

# JIWAJI UNIVERSITY, GWALIOR

## SYLLABUS AND SCHEME OF EXAMINATION

SESSION 2020 - 23

### LL. B (3YDC) IVth SEMESTER

The Candidate Shall be examined in the following compulsory subjects through same number and nomenclature of paper -

Paper/ Subjects	Subject/ Name of the Paper	Max. Marks	Min. Marks	Aggregate
I	Equity Trust & Fiduciary Relations	100	36	48
II	Jurisprudence	100	36	48
III	Environmental Laws	100	36	48
IV	Criminology and Penology	100	36	48
V	Alternate Dispute Resolution(80+20) (Clinical Course)	100	36	48
<b>Total</b>		<b>500</b>		<b>240</b>

The Percentage of marks required for Passing in LL. B. (3YDC) IV Semester

Examination is as follows.

1. 36% ie . 36 in each of the above Fifth subjects/ papers
2. 48% ie . 240 marks in aggregate of all the above subject/ paper

# **Jiwaji University, Gwalior**

## **LL.B (3YDC) IVth Semester**

### **Paper – Ist Equity Trust & Fiduciary relations**

**Note:-** This Paper shall be of 100 marks. Students are required to answer five questions out of 36.

The course shall comprise of the following :

History, nature and principles of Equity-Emergence of law of trust from Equity—The making of Indian Law of Trust and provisions of law of Trust-Religious Trusts Principles of Equity and Equitable Remedies, Equitable Relief in different branches of law with special reference to property law.

#### **UNIT – I**

**Equity :-** Meaning and definition of Equity, Origin and development of Equity in England India, Relation of Equity with Common Law, Jurisdiction of Equity, Judicature Acts. Maxim Equity, Relations of law of Equity, Different Equitable remedies.

#### **UNIT – II**

Essentials of Trust,

Trust and contract, Power, condition, charge and personal obligations—distinguished, Classification of Trust and its importance, Private Trusts, Public Trusts.

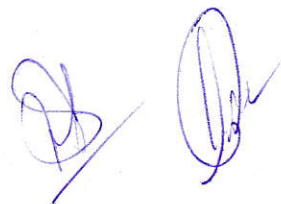
#### **UNIT – III**

Appointments, Retirement and removal of Trustee

Rights, Power, Discretion and control of Trustees

Duties of trustee in relation to : i) Trust property; and (ii) Beneficiary

The Administration of Trust



## UNIT – IV

Liability for Breach of Trust

Rights and Remedies of the Beneficiary

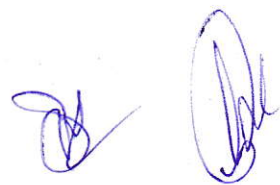
Constructive Trusts.

## UNIT – V

Fiduciary Relationship— Concept, kinds vis-a-vis Trusteeship

### Select bibliography

- S.Krishnamurthy Aiyar and Harbans Lal Swin, Principles and Digest of Trusts Laws (1998),  
University  
Book Agency, Allahabad.
- R.H.Mandsley and E.H.Burn, Trust and Trustees : Cases and Materials (1978) Butterworths,  
London.
- R.E.Megarry and P.V.Baker, Snell's principles of Equity (1964) ELBS, Sneyd and Maxwell.
- Philip H.Pettit, Equity and Law of Trust (1970)
- Iyer N., Indian Trust Act (1997), Delhi Law House, New Delhi
- Ahmedullah Khan, The Law of Wakf in India (1997) Delhi Law House, Delhi
- Rajarathnam, Natarajan and Thankaraj, Commentary on Charitable Trusts and Religious  
Institutions  
(2000) Universal, Delhi
- Mukerjee, Commentary on Indian Trust Act (1999) Universal, Delhi.
- Rao.C.R, The Indian Trust Act and Allied Laws (1999)



# **Jiwaji University, Gwalior**

## **LL.B (3YDC) IVth Semester**

### **Paper – IIInd Jurisprudence**

#### **UNIT – I**

##### **Introduction**

1. Definition of the term 'Jurisprudence'
2. Definition of Law, Kinds of Law
3. Justice & its kinds

#### **UNIT - II**

##### **Schools of Jurisprudence**

1. Natural law school
2. Analytical school
3. Historical school
4. Sociological school
5. Realistic school

#### **UNIT – III**

##### **Source of Law**

1. Legislation
2. Precedents: concept of stare deices
3. Customs
4. Juristic Writings

#### **UNIT – IV**

##### **Legal Rights: the Concept**

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

##### **Personality**

1. Nature of personality
2. Status of the unborn, minor, lunatic, drunken and dead persons
3. Corporate Personality
4. Dimension of the modern legal personality: Legal personality of non-human beings



## UNIT – V

### Possession and Ownership: the Concept

1. Kinds of possession
2. kinds of ownership
3. Difference between possession and ownership
4. Concept of Property
5. Title

### Liability

1. Condition for imposing liability
2. Strict liability
3. Vicarious liability

### Obligations:

1. Nature and kind

### Selected Bibliography

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



# **Jiwaji University, Gwalior**

## **LL.B (3YDC) IVth Semester**

### **Paper – IIIrd Environmental Laws**

#### **UNIT – I**

##### **Concept of Environment and Pollution**

1. Environment, Meaning and concept
2. Pollution – Meaning, Effects of pollution and its kind
3. Water, Air Pollution Act
4. Indian Tradition & Industrial development
5. Environment Protection Act, 1988

#### **UNIT – II**

##### **International Historical Perspective**

1. Stockholm conference
2. Rio conference
3. U.N. declaration on right to development
4. Green House effect & Ozone Depletion

#### **UNIT - III**

##### **Constitutional Provisions related to Environment**

1. Constitution making – development and property oriented approach
2. Directive principles, (Status, role and interrelationship with fundamental rights and fundamental duties)
3. Fundamental Duty
4. Judicial approach
5. Fundamental Rights (Rights to clean and healthy environment, Environmental Vs Development)
6. Enforcing agencies and remedies (Courts, Tribunal, Constitutional, Statutory and judicial remedies)
7. Emerging principles (Polluter pays public liability insurance. Precautionary Principles)
8. Sustainable development

#### **UNIT – IV**

##### **Environment Protection Measures Vis a Vis Environment Pollution**

1. Protection agencies power and functions
2. Protection : means and sanctions
3. Emerging protection through delegated legislation
4. Hazardous waste and Bio-medical waste
5. Judiciary: Complex problems in administration of environment justice

## **UNIT – V**

### **A Forest and wild Life Protection**

1. Greenery conservation laws
2. Forest conservation
3. Conservation agencies
4. Prior approval and non – forest purpose
5. Symbiotic relationship and tribal people
6. Denudation of forest: judicial approach
7. Wild life
8. Sanctuaries and national parks
9. Licensing of zoos and parks
10. State monopoly in the sale of wild life and wild life article
11. Offences against wild life

### **B. Bio – Diversity**

1. Legal control
2. Control of eco-unfriendly experimentation on animal, plants, seeds and microorganism

### **Selected bibliography**

1. Armin Rosencranze, et. Al. (eds.) Environmental Law and Policy in India (2000),
2. R.B. Singh and Suresh Mishra, Environmental Law in India (1996), Concept Pub. Co, New – Delhi
3. Kailash Thakur, Environmental Protection Law and Policy in India,(1997), Deep and Deep Pub. New Delhi
4. Richard L. Riverze, et. El. (eds.) Environmental Law, The Economy and sustainable Development (2000), Cambridge
5. Christopher D. stone, should Trees Have Standing and other Essays on law, Moral and Environment (1996), Oceana
6. Leelakrishnan, P. et al. (eds.) Law and Environment (1990), Eastern Lucknow
7. Leelakrishnan, P. The Environment Law in India (1999), Butterworths India
8. Department of Science and technology, Government of India, Report of the Committee Recommending Legislative Measures and Administrative Machinery for ensuring environment Protection (1980) (Tiwari Committee Report)



# Jiwaji University, Gwalior

## LL.B (3YDC) IVth Semester

### Paper – IVth Criminology and Penology

**Note:-** This Paper shall be of 100marks. Candidates are required to attempt five question on ten.

#### **Contents:-**

##### **(I)**

**Introduction:-** Early concept of Crime, Nature and extent of Crime in India, Definition Crime and its characteristics, Difference from Sin, Scope of Criminology, Relation between Criminology, Penology and Criminal law. Possibility of criminology as a Science.

##### **(II)**

**Causes of Criminal Behavior :-** The Schools of Criminology Classical School, Positive School – Lombroso and others (heredity and mental retardation as causes of crime) Sociology Theories, Sutherland's Theory of Criminal behavior and differential association , Multi Causation theory, Economic theories and their relevance, Environment – home and combination influence, Urban and Rural Crimes, Effect of media broken homes – Motion Pictures – T.V. Video, Press- Narcotics and alcohol, Emotional disturbance and other Psychological factors.

##### **(III)**

**Dimensions of Crime in India :-** Nature and extent of Crime in India, Crime of Power Organised Crimes, White – Collar Crimes, Socio – economic Crimes – adulteration of food and fraudulent trade practices, Crimes in the Professions – Medical, legal, Engineering, Crime related Crimes, Criminality of women.

##### **(IV)**

**Police and the Criminal Justice:-** The Police System in India, Organization of Police, P and duties of Police, The role of Police, Functions of Police in Crime Prevention, Custom violence and liability of Police, Corruption in Police.

**Punishment of Offenders:-** Modes of Punishment, Capital Punishment, The Prison System reforms in Prison Open Prisons Prison labour,

##### **(V)**

#### **Theories of Punishment.**

Juvenile delinquency and Juvenile Courts.





# **Jiwaji University, Gwalior**

## **LL.B (3YDC) IVth Semester**

### **Paper – Vth Alternate Dispute Resolution (Clinical Course)**

#### **UNIT-I**

- 1. Arbitration: meaning scope and types**
2. Arbitration Agreement- Essentials, Kinds
3. Who can enter into arbitration agreement?
4. Validity
5. Reference to arbitration
6. Interim measures by court

#### **UNIT-II**

1. Arbitration Tribunal, Appointment, Jurisdiction of arbitral tribunal, Grounds of challenge, Powers, Procedure, Court assistance
2. Award, Rules of guidance, Form and content, Correction and interpretation
3. Grounds of setting aside an award- Want of proper notice and hearing, Contravention of composition and procedure
4. Impartiality of the arbitrator
5. Bar of limitations, res judicata
6. Consent of parties
7. Enforcement

#### **UNIT-III**

- 1. Appeal and revision**
2. Enforcement of foreign awards, New York convention Award, Geneva Convention Awards

#### **UNIT-IV**

##### **Conciliation**

1. Distinction between “conciliation”, “negotiation”, “mediation”, and “arbitration”,
2. Appointment of conciliator
3. Interaction between conciliator and parties
4. Communication, disclosure and confidentiality
5. Suggestions by parties
6. Resort to judicial proceedings, legal effect
7. Costs and deposit repeal



## UNIT-V

### Rule making Power:-

Legal Services Authorities Act  
Lok Adalat  
Legal camp

### Books Recommended

- |                |   |                                     |
|----------------|---|-------------------------------------|
| 1. Avtar Singh | : | Arbitration and Conciliation        |
| 2. Goyal       | : | Arbitration and Conciliation Act    |
| 3. अवतार सिंह  | : | माध्यसीम एवं सुलह अधिनियम           |
| 3. Shukla      | : | Legal remedies                      |
| 4. Jhabvala    | : | Law of Arbitration and Concillation |

