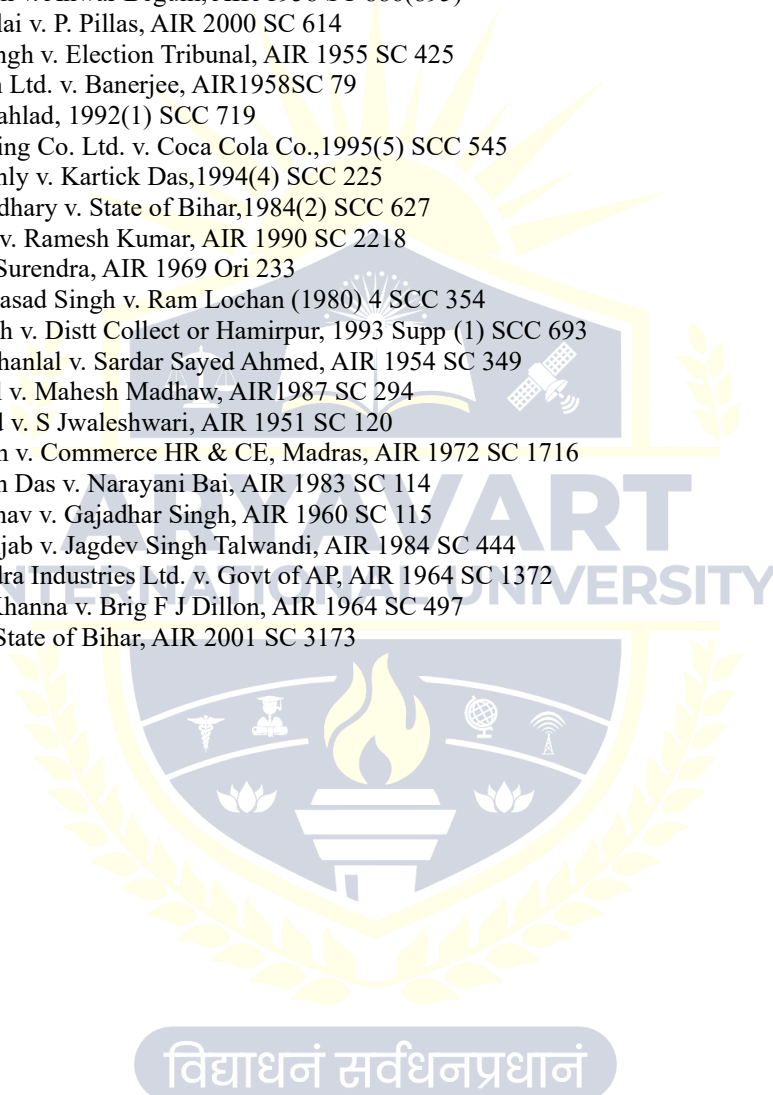
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References:

1. M. R. Mallick & Sukumar Ray Ganguly's Civil Court, Practice and Procedure, Eastern Law House, Delhi, 2016 (14th Edn.)
2. S. K. Raghuvanshi (ed.), Tandon's Code of Civil Procedure, Pioneer Printers, Delhi, 2016

List of Cases:

1. Topan Das v. Gorakhram, AIR 1964 SC 1348
2. Dhulabhai v. State of H.P., AIR 1969 SC 78
3. Premier Automobile v. Kamlakar, 1976(1) SCC 496
4. Rajasthan State Road Transport Corpn. v. Krishna Kant, 1995(5) SCC 75
5. Pandurang V/s Shantibai, AIR 1989 SC 2240
6. Workmen C.P. Trust v. Board of Trustees, 1978(3) SCC 119
7. Razia Begum v. Anwar Begum, AIR 1958 SC 886(895)
8. B. K. N. Pillai v. P. Pillas, AIR 2000 SC 614
9. Sangram Singh v. Election Tribunal, AIR 1955 SC 425
10. Martin Burn Ltd. v. Banerjee, AIR 1958 SC 79
11. Dalpat v. Prahlad, 1992(1) SCC 719
12. Gujrat Battling Co. Ltd. v. Coca Cola Co., 1995(5) SCC 545
13. Morgan Stanley v. Kartick Das, 1994(4) SCC 225
14. Bihari Chordhary v. State of Bihar, 1984(2) SCC 627
15. Raj Duggal v. Ramesh Kumar, AIR 1990 SC 2218
16. Judhistir v. Surendra, AIR 1969 Ori 233
17. Mahadeo Prasad Singh v. Ram Lochan (1980) 4 SCC 354
18. Shyam Singh v. Distt Collect or Hamirpur, 1993 Supp (1) SCC 693
19. Manilal Mohanlal v. Sardar Sayed Ahmed, AIR 1954 SC 349
20. Shivraj Patil v. Mahesh Madhaw, AIR 1987 SC 294
21. Sarju Parsad v. S Jwaleshwari, AIR 1951 SC 120
22. T D Gopalan v. Commerce HR & CE, Madras, AIR 1972 SC 1716
23. Madhusudan Das v. Narayani Bai, AIR 1983 SC 114
24. Radha Madhav v. Gajadhar Singh, AIR 1960 SC 115
25. State of Punjab v. Jagdev Singh Talwandi, AIR 1984 SC 444
26. Thungabhadra Industries Ltd. v. Govt of AP, AIR 1964 SC 1372
27. Major S S Khanna v. Brig F J Dillon, AIR 1964 SC 497
28. Anil Rai v. State of Bihar, AIR 2001 SC 3173



PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

Code: 25LW403

Max Marks: 70

Course Objective: The Course has been designed to acquaint the student of Law with Professional Ethics and Professional Etiquette, which are essential for an advocate to observe while at the Bar. Accountability and transparency are imperative to the profession. Besides, the conducive and cordial Bar-Bench relations can send a positive message about the richness of the Legal profession. With this background cue, the course aims to develop insights into the students about the professional parameters.

UNIT I: Admission, Enrolment & Rights of Advocate **(08 Hrs)**

- a. Importance of Legal Profession.
- b. Persons who may be admitted as advocates on a State roll.
- c. Disqualification for enrolment
- d. Rights of Advocates
- e. State Bar Councils
 - i. Establishment and Organization
 - ii. Powers and Functions
- f. Bar Council of India
 - i. Organization
 - ii. Powers and Functions

UNIT II: Ethics of Legal Profession **(08 Hrs)**

- a. Meaning, Nature, and Need
- b. Duty to the Client

UNIT III: Punishment for Professional or Other Misconduct **(08 Hrs)**

- a. Professional or other Misconduct- Meaning and Scope
- b. The Body or Authority empowered to punish for professional or other misconduct.
 - i. State Bar Council and its disciplinary committee
 - ii. Bar Council of India- and its disciplinary committee
- c. Complaint against advocates and the procedure to be followed by the Disciplinary Committee.
- d. Remedies against the order of punishment.

UNIT IV: Bench-Bar Relation **(08 Hrs)**

- a. Role of Judge on Maintaining Rule of Law
- b. Mutual Respect
- c. Maintenance of an orderly society
- d. Invaluable aid of advocates to Judges
- e. Privilege of Advocates
- f. Duty to avoid interruption of Council
- g. Administration of Justice, clean & Pure
- h. Uncourteous conduct, Misconduct of lawyers, and Insulting Language.

UNIT V: Meaning and Categories of Contempt of Court **(08 Hrs)**

- a. Contempt of Court- Its meaning and Nature
- b. Kinds of Contempt
 - i. Criminal Contempt
 - ii. Civil Contempt
- c. Contempt by Lawyers
- d. Contempt by Judges, Magistrates or other persons acting judicially
- e. Contempt by State, Corporate bodies & other officers

Books & References:

1. J.P.S. Sirohi: Professional Ethics, Lawyer's Accountability, Bench-Bar Relationship.
2. Kailash Rai: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation
3. S.R. Myneni: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation
4. P. Jaganathan, Usha Jaganathan, and J.P. Arjun: Professional Ethics & Professional Accounting System
5. Davis Panadan: Professional Ethics & Professional Accounting System

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HUMAN RIGHTS LAWS & PRACTICE

Code: 25LW404

Max Marks: 70

Course Objectives: This course aims to (a) understand the basic principles and elements of Human Rights law, (b) analyse and interpret Human Rights contractual terms, including contractual legal jargon, (c) identify and assess the validity of different types of Human Rights Law i.e., International Human Rights Law and National Human Rights Law, (d) Evaluate the consequences of breaching a contract and assess available remedies, and (e) Understand the role of statutory provisions and case law in Human Rights Law interpretation.

UNIT I: Introduction (10 Hrs)

- a. Nature
- b. Origin and Evolution
- c. Development of Human Rights Regime

UNIT II: International Human Rights Law (10 Hrs)

- a. U N Charter
- b. UDHR
- c. Covenants of 1966
- d. Optional Protocols

UNIT III: National Human Rights Law (10 Hrs)

- a. Constitutional Provisions
- b. Fundamental Rights
- c. Directive Principles of State Policy
- d. Human Rights Act. 1993
- e. NHRC: Composition, Powers and Functions
- f. Role of State HRC, NCW, NCM, SC/ST Commission
- g. Role of Civil Societies and Media

UNIT IV: Group Rights (10 Hrs)

- a. Prisoners
- b. Women and Children
- c. Indigenous People
- d. Disabled
- e. Senior Citizen
- f. Refugees

Text Books:

1. D. D. Basu, Human Rights in Constitutional Law, Lexis Nexis, 2008 (3rd Edn)
2. Upendra Baxi, The Future of Human Rights, Oxford University Press, 2012 (3TM Edn)

References:

1. Thomas Buergenthal, International Human Rights in a Nutshell, West Publishing Company, 2009 (4th Edn)
2. Henry Steiner & Philip Alston, International Human Rights in Context: Law, Politics, Morals: Text and Materials, Oxford University Press, 2008
3. S. K. Kapoor, International Law and Human Rights, Central Law Agency, 2014
4. M. K. Sinha, Implementation of Basic Human Rights, Lexis Nexis, 2013

CRIMINAL PSYCHOLOGY

Code: 25LW405

Max. marks: 70

Course Objectives: The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human Behaviour, particularly deviant Behaviour. The objective of the course is to provide an in-depth understanding of crime causation and its prevention. Advancements in the science of psychiatry and sociology have changed the understanding of criminology as a science. At the end of the course, students would be able to understand the causation of crime in a better scientific and rational manner.

UNIT I: Crime, Criminal and Criminology

(10 Hours)

- a. What is crime? Who is the criminal?
- b. What is Criminology?
- c. Schools of Criminology -
 - i. The Pre-Classical School
 - ii. The Classical School
 - iii. Neo-Classical School
- d. Positivist Approach - Radical Positivism and Liberal Positivism
 - i. Cesare Lombroso
 - ii. Enrico Ferri
 - iii. Raffaele Garofalo
 - iv. Gabriel Tarde

UNIT II: Psychology and Crime

(10 Hours)

- a. Meaning, purpose, and scope of criminal psychology
- b. Psychological vs. Psycho - analytical approach to crime
- c. Behaviourist approach to crime
- d. Definition of criminal Behaviour - Psychodynamics of criminal Behaviour.
- e. Mental illness and crime
- f. Human aggression and violence in crime

UNIT III: Psychometric Test-Its Use in Criminal Behaviour

(10 Hours)

- a. Measurement of criminal Behaviour - Psychological test to measure criminal Behaviour
- b. Criminal profiling: Definition and process of profiling criminal personality
- c. Factors underlying criminal profiling
- d. Merit and demerit of criminal profiling

UNIT IV: Forensic Psychology-Concept and Importance

(10 Hours)

- a. Definition, meaning, and scope of forensic psychology
- b. Historical background of forensic psychology in India and abroad
- c. Role of forensic psychology in the investigation of crime
- d. Psychology and the police
- e. Application of psychology in court
- f. Application of psychology in prison

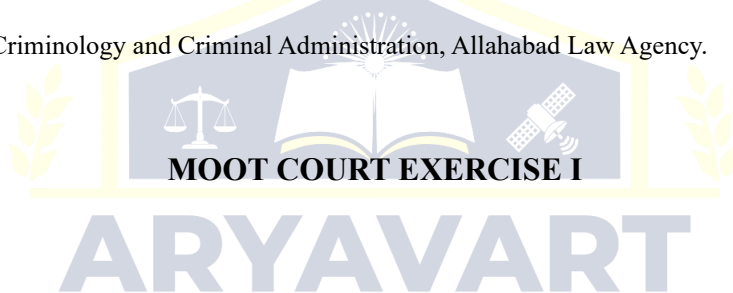
Text Books:

1. Akers, Ronald. L. and Sellers, Christin, S. (2004) Criminological Theories (4th Edition) Rawat Publication, New Delhi.
2. Void, George B., Bernard Thomas J., and Snipes, Jeffrey B. (2002), Theoretical Criminology, Oxford University Press, Oxford.
3. Siegel, L.J (2003) Criminology, (8th Edition) Wadsworth, USA.
4. Schmallegger Frank, Criminology Today, (1996) Prentice Hall, New Jersey.
5. Dennis Howitt, 2002, Forensic and Criminal Psychology, Prentice Hall.

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References:

1. Encyclopedia of Criminal and Deviant Behaviour, 2001, Clifton D. Part, Editor-in-Chief, Brunner Routledge Taylor and Frances Group.
2. Bartal, Curt R., 1999, Criminal Behaviour: A Psychosocial Approach, 5th edition, Prentice Hall, New Delhi.
3. Hollin, Clive R Routledge and Kegan Paul, 1989, Psychology and Crime: Introduction to Criminal Psychology, London.
4. Dartmouth Aldershot, 1987, Criminal Detection and Psychology of Crime.
5. Harvard LPC Forensic Psychology, 1981, Professor of Clinical Psychology, University of Surrey, Batsford Academic and Educational Ltd., London.
6. Adman Raine, 1983, The Psychopathology of Crime, Criminal Disorder, Academic Press, Inc.
7. Navin Kumar (2015), Criminal Psychology, LexisNexis, New Delhi.
8. Shukla Girjesh, (2013), Criminology, LexisNexis, New Delhi.
9. McLaughlin Eugene and Newburn Tim (Ed) (2010), The Sage Handbook of Criminological Theory, Sage Publication Ltd, New Delhi.
10. Prof. N.V. Paranjape, Criminology and Penology with Victimology, Central Law Publications.
11. S.M.A. Qadri, Criminology and Penology, Eastern Book Company.
12. Dr. Krishna Pal Malik, Penology, Victimology, and Correctional Administration in India, Allahabad Law Agency.
13. J.P. Sirohi, Criminology and Criminal Administration, Allahabad Law Agency.



Code: 25LW491

Max Marks: 100

Course Objectives: The course aims to (a) develop students' written and oral advocacy skills, (b) enable them to conduct proper research to prepare written submissions and present briefs, (c) give guidance and practical training about the court practices and etiquette, and (d) familiarize students with the workings of an actual court

The course shall comprise the following:

- A. Moot Court:** The Maximum Marks for this Paper will be 100. Each student will do at least two Moot Courts in a Semester with 10 Marks each. The Moot Court work will be on an assigned problem and will be evaluated for 5 Marks for written submissions (to be recorded in the Sessional Diary) and 5 Marks for Oral Advocacy. **Guidelines:** For Moot Court, groups will be formed of 8/10 students and cases involving several issues shall be assigned in Court practice, i.e. Operation of Courts and legal professionals on the panel of the College / University may be sought, especially in the matter of getting copies of paper books of cases which have been decided by various Courts.

The Course shall emphasize points of Court craft and decorum. The male students shall wear white pants – shirt and a Black Tie, and female students shall wear a white dress with a black scarf while addressing a Moot Court and during their visits to the Court / Advocates' chambers and other practical training programmes.

Practice Moots shall be held as a routine in the class itself, and the three compulsory test Moots for examination shall be held after such practice Moots near the end of the semester. Attendance at such practice Moot Courts shall be counted. Each student shall be required to maintain a regular record of his / her preparation for all the Moot Courts attended by him/her in the Sessional Diary. **The Sessional Diary will carry 15 Marks (5 Marks for each Test Moot).**

- B. Court Assignments:** Observation of Trial in **Four Cases**, i.e., **Two Cases in Civil** and **Two in Criminal**. Each student will attend **Four Trial Courts during the Semester**. He/She will maintain a record of his / her visits in his / her Diary of Sessional Work and enter the various steps observed during his/her attendance on different days in the Court assignment. This Scheme will carry **25 Marks**.

C. Interviewing Techniques and Pre-Trial Preparation:

- i. Each student will observe for Interviewing Sessions of Clients at the Lawyer's Office / Legal Aid. Office and record the proceedings in the Diary of Sessional Work, which will carry **10 Marks**.

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- ii. Each student will further observe the preparation of documents and Court Papers by the Advocate and procedure for filing the Suit / Petition. This will be recorded in the Sessional Diary, which will carry **10 Marks**.

Guidelines: To make the training meaningful, students have to visit and be organized for a continuous period, sufficiently long to observe and understand the process taking place in their proper context. Efforts should be directed to acquaint the students with the different branches of legal practice, including **Civil, Criminal, Revenue, and Labour Court Practice**. Besides the legal Professionals on the College/University Panel, the students should regularly be supervised and helped by the subject teacher/tutor. It is desirable that, besides Advocates Chambers, the students are taken to the academic Family Court / Revenue Court / Income Tax & Sales Tax Offices and other venues where judicial administrative proceedings are held. The **Indian Law Institute, Parliament, Supreme Court, High Courts, Tribunals, etc.**, may be visited to make the training academically multifarious. This programme can be intellectually and professionally challenging if properly organized and integrated with the Curriculum.

- D. Viva-voce:** The **Fourth Component** of this Paper will be a **Viva-voce examination** by the **consensus of the Board of Practical/Viva-voce Examiners (Internal & External Examiners)** on the above three aspects. This will carry **10 Marks**.

Books Recommended:

1. Rai Kailash (Dr.), Moot Court, Pre-Trial Preparations & Participation in Trial Proceedings.
2. Awasthi S.K. (Prof.), Practical Training of Law, Moot Court & Viva-Voce.

Total: 100 Marks
External: 70 Marks
Internal: 30 Marks

External: 70 Marks

10 Question (MCQ): 1 mark each ($1 \times 10 = 10$)

Answer any 10 out of 12 (Short 50-70 Words): 3 marks each ($3 \times 10 = 30$)

Answer any 6 out of 8 (Long 100-120 Words): 5 marks each ($5 \times 6 = 30$)

Internal: 30 Marks

Two Internal Assessment Examinations will be conducted, each carrying 50 marks. The average of the two scores will be considered and scaled to 15 marks for the final assessment. Additionally, 5 marks will be allotted for assignments submitted, 5 marks for attendance, and 5 marks for general proficiency, making a total of 30 internal assessment marks.

विद्याधनं सर्वधनप्रधानं

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Syllabus for LLB

Semester 5

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW501	Administrative Law	4	0	0	4	70	30	0	100	
25LW502	Company Law	4	0	0	4	70	30	0	100	
25LW503	ADR: Arbitration, Mediation, and Conciliation	4	0	0	4	70	30	0	100	
25LW504	Competition Law	4	0	0	4	70	30	0	100	
25LW505	Law and Emerging Technology	4	0	0	4	70	30	0	100	
25LW591	Moot Court Exercise II	0	0	4	4	0	30	70	100	
Total					24	350	180	70	600	

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Detailed Syllabus

ADMINISTRATIVE LAW

Code: 25LW501

Max Marks: 70

Course Objectives: This paper aims to enable the students to (i) understand how administrative law relates to other areas of public law; (ii) apply advanced principles of administrative law in complex legal and factual situations; (iii) understand the scope and operation of delegated power in governance and its control mechanisms; (iv) critically evaluate government accountability for the exercise of public power; and (v) critically appreciate the practice of judicial review of administrative action by courts and tribunals.

UNIT I: Meaning and Concept of Administrative Law (10 Hrs)

- a. Nature, Scope, and Development of Administrative Law
- b. Relationship between Constitutional Law and Administrative Law
- c. Classification of Administrative Law
- d. Rule of Law and Administrative Law
- e. Separation of Powers and Its Relevance

UNIT II: Delegated Legislation, Constitutionality and Control Mechanism (10 Hrs)

- a. Meaning and Concept of Delegated Legislation
- b. Constitutionality of Delegated Legislation
- c. Control Mechanism
 - i. Parliamentary Control of Delegated Legislation
 - ii. Judicial Control of Delegated Legislation
 - iii. Procedural control of Delegated Legislation

UNIT III: Judicial Functions of Administration and Principles of Natural Justice (10 Hrs)

- a. Need for Devolution of Adjudicatory Authority on Administration
- b. Problems of Administrative Decision Making
- c. Nature of Administrative Tribunals: Constitution, Powers, Procedures, Rules of Evidence
- d. Principles of Natural Justice
 - i. Rule against Bias
 - ii. Audi Alteram Partem
 - iii. Speaking Order (Reasoned Decisions)

UNIT IV: Administrative Discretion and Judicial Control of Administrative Action (10 Hrs)

- a. Meaning and Concept of Administrative Discretion
- b. Judicial Review of Administrative Action and Grounds of Judicial Review
 - i. Abuse of Discretion
 - ii. Failure to Exercise Discretion
 - iii. Illegality, Irrationality, Procedure Impropriety
 - iv. Doctrine of Legitimate Expectations, Law of Estoppel
 - v. Evolution of Concept of Ombudsmen
 - vi. Lokpal and Lokayukta Act and other Anti-Corruption Bodies and their Administrative Procedures

PSDA (Professional Skill Development Activities) (1 Hr/Week)

- ❖ Application for seeking relief from the government, its agencies, and instrumentalities
- ❖ Writs (all five)
- ❖ Application before CCI, SEBI, and TRAI for filing cases
- ❖ Application for issuing a visa and cases of rejection of visas

Text Books:

1. I.P. Massey, Administrative Law, Eastern Book Company, Lucknow, 2020 (9th Ed).
2. C. K. Takwani, Lectures on Administrative Law, Eastern Book Company, Lucknow, 2014, (4th Ed).
3. S.P. Sathe, Administrative Law, Lexis Nexis Butterworths Wadhwa, Nagpur, 2004.

References:

1. H.W.R. Wade & C.F. Forsyth, Administrative Law, Oxford University Press, UK, 2000.
2. M.P. Jain & S.N. Jain, Principles of Administrative Law, Lexis Nexis, Delhi, 2013.

COMPANY LAW

Code: 25LW502

Max Marks: 70

Course Objectives: This course aims to: (i) equip the students to get in-depth knowledge of various concepts, principles, procedures and statutory authorities in accordance with current legal requirements and professional standards under the Companies Act and other associated statutes; (ii) Define and demonstrate the basic concepts, nature and Doctrines of Corporate Law and understand the minimum standard for formation & incorporation of company; (iii) classify and analyse the fundamental, sources and classification of corporate financing; and (iv) critically evaluate the concept of Corporate Social Responsibility and Corporate Liquidation, and analyse the role of NCLT and IBC for winding up company.

UNIT I: Incorporation and Formation of Company

(10 Hrs)

- a. Definition, Nature, and Concept of Corporate Personality
- b. Advantages and Disadvantages of Incorporation, lifting of the corporate veil
- c. Different Kinds of Companies: One-person Company, Foreign Company, Multinational, Transnational Corporations, Companies not for profit, Family business.
- d. Mode of Incorporation
 - i. Memorandum of Association
 - ii. Articles of Association
 - iii. Promotion, Incorporation, registration, commencement of the company
- e. Doctrines
 - i. Doctrine of Constructive Notice
 - ii. Doctrine of Indoor Management
 - iii. Doctrine of Ultra Vires

UNIT II: Corporate Financing

(10 Hrs)

- a. Prospectus and its Kinds
- b. Classification of Company Securities
- c. Shares and Share Capital - Concept, Nature and Kinds of Shares and Share Capital, Issue and Allotment of Shares.
- d. Debentures- Concept, Nature and Kinds, Debenture Bond, remedies of debenture holders.
- e. Transfer and Transmission of shares.
- f. Borrowing and Lending- Inter-Corporate Loans
- g. Financial Fraud- A Case Study of Vijay Mallya, etc.
- h. Fraudulent Practices to Finance Family Business in India: A Case Study of Nirav Modi, Yes bank etc.
- i. Role of Court to Protect Interests of Creditors and Shareholders, Class Action Suits, Derivative Actions, Shareholders' Rights- A Case Study of Tata Cyrus Mistry etc.

UNIT III: Company Management and Corporate Governance

(12 Hrs)

- a. Company Management- Position, powers, duties of directors, appointment of directors, and removal of directors.
- b. kinds of directors- Independent Director, Women Director.
- c. Company Meetings- Kinds of Company Meetings and Procedure.
- d. Majority Rule, Prevention of Oppression and Mismanagement
- e. Investor Protection
- f. Insider Trading- Concept of Insider Dealings and its Prohibition
- g. Corporate Fraud
- h. Accounts and Audit, powers, duties and liabilities of auditors, appointment and removal of auditors.
- i. Corporate Governance- Meaning, Need, Current Developments, Corporate Governance in India.

UNIT IV: Corporate Social Responsibility and Corporate Liquidation

(08 Hrs)

- a. Corporate Social Responsibility
 - i. Concept, Evolution and Emerging Trends of CSR
 - ii. CSR under Company Act
 - iii. Corporate legal liability - civil, criminal and environmental.
- b. Winding up of Company
 - i. Concept of winding up and Dissolution of Company
 - ii. Compulsory winding up of company
 - iii. Winding up of company under Insolvency and Bankruptcy Code 2016
 - iv. Role of NCLT/ NCALT in winding up

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- v. Consequences of winding up order, Role of Liquidator
- vi. Liability of past members, preferential payments, unclaimed dividends

PSDA (Professional Skill Development Activities)

(1 Hr/Week)

- ❖ Preparation of the document of the registration of a Company
- ❖ One class-based Moot Court competition
- ❖ Visit to a Corporate office

Text Books:

1. A. K. Majumdar & G. K. Kapoor, Company Law and Practice, Taxmann Publications Pvt. Ltd., Delhi, 2019 (24th Ed).
2. Avtar Singh, Company Law, Eastern Book Company, Lucknow, 2018 (17th Ed).
3. Saleem Sheikh & William Rees, Corporate Governance and Corporate Control, Cavendish Publishing Ltd., London, 1995.
4. Taxmann, Companies Act, Taxmann Publication Pvt. Ltd., New Delhi, 2019 (1st Ed).
5. Taxmann, A Comparative Study of Companies Act, Taxmann Publication Pvt. Ltd., New Delhi, 2013.
6. Paul L. Davies, Gower and Davies: Principles of Modern Company Law, Sweet & Maxwell, 2016 (10th Ed).
7. C. R. Datta, Datta on the Company Law, Lexis Nexis, Butterworths Wadhwa, 2017(7th Ed).
8. Ramaiya, Guide to the Companies Act, Lexis Nexis, Butterworths Wadhwa, 2015(18th Ed).

Reference Books:

1. Brenda Hannigan, Company Law, Oxford University Press, UK, 2018 (5th Ed).
2. C. A. Kamal Garg, Bharat's Corporate and Allied Laws, Bharat Law House Pvt. Ltd., Delhi, 2018 (8th Ed).
3. Dr. Charles Wild & Dr. Stuart Weinstein Smith and Keenan, Company Law, Pearson, London, 2009.
4. David Kershaw, Company Law in Context, Oxford University Press, UK, 2012.
5. Institute of Company Secretaries of India, Companies Act, 2013, CCH Wolters Kluwer Business (The Netherlands), Delhi, 2015.
6. J. P. Sharma, An Easy Approach to Corporate Laws, Ane Books Pvt. Ltd., New Delhi, 2015.
7. J. Charlesworth & Geoffrey Morse, Charlesworth and Morse, Company Law, Sweet & Maxwell, London, 1995.
8. Lexis Nexis, Corporate Laws, 2013 (Palmtop Edition).
9. L. C. B. Gower, Principles of Company Law, R. Cambray & Co. Pvt. Ltd., Kolkata, 1997.
10. Munish Bhandari, Professional Approach to Corporate Laws and Practice, Bharat Law House, Jaipur, 2018.
11. S. Kannal & V. S. Sowrirajan, Company Law Procedure, Taxman's Allied Services (P) Ltd., New Delhi, Year.
12. K. C. Garg, R. C. Chawla, Vijay Gupta: Company Law, Kalyani Publishers, New Delhi 2014.
13. V.S. Datey, Guide to Tax and Corporate Laws, Taxmann Publications Private Limited, Delhi, 2010.
14. M. C. Kuchhal, Modern Indian Company Law, Mahavir Publications, Delhi, 2015.
15. H. K. Saharay, Company Law; Universal Law Publishing Co., Delhi, 2016.

List of Cases:

1. Ganga Reddy v. MG-6 Wholesome Market (India) (P) Ltd. (2019) 4 Comp LJ 451 (NCLT)
2. Anant Rathi Commodities Ltd. v. Encore Natural Polymers (P) Ltd. (2019) 4 Comp LJ 508 (Bom).
3. Unitech Ltd. v. Registrar of Companies, Delhi and Haryana and Sunil Keswani (2019) 4 Comp LJ 537 (Del).
4. Atlas Cycles (Haryana) Ltd. and Ors. v. Vikram Kapur and Ors. (2019) Comp LJ 543 (NCLAT)
5. V.R.G. Healthcare (P) Ltd. and Ors. v. Ganesh Ramchandra Chakkarwar (2019) 4 Comp LJ 561 (NCLAT)
6. Shiv Kumar Agarwal v. Lal Chand Singhal and Moongipa Investments Ltd, and Others v. Lal Chand Singhal (2019) 4 Comp LJ 577 (NCLAT)
7. Man Industries (India) Ltd. v. State of Maharashtra (2019) 151 CLA 309 (Bom.)
8. SBI Global Factors Ltd. v. Official Liquidator of Minar International Ltd. (2019) 151 CLA 337 (Bom.)
9. Smity Golyan and Anr. v. Nulon India Ltd. and Ors. (2019) 151 CLA (Snr.) 5 (NCLAT)
10. Manoj Bathla and Ors. v. Vishwanath Bathla and Anr. (2019) 151 CLA (Snr.) 5 (NCLAT)
11. Salomon v. Salomon & Co., Ltd. (1897) A.C. 22 (H.L.); (1895-95) All ER Rep. 33 11
12. Daimler Co., Ltd. v. Continental Tyre and Rubber Co. (Great Britain) Ltd., 1916 AC 307: (1916-17) All ER Rep. 191
13. Lee v. Lee's Air Farming, Ltd. (1960) 3 All E.R. 420
14. Workmen v. Associated Rubber Industries Ltd. (1985) 4 SCC 114: (1986) 59 Comp. Cas. 134 (SC) 65

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15. Ashbury Railway Carriage and Iron Co. Ltd. v. Riche (1875) L.R.7 H. L.: (1874-80) All ER Rep. 2219 (HL) 79
16. Dr. A. Lakshmanaswami Mudaliar v. Life Insurance Corporation of India, AIR 1963 SC 1185
17. Royal British Bank v. Turquand (1856) 119 ER 886: (1843-60) All ER Rep. 435
18. Foss v. Harbottle (1843) 2 Hare 461: (1843) 67 ER 189 178
19. Shanti Prasad Jain v. Kalinga Tubes Ltd., AIR 1965 SC 1535 199

ADR: ARBITRATION, MEDIATION, AND CONCILIATION

Code: 25LW503

Max Marks: 70

Course Objectives: This course aims to (i) provide students theoretical and practical insight into the subtle art of dispute resolution; (ii) familiarize them with the use of available ADR models; (iii) train students in specialized techniques of mediation, arbitration and negotiation; (iv) introduce students to basic conceptual framework on which the entire edifice of ADR mechanism is founded; and (v) familiarize students to the contemporary needs of developing pragmatic approaches.

UNIT I: Introduction, Meaning, Objectives, and Importance of ADR (10 Hrs)

- a. Genesis and kinds of dispute resolution process
- b. Evolution of ADR in India, Objectives and Importance of ADR
- c. Various kinds of ADR mechanisms: Arbitration, Mediation, Conciliation, Expert Determination, Negotiation, Early Neutral Evaluation (ENE), Fact-finding, Med-Arb, or Mediation-Arbitration, Judge-hosted settlement conference, MEDOLA, Ombudsman, etc.
- d. Evolution of Legal Aid Movement in India
- e. Constitution, Powers and Functions of the Legal Services Authorities
- f. Salient features of Legal Services Authority Act
- g. Access to Justice through Lok Adalat and Permanent Lok Adalat

UNIT II: Mediation, Conciliation and Negotiation (10 Hrs)

- a. Concept of Mediation
- b. Evolution and Process of Mediation in India
- c. Conciliation
- d. Good Offices
- e. Negotiation theories, types, and strategies

UNIT III: Arbitration: Meaning, Agreement, Essentials, Appointment of Arbitrator (10 Hrs)

- a. Essentials and kinds of Arbitration Agreement, Rules of Severability
- b. Role of Courts in Reference to Arbitration
- c. Extent of judicial intervention
- d. Composition and Jurisdiction of Arbitral Tribunals
- e. Interim measures by Courts and Arbitral Tribunals
- f. Conduct of Arbitral proceedings and place of arbitration
- g. Arbitral Awards, Setting aside the arbitral awards and the enforcement of domestic awards

UNIT IV: Enforcement of Foreign Awards (10 Hrs)

- a. New York Convention awards
- b. Geneva Convention awards
- c. International Commercial Arbitration

PSDA (Professional Skill Development Activities) (1 Hr/Week)

- ❖ Mock Arbitration/Mediation/ Negotiation Session
- ❖ Visit to Court/ Mediation Centres
- ❖ Participation of students in Lok Adalats
- ❖ Conducting Mediation Awareness Programmes in collaboration with DLSA (District Legal Services Authority) in rural areas.
- ❖ Community Outreach Programmes
- ❖ Drafting session on Arbitration agreements/Mediation agreements in association with industry experts
- ❖ Simulation exercises

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Text Books:

1. Dr. N. V. Paranjape, Law Relating to Arbitration & Conciliation in India, Central Law Agency, Allahabad, 2016 (9th Edn.)
2. Avtar Singh, Arbitration & Conciliation Act, Eastern Book Company, New Delhi, 2014
3. Shriram Panchu, Mediation Practice Law: The Path to Successful Dispute Resolution, LexisNexis, 2015 (2nd Edn.)
4. S. Muraleedar, Law, Poverty and Legal Aid, Access to Criminal Justice, LexisNexis Butterworths, Nagpur, 2004
5. Madabhushi Sridhar, ADR Negotiation and Mediation, LexisNexis Butterworths, New Delhi, 2010(1st Edn.)
6. J. G. Merrills, International Dispute Settlement, Cambridge University Press, U.K., 2005(5th Edn.)
7. Henry J. Brown & Arthur Marriott, ADR Principle and Practice, Sweet & Maxwell, Thomson Reuters, 2013 (South Asian Edn)

References:

1. P. C. Markanda, Law Relating to Arbitration and Conciliation, LexisNexis, India 2013(8th Edn.)
2. B.P. Saraf and M. Jhunjhunwala, Law of Arbitration and Conciliation, Snow white, Mumbai, 2000
3. Gerald R. William (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration, New Delhi, 1998
4. A.K. Bansal, Law of International Commercial Arbitration, Universal, Delhi, 1999
5. P.C. Rao & William Sheffield, Alternative Dispute Resolution- What it is and How it Works? Universal, Delhi, 2000
6. G.K. Kwatra, The Arbitration and Conciliation Law of India, Universal, Delhi, 2000
7. N. D. Basu, Law of Arbitration and Conciliation, Universal, Delhi, 2000 (Reprint 9th Edn.)
8. Johari, Commentary on Arbitration and Conciliation Act, Universal, Delhi, 1996 (Reprint 1999)
9. Carrie J. Menkel-Meadow et. al., Dispute Resolution: Beyond the Adversarial Model, Aspen Publishers, US, 2011
10. Jacqueline M. Nolan-Haley, Alternative Dispute Resolution in a Nutshell, Thomson West, US, 2013(4th Edn.)
11. Robert J. Niemic, Donna Stienstra, and Randall E. Ravitz (ed.) Guide to Judicial Management of Cases in ADR, Federal Judicial Centre, 2001, (Available at <https://www.fjc.gov/sites/default/files/2012/ADRGuide.pdf>)
12. J. Auerbach, Justice Without Law? Oxford University Press, New York, 1983
13. Abraham P. Ordover and Andrea Doneff, Alternatives to Litigation: Mediation, Arbitration, and the Art of Dispute Resolution, National Institute for Trial Advocacy, Notre Dame, 2002
14. R. S. Bachawat, Law of Arbitration & Conciliation, (5th Edn.), LexisNexis Butterworths Wadhwa, Nagpur, 2010
15. Indu Malhotra, The Commentary on the Law of Arbitration, Wolters Kluwer India Pvt. Ltd., Gurgaon, Haryana, 2019 (4th Edn.)

List of Cases:

1. Hussainara Khatoon v. State of Bihar (1980) 1 SCC 81 (Legal Aid)
2. Salem Advocate Bar Association v. Union of India, AIR 2005 (6) SCC 344 (Section 89 CPC, 1908)
3. Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd., (2010) 8 SCC 24 (Section 89 CPC, 1908)
4. Mr Krishna Murthiv. New India Assurance Co. Ltd., Civil Appeal No. 2476-2477 of 2019 (Mediation)
5. Haresh Dayaram Thakur v. State of Maharashtra, AIR 2000 SC 2281 (Conciliation)
6. Food Corporation of India v. Joginderlal Mohinderpal, 1989 (2) SCC 347
7. Sukanya Holding Pvt. Ltd. v. Jayesh H. Pandya, JT 2003 (4) SC 58
8. Renusagar Power Plant Co. Ltd. v. General Electric Company, AIR 1994 SC 860
9. Bharat Aluminium Company v. Kaiser Aluminium Technical Service, (2012) 9 SCC 522 (Domestic award)
10. Oriental Insurance Company Limited v. M/s Narbheram Power and Steel Pvt. Ltd., Civil Appeal No. 2268 of 2018 (Arbitral Clause to be strictly constructed)
11. Bhatia International v. Bulk Trading SA, AIR 2002 SC 1432
12. ONGC v. Saw Pipes, (2003) 5 SCC 705
13. Venture Global Engineering v. Satyam Computers Services Ltd. & Anr., (2008) 1SCALE 214 & (2010) 8 SCC 660
14. Shri Lal Mahal Ltd. v. Progetta Grano Sp, (2013) (3) ARB LR 1 (SC)
15. Vijay Kariav. Prysmian Cavi E, 2020 SCC OnLine SC 177

COMPETITION LAW

Code: 25LW504

Max Marks: 70

Course Objectives: This paper aims to (i) offer a basic and effective grounding to students in Indian competition law and policy; and (ii) explore inter-relation of competition law with other areas of law.

UNIT I: Introduction to the Competition Law **(10 Hrs)**

- a. Definition of enterprise and competition and importance of competition in the market
- b. The evolving role of efficiencies in Competition Law
- c. Nature, Scope and Objectives of Competition Law
- d. Historical Development of competition law in USA, UK, Europe
- e. Overview of MRTP Act, 1969 and Monopolies Inquiry Commission, 1965.
- f. Overview and analysis of Raghavan Committee Report
- g. Interface between Competition and IPR & between Competition and Trade

UNIT II: Anti-Competitive Agreement and Abuse of Dominant Position **(10 Hrs)**

- a. Perspective of Appreciable Adverse Effect, Rule per se and Rule of Reason
- b. Nature and scope of horizontal and vertical agreements affecting competition under the Competition Act, 2002
- c. Cartelization, Bid-Rigging, collusive bidding
- d. Importance of Relevant market in context of Dominant position
- e. Exploitative and exclusionary abuses
- f. Predatory pricing, predatory behavior

UNIT III: Combination and Competition Commission of India **(10 Hrs)**

- a. Regulation of combination in the competitive market and its challenges
- b. Scope and impact of merger and amalgamation
- c. Treatment of joint venture under Indian competition law
- d. Nature, scope, function of Competition Commission of India
- e. Powers of NCLT, Competition Advocacy

UNIT IV: International Instruments related to Competition Law and Emerging Trends **(10 Hrs)**

- a. Competition law and practice in context of GATT, GATS, TRIMS and TRIPS
- b. Study of Competition policy and practice in context of UNCTAD, OECD
- c. Scope of European Competition law within Treaty on the Functioning of the European Union
- d. International Competition Network and Competition Law
- e. Economics in Competition law and practice; Oligopoly
- f. Competition in Cyberspace ; Cross-border competition issues

PSDA (Professional Skill Development Activities) **(1 Hrs/Week)**

- ❖ Visit to CCI, Tripura
- ❖ Study/Analysis of cases decided by CCI, NCLT
- ❖ Seminar & essay competition based on contemporary issues of competition law
- ❖ Interaction with Stakeholders

Text Books:

1. Richard Whish & David Bailey, *Competition Law*, Oxford University Press, US, 2015 (9thEdn.)
2. Vinod Dhall (ed.), *Competition Law Today: Concept Issues and Law in Practice*, Oxford University Press, New Delhi, 2019 (2ndEdn.)
3. S.C Tripathi, *Competition Law*, Central Law Agency, Allahabad, 2019
4. T Ramappa, *Competition Law in India: Policy, Issues and Developments*, Oxford University Press, New Delhi, 2014(3rdEdn.)
5. Srinivasan Parthasarathy, *Competition Law in India*, Kluwer Law International, The Netherlands, 2019(5th Edn.)

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References:

1. D. P. Mittal, *Taxmann's Competition Law and Practice*, 2007 (3rd Edn.)
2. *Universal's Guide to Competition Law in India*, Universal Law Publishing Company, New Delhi, 2003
3. T. Ramappa, *Competition Law in India: Policy, Issues and Development*, Oxford University Press, US, 2014 (3rdEdn.)
4. Aditi P Talati & Nahar S. Mahala, *Competition Act, 2002: Law, Practice and Procedure*, Commercial Law Publishers, New Delhi, 2006
5. Avtar Singh & Harpreet Kaur, *Introduction to Law of Tort and Consumer Protection*, Lexis Nexis-Universal, India, 2020 (3rdEdn.)

List of Cases:

1. *BrahmDutt v. Union of India*, AIR 2005 SC 730
2. *CCI v. Steel Authority of India & Anr.* (2010) 10 SCC 744
3. *Excel Crop Care Ltd. v. CCI* (2017) 8 SCC47
4. *CCI v. Co-ordination Committee of Artists and Technicians of W.B Film and Television*, SC Civil Appeal no.6691 of 2014
5. *Builders Association of India v. Cement Manufacturers*, Case no.29/2010, CCI
6. *All India Tyres Dealers Federation v. Tyres manufacturers*, 2013 COMP LR 92 (CCI), http://www.cci.gov.in/sites/default/files/202008_0.pdf
7. *Exclusive Motors Pvt. Ltd. v. Automobile Lamborghini SPA*, Case no.52/2012, CCI.
8. *Shamsher Katariav. Honda Siel Cars India Ltd.*, 2014 Comp LR 1 (CCI)
9. *Belaire Apartment Owner's Association v. DLF Ltd & HUDA*, 2011 Comp LR 0239(CCI)
10. *Jagmohan Chhabra and Shalini Chhabra v. Unitech*, 2011 Comp LR 31(CCI)
11. *MCX Stock Exchange v. National Stock Exchange Ltd.*, 2011 Comp 129 (CCI)
12. *Sh. Surinder Singh Barmiv. Board for Control of Cricket in India (BCCI)*, (2013) 113 CLA579(CCI)
13. *Ajay Devgan Films Informant v. Yash Raj Films Private Limited & Others*, Case No. 66 of 2012 (CCI)

LAW AND EMERGING TECHNOLOGY

Code: 25LW505

Max Marks: 70

Course Objectives: The objective of this paper is to inform students about various new technologies and their social and political aspects, along with the regulations.

UNIT I: Introduction: Notion of Technology **(10 Hrs)**

- a. Emergence of Technology and Industrial Revolution
- b. Legal Order and Technological Innovation
- c. Law, Ethics, and Technology
- d. Disruptive Technology – Nature, Scope, and Impact on Society
- e. Artificial Intelligence – Emerging Legal Issues
- f. Blockchain, Internet of Things – Emerging Legal Issues

UNIT II: E-Commerce **(10 Hrs)**

- a. Model Law of E-Commerce
- b. Online Contracting
- c. Jurisdiction Issue in E-Commerce
- d. Digital Signature/Electronic Signature
- e. E-payment, E-Banking

UNIT III: Cyber Crime **(10 Hrs)**

- a. Jurisdiction Issue in Cyber Crime
- b. Cyber Crime under the Information Technology Act: National Perspective
- c. Cyber Crime under the Information Technology Act: International Perspective

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- d. International Convention on Cyber Crime
- e. Mobile Phones Crimes

UNIT IV: Genetic and Medical Technologies

(10 Hrs)

- a. Genetic Technologies
 - i. Environmental Effect: Environmental Protection Act
 - ii. Genetic Engineering and Plant Variety Act
 - iii. Natural Resources and Bio-Diversity Act
- b. Medical Technologies
 - i. Medical Technologies and Forensic Science
 - ii. DNA Profiling
 - iii. Brain Mapping
 - iv. Narco-analysis
 - v. Handwriting
 - vi. Any other new Forensic Science
- c. Medical Technologies and Drugs
 - i. Patent Protection
 - ii. Life Saving Drugs
 - iii. Generic Drugs
 - iv. National Drugs Policies
- d. Medical Technologies and New Areas
 - i. Organ Transplantation
 - ii. Experiment on Human Beings
 - iii. Sex Determination Test
 - iv. Designer Baby
 - v. Abortion
 - vi. Cloning
 - vii. Artificial Reproductive Technologies

PSDA (Professional Skill Development Activities)

(1 Hrs/Week)

- ❖ Practical Exercise on an E-Contract
- ❖ Trial of a Cyber Crime
- ❖ Visit to the Cyber Forensic department of Cyber Cell
- ❖ Visit to a leading Hospital in Delhi
- ❖ Interaction with Service Provider

Text Books:

1. UNCITRAL Model Law of E-commerce, 1996
2. Vakul Sharma, Information Technology Law and Practice, Universal Law Publishers, 2011 (3rd Edn)
3. Harish Chander, Cyber Laws and IT Protection, PHI Learning Pvt. Ltd., 2012
4. Nandan Kamath, Law Relating to Computers, Internet and E-commerce, Universal Law Publishing Co., Ltd., 2006

References:

1. Bernard E. Rollin, Science and Ethics, Cambridge University Press, 2006
2. Nandita Adhikari, Law and Medicine, Central Law Publication, 2012
3. World Customs Organization, Study Report on Disruptive Technologies, (June 2019)
4. Cuntz, A., Fink, C., and Stamm, H. (2024), "Artificial Intelligence and Intellectual Property: An Economic Perspective", WIPO Economic Research Working Paper No. 77, Geneva: World Intellectual Property Organization.
5. Pavan Duggal, Mobile Law, Universal Law Publishing Co., Ltd., 2012
6. UN Office on Drugs and Crime, Comprehensive Study of Cyber Crime (Report)
7. Arvind Kumar, Gobind Das, Biodiversity, Biotechnology and International Knowledge: Understanding Intellectual Property Rights, Narosa Book Distributors Pvt. Ltd., 2010
8. Jaiprakash G. Shevale, Forensic DNA Analysis: Current Practices and Emerging Technologies, 2013
9. Lori B. Andrews, Maxwell J. Mehlman, Mark A. Rothstein, Genetics: Ethics, Law and Policy, Gale Cengage, 2010 (3rd Edn)
10. Evanson C. Kamau, Gerd Winter, Genetic Resources, Traditional Knowledge and the Law: Solutions for Access and Benefit Sharing, Routledge, 2013
11. Sapna Rathi, Sex Determination Test and Human Rights, Neha Publishers & Distributors, 2011

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12. Anja J. Karnein, A Theory of Unborn Life: From Abortion to Genetic Manipulation, Cambridge University Press, 2000
13. David Price, Legal and Ethical Aspects of Organ Transportation, Cambridge University Press, 2000
14. Kerry Lynn Macintosh, Illegal Beings: Human Clones and the Law, Cambridge University Press, 2005

MOOT COURT EXERCISE II

Code: 25LW591

Max Marks: 100

Course Objectives: The course aims to (a) develop students' written and oral advocacy skills, (b) enable them to conduct proper research to prepare written submissions and present briefs, (c) give guidance and practical training about the court practices and etiquette, and (d) familiarize students with the workings of an actual court

The course shall comprise the following:

- A. Moot Court:** The Maximum Marks for this Paper will be 100. Each student will do at least two Moot Courts in a Semester with 10 Marks each. The Moot Court work will be on an assigned problem and will be evaluated for 5 Marks for written submissions (to be recorded in the Sessional Diary) and 5 Marks for Oral Advocacy. **Guidelines:** For Moot Court, groups will be formed of 8/10 students and cases involving several issues shall be assigned in Court practice, i.e. Operation of Courts and legal professionals on the panel of the College / University may be sought, especially in the matter of getting copies of paper books of cases which have been decided by various Courts.

The Course shall emphasize points of Court craft and decorum. The male students shall wear white pants – shirt and a Black Tie, and female students shall wear a white dress with a black scarf while addressing a Moot Court and during their visits to the Court / Advocates' chambers and other practical training programmes.

Practice Moots shall be held as a routine in the class itself, and the three compulsory test Moots for examination shall be held after such practice Moots near the end of the semester. Attendance at such practice Moot Courts shall be counted. Each student shall be required to maintain a regular record of his / her preparation for all the Moot Courts attended by him/her in the Sessional Diary. **The Sessional Diary will carry 15 Marks (5 Marks for each Test Moot).**

- B. Court Assignments:** Observation of Trial in **Four Cases**, i.e., **Two Cases in Civil** and **Two in Criminal**. Each student will attend **Four Trial Courts during the Semester**. He/she will maintain a record of his / her visits in his / her Diary of Sessional Work and enter the various steps observed during his/her attendance on different days in the Court assignment. This Scheme will carry **25 Marks**.

- C. Interviewing Techniques and Pre-Trial Preparation:**

- i. Each student will observe for Interviewing Sessions of Clients at the Lawyer's Office / Legal Aid. Office and record the proceedings in the Diary of Sessional Work, which will carry **10 Marks**.
- ii. Each student will further observe the preparation of documents and Court Papers by the Advocate and procedure for filing the Suit / Petition. This will be recorded in the Sessional Diary, which will carry **10 Marks**.

Guidelines: To make the training meaningful, students have to visit and be organized for a continuous period, sufficiently long to observe and understand the process taking place in their proper context. Efforts should be directed to acquaint the students with the different branches of legal practice, including **Civil, Criminal, Revenue, and Labour Court Practice**. Besides the legal Professionals on the College/University Panel, the students should regularly be supervised and helped by the subject teacher/tutor. It is desirable that, besides Advocates Chambers, the students are taken to the academic Family Court / Revenue Court / Income Tax & Sales Tax Offices and other venues where judicial administrative proceedings are held. The **Indian Law Institute, Parliament, Supreme Court, High Courts, Tribunals, etc.**, may be visited to make the training academically multifarious. This programme can be intellectually and professionally challenging if properly organized and integrated with the Curriculum.

- D. Viva-voce:** The **Fourth Component** of this Paper will be a **Viva-voce examination** by the **consensus of the Board of Practical/Viva-voce Examiners (Internal & External Examiners)** on the above three aspects. This will carry **10 Marks**.

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Books Recommended:

1. Rai Kailash (Dr.), Moot Court, Pre-Trial Preparations & Participation in Trial Proceedings.
2. Awasthi S.K. (Prof.), Practical Training of Law, Moot Court & Viva-Voce.

Theory Paper

Total: 100 Marks
External: 70 Marks
Internal: 30 Marks

External: 70 Marks

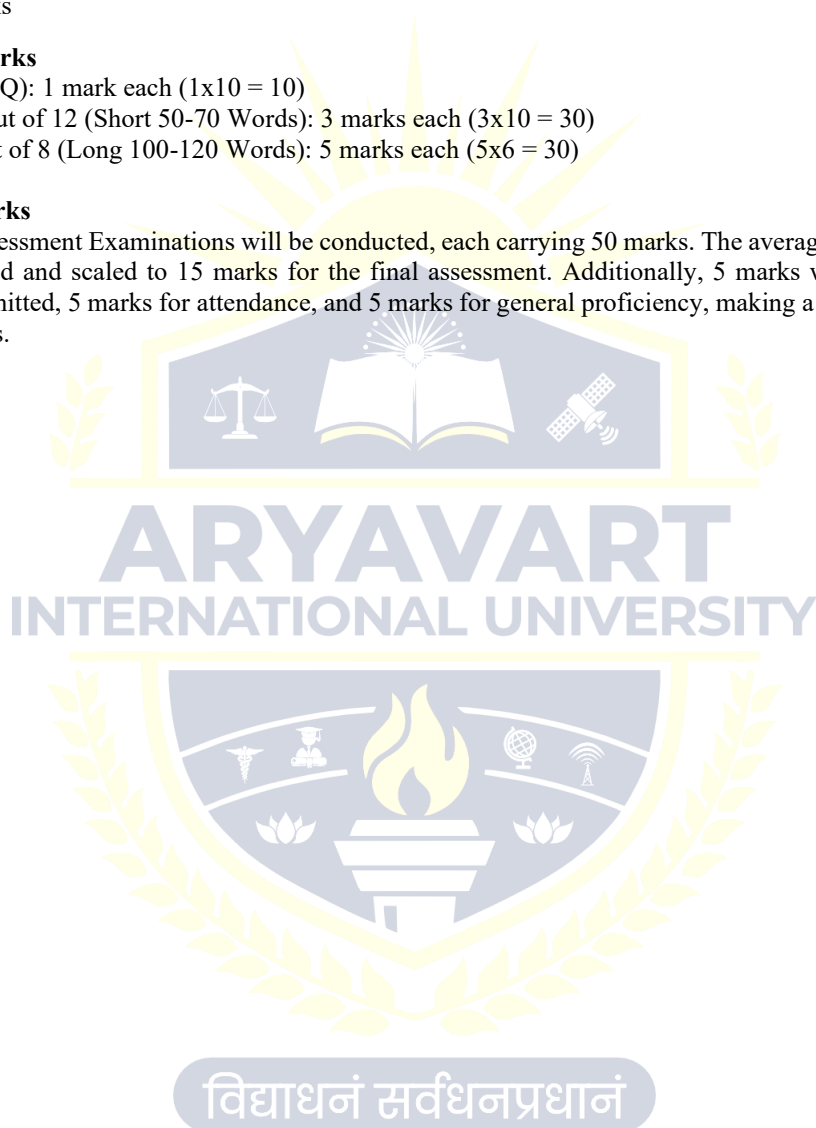
10 Question (MCQ): 1 mark each (1x10 = 10)

Answer any 10 out of 12 (Short 50-70 Words): 3 marks each (3x10 = 30)

Answer any 6 out of 8 (Long 100-120 Words): 5 marks each (5x6 = 30)

Internal: 30 Marks

Two Internal Assessment Examinations will be conducted, each carrying 50 marks. The average of the two scores will be considered and scaled to 15 marks for the final assessment. Additionally, 5 marks will be allotted for assignments submitted, 5 marks for attendance, and 5 marks for general proficiency, making a total of 30 internal assessment marks.



ARYAVART INTERNATIONAL UNIVERSITY

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Syllabus for LLB

Semester 6

Theory										
Course Code	Topic	L	T	P	Credit	Theory Marks	Internal Marks	Practical Marks	Total Marks	
25LW601	Taxation Law	4	0	0	4	70	30	0	100	
25LW602	Environmental Law	4	0	0	4	70	30	0	100	
25LW603	Offences Against Children and Juvenile Offences	4	0	0	4	70	30	0	100	
25LW604	International Organization	4	0	0	4	70	30	0	100	
25LW691	Moot Court Exercise III	4	0	0	4	0	30	70	100	
25LW692	Internship	0	2	0	2	0	100	0	100	
Total					22	280	250	70	600	

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विद्याधनं सर्वधनप्रधानं

Detailed Syllabus

TAXATION LAW

Code: 25LW601

Max Marks: 70

Course Objectives: The Course aims to introduce the basic concepts and principles of the Income Tax Act 1961 and their judicial interpretation, provide a broad understanding of the computation of tax liability of an individual, enable the students to at least file their income tax return, and inculcate in the students a citizen's responsibility to pay tax by emphasizing on the importance of tax and sensitize the students about the ways to curb evasion of tax and implications of evasion of tax.

UNIT I: Introduction

(07 Hours)

- a. Historical background of the Income Tax Legislation
- b. Basic concept of tax; how tax is different from cess, toll, and surcharge; direct and indirect taxes
- c. Meaning of terms: Income, persons, Assessee, Previous year, Assessment year [sections 2(24), 2(31), 2(7), 3, 2(9) of the Income Tax Act, 1961]
 - i. Understanding the concept of (i) 'application of income' and 'diversion of income.'
 - ii. 'capital receipts' and 'revenue receipts'; the differences between the two terms and their tax implications.
- d. New Act of 2025 – introduction

UNIT II: Agricultural Income

(03 Hours)

- a. Definition of 'agricultural income'[Section 2 (IA)]
- b. Exemption of agricultural income from Income Tax Act 1961[Section 10 (1)]

UNIT III: Residence and Scope of Total Income

(07 Hours)

- a. Determination of residential status of an Assessee (Section 6); Total Income of an Assessee (Section 4 and 5); Income deemed to accrue or arise in India (Section 9)
- b. Understanding Place of Effective Management in respect of Control and Management
- c. POEM Guidelines, Tax Jurisdictions in global perspective
- d. Double Tax Avoidance Agreement and Glimpse of DTAA in Indian Context

UNIT IV: HEADS OF INCOME

(14 Hours)

- a. Mutual exclusivity of each of the heads of income (Section 14)
- b. Income from 'Salary'(Sections 15 to 17), deductions applicable to salaried individuals
- c. Income from House Property (Sections 22 to 27)
- d. Income from Profits and Gains of Business or Profession (Sections 28 to 44)
- e. Income from Capital Gains (Sections 45 to 55)
- f. Income from Other Sources (Sections 56 to 59)

UNIT V: Income of Other Persons included in Assessee's Total Income

(03 Hours)

- a. Clubbing of Income (Sections 60 to 63)
- b. Clubbing of Income (Section 64)

UNIT VI: Assessment

(06 Hours)

- a. Filing of return, belated return, and revised return
- b. Types of assessment: Self-assessment, Scrutiny assessment, Best Judgment assessment (Sections 139 to 145)
- c. Income Escaping assessment (Sections 147 to 153)

PSDA (Professional Skill Development Activities)

- ❖ Registration of GST

Text Books:

1. Girish Ahuja and Ravi Gupta, Professional Approach to Direct Taxes, Law and Practice, Bharat Publishing House, Delhi, 2014
2. Vinod Singhania & Kapil Singhania, Direct Taxes Law and Practice, Taxmann, Delhi, 2018
3. Chaturvedi & Pithisaria, Income Tax Act with Relevant Tax Allied Acts, Lexis Nexis, Delhi, 2017

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References:

1. Taxmann's Income Tax Act as amended by the Finance Act, Delhi, 2020
2. Reuven S.Avi-Yonah, Nicola Sartori, and Omri Marian, Global Perspective on Income Taxation Law, Oxford University Press, UK, 2011
3. B. B. Lal, Income Tax, Pearson, India, 2012

Case Laws:

1. CIT v. G.R. Karthikeyan, 1993 Supp (3) SCC 222
2. CIT v. Sitaldas Tirathdas, (1961) 2 SCR 634
3. C.I.T. v. Sunil J. Kinariwala, (2003) ISCC 660 v. C.I.T., Bombay, AIR 1955 SC 74
4. S.C.I.T. v. Benoy Kumar Sahas Roy, AIR 1957 SC 768
5. C.I.T. v. Maddi Venkatasubbayya, (1951) XXITR 151 (Mad.)
6. Sakarlal Naranlal v. C.I.T., AIR 1965 Gui. 165
7. K. Lakshmanan & Co. v. C.I.T. (1999) 239 ITR 597 (SC)
8. V. V. R. N. M. Subbayya Chettiar v. C.I.T., AIR 1951 SC 101
9. Narottam and Parekh Ltd. v. CIT. Bom. City, AIR 1954 Bom. 67
10. Vodafone International Holdings B.V. v Union of India (UOI) and Anr. (2012) 6 SCC 613
11. Ram Pershad v. C.I.T. (1972) 2 SCC 696 C.I.T. v. L. W. Russel, AIR 1965 SC 49177
12. Department of Law, University of Delhi
13. C.I.T., West Bengal v. Biman Behari Shaw. Shebait (1968) 68 ITR 815 (Cal.)
14. East India HOUSINE da Danor Dreveronment MIST 11061142 ITR 10(SC)3:12 PM Tue 30 May
15. C.IT., West Bengal v. Biman Behari Shaw, Shebait (1968) 68 ITR 815 (Cal.)
16. East India Housing & Land Development Trust Ltd. v. C.I.T. (1961) 12 ITR 19 (SC)
17. R. B. Jodhamal Kuth iala v. C.I.T., AIR 1972 SC 126
18. B. D. Bharucha v. C.I.T., AIR 1967 SC 1505
19. C.I.T. v. Mysore Sugar Co. Ltd., AIR 1967 SC 723
20. C.I.T. v. Travancore Sugar & Chemicals Ltd., AIR 1973 SC 982
21. Empire Jute Co. v. C.I.T., AIR 1980 SC 1946
22. L. B. Sugar Factory & Oil Mills (P.) Ltd. v. C.I.T., AIR 1981 SC 395
23. C.I.T. v. Jalan Trading Co. (Pvt.) Ltd. (1985) 155 ITR 536 (SC)
24. Bikaner Gypsums Lid. v. C.I.T., AIR 1991 SC 227
25. C.I.T. v. General Insurance Corporation, 2007 (1) S CJ 800
26. N. Bagavathy Ammal v. C.I.T., Madurai, JT 2003 (1) SC 363
27. C.I.T. v. Rajendra Prasad Moody, (1978) 115 ITR 519 (SC)
28. Philip John Plasket Thomas v. C.I.T. AIR 1964 SC 587
29. Batta Kalyani v. Commissioner of Income Tax. (1985) 154 ITR 59
30. J. M. Mokashi v. Commissioner of Income Tax, (1994) 207 ITR 252 (Bom)
31. Mohini Thapar v. C.I.T. (1972) 4 SCC 493
32. State of Kerala v. C. Velkutty, (1966) 60 ITR 239 (SC) 16
33. C.I.T. v. Burlop Dealers Ltd. (1971) 79 ITR 609 (SC)
34. Gemini Leather Stores v. The Income-tax Officer, AIR 1975 SC 1268
35. The Income Tax Officer v. Lakhmani Mewal Das (1976) 3 SCC 757
36. Srikrishna (P) Ltd. v Income-Tax Officer (1996) 9 SCC 534

विद्याधनं सर्वधनप्रधानं

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ENVIRONMENTAL LAW

Code: 25LW602

Max Marks: 70

Course Objectives: This paper aims to enable the students to (i) generate sensitivity towards the environmental issues; (ii) critically evaluate the role of law, policy and institutions in the conservation and management of natural resources as well as pollution control; (iii) examine critically the environment laws and policies both at the national and international level; and (iv) interpret landmark rulings relating to environment.

UNIT I: Introduction to Environmental Studies & Legal Framework for Environmental Protection: International and National Perspective (10 Hrs)

- a. Introduction to Environmental Studies
 - i. Environment: Meaning & Concept
 - ii. Environment and human interface: An Overview
 - iii. Religion and Environment - An Overview
 - iv. Pollution, Environment Pollution: Meaning, Kinds and Issues
- b. International Legal Framework
 - i. Environmental Law: Human Rights Perspective
 - ii. Stockholm Declaration & Rio-Declaration: Brief Overview
 - iii. Introduction to Sustainable Development – SDGs -MDGs
 - iv. UNEP
- c. Introduction to Indian Legal Framework
 - i. Constitutional Guidelines
 - ii. Pre-Environmental Legislation - Law of Torts, Law of Crimes, Cr. P.C., etc.
 - iii. Emergence of Environmental Legislation

UNIT II: Prevention and Control of Water, Air, Noise, and Land Pollution (10 Hrs)

- a. The Water (Prevention and Control of Pollution) Act, 1974
 - i. Water Pollution: Definition
 - ii. Central and State Pollution Control Boards: Constitution, Powers and Functions
 - iii. Water Pollution Control Areas
 - iv. Sample of effluents: Procedure; Restraint Order
 - v. Consent requirement: Procedure, Grant/Refusal, Withdrawal
 - vi. Citizen Suit Provision
- b. Air (Prevention and Control of Pollution) Act, 1981
 - i. Air Pollution: Definition
 - ii. Central and State Pollution Control Boards: Constitution, Powers and Functions
 - iii. Air Pollution Control Areas
 - iv. Consent Requirement: Procedure, Grant/Refusal, Withdrawal
 - v. Sample of Effluents: Procedure; Restraint Order
 - vi. Citizen Suit Provision
- c. Noise Pollution Control Order, 2000
- d. Land Pollution

UNIT III: General Environment Legislation and Protection of Forests and Wildlife & Remedies (10 Hrs)

- a. Environmental (Protection) Act, 1986
 - i. Meaning of “Environment”, “Environment Pollutant”, “Environment Pollution”
 - ii. Powers and Functions of the Central Govt.
 - iii. Important Notifications U/s 6: Hazardous Substance Regulation, Bio-Medical Waste
 - iv. Regulation and Coastal Zone Management, EIA
 - v. Public Participation & Citizen Suit Provision
- b. Laws Related to Forest
 - i. Forest Act, 1927: Kinds of forest – Permitted Activities – Authorities and Offences
 - ii. The Forest (Conservation) Act, 1980
 - iii. Forest Conservation vis-à-vis Tribals’ Rights – FRA, 2007
- c. The Wild Life (Protection) Act, 1972
 - i. Authorities to be Appointed and Constituted under the Act
 - ii. Hunting of Wild Animals
 - iii. Protection of Specified Plants
 - iv. Protected Area

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- v. Trade or Commerce in Wild Animals, Animal Articles and Trophies; Its Prohibition
- d. National Green Tribunal
 - i. Constitution
 - ii. Functions and Powers

UNIT IV: Current Trends

(10 Hrs)

- a. Global Warming - Climate Change
- b. International Trade and Environment
- c. Sustainable Development
- d. Trans-boundary Pollution
- e. Natural Resources Conservation
- f. Waste management
- g. Green GDP
- h. Carbon Trading

PSDA (Professional Skill Development Activities)

(1Hr/Week)

- ❖ Field Trip to Ecologically Sensitive Places/Tribal Areas
- ❖ Visit to Biodiversity Park/ Zoos, and Preparation of Projects
- ❖ Preparation of plans for Water, Air Pollution
- ❖ Interaction with Eminent Environmental Activist /Invited Talks & Lectures

Text Books:

1. S. C. Shastri, Environmental Law, Eastern Book Company, Lucknow, 2018 (6th Edn.)
2. P. Leelakrishnan, Environmental Law in India, Lexis Nexis, India, 2018 (6th Edn.)

References:

1. Shyam Diwan & Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, India, 2001 (2nd Edn.)
2. Gurdip Singh, Environmental Law in India, EBC, Lucknow, India, 2016
3. Snehlata Verma, Environmental Problems: Awareness and Attitude, Academic Excellence Publishers & Distributors, Delhi, 2007
4. Benny Joseph, Environment Studies, Tata McGraw-Hill, New Delhi, 2009

List of Cases:

1. Municipal Council, Ratlam v. Shri Vardhichand, AIR 1980 SC 1622
2. Vellore Citizen Welfare Forum v. Union of India, AIR 1996 SC 2715
3. Subhash Kumar v. State of Bihar, AIR 1991 SC 420
4. M.C. Mehta v. Union of India, AIR 1987 SC 1086
5. M/s Abhilash Textiles v. Rajkot Municipal Corporation, AIR 1988 Guj. 57
6. M.C. Mehta v. Union of India, AIR 1988 SC 1115
7. M.C. Mehta v. Kamal Nath, AIR 2000 SC 1997
8. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446
9. A.P. Pollution Control Board v. M.V. Nayudu (2001) SCC 62
10. Church of God [Full Gospel] in India v. KKR Majestic Colony Welfare Association, AIR 2000 SC 2773
11. Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751
12. T.N. Godavarman Thirumulpad v. Union of India (1997) 2 SCC 267
13. S. Jagannath v. Union of India, AIR 1997 SC 811
14. Sachidananda Pandey v. State of West Bengal & Ors, AIR 1987 SC 1109
15. The Goa Foundation and Another v. The Konkan Railway Corporation and Ors., AIR 1992 Bom. 471

OFFENCES AGAINST CHILDREN AND JUVENILE OFFENCES

Code: 25LW603

Max. Marks:

Course Objectives: The objectives of the course is to understand the meaning of Juvenile Delinquency and the factors responsible for its causation, to enable the students to understand the meaning of crime related to children, to introduce the student to various aspects of criminal liability and the logical classification of offences according to their gravity to acquaint them to available National and International legal regimes on child protection.

UNIT I: Constitutional and International Legal Status of the Child (10 Hours)

- a. Constitutional Concern-Articles 15(3), 21(A), 24, 39(e) & (f) and 45
- b. International concern and endeavour for the welfare of children:
- c. Minimum Age conventions
- d. Child rights conventions
- e. U.N. Declaration of the Rights of the Child, 1924,1959
- f. Contributions – UNESCO, UNICEF, CEDAW

UNIT II: Legal Control of Child Labour (10 Hours)

- a. International conventions and recommendations of the ILO
- b. The Factories Act, 1948
- c. The Child Labour (Prohibition and Regulation) Act, 1986

UNIT III: Child and Criminal Liability: Statutory provisions (10 Hours)

- a. Sections 82, 83,299 (Explanation 3), 312, 313,314, 315,316, 317, 318, 363A, 372,376, and 377 of IPC.
- b. Section 27 of the Cr.P.C.
- c. The Prohibition of Child Marriage Act,2006
- d. The Children Act, 1960
- e. The Child Abuse Prevention and Treatment Act, 1974

UNIT IV: Juvenile Offence, Juvenile Delinquency and Sexual Abuse of Children (10 Hours)

- a. Concept of Juvenile Delinquency

Legal Position in India

1. The Juvenile Justice (Care and Protection of Children) Act, 2015
2. General Principles of Care and Protection of Children
3. Juvenile Justice Board: Procedure, Powers, and Functions
4. Procedure in relation to children in conflict with the law
5. Children's Court and its Powers
6. Child Welfare Committee: Procedure, Powers, and Functions
7. Procedure in relation to children in need of Care and Protection
8. Rehabilitation and Social Re-Integration. - Offences against Children.
9. Probation of Offenders Act, 1958 (benefit of Section 6 of the Act)

Sexual Abuse of Children

1. Meaning, Definition, Nature and Different Types of Sexual Abuses
2. Protection of Children from Sexual Offences Act, 2013
3. Preventive Sexual Assault and Aggravated Penetrative Sexual Assault (3 to 6)
4. Sexual Assault and Aggravated Sexual Assault (7 to 10)
5. Sexual Harassment (11, 12)
6. Using a Child for Pornographic Purposes (13 to 15)
7. Abetment and Attempt to commit an offence (16 to 18)
8. Procedure for Reporting Case (19 to 23) - Procedure for recording Statement (24 to 27)
9. Special Courts and Procedure and Powers of Special Courts (28 to 38)

Text Books:

1. S.C. Tripathi and Vibha Arora, Law relating to Women & Children, Central Law Publications, 2017
2. R.N. Choudhary, Law relating to Juvenile Justice in India, Orient Publishing House, 2015
3. Mamta Rao, Law relating to Women & Children, Eastern Book Company,2018
4. S.N. Jain (Ed.), Child and Law, Indian Law Institute,1979

Reference Books:

1. K.D. Gaur, Textbook on Indian Penal Code, Universal Law Publishing Co.,2012

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2. K.I. Vibhuti, PSA Pillai's Criminal Law, LexisNexis, Butterworths Wadhwa, 2012
3. S.R. Myneni, Offences against Children and Juvenile Offences, New Era Law Publication, 2018
4. S.K. Chatterjee, Offences against Child and Juvenile Offences, Central Law Publication, Allahabad, 2012
5. Ved Kumari, The Juvenile Justice System in India: From Welfare to Rights, Oxford University Press India, 2010
6. M.S. Sabnis, Juvenile Justice and Juvenile Correction, Somaiya Publications Pvt. Ltd., 1996 edition, 1996
7. N.K. Chakrabarty, Juvenile Justice in the Administration of Criminal Justice, Deep & Deep Publications, N 2000

INTERNATIONAL ORGANIZATIONS

Code: 25LW604

Max Marks: 70

Course Objectives: This course aims to enable the students to (i) understand the dynamics of the relationships between international organizations and their organs and the outside world; (ii) be proficient in understanding historical development and understanding the theoretical approaches related to international organizations and international law; (iii) get a concise account of the principles and norms of international law applicable to the main-types of international organization - the inter-governmental organizations; and (iv) have an insight into the interaction between universalism and regionalism

UNIT I: The Evolution of International Organization (10 Hrs)

- a. Rise of International Organisations
- b. League of Nations and United Nations
- c. The Bretton Woods Institutions: World Bank and IMF
- d. The International Labour Organization
- e. International Criminal Court
- f. Vienna Convention on the Law of Treaties between States and International Organizations

UNIT II: Functioning of International Organizations (10 Hrs)

- a. UN General Assembly
- b. Security Council
- c. Economic and Social Council
- d. International Court of Justice and its Jurisdiction
- e. Functions of WTO

UNIT III: Relations of International Organizations and States (10 Hrs)

- a. Members and Non-Members
- b. Municipal Law
- c. Rights and Immunities of International Organizations and their Personnel; Duties of Host Countries
- d. Dispute Settlement and Interpretative Powers
- e. Enforcement Techniques

UNIT IV: Human Rights and Humanitarian Interventions (10 Hrs)

- a. International Covenant on Civil and Political Rights
- b. UN Charter-based Human Rights System and UN Human Rights Council
- c. Protecting Human Rights through International Organization
 - i. The European Human Rights System
 - ii. The African Union and Human Rights
- d. Humanitarian Interventions: Issues of Sovereignty
- e. UN Peace Operations (Peace-keeping, Peace-making and Peace-enforcement): Principles, 174 Problems and Reforms

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PSDA (Professional Skill Development Activities)

(1Hr/Week)

- ❖ Critical Writing
- ❖ Case Studies
- ❖ Seminars on Contemporary Conflicts

Text Books:

1. Jan Klabbers, An Introduction to International Organizations Law, Cambridge University Press, UK, 2015 (3rd Edn.)
2. L. Frederic, Jr. Kirgis, International Organizations in Their Legal Setting, West Publishing Co. Minnesota, 1994 (2nd Edn.)
3. Philippe Sands, Pierre Klein, Bowett's Law of International Institutions, Sweet & Maxwell, UK, 2009 (6th Edn.)
4. I. Hurd, International Organizations: Politics, Law, Practice, Cambridge: Cambridge University Press, Cambridge, 2017 (3rd Edn.)

References:

1. Nigel White, The Law of International Organizations, Manchester University Press, 2017 (3rd Edn.)
2. A.O. Kruger, WTO as an International Organizations, University of Chicago Press, Chicago, USA, 2000
3. J. Steiner, Textbook on EEC Law, OUP, Oxford, 2003
4. T.A. Hartley, The Foundation of European Community Law, Oxford University Press, UK, 2014 (8th Edn.)

MOOT COURT EXERCISE III

Code: 25LW691

Max Marks: 100

Course Objectives: The course aims to (a) develop students' written and oral advocacy skills, (b) enable them to conduct proper research to prepare written submissions and present briefs, (c) give guidance and practical training about the court practices and etiquettes and (d) Familiarize students with the working of an actual court.

The course shall comprise the following:

- A. Moot Court:** The Maximum Marks for this Paper will be 100. Each student will do at least two Moot Courts in a Semester with 10 Marks each. The Moot Court work will be on an assigned problem and will be evaluated for 5 Marks for written submissions (to be recorded in the Sessional Diary) and 5 Marks for Oral Advocacy.
- Guidelines:** For Moot Court, groups will be formed of 8/10 students and cases involving several issues shall be assigned in Court practice, i.e. Operation of Courts and legal professionals on the panel of the College / University may be sought, especially in the matter of getting copies of paper books of cases which have been decided by various Courts.

The Course shall emphasize points of Court craft and decorum. The male students shall wear white pants – shirt and a Black Tie, and female students shall wear a white dress with a black scarf while addressing a Moot Court and during their visits to the Court / Advocates' chambers and other practical training programmes.

Practice Moots shall be held as a routine in the class itself, and the three compulsory test Moots for examination shall be held after such practice Moots near the end of the semester. Attendance at such practice Moot Courts shall be counted. Each student shall be required to maintain a regular record of his / her preparation for all the Moot Courts attended by him/her in the Sessional Diary. **The Sessional Diary will carry 15 Marks (5 Marks for each Test Moot).**

- B. Court Assignments:** Observation of Trial in **Four Cases**, i.e., **Two Cases in Civil** and **Two in Criminal**. Each student will attend **Four Trial Courts during the Semester**. He/She will maintain a record of his / her visits in his / her Diary of Sessional Work and enter the various steps observed during his/her attendance on different days in the Court assignment. This Scheme will carry **25 Marks**.

- C. Interviewing Techniques and Pre-Trial Preparation:**

- i. Each student will observe for Interviewing Sessions of Clients at the Lawyer's Office / Legal Aid. Office and record the proceedings in the Diary of Sessional Work, which will carry **10 Marks**.

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- ii. Each student will further observe the preparation of documents and Court Papers by the Advocate and procedure for filing the Suit / Petition. This will be recorded in the Sessional Diary, which will carry **10 Marks**.

Guidelines: To make the training meaningful, students have to visit and be organized for a continuous period, sufficiently long to observe and understand the process taking place in their proper context. Efforts should be directed to acquaint the students with the different branches of legal practice, including **Civil, Criminal, Revenue, and Labour Court Practice**. Besides the legal Professionals on the College/University Panel, the students should regularly be supervised and helped by the subject teacher/tutor. It is desirable that, besides Advocates Chambers, the students are taken to the academic Family Court / Revenue Court / Income Tax & Sales Tax Offices and other venues where judicial administrative proceedings are held. The **Indian Law Institute, Parliament, Supreme Court, High Courts, Tribunals, etc.,** may be visited to make the training academically multifarious. This programme can be intellectually and professionally challenging if properly organized and integrated with the Curriculum.

- D. Viva-voce:** The **Fourth Component** of this Paper will be a **Viva-voce examination** by the **consensus of the Board of Practical/Viva-voce Examiners (Internal & External Examiners)** on the above three aspects. This will carry **10 Marks**.

Books Recommended:

1. Rai Kailash (Dr.), Moot Court, Pre-Trial Preparations & Participation in Trial Proceedings.
2. Awasthi S.K. (Prof.), Practical Training of Law, Moot Court & Viva-Voce.

Code: 25LW692

Max Marks: 100

It is a mode of Clinical Legal education, a specified period to be spent by the student with a law firm/court/ Commissions/ NGO's and like institutions working with the realm of law or connected therewith. The reports, both by the student and the office, together with the diary, where applicable to be certified will be submitted for evaluation.

The Internship is a compulsory course. There is an Internship Data form where students fill in the details of where they are interning, with complete address and phone numbers. Customized Legal Reference /Diary is provided to the students on payment. They maintain a day-to-day record of the work that they do at the place where they are interning. They are expected to intern for a minimum of 90 days. They submit their completed diary, certificate from the employer, and a report of their experience at work. After submission, there is a Viva by the concerned faculty. They assess the student on the kind of work they have done during the internship, the presentation of the work they have done, and also on the practical knowledge they have gained.

The Paper is marked out of 100 marks. The breakup of the marks is as follows:

- | | |
|--|-------------|
| 1. Diary submission | : 25 Marks |
| 2. Report and certificate | : 25 Marks |
| 3. Viva (Panel of External Examiners) | : 40 Marks |
| 4. Attendance (Regularity in meeting the supervisor) | : 10 Marks |
| Total | : 100 Marks |

ARYAVART INTERNATIONAL UNIVERSITY
Tilthai, Dharmanagar, North Tripura

Theory Paper

Total: 100 Marks
External: 70 Marks
Internal: 30 Marks

External: 70 Marks

10 Question (MCQ): 1 mark each ($1 \times 10 = 10$)

Answer any 10 out of 12 (Short 50-70 Words): 3 marks each ($3 \times 10 = 30$)

Answer any 6 out of 8 (Long 100-120 Words): 5 marks each ($5 \times 6 = 30$)

Internal: 30 Marks

Two Internal Assessment Examinations will be conducted, each carrying 50 marks. The average of the two scores will be considered and scaled to 15 marks for the final assessment. Additionally, 5 marks will be allotted for assignments submitted, 5 marks for attendance, and 5 marks for general proficiency, making a total of 30 internal assessment marks.

