

AVADH LAW COLLEGE

LL.B. Fifth Semester

Political Science-I (Paper-I)

- 1- Nature, Definition and scope of Political science, methods and approaches to the study of political science Traditional and Behavioral. Relationship of Political science with History, Economics, Psychology, Sociology and Geography.
- 2- State- Its elements, Nation & nationality, Major Theories of the Origin of the State- Divine, force, Social contract and evolutionary.
- 3- Functions of the State-liberal welfare and Socialist theories.
- 4- Sovereignty- meaning, Nature, Characteristics, Austinian and Pluralist theories. Law- Definition, Punishment and its theories.
- 5- Concepts- Citizenship, Liberty, Equality, Rights and Duties.
- 6- Democracy, Socialism, Totalitarianism, Fascism, Nazism and communism

LL.B. Fifth Semester

Basic Psychology Process (Paper-II)

1. Introduction:

Definition and Scope of Psychology, Methods- Experimental, Observation, Interview

2. Language Development:

Nature and Stage of Language Development in Childhood

3. Memory and formatting:

Nature, Stages of Memory, Types, Improving Memory, Fogretting

4. Sleep Disorders:

Nature of sleep, Classification of sleep Problem, causes and treatment

5. Intelligence:

Nature and Definition, Measurement of Intelligence, Theories, Determinants of Intelligence

6. Guidance and Counseling:

Nature and Guidance, Types of Guidance, Nature of counseling, Techniques of counseling

7. Personality:

Meaning, Types, Techniques of Assessment, Determinants

8. Environment and behavior:

Nature and definition of Environment, Environmental problems, effects of Environment of behavior, Crowding and personal space

Books Recommended:

- | | | |
|-------------------|---|-----------------------------|
| 1 अरुण कुमार सिंह | - | सामान्य मनोविज्ञान |
| 2 त्रिपाठी लालबचन | - | आधुनिक प्रायोगिक मनोविज्ञान |
| 3 डॉ. मो. सुलेमान | - | असामान्य मनोविज्ञान |

LL.B. Fifth Semester

LAW OF CRIMES- I (Paper-III)

UNIT- I

Conception, nature and definition of crime
Distinction between crime and other wrongs
Elements of criminal liability- physical element (actus reus) and mental element (mens rea)
Mens rea under statutory offences
I.P.C.: a reflection of different social and moral values
Applicability of I.P.C.

UNIT- II

Stages of crime
Guilty intention- mere intention not punishable
Preparation- preparation not punishable, exceptions
Attempt- attempt when punishable, specific provisions of I.P.C., tests for determining what constitutes attempt proximity, equivocality and social danger, impossible attempt
Punishment- types of punishment
Death, social relevance of capital punishment, alternatives to capital punishment
Imprisonment
Forfeiture of property
Fine

UNIT- III

General Exceptions
Mistake of fact and of law
Mental incapacity- minority; insanity- medical and legal insanity
Intoxication- involuntary
Accident
Necessity
Consent
Private defence- justification and limits

UNIT- IV

Joint / Group liability
Common intention, distinction between common intention and common object
Abetment- instigation, conspiracy and aiding
Unlawful assembly- basis of liability
Criminal conspiracy

UNIT- V

Constructive liability (Section 149, IPC)
Rioting
Vicarious liability
Affray
Sedition

Act

The Indian Penal Code, 1860

Books

K.D.Gaur, A Text Book on the Indian Penal Code

K.D.Gaur, Criminal Law: Cases and Materials

Ratanlal Dhirajlal's Indian Penal Code

P.S.Achuthan Pillai, Criminal Law

T.Bhattacharya, The Indian Penal Code

M.D.Chaturvedi, Bharatiya Dand Samhita

S.N.Mishra, Indian Penal Code

LL.B. Fifth Semester

JURISPRUDENCE- I (Legal Theory) (Paper-IV)

UNIT- I

Jurisprudence- Meaning, scope and importance.
Definition of law, nature and kinds of law.
Sources of law- legislation, precedents; concept of stare decisis,
custom and juristic writings.

UNIT- II

Natural law – meaning, various stages of the development of natural law.
Ancient concept of “Dharma”
Analytical Positivism- Kelsen, Bentham, Salmond, and Austin.

UNIT- III

Historical School- German historical school (Savigny) and British historical school (Sir Henry Maine)
Economic interpretation of law.

UNIT- IV

Sociological School
Realist School of jurisprudence.

UNIT- V

Philosophical School- Kant, Hegel.
The Modern- PIL; Social justice, Compensatory jurisprudence.
Feminist jurisprudence.

Books

Salmond on Jurisprudence.
Dias, Jurisprudence
Bodenheimer, Jurisprudence- The Philosophy and Method of Law, (Universal, Delhi)
S.N.Dhyani, Jurisprudence- A Study of Indian Legal Theory.

LL.B. Fifth Semester

LAW OF TORTS- I (Paper-V)

UNIT-I

Evolution of the law of torts

Definition, Nature, Scope and Objects

Wrongful act- violation of duty imposed by law, duty which is owed to people generally (in rem)
– damnum sine injuria and injuria sine damnum

Tort distinguished from crime and breach of contract

The concept of unliquidated damages

UNIT-II

Volenti non fit injuria

Necessity- private and public

Plaintiff's default

Act of God

Inevitable accident

Private defense

Statutory authority

Judicial and quasi-judicial acts

Mistake

UNIT- III

Vicarious liability- Meaning, Scope and Justification

Master and servant- arising out of and in the course of employment. Who is master? - The control test. Who is servant? Borrowed servant; Independent contractor and Servant distinguished

Principal and agent

Partners

Vicarious liability of the State

UNIT- IV

Assault, battery, mayhem

False imprisonment

Malicious prosecution

Nervous shock

UNIT- V

Strict/ Absolute liability

The rule in Rylands v. Fletcher

Liability for harm caused by inherently dangerous industries

Position in India- Bhopal Gas Leak Disaster case, (AIR 1990 SC 273); M.C.Mehta v. Unionof India, (AIR 1987 SC 1086)

Books

Salmond and Heuston, Law of Torts

D.M.Gandhi, The Law of Torts

Ratanlal Dhirajlal, The Law of Torts

Winfield and Jolowiz on Tort

R.K.Bangia, The Law of Torts, M.V. Accident and Consumer Protection Act

LL.B. Fifth Semester

LABOUR AND INDUSTRIAL LAWS- I (Paper-VI)

UNIT- I

Labour through ages- slave labour- guild system- division on caste basis.
Theories of labour and surplus value
Concept of social security
Characteristics of social security
Constituents of social security- traditional and modern
Social security under the Constitution of India.

UNIT- II

The Industrial Employment (Standing Orders) Act, 1946.
Historical background
Definition of important terms- Appropriate Government, Employer, Industrial establishment, Standing orders, and workman.
Procedure for certification of standing orders- date of operation of standing orders, register of standing orders, posting of standing orders, duration and modification of standing orders.
Certifying officer- powers and functions.
The Trade Unions Act, 1926.
Object and essential features of the Trade Union Act
Definition and nature of trade union
Legal characteristics of a registered Trade Union.
Incorporation of registered Trade Union.
Registration of trade unions- appointment of Registrars, mode of registration, application to Registrar, contents of the copy of rules, registration.
Rights and liabilities of registered Trade Unions.
Privileges and immunities of Registered Trade Unions.

UNIT- III

The Industrial Disputes Act, 1947.
Object and essential features of the Industrial Disputes Act.
Definition of important terms- Industry, Industrial dispute- when an individual dispute becomes and industrial dispute, Public Utility Service, Wages, and workman.
Provisions concerning Strike and Lock out, prohibitions, illegal strike and lock out, distinction between strike and lock out, lock out and closure.
Provisions concerning Lay off and Retrenchment, conditions precedent to retrenchment of workmen.
Authorities under the Industrial Disputes Act- (1) Works Committee, (2) Conciliation Officer, (3) Board of Conciliation, (4) Courts of Inquiry, (5) Labour Court, (6) Industrial Tribunal, (7) National Tribunal, and (8) Arbitration.
Reference of disputes to Boards, Courts, or Tribunals.

UNIT- IV

The Contract Labour (Regulation and Abolition) Act, 1970.

Object and constitutional validity of the Act.
Contract labour and Contractor.
Advisory Board and State Advisory Boards
Registration of establishment employing contract labour, effect of non-registration, prohibition of employment of contract labour.
Licensing of contractors- grant of licenses, revocation, suspension, amendment of licences.
Welfare and health of contract labour.

UNIT- V

Position of child labour.
Contribution of ILO to prohibition and regulation of child labour.
Child labour and constitutional mandate.
Child Labour (Prohibition and Regulation) Act.
Aims and objects of the Act.
Prohibition of employment of children.
Regulation of conditions of work of children.
Bonded Labour System (Abolition) Act, 1976.
Aims and objects of the Act.
Who is a bonded labour? Indian scenario.
Fundamental rights against exploitation.
Abolition of bonded labour system.
Implementing authorities.
Vigilance Committee- Constitution and functions

Acts

The Industrial Employment (Standing Orders) Act, 1946.
The Trade Unions Act, 1926.
The Industrial Disputes Act, 1947.
The Contract Labour (Regulation and Prohibition) Act, 1970.
The Child Labour (Prohibition and Regulation) Act, 1986.
The Bonded Labour System (Abolition) Act, 1976.

Books

S.C. Srivastava, Social Security and Labour Laws,(Universal, Delhi).
R.C.Saxena, Labour Problems and Social Welfare.
V.V.Giri, Labour Problems in Indian Industry.
Indian Law Institute, Labour Law and Labour Relations (1987).
Report of the National Commission on Labour.
V.G.Goswami, Labour and Industrial Laws (CLA, Allahabad)
S.N.Mishra, Labour and Industrial Laws