



Rajasthan School of Law for Women, Jaipur

University of Rajasthan, Jaipur

Session

2021 – 22

Syllabus
Semester VIII

SEMESTER -VIII

Paper 8.36 Rajasthan Land Laws

Total marks : 100 (80+20)

External Exam : 80

Internal Marks : 20 (10 Internal Exam, 10 Project & Viva)

Module No. 1

Rajasthan Tenancy Act, 1955

Preliminary: object and reason, Definition- Agriculture year, Agriculture, Agriculturalist, Crops, Estate, Estate holder, Grove-land, Holding, Improvement, Khudkasht, land, land cultivated personally, Land holder, Pasture land, Rent, Revenue, Sayar, Tenant, Nalbat. Classes of Tenants, Primary Right of Tenant, Surrender, Abandonment and Extinction.

Module No. 2

Rajasthan Tenancy Act, 1955

Determination and modification of Rent, Payment and recovery of rent, Ejectment of Tenants, Remedies for Wrongful Ejectment of tenants. Question of proprietary rights in Revenue court, Question of tenancy Right in civil court.

Module No. 3

Rajasthan Revenue Act, 1956

The Board of Revenue, Revenue Courts and Officers, Appeal, Reference, Revision and Review, Survey, records of right, Maintenance of maps and record, annual register.

Module No. 4

Rajasthan Revenue Act, 1956

Settlement operation, rent rates, collection of revenue.

Module No. 5

Rajasthan Rent Control Act, 2001

Preliminary: object and reasons, Definition-Amenities, Landlord, Premises, Tenant. Revision of rent, limited period tenancy, eviction of tenants, right of landlord to recover immediate possession in certain cases, restoration of possession of illegally evicted tenant and procedure thereof.

Module No. 6

Rajasthan Rent Control Act, 2001

Constitution of tribunals, procedure for revision of rent and eviction, Appeal and Execution Amenities.

Module No. 7

Land Acquisition Law

Preliminary: object and reason, Definition: affected family, agriculture land, cost of acquisition, displaced family, infrastructure project, marginal farmer, market value, person interested, public purpose, and resettlement area. Determination of social impact and public purpose, special provision to safeguard food security, Notification and Acquisition, Rehabilitation and Resettlement Award and procedure relating to it. Procedure relating to land acquisition, rehabilitation and resettlement authority, apportionment and payment of compensation.

Paper 8.37 Environmental Law

Total marks : **100 (80+20)**

External Exam : **80**

Internal Marks : **20** (10 Internal Exam, 10 Project & Viva)

Objectives of the Course

The importance of environmental law has increased tremendously throughout the globe in recent times. The uniqueness of this subject lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, inter-generational equity, and prevention of pollution. Also the uniqueness of the subject is borne out by the new outlook which ecology – related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential

Module No. 1

- (a) i. Meaning and contents of environment
ii. Pollution: Meaning, Kinds and effects of pollution
- (b) i. International regime

Module No. 2

- a) i. Constitutional remedies : Fundamental rights, 42nd amendment
- (b) i. Polluter pays principles, precautionary principles, public trust doctrine, sustainable development
ii. Other Common law and statutory remedies

Module No. 3

- (a) i. Environment Protection Act 1986: Object, section 1 to 10
- (b) i. Section 10 to 26

Module No. 4

- (a) i. The Water (Prevention and Control of Pollution) Act, 1974: Object, Definitions, constitution and functioning of boards under the Act, Prevention and Control of Water Pollution
- (b) i. Funds, Accounts
ii. Penalties and Procedure
iii. Central Water Laboratory
iv. Power of Central Government and State Government to make rules

Module No. 5

- (a) i. The Air (Prevention and Control of Pollution) Act 1981 Object, Definitions, constitution of Boards, powers and functions
- (b) i. Prevention and Control of Air Pollution, Air laboratory, penalties and procedure, power of central government and state government to make rules.

Module No. 6

- (a) i. The Wild Life Act 1972
 - 1) Need to conserve wild life
 - 2) Definitions, constitution of National and state board for wild life
- (b) i. Grant of permits, protected area sanctuary

Module No. 7

- (a) i. Advisory Committee, Reserve management committee, National park, Central Zoo authority
- (b) i. Offences and penalties under the Act
ii. Noise Pollution

Reference Case Laws :

1. Vellore Citizens' Welfare Forum v. Union of India (1996) 5 SCC 647
2. Municipal Council Ratlam v. Vardhichand, AIR 1980 SC 1622
3. M.C. Mehta v. Union of India & othes (1992) 1 SCC 358
4. U.P. Pollution Control Board v. Modi Distillary and ors., AIR 1988 SC 1128
5. Church of god (Full Gospel) v. K.K.R. Majestic Colony Welfare Association & ors., AIR 2000 SC 2773
6. D.D. Vyas&ors. v. Shriram Food and Fertilizers and Union of India, AIR 1987 SC 965
7. R. L&E. Kendra, Dehradun v. State of U.P., AIR 1985 SC 652
8. M.C. Mehta v. Kamal Nath, (1997) 1 SCC 599

Suggested Readings

1. Paras Diwan and Piyushi Diwan, Environmental Administration, Law and Judicial Attitude
2. P.S. Jaswal, Environmental Law
3. R.B. Singh & Suresh Mishra, Environmental Law in India
4. P. Leelakrishna, The Environmental Law in India
5. N. Maheshwari, Texi Book on Environmental Law
6. S.C. Shastri, Environmental Law

Paper 8.38 Alternate Dispute Resolution

Total marks : **100 (80+20)**

External Exam : **80**

Internal Marks : **20** (10 Internal Exam, 10 Project & Viva)

Aims and Objectives

The major concern of law is dispute resolution. Familiarization with the modalities of resolution of conflict is a necessary component in the efforts of developing expertise in juridical exercise. The traditional justice delivery system through adjudication by the court had already given way to a large extent to many alternative modes of dispute resolution in the common law countries. The study of ADR is highly significant in molding the student of law to act as soldiers of justice. The course aims to give the student an insight into the processes of arbitration, conciliation and mediations in areas where the traditional judicial system had its way in the past and in the new areas of conflicts that demand resolution by alternative methods. The course has to be taught with comparative and international prospective with a view to bringing out the essential awareness of the national and international systems of resolving the disputes.

Module – 1

- (a)
 - i. Meaning of dispute, Necessity of Dispute Resolution
 - ii. Mechanism of Dispute Resolution, ADRs and their impotence
- (b)
 - i. Alternatives to Judicial Process, Negotiation, Mediation, Compromise, Conciliation
 - ii. Arbitration, LokAdalats, Panchayats
 - iii. Distinction between ADR & Judicial Dispute Resolution

Module – 2

- (a)
 - i. Historical background of Arbitration in India
 - ii. The Arbitration Act, 1940 & its short comings
- (b)
 - i. UNCITRAL Model Law ii. Historical Background of Arbitration & Conciliation Act, 1996
 - ii. Aims and objects of Arbitration and Conciliation Act, 1996

Module – 3

- (a)
 - i. Concept of Arbitration, Kinds of Arbitration, International Commercial Arbitration
 - ii. Arbitration Agreement, Essentials, Validity, Reference to Arbitration, Interim Measure by Court
- (b)
 - i. Arbitration Tribunal – Composition, Jurisdiction, Appointment
 - ii. Challenge to appointment, Powers
 - iii. Procedures and Court Assistance

Module – 4

- (a)
 - i. Conduct of arbitral proceedings
 - ii. Arbitral award-forms and contents, ground of validity of award
 - iii. Corrections and Interpretations, nature and contents of award. Form of award. Grounds of setting aside an award
- (b)
 - i. Finality of arbitral award
 - ii. Enforcement of an award
 - iii. Appeals and Revision, costs.

Module – 5

- (a)
 - i. Foreign Arbitral Award
 - ii. Enforcement of Foreign Awards
- (b)
 - i. New York convention, 1958
 - ii. Geneva Convention, 1928

Module – 6

- (a)
 - i. Conciliation-appointment, Communication, Role of Conciliator
 - ii. Termination of Conciliation Proceedings

- iii. Nature of Awards Costs.
- (b)
 - i. Conciliation proceedings in CPC
 - ii. Conciliation proceedings under Industrial Dispute Act
 - iii. Conciliation in Family Disputes

Module – 7

- (a)
 - i. Legal Services Authorities Act
 - ii. Formation of LokAdalats, Enforcement of Awards
- (b)
 - i. Role of NGOs in Dispute Settlement
 - ii. Settlement of International Disputes by Peaceful means.

Reference Books

1. Bombay Gas Company v. Parmeshwar Mittal, AIR 1998 Bom. 118
2. Tamil Nadu Electricity Board v. Bridge Tunnel Construction, AIR 1997 SC 1376
3. M/s ITI limited Allahabad v. Distt. Allahabad AIR 1998 All. 318
4. Grid Corporation of Orissa ltd. v. Indian Charge Chrome ltd. AIR 1998 SC 1761
5. Kulbir Singh Rattan Sing v. New Delhi Municipal Council, AIR 1998 Del 230
6. M.M.T.C. Ltd v. Sterlite industries Ltd., AIR 1997 SC 605
7. K.K. Modhi v. K.N. Modhi, AIR 1998 SC 1297
8. Indian Oil Corporation Ltd. v. Kiran Construction Co., AIR 2003 Del. 282
9. Oil and Natural Gas Commission v. Saw Pipes, AIR 2002 SC 2629
10. NTPC v. Singer Company, AIR 1993 SC 998

Books Referred

1. Law of Arbitration and Conciliation – S.K. Roy Choudhary, H.K. Saharay
2. Arbitration & Conciliation – S.C. Tripathi
3. Alternative Dispute Redressal System – S.R. Maini
4. Law of Arbitration P.M. Bakshi
5. Arbitration & Conciliation - Avtar Singh
6. The Arbitration & Conciliation Act, 1996
7. The Legal Services Authorities Act, 1987

Paper 8.39 Law of Crimes – II (IPC)

Total marks : **100 (80+20)**

External Exam : **80**

Internal Marks : **20** (10 Internal Exam, 10 Project & Viva)

Aims and Objectives

Crimes take place in almost all societies. Therefore, almost every country has criminal laws. Criminal law of a country must contain the substantive criminal law, the procedural criminal law and law relating to evidence. The basic core substantive criminal law in India is contained in the Indian Penal Code, 1860. The procedural criminal law is in the form of Code of Criminal Procedure, 1973 and the evidence law has been codified in the Indian Evidence Act, 1872. It is necessary for the students of law to know these laws. The Indian Penal Code, 1860 has been divided under two parts – Criminal Law-I and Criminal Law-II which deal with general principles and specific offences respectively and are part of the syllabus of Seventh and Eight semesters in that order.

Module – I

Miscellaneous

1. Waging, or attempting to wage war or abetting waging of war, against the Govt. of India (Section 121)
2. Conspiracy to commit offences punishable by Section 121 (Section 121-A)
3. Sedition (Section 124-A)
4. Giving false evidence (Section 191)
5. Fabricating false evidence (Section 192)
6. Threatening any person to give false evidence (Section 195-A)
7. Causing disappearance of evidence of offence, or giving false information to screen offender (Section 201)
8. Disclosure of identity of the victim of certain offences, etc. (Section 228-A)
9. Failure by person released on bail or bond to appear in court (Section 229-A)
10. Definitions of Coin & Indian Coin (Section 230)
11. Counterfeiting Coin and Indian Coin (Sections 231,232)
12. Public Nuisance (Section 268)
13. Keeping lottery office (Section 294-A)
14. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs (Section 295-A)

Module – 2

1. Culpable homicide (Section 299)
2. Murder (Section 300)
3. Difference between culpable homicide not amounting to murder and murder

Module – 3

1. Culpable homicide by causing death of person other than person whose death was intended (Section 301)
2. Punishment for murder (Section 302)
3. Punishment for murder by life convict (Section 303)
4. Constitutionality of Section 303
5. Punishment for culpable homicide not amounting to murder (Section 304)
6. Causing death by negligence (Section 304-A)

Module – 4

1. Dowry death (Section 304-B)
2. Husband or relatives of husband of a woman subjecting her to cruelty (Section 498-A)
3. Assault or Criminal force to woman with intent to outrage her modesty (Section 354)
4. Word, gesture or act intended to insult the modesty of a woman (Section 509)
5. Rape (Section 375)
6. Punishment for rape (Section 376)

7. Intercourse by a man with his wife during separation (Section 376-A)
8. Intercourse by public servant with woman in his custody (Section 376-B)
9. Sexual Intercourse by a person in authority (Section 376-C)
10. Gang Rape (Section 376-D)
11. Punishment for repeat offenders (Section 376 – E)
12. Bigamy (Section 494)
13. Adultery (Section 497)

Module – 5

1. Thug (Section 310)
2. Causing miscarriage (Section 312)
3. Hurt (Section 319)
4. Grievous Hurt (Section 320)
5. Wrongful restraint (Section 339)
6. Wrongful confinement (Section 340)
7. Force (Section 349)
8. Criminal Force (Section 350)
9. Assault (Section 351)
10. Kidnapping from India (Section 360)
11. Kidnapping from lawful guardianship (Section 361)
12. Difference between kidnapping from lawful guardianship and abduction

Module – 6

1. Theft (Section 378)
2. Extortion (Section 383)
3. Difference between theft and extortion
4. Robbery (Section 383)
5. Dacoity (Section 391)
6. Difference between robbery and dacoity
7. Dishonest Misappropriations of Property (Section 403)
8. Difference between theft and dishonest misappropriation of property
9. Dishonest misappropriation of property possessed by deceased person at the time of his death (Section 404)
10. Criminal breach of Trust (Section 405)
11. Difference between criminal misappropriation and criminal breach of trust
12. Stolen property (Section 410)

Module – 7

1. Cheating (Section 415)
2. Cheating by personation (Section 416)
3. Mischief (Section 425)
4. Criminal Trespass (Section 441)
5. House Trespass (Section 442)
6. Lurking house trespass (Section 443)
7. Lurking house trespass by night (Section 444)
8. House breaking (Section 445)
9. House breaking by night (Section 446)
10. Forgery (Section 463)
11. Making a false document (Section 464)
12. Defamation (Section 499)
13. Criminal intimidation (Section 503)
14. Difference between criminal intimidation and extortion

Important Decided Cases:

1. Reg. v. Govinda (1876) 1 Bom. 342
2. LaxmanKalu v. State of Maharastra, AIR 1968 SC 1390
3. Dalip Singh v. State AIR 1993 SC 2119
4. Virsa Singh v. State of Punjab AIR 1958 SC 465
5. Prabhudayal v. State AIR 1993 SC 2164
6. Bachan Singh v. State of Punjab AIR 1980 SC 898
7. Mithu Singh v. State AIR 1983 SC 473
8. ReemaAgarwal v. Annpam 2004 CrLJ 892 (SC)
9. ICICI Bank Ltd. v. PrakashKaur AIR 2007 SC 1349
10. GV Rao v. LHV Prasad 2002 CrLJ 3487 (SC)

Suggested Readings

1. Hari Singh Gour : Penal Law of India
2. RatanLal&DhirajLal : The Indian Penal Code
3. Prof. T. Bhattacharyya : The Indian Penal Code
4. Prof. S.N. Misra : The Indian Penal Code
5. P.S. Pillai : Criminal Law
6. K.N.C. Pillai : General Principles of Criminal Law
7. K.D. Gaur : A Text Book on the Penal Code

Paper 8.40 Legislation & Interpretation of Statutes

Total marks : **100 (80+20)**

External Exam : **80**

Internal Marks : **20** (10 Internal Exam, 10 Project & Viva)

Income Tax Act 1961

Module – I

- i. Different Parts of Statutes
- ii. Classification of Statutes
- iii. Interpretation and Construction
- iv. Literal Interpretation
- v. Mischief Rule of Interpretation
- vi. The Golden Rule of Interpretation
- vii. Harmonious Construction

Module – 2

- (i) The Statute should be read as a whole
- (ii) Construction ut res magis valeat quam pereat
- (iii) Identical expressions to have same meaning
- (iv) Construction noscitur a sociis
- (v) Construction ejusdem generis

Module – 3

- i. Construction expression unius est exclusion alterius
- ii. Construction contemporanea exposition est fortissima in lege
- iii. Beneficial construction
- iv. Strict construction of penal statutes
- v. Strict constructions of taxing (fiscal) statutes

Module – 4

- (i) Interpretation of statutes in parimateria
- (ii) Interpretation of amending statutes
- (iii) Interpretation of consolidating statutes
- (iv) Interpretation of codifying statutes
- (v) Mandatory and directory enactments
- (vi) Conjunctive and disjunctive enactments

Module – 5

- (i) Internal aids to interpretation
- (ii) External aids to interpretation
- (iii) Presumptions regarding jurisdiction
- (iv) Commencement of legislation
- (v) Repeal of legislation
- (vi) Revival of legislation
- (vii) Retrospective operation statutes

Module – 6

Interpretation of the Constitution

- i. Principle of implied powers
- ii. Principle of incidental and ancillary powers
- iii. Principle of implied prohibition
- iv. Principle of occupied field
- v. Principle of pith and substance

- vi. Principle of colourable legislation
- vii. Principle of territorial nexus
- viii. Principle of severability
- ix. Principle of prospective over ruling
- x. Principle of eclipse

Module – 7

Principles of legislation

- Principle of utility (Chapter-I)
- The Ascetic Principle (Chapter-II)
- The Arbitrary Principle (or the principle of sympathy and antipathy) (Chapter-III)
- Different kinds of Pleasures and Pains (Chapter-VI) Principles of the Civil Code – Objects of the Civil Law
- Rights and obligations (chapter-I)
- Ends of Civil Law (Chapter-II) Principles of the Penal Code
- Classification of offences : subdivision of offences and some other divisions (Chapter-II &II)
- Punishments which ought not to be inflicted (Chapter-I)
- Proportion between offences and punishments (Chapter-II)
- The kinds of punishments (Chapter-VII)

SUGGESTED READINGS: -

- i. Maxwell on The Interpretation of Statutes
- ii. Interpretation of Statutes by Vepa P. Sarthi
- iii. Interpretation of Statutes by Prof. T. Bhattacharya
- iv. Interpretation of Statutes by B. M. Gandhi