OPJS UNIVERSITY, CHURU (RAJ.)

SYLLABUS

for

LL.B. 3 YEAR COURSE

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School of Law
Opjs University, Churu (Rajasthan)
2014-15

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LL.B. (3 Years)
(List of Courses Prescribed for I-Semester)

COMPULSORY COURSE

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>BL-101</td>
<td>General Principles of Contract</td>
</tr>
<tr>
<td>BL-102</td>
<td>Constitutional Law -I</td>
</tr>
<tr>
<td>BL-103</td>
<td>Law of Tort (including Consumer Protection Act)</td>
</tr>
<tr>
<td>BL-104</td>
<td>Family Law-I (Hindu Law)</td>
</tr>
<tr>
<td>BL-105</td>
<td>Legal English</td>
</tr>
</tbody>
</table>

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Details of Syllabus:-

{LL.B. First Semester}

**BL-101-Paper- 1-General Principal of Contract**

1. Contract:
   (a) Meaning, elements and characteristics of contract
   (b) Basis of Contract
   (c) Classification of contract, including the standard form of contract.
2. Proposal:
   (a) Meaning, elements, characteristics and kinds of proposal, distinction between proposal and invitation to Proposal.
   (b) Acceptance: Meaning, Modes and Characteristics of Acceptance.
   (c) Communication, revocation and termination of proposal and Acceptance.
3. Consideration
   (a) Meaning, definition and Elements of consideration
(b) Significance and adequacy of consideration
(c) Unlawful consideration and object.
(d) Concept of stranger to contract.
4. Capacity to contract:
   (a) Who cannot make a contract, who is minor and the place of minor under the law of contract.
   (b) Person of unsound mind, nature of contract ‘by person of unsound mind
   (c) Persons deprived of the capacity to contract.
5. Free Consent:
   (a) Meaning of consent and free consent
   (b) Factors rendering consent not free and their affect upon the validity of contract.
6. Void Agreements:
   (a) Agreements in restraint of marriage: freedom of trade and right to initiate legal proceedings.
   (b) Agreements involving uncertainty: wager and impossibility. Contingent Ccgittract: Certain relations resembling to those created by contract (Quasi contract).
7. Performance of Contract:
   (a) Who is liable to perform, joint rights and joint liability and performance of reciprocal promises?
   (b) Time, place and manner or performance
   (c) Discharge from liability to perform the contract.
8. Breach of Contract:
   (a) Meaning and kinds.
   (b) Remedies for breach of contract.
      (i)Damages - Measure of damages and remoteness of damages.
      (ii)Specific performance of contract and injunction under Specific Relief Act.

Leading Cases:
1. Carlii V Carbolic Smoke Ball Co. (1883) IQB 256
2. Bhagwandas V Girdhari Lal & Co. AIR 1966 SC 543
4. Lalman Shukia V Gauri Dutt All IJ (1913) 409
5. Mohori Bibi V Dhurmodas Ghosh(1903)I.A. 172

Suggested Readings:
1 Atiyah, P.S. : An introduction to the law of contract.
3 Pollock & Mulla: Indian Contract & Specific Relief Act.
5 Avtar Singh : Law of contract.
6 Avtar Singh : सं विदा विधि
7 I.C. Saxena & R.I. Nawalakha: सं विदा विधि
8 राम सिंह हसं विदा विधि
BL-102-Paper-2- Constitutional Law -I

I. Nature and Salient features of Constitution; Preamble; The Union and its Territory; Citizenship State (Art. 12)

II. Fundamental Rights – To Whom Available; Judicial Review (Art. 13); Right to Equality (Art. 14-18); Right to Freedom (Art. 19-22)

III. Right Against Exploitation (Art. 23 and 24); Freedom of Religion (Art. 25-28); Cultural and Educational Rights (Art. 29 and 30); Directive Principles of State Policy

IV. Fundamental Duties; Union Judiciary; State Judiciary; Writs Jurisdictions of Higher Courts including Judicial Activism in India

Leading Cases:
Minerva Mills V. Union of India, AIR 1978 SC, 1789.
Maneka Gandhi V. Union of India. AIR 1978 SC 597.
Keshavanand Bharti V. State of Kerala AIR 1973 SC 1476

Suggested Reading
H.M. Seervai : Constitutional Law of India
M.P. Jain : Indian Constitution Law
D.D. Basu : Introduction of Constitution
J.N. Pandey : Constitutional Law of India
Kailash Rai : The Constitutional Law of India

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BL-103-Paper-3-Law of Torts: (Including Consumer Protection Law)

1. Definition, nature, scope, objects and elements of Tort, Maxims, Extinction or Discharge of Tortious Liability, Joint Tort - Feasors.
4. Torts to person and property including Negligence. Nuisance, nervous shock. Interference with contract or business, intimidation, conspiracy, deceit or fraud, malicious prosecution, defamation.

Leading Cases:
3. Rylands V. Fletcher(1869) IRHT 330.

Suggested Readings:
4. जे े.एम.पांडे :अपक्रू त्य विधि
5.एम.एम.शु कळा:अपक्रू त्य विधि के सिधान्त
6.आर.के े.बां गिया: अपक्रू त्य विधि

BL-104-Paper- 4-Family Law-I (Hindu Law)

4. The Hindu Adoption and Maintenance Act, 1956: Requisites of valid adoption. Succession to take an adoption. Effect of adoption, persons who may be adopted, other condition for a valid adoption. Effect of Adoption: Miscellaneous provisions of adoptions, Maintenance.

Leading Cases:
1. Shastri Yajna Purushasji V. Muldas AIR 1966 SC 11153
4. Dr. N.G. Dastanee V. Sucheta Dastanee AIR 1975 S.C. 1534.

Suggested Readings:
2 Raghvachariar: Hindu Law-Principles and precedents.
5. डॉ.पारस दीवान: आदु निक हिंदू विधि 
6. के सरी यूं पी डी: हिंदू विधि 
7. डॉ. आर.आर.मौर्य : हिंदू विधि 

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BL-105-Paper-5-English and Legal Language

(A) Vocabulary:
1. Use of legal phrases and terms (list of legal terms given below)
2. Pairs of words.
3. One word substitution.
4. Latin Maxims (Listed Below)

(B) Composition Skills
1. Brief Writing and drafting notice. Letter and applications
2. Essay writing on topics of legal interest.
3. Translation (from English to Hindi and Hindi to English)
4. Precise writing.
5. Varieties of Sentence Structures & Verb Patterns.

List of legal terms which are relevant for LL.B. Students:
1. Abet
2. Abstain
3. Accomplice
4. Act of God
5. Actionable
6. Accused
7. Admission
8. Affidavit
9. Amendment
10. Appeal
11. Articles
12. Assent
13. Attested
14. Adornment
15. Averment
16. Bail
17. Bailment
18. Citation
19. Clause
20. Coercion
21. Code
22. Cognizable
23. Confusion
24. Compromise
25. Consent
26. Conspiracy
27. Contempt
28. Conviction
29. Corporate
30. Custody
31. Damages
32. Decree
33. Defamation
34. Defense
35. Escheat
36. Estoppels
37. Eviction
38. Executive
39. Ex-parte
40. Finding
41. Floating
42. charge
43. Forma
44. Pauperise
45. Franchise
46. Fraud
47. Frustration
48. Good
49. faith
50. Guardian
51. Habeas
52. Corpus
53. Hearse
54. Homicide
55. hypothecation
56. Illegal
57. indent
58. Inheritance
59. Bench
60. Bill
61. Bill of attainder


23. Bill of rights Blockade Bonafide
24. By-laws Capital Punishment Charge
25. Chattles Justiciable Legislation
26. Legitimacy Liability Liberty
27. Licence Lieu Liquidation
28. Maintenance Malafide Malfeasance
29. Minor Misfeasance Mortgage
30. Murder Negligence Negotiable
31. Notification Nuisance Novation
32. Oath Obscense Offender
33. Order Ordinance over rule
34. Petition Plaintiff Pledge
35. Preamble Pre-emption Prescription
36. Presumption Privilege Privit
37. Prize Process Promiss on Note
38. Proof Proposal Prosecution
39. Remand Remedy Rent

List of Latin Maxims:
1. Ab initio (from the beginniig)
2. Actio personalis moritur cum persona (Personal rights by action dies with the person).
3. Actus curae neminein gravabit (an act of the court shall prejudice no one).
4. Actus non facit reum. nisi mens sit rea (the act itself does not constitute guilt unless done with aguity intent).
5. Actus reus (wrongful act).
6. Ad interim (in the meantime)
7. Ad tiicm (for the suit).
8. Ad valorum (according to the value).
9. Alibi (plea of being elsewhere)
10. Amicus curiae (friend of the court).
11. Animus (intention).
12. Ayudi alierem (hear the other side).
13. Caveat emptor (buyer beware).
14. Conv I km aent by to petns tqxi tl thing in t1 sine sse).
15. Damnum sine injuria (damage without injury).
17. Dejure (in law).
18. De minimis not curat lex (the law takes no account of trifling matters).
19. Decree msi (a decree which takes effect after a specified period), (delegated).
20. Doll in capax (incapable in malice).
21. Doiiatio mortis causa (gifi by a person on the death bed).
22. Ejusdem generis (of the same category).
23. Eminent domain (the supreme right).
24. Ex.officio (by virtue of an office).
25. Ex-parte (not in the presence of the opposite party).
26. Ex-postfacto (by subsequent act).
27. Factum valet (the fact which cannot be altered).
28. Fait accompli (an accomplished fact).
29. Ignorantia legis neminem excusat (ignorance of law is no excuse).
30. In pari materia (in an analogous case, cause or position)
31. Injuria sine damno (injury without damage).
32. Interest republicae Ut sit fims litiiun (it is in the interest of the republic that
    there should be an end of law suit).
33. Intra vires (within the powers).
34. Jus tertii (The right of a third party)
35. Lis pendens (pending suit).
36. Mens rea (a guilty mind)
37. Mesne profits (the profits received by a person on wrongful possession).
38. Nemo det quod non habet (no man can’t transfer better little than be himself).
39. Neiwck bis vn pro et idem causa (no man be tce xed for t1E sane cause).

**Suggestive Books**

1. Gainvile William : Learning the Law
2. Wren & Martin : English Grammar.
4. Hindi-English Legal glossary: Vidhi Sahitya Prakashan, Ministry of Law
   Government of India, New Delhi.
6. Ishtiaque Abidi: Law and Language
7. Dr. Anirudha Prasad: Legal Language & Writing.
8. Dr. Surendra Yadav : Legal Language, Legal Writing Including Gen. Eng
9. Dr. R.L. Jain : Legal Language, Legal Writing Including Gen. Eng
10. Dr. G.S. Sharma : Legal Language, Legal Writing
11. Dr. B.L. Babel : Legal Language, Legal Writing

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**LL.B. (3 Years)**

(List of Courses Prescribed for II-Semester)

**COMPULSORY COURSE**


**II-SEMESTER**

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>BL-201</td>
<td>Special Contract</td>
</tr>
<tr>
<td>BL-202</td>
<td>Constitutional Law-II</td>
</tr>
<tr>
<td>BL-203</td>
<td>Legal &amp; constitutional History of India</td>
</tr>
<tr>
<td>BL-204</td>
<td>Family Law-II (Muslim Law)</td>
</tr>
<tr>
<td>BL-205</td>
<td>(a) Public Interest Layering (Written Paper).</td>
</tr>
<tr>
<td></td>
<td>(b) Moot Court Exercise &amp; viva-voce</td>
</tr>
</tbody>
</table>

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**{LL. B. Second Semester}**

**BL-201-Paper-1-Special Contract**

1. Contract of Indemnity and Guarantees:
   (a) Meaning, Distinction between indemnity and gauranteee and kind of guarantees.
   (b) Right of indemnity holder.
   (c) Rights of the surety, extent of liability of the surety.
   (d) Discharge of liability of the surety.
2. Contracts of Bailment and Pledge:
   (a) Meaning and kinds of contract of Bailment-Bailment without consideration
   (b) Rights and duties of bailee and bailor.
   (c) Termination of contract of Bailment.
   (d) Position of the finder of goods under law.
   (e) Contract of pledge - meaning and definition. Pledge by unauthorised persons.
   (f) Rights and duties of pawner and pawnee
3. Contract of Agency:
   (a) Definition, kinds and modes of creation of Agency.
   (b) Relations between the Principal and agent. The Principal and third party and the agent and the third party.
(c) Determination of agent’s Authority: - By the acts of parties and by operation of Law. Irrevocable authority.

4. Contract of Partnership:
(a) Meaning definition, formation and the characteristics of contract of partnership.
(b) Distinction between:
   (i) Co-ownership and partnership
   (ii) Joint Hindu Family firm and partnership; and
   (iii) Company and partnership
   (c) Position of Minor
   (d) Relations interest of partners and relation of partners with third parties.
   (e) Registration of partnership firm
   (f) Dissolution of partnership and of firm.

Leading cases:

Suggested Readings:
3. डॉ.अर.एल.राठी : सं विद्या विधि
4. V.G. Ramchandran: The law of Contract in India.
7. Avtar Singh: Law of contract (English & Hindi)
8. Avtar Singh: Law of partnership (English & Hindi)

BL-202-Paper-2-Constitutional Law-II

I. Union Legislature including the Speaker; State Legislature; Privileges of Legislature and Anti Defection Law
II. Union Executive; State Executive; Legislative Relations between Union and States; Administrative Relations between Union and States
III. Liability of State in Torts and Contracts; Emergency Provisions; Election Commission: Constitution Powers and Functions
IV. Freedom of Trade, Commerce and Inter-Course; Services under the Union and the States including Public Service Commission; Constitutional Provisions Relating to Tribunals and Administrative Tribunals; Amendments of the Constitution including the Doctrine of Basic Structure

Leading cases:

Suggested Readings
BL-203-Paper-3-Legal & constitutional History of India

I. Importance of necessity of legal history; Charter of 1726 and establishment of Mayor’s Court; Charter of 1753; The Regulating Act, 1773. The Supreme Court of Calcutta, Bombay and Madras Act of Settlement, 1781; Nand Kumar Trial, Patna case Cosijurah case.

II. The beginning to the adalat system; the judicial plan of 1772 and 1774 introduced by warren hasting. Judicail reforms of cornwallis and william bentick.

III. The high court: Dual judicature before 1861: Indian high court act 1861; Privy Council; Federal Court and good consciences), Development of Criminal Law. Charter Act of 1833. Codification of Law; Law Commission, Legislative Council, First, Second and Third Law Commissions

IV. Government of India Act, 1858 and 1892 Act of 1909 ; Morley Minto reforms, Government of India Act, 1919.


Leading Cases:
1. Trial of Raja Nand Kumar, 1775.
2. Patna Case, 1777-79.

Suggested Books:-
1. Jain, M.P.: Outlines of Indian Legal History (Hindi & English).
2. Keith, A.B.: Constitutional History of India,
5. Sinha, B.S.: Legal & Constitutional History of India.
7. Bhansali, S.R.: Legal System of India

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**BL-204-Paper- 4 Family Law -II (Mohammedan Law)**

6. Will (Vasiyat): Competency of testator and legatee, valid subject of will Testamentary limitations, formalities of a will and abatement of legacy.
7. Legitimacy and acknowledgment: Legitimacy and legitimation, presumption of legitimacy under Muslim law and section 112 of the Indian Evidence Act, conditions of a valid acknowledgment.

**Leading Cases:**
1. Mama Bibi V. Chaudhary Vakil Ahmed (1923)52 la 145.
4. Abdul Fata V. Russomoy Choudhary (1894)221 A 76.

Suggested Readings:
1. Fyzee : Mohammedan Law.
4. Aquil Ahmed: Mohammedan Law.(English & Hindi)
6. के . पी. शर्मा : मु स्लिम विधि
8.हफिजु रहमान: मु स्लिम विधि

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BL-205-Paper- 5-(a) Public Interest Layering

1. Meaning, Nature, Scope and object of public interest Litigation (PIL). PIL against the state and other public bodies. Difference between Public interest litigation and Private interest litigation; Meaning of Social action litigation, Concept of Locus Stand.
2. Legal Aid under the -
   1. Constitution;
   2. Code of Criminal Procedure;
   3. Code of Civil procedure - The Legal Services Authorities Act, 1987, Legal Aid and Law School, Legal Aid and voluntary organization, Legal Aid and legal profession; District Legal Aid Committee

4. Writing of PIL Petitions Writings of Applications for Legal Aid

Leading Cases:

Suggested Books For Study:
1. P.N. Bhagwati :Legal Aid as a Human Right
2. Sujan Singh : Legal Aid - Human Right ofEquality
3. Sunil Dhesta :Lok Adalats in India - Genesismand Functioning
4. L.M. Singhi : Law and PovertyCases and Material
5. Awadh Prasad :Lok Adalat
6. S.S. Sharma : Legal Assistance to Poor
7. P.N. Bajpayee :Legal Aid & the Bar Council
LL.B. (3 Years)
(List of Courses Prescribed for III-Semester)

COMPULSORY COURSE

### III- SEMESTER

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>BL-301</td>
<td>Jurisprudence</td>
</tr>
<tr>
<td>BL-302</td>
<td>Law of Crime – I</td>
</tr>
<tr>
<td>BL-303</td>
<td>Property Law-I</td>
</tr>
<tr>
<td>BL-304</td>
<td>Labour Laws-I</td>
</tr>
<tr>
<td>BL-305(a)</td>
<td>Option: - Any one of the following:</td>
</tr>
<tr>
<td>BL-305(b)</td>
<td>(a) Administrative Law</td>
</tr>
<tr>
<td></td>
<td>(b) Public International Law-I</td>
</tr>
</tbody>
</table>

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{LL.B. Third Semester}

**BL-301-Paper- 1-Jurisprudence**


II. Analytical School of Law; Kelson’s Pure Theory of Law; Historical School of Law; Sociological School of Law; Natural Law School


Prescribed Books:-

Freidmann W. : Legal Theory
B.N.M. Tripati : An Introduction to Jurisprudence (Legal Theory)
S.P. Dwivedi : Jurisprudence and Legal Theory
Paton G.W. : A Text Book of Jurisprudence

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I. Introduction to Substantive Criminal Law :
   a. Extent and operation of the Indian Penal Code
   b. Definition of Crime
   c. Fundamental elements of crime
   d. Stages in commission of a crime
   e. Intention, Preparation, Attempt

II. General Explanations and Exceptions:
   a. Definitions
   b. Constructive joint liability
   c. Mistake
   d. Judicial and Executive acts
   e. Accident
   f. Necessity
   g. Infancy
   h. Insanity
   i. Intoxication
   j. Consent
   k. Good faith

III. Private defence
   IV. Abetment and Criminal Conspiracy
   IV. Punishment
a. Theories: Deterrent, Retributive, Preventive, Expiatory and Reformative Theory
b. Punishment under the IPC: Fine, Imprisonment, Capital Punishment

**Leading Cases:**
1. Barendra Kumar Ghosh v. King Emperor – AIR 1925 PC
3. Delhi Judicial Service Association, Tis Hazari Court v. State of Gujrat AIR 1991 SC 2176
4. M Naughton’s Case – (1843) 4St Tr (NS) 847
5. Rupan Deol Bajaj v. KPS Gill – AIR 1996 SC 309

**Prescribed Books:**
* Ratanlal & Dhirajlal – The Indian Penal Code
* H.S. Gaur – Penal Law of India
* T.Bhacharya :Indian Penal Code (English/Hindi)

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**BL-303-Paper-3-Property Law-1**

I. Concept of Property and General Principles Relating to Transfer of Property; Concept of property: distinction between moveable and immovable property; Definition clause: Immovable property, Attestation, Notice, Actionable claim; Definition to transfer of property (Sec.5); Transfer and non-transfer property (Sec.10-12); Transfer to an unborn person and rule against perpetuity (Sec.13, 14); Vested and Contingent interest (Sec.19 & 21); Rule of Election (Sec.35)

II. General Principles Governing Transfer of Immoveable Property; Transfer by ostensible owner Rule of feeding the grant by estopple; Rule of Lis pendens; Fraudulent transfer; Rule of part performance; Vested and contingent interest; Conditional transfer

Prescribed Books:-
1. Sarathi V.P. Law of Transfer of Property
2. Shah S.M. Principles of the Law of Transfer
3. Mulla on Transfer of Property Act
4. Lahiri M.M. Transfer of Property Act
5. Mitra B.B. Transfer of Property Act
6. Shukla S.N. Transfer of Property Act
7. Gupta R.R. Transfer of Property Act (English/Hindi)

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**BL-304-Paper-4-Labour Law-1**
1. Trade Unions Act, 1926 Main features and the following:- History of Trade Unionism in India; Development of Trade Union Law in India; Right to Trade Union as part of fundamental right to freedom of association under the Indian Constitution; Definition of Trade Union and Trade Dispute; Distinction between Trade Dispute and Individual Dispute; Registration of Trade Unions; Rights and Liabilities of Registered Trade Unions; Recognition of Trade Unions; Collective Bargaining and Trade Disputes


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BL-305(a)-Paper-5-(a) Administrative Law

I. Evolution and Scope of Administrative Law
   b. Rule of law and Administrative Law
   c. Separation of powers and its relevance
   d. Relationship between Constitutional law and Administrative Law
   e. Administrative Law vis-à-vis privatization
   f. Classification of functions of Administration

II. Legislative Functions of Administration
   a. Necessity and Constitutionality
   b. Forms and requirements
   c. Control
      i. Legislative
      ii. Judicial
      iii. Procedural
   d. Sub-delegation

III. Judicial Functions of Administration
   a. Need for devolution of adjudicatory authority on administration
   b. Nature of tribunals – Constitution, powers, procedures, rules of evidence
   c. Administrative Tribunals
   d. Principles of Natural Justice
      i. Rule against bias
ii. Audi Alteram Partem
iii. Reasoned decisions
e. Rules of evidence – no evidence, some evidence and substantial evidence
f. Institutional Decisions
IV. Administrative Discretion and Judicial Control of Administrative Action
A. Administrative Discretion
a. Need and its relationship with rule of law
b. Constitutional imperatives and exercise of discretion
c. Grounds of judicial review
i. Abuse of discretion
ii. Failure to exercise discretion
d. Doctrine of legitimate expectations

B. Judicial Control of Administrative Action
a. Introduction
b. Court as the final authority to determine the legality of administrative action
c. Exhaustion of Administrative remedies
d. Locus standi
e. Res judicat
C. Methods of judicial review
a. Statutory appeals
b. Writs
c. Declaratory judgements and injunctions
d. Civil Suits for Compensation
Leading Cases:
1. Ram Jawaya v. State of Punjab (AIR 1955 SC 549)
2. A.K. Kraipak v. Union of India (AIR 1950 SC 150)
Prescribed Books
1. Administrative Law – Wade
2. Lectures on Administrative Law – C.K. Takwani
3. Administrative Law – S.P. Sathe

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BL-305(b)-Paper-5 (b) Public International Law-I
I. Definition and nature, General and Regional rules of International Law, Distinction between public International Law and Private International Law, Hugo Grotius, Is International Law true Law? Sanctions of observance of International Law, Sources of International Law (Article 38, Statute of the International Court of Justice), Relationship between international law and municipal law (Monism, Dualism, British, American and Indian Practice),
Subject of international law, Individual as subject of international law characteristics of a State in International Law, Micro States, Sovereignty of States


Prescribed Books :-
1. Starke, introduction to International Law
2. Rebecca Wallace, International Law
3. Brownlie, Principles of International Law
4. S.K.Kapoor, Public International
5. M.P.Tandon, Public International Law,
6. K.C.Joshi, International Law

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{LL.B. Fourth Semester}
LL.B. (3 Years)
(List of Courses Prescribed for IV-Semester)

COMPULSORY COURSE

<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>BL-401</td>
<td>Law of Crime –II</td>
</tr>
<tr>
<td>BL-402</td>
<td>Property Law-II</td>
</tr>
<tr>
<td>BL-403</td>
<td>Company Law</td>
</tr>
<tr>
<td>BL-404(a)</td>
<td>Option:-Any one of the following:-</td>
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<tr>
<td>BL-404(b)</td>
<td>(a) Labour Laws-II</td>
</tr>
<tr>
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<td>(b) Public International Law-II</td>
</tr>
<tr>
<td>BL-405</td>
<td>(a) Professional Ethics &amp; Bar Bench Relation (Written Paper)</td>
</tr>
<tr>
<td></td>
<td>(b) Moot Court Exercise (viva-voce)</td>
</tr>
</tbody>
</table>

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BL-401-Paper –1-Law of Crimes-II

I. Offences affecting the Human body
   a. Offences affecting life, causing miscarriage, or injuries to unborn children
   b. Offences of hurt, of wrongful restraint and wrongful confinement
   c. Offences of criminal force and Assault, offences of kidnapping and Abduction

II. Offences against Women
   a. Obscene acts and songs
   b. Outraging the modesty of women
   c. Rape
   d. Cruelty by husband or relatives of husband
   e. Offences relating to marriage

III. Offences against Property
   a. Theft, Extortion, robbery and decoity
   b. Criminal misappropriation and criminal breach of trust
   c. Cheating
d. Mischief

e. Criminal trespass

IV. Defamation and offences relating to documents and property marks

a. Defamation

b. Forgery

c. Counterfeiting

**Leading Cases:**

1. Govinda’s Case – (1876), Bom 342

**Prescribed Books:-**

1. Ratanlal and Dhirajlal – The Indian Penal Code
2. H.S. Gaur – Penal Law of India
3. T.Bhacharya :Indian Penal Code (English/Hindi)
4. Raja Ram Yadav: भारतीय दंड संहिता
5. N.V.Paranjpe : Indian Penal Code (English/Hindi)

***

**BL-402-Paper -2-Law of Property –II**

**Specific Transfers**

1. Sale (54-57)
2. Mortgage and charge(58-104)
3. Leases of immovable property (Ss 105-117)
4. Exchanges (Ss 118-121)
5. Gifts (Ss 122-129)
6. Transfer of actionable claims (Ss 130-137)

(A) The Indian Partnership Act, 1932

a. Nature of partnership firm

b. Relations of partners to one another and outsiders

i. Rights /Duties of partners inter se

ii. Partnership Property

iii. Relations of Partners to third parties

iv. Liability for holding out

v. Minor as a partner

c. Incoming and outgoing partners

d. Dissolution

i. By consent,

ii. By agreement,

iii. compulsory dissolution,

iv. contingent dissolution,
v. By notice,
vi. By Court.

vii. Consequences of dissolution
viii. firms and effects of non registration

(B) The Indian Easements Act 1882
1. Easements (Ss 1-51)
2. Licenses (Ss 52-64)

Prescribed Books:-
1. Sarathi V.P. Law of Transfer of Property
2. Shah S.M. Principles of the Law of Transfer
3. Mulla on Transfer of Property Act
4. Lahiri M.M. Transfer of Property Act
5. Mitra B.B. Transfer of Property Act
6. Shukla S.N. Transfer of Property Act
7. Gupta R.R. Transfer of Property Act (English/Hindi)
8. Avtar Singh, Law of Contract and Specific Relief
9. R.K. Bangia, Law of Contracts

***

BL-403-Paper -3-Company Law

1. Meaning of Corporation; Theories of corporate personality; Creation and extinction of corporations.

2. Forms of Corporate and Non-Corporate Organisations; Corporations, partnerships and other associations of persons; State corporations government companies, small scale, cooperative; corporate and joint sector.

3. Law relating to companies- public and private- Companies Act, 1956; Need of company for development formation of a company; registration and incorporation.; Memorandum of association- various clauses-alteration thereindoctrine of ultra vires.; Articles of association- binding force- alteration- its relation with memorandum of association- doctrine of constructive notice and indoor management- exceptions.

capital- further issue of capital- conversion of loans and debentures into capital- duties of courts to protect the interests of creditors and shareholders. Directors- position- appointment- qualifications- vacation of office removal- resignation- powers and duties of directors- meeting, registers, loans - remuneration of directors- role of nominee directors- compensation for loss of office- managing directors compensation for loss of office- managing directors and other managerial personnel. Dividends- Debenture; Private companies- nature and advantages- government Winding up-types-.

Prescribed Books :-
1. Ashwin Labhnaï Shah, Lectures on Company Law,Tripathi Pvt. td.;Mumbai
2. Avtar Singh, Indian Company Law, Eastern Book Company,Lucknow
4. S. M. Shah, Lectures on Company Law, Tripathi, Bombay
5. S.S. Gulshan, Company Law, Excel Books
6. Dr. N. V. Paranjape, Company Law, Central Law Agency
7. B.K. Sen Gupta, Company Law, Eastern Law House, Kolkata

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BL-404(a)-Paper 4(a) Labour Laws-II


Suggested Readings
4. K.D. Srivastava, Payment of Bonus Act, Eastern Book Company
5. K.D. Srivastava, Payment of Wages Act
7. S.C.Srivastava, Treatise on Social Security
9. V.J.Rao, Factories Law
10. G.S. Sharma: Labour Laws

***

BL-404(b)-Paper -4 (b) Public International Law-II

I. International Organizations :Definition, the condition which should exits for their development, Their Legal Personality, capacity to enter into international treaties,, Privilege and Immunities, League of Nations: Principal Organs, Its weaknesses, Mandate System.

II. United Nations: Establishment, Preamble, Purpose & Principles of UN, Membership,suspension, expulsion and with drawl. Principal Organs of the UN, Amendment to the Charter.


IV. Neutrality –Meaning under the UN Charter, Rights and duties of neutral and Belligerent States,End of Neutrality, Right of Angary, Contraband and the Doctrine of Continuous Voyage, Blockade, Right of Visit and Search, Prize Courts,

Suggested Readings
1. S.P.Gupta, International Organisation, ALA
2. H.O.Agrawal, International Law and Human Rights
3. S.K.Kapoor : International Law and Human Rights

BL-405-Paper -5 (a)-Professional Ethics & Bar Bench Relation

1. Nature and Characteristics of :
   (a) Professional Ethics
   (b) Legal Profession
2. Historical Perspective and Regulation of Legal Profession
3. Contempt of Court by the Lawyers:
   (a) Civil Contempt
   (b) Criminal Contempt
   (c) Punishment
   (d) Defences
4. Strike by the Lawyers
5. Extent of Professionalization of Legal Profession
6. Code of Ethics for Lawyers
7. Professional Misconduct and its Control
8. BENCH BAR RELATION:
   Meaning and Kinds of Contempt of Court
   I. Contempt of Court – its meaning, Nature and main features
   II. Kinds of contempt of courts
   1. Difference between civil contempt and criminal contempt
   2. Kinds
   III. Civil Contempt
   1. Meaning and Nature
   2. Disobedience of the order, decree, etc. of the court or breach of undertaking given to the court.
   3. Wilful disobedience or breach
   IV. Criminal Contempt. Contempt Proceedings – Nature and Main Features
      1. Nature and main features
      2. Cognizance and Procedure in case of contempt in face of the court.
         A. Contempt in the face of the Supreme Court or High Court.
         B. Contempt in the face of the Subordinate Courts.
      3. Contempt outside the court (Constructive Contempt’s)
      4. Period of Limitation for initiation of contempt proceedings
      5. Parties to contempt proceedings.

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{LL.B. Fifth Semester}
LL.B. (3 Years)
(List of Courses Prescribed for V-Semester)
COMPULSORY COURSE

V-SEMESTER
<table>
<thead>
<tr>
<th>Course Code</th>
<th>Course Title</th>
</tr>
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<tbody>
<tr>
<td>BL-501</td>
<td>Law of Evidence</td>
</tr>
<tr>
<td>BL-502</td>
<td>Criminal Procedure Code, Probation of Offenders Act and Juvenile Justice Act</td>
</tr>
<tr>
<td>BL-503</td>
<td>Civil Procedure Code &amp; Limitation Act</td>
</tr>
<tr>
<td>BL-504</td>
<td>Environmental Law</td>
</tr>
<tr>
<td>BL-505(a)</td>
<td>Option: - Any one of the following:</td>
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<tr>
<td>BL-505(b)</td>
<td>(a) Criminology-I</td>
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<tr>
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<td>(b) Human Right &amp; Practice</td>
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</tbody>
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BL-501-Paper-1-Law of Evidence

I. Definitions and Relevancy of Facts; Admissions and Confessions; Statements by Persons who cannot be called as witnesses; Statements made under special Circumstances; How much of a statement is to be proved; Judgement of Courts of Justice when relevant.

II. Opinions of Third Persons when relevant; Character when relevant; Facts which need not be proved of Oral Evidence of Documentary Evidence

III. Of the Exclusion of Oral by Documentary Evidenced of the Burden of Proof – Estoppel

IV. Of Witnesses; Of the Examination of Witnesses; Of Improper Admission and Rejection of Evidence

Suggested Readings
Avtar Singh : Law of Evidence
Rattan Lal & Dhiraj Lal : The Law of Evidence
S.R. Myneni : Law of Evidence
Batuklal : Law of Evidence
Monir : Evidence
राजाराम यादव : साक्ष्य विधि

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BL-502-Paper-2-Criminal Procedure Code, Probation of
Offenders Act and Juvenile Justice Act


Suggested Readings:-
1. Ratanlal &Dhirajlal- Criminal procedure Code
3. R.N. Choudhari, Juvenile Justice In India
5. N.V.Pranjpe : Criminal procedure Code
**BL-503-Paper-3-Civil Procedure Code & Limitation Act**


4. Suits in Particular Cases — Suits by or against Government — Suits relating to public matters;— Suits by or against minors, persons with unsound mind, - Suits by indigent persons — Interpleader suits — Incidental and supplementary proceedings - Appeals, Reference, Review and Revision — Appeals from Original Decrees — Appeals from Appellate Decrees — Appeals from Orders — General Provisions Relating to Appeals.


**Suggested Readings:-**
4. P.K. Majumdar and R. P. Kataria, Commentry on the Code of Civil Procedure Code-1908
5. P.K. Mukharjee, Limitation Act
6. Shailendra Malik, Code Of Civil Procedure,
7. Dr. Avtar Singh, Code of Civil Procedure,

***

BL-504-Paper- 4-Environmental Law

(1) General Background:
(a) Problems of Environmental Pollution and Protection
(b) History of Indian Environmental Laws
(c) Importance and Scope of Environmental Laws
(d) International Perspective of Environmental Law
(2) Constitutional Aspects:
(a) Distribution of Legislative Power
(b) Directive Principles of State Policy
(c) Fundamental Duties
(d) Fundamental Rights
(a) Salient Features of the Acts
(b) Definitions
(c) Authorities - Composition, Power and Function
(d) Mechanism to Control the Pollution
(e) Sanctions
(4) Environment (Protection) Act, 1986:
(a) Definition of 'Environment'
(b) Salient Features of the Act
(c) Authorities - Composition, Powers, Functions
(d) Mechanism to Control Environmental Pollution
(e) Sanctions
(5) Control of Noise Pollution:
(a) Legal Control
(b) Judicial Control
(6) Emerging Principles: Historical Background and Judicial Approach in India
(a) Polluter Pays Principle
(b) Precautionary Principle
(c) Public Trust Doctrine
(d) Sustainable Development
(7) Environmental Dispute and Grievance Settlement Mechanism:
(a) National Environment Tribunal Act, 1995- Powers, Functions and Jurisdiction of the National Environmental Tribunal
(b) National Environment Appellate Authority Act, 1997- Powers, Functions and Jurisdiction of the National Environment Appellate Authority.

Leading Cases:
(a) M.C. Mehta vs. Union of India (AIR 1987 SC 965, 982, 1086)
(b) M.C. Mehta vs. Union of India (AIR 1988 SC 1037, 1115)
(c) Municipal Council, Rattlam vs. Vardhichand and Others (AIR 1980 SC 1622)

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BL-505(a)-Paper- 5(a)-Criminology


2. Schools of Criminological Thought (Factors in causation of Criminal Behaviors)
   1. Ancient School
      (a) Demonological
      (b) School of Free will
   2. Classical School.
   3. Cartographic or Ecological School.
   4. Typological School
      (a) Italian or Positive School.
      (b) Mental Testers School.
      (c) Psychiatrists School.
   5. Sociological School


5. The Probation of offenders Act, 1958 : Definitions - Power of court to require released offenders after admonition on probation of good conduct - power of Court to require released offenders to pay compensation under twenty one years of age. Variations of conditions of probation. Probabtion
in case of 'Offender' failing to observe conditions of bond, provision as to sureties, Probation Officers, Duties of Probation Officer.

Leading Cases:

Suggested Readings:
1. Pillai, K.S. - Criminology.
2. Edwin, H. Sutherland and Donald R. Grussey - Principles of Criminology.
5. M.S. Chauhan – अपराध शास्त्र एवं अपराधिक विज्ञान सिद्धांत

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BL-505(b)-Paper- 5 (b) Human Right & Practice


5. Human Rights and Vulnerable Groups; Rights of Women, Children, Disabled, Tribal, Aged and Minorities.

Leading Cases:

Suggested Readings:
1.UNO Charter.
4. S.K. Kapur : International law (English and Hindi)
**{LL.B. Sixth Semester}**
**LL.B. (3 Years)**

(List of Courses Prescribed for VI-Semester)

**COMPULSORY COURSE**

<table>
<thead>
<tr>
<th>Course Code</th>
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<tbody>
<tr>
<td>BL-601</td>
<td>Interpretation of Statutes</td>
</tr>
<tr>
<td>BL-602</td>
<td>Land Laws including Tenure &amp; Tenancy System</td>
</tr>
<tr>
<td>BL-603</td>
<td>Alternate Dispute Resolution and Legal Aid</td>
</tr>
<tr>
<td>BL-604(a)</td>
<td>Option:- Any one of the following :</td>
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<tr>
<td>BL-604(b)</td>
<td>(a) Criminology –II (Penology)</td>
</tr>
<tr>
<td></td>
<td>(b) Intellectual Property Law</td>
</tr>
<tr>
<td>BL-605</td>
<td>(a) Drafting, Pleading and Conveyancing (Written Paper)</td>
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<tr>
<td></td>
<td>(b) Moot Court Exercise (viva-voce)</td>
</tr>
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**BL-601-Paper-1-Interpretation of Statutes**

1. Interpretation of Statutes
   a. Meaning of the term 'Statutes', classification of statutes
   b. The duties of a Judge and legislation.
   c. Purpose of Interpretation of statutes.
   e. Commencement, Repeal of statutes.
2. Aids to Interpretation
   Internal aids
   a. Title
   b. Preamble
   c. Heading and marginal notes
   d. Punctuation marks
e. Illustrations, exceptions, provisions and saving clauses.
f. Schedules
g. Non-obstinate clause
   External aids
a. Dictionaries
b. Translations
c. Travaux Preparatoires
d. Stare decisis
e. Statutes in para material
f. Parliamentary History
g. Foreign Judgments
3. Rules of Statutory Interpretation
   Primary Rules
a. Literal rule
b. Golden rule
c. Mischief rule (Rule in the Heydon’s case)
d. Rule of harmonious construction
   Secondary Rules
a. Noscitur a sociis
b. Ejusdem generis
c. Reddendo singula singulis
4. Presumptions in Statutory Interpretation
a. Statutes are valid
b. Statutes are territorial in operation
c. Presumption as to jurisdiction
d. Presumption against violation of International Law
e. Prospective operation of statutes
5. Maxims of Statutory Interpretation
a. Contemporeance expositioeost fortissive in lege
b. Expressio uniusest exclusio alterius
c. Generalia specialibus non derogant
d. Uteres magis valet quam pereat
6. Interpretation with reference to the subject matter and purpose
a. Taxing Statutes
b. Penal Statutes
c. Interpretation of directory and mandatory provisions
7. Principles of Constitutional Interpretation
a. Harmonious construction
b. Doctrine of pith and substance
c. Colorable legislation
d. Doctrine of eclipse

Suggested Readings:
1. V.P. Sarathi : Interpretation of Statutes
2. G.P. Singh : Principles of Statutory Interpretation
3. Jagdish Swarup : Legislation and Interpretation
4. T. Bhattacharya : Interpretation of Statutes

***

BL-602-Paper-2-Land Laws

Acts of Study:
3. The Rajasthan Imposition of ceiling on Agriculture Holding Act 1973. (All the acts are in full course)

Leading Cases:

Suggested Readings:
2. Dutt, S.K. : Tenancy Law in Rajasthan
4. Suresh Chand H. Mathur : Law of Tenancy in Rajasthan
5. Karkara, G.S. : Rajasthan Land Laws (English &Hindi)
6. Babel, B.L. : Rajasthan Land Laws (Hindi)

***

BL-603-Paper-3-Alternate Dispute Resolution & Legal Aid

   - Constituents of Arbitration Agreement; Composition of Arbitral Tribunal; Removal of arbitrator; Termination of Mandate and substitution of Arbitration; Setting aside of arbitral award; Enforcement of award.

2. The Arbitration and Conciliation Act, 1996 - Scope of Conciliation; Appointment of Conciliators; Role of Conciliator; Settlement agreement; Status and effect of settlement agreement; Confidentiality; Termination of Conciliation proceedings; Resort to arbitral or Judicial proceedings; Difference between Conciliation and Mediation; Distinction between Mediation and Arbitration

3. Alternative Means of Settlement of Disputes- Merits of ADR; Demerits of ADR12-Negotiation; Essential Ingredients of Negotiation; Sources of
Negotiation; Kinds of approaches to negotiation; Obstructions to Negotiation

4. Lok- Adalats & Legal Aid; Concept of Lok-Adalat; Establishment of Lok-Adalats; Jurisdiction of Lok-Adalats; Powers of the Lok-Adalats; Award of the Lok-Adalats; Legal Aid under Constitution of India, 1950; Free Legal Services under the Legal Services Authorities Act, 1987

Books Recommended:
1. Dr. Avtar Singh, Law of Arbitration & Conciliation
2. S.C. Tripathi, Arbitration and Conciliation Act, 1996
3. Dr. N.V. Paranjape, Arbitration & Alternative Dispute Resolution
4. Dr. S.S. Mishra, Law of Arbitration & Conciliation in India
5. N.V. Paranjape, Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services.
6. S.S. Mishra, Legal Services, Public Interest Litigation and Para-Legal Services
8. The Arbitration & Conciliation Act, 1996 (Bare Act)
9. The Legal Services Authorities Act, 1987 (Bare Act)

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BL-604(a)-Paper-4 (a) -Criminology –II (Penology)


2. Punishment, -Definition, Relationship between Criminology and Penology; Theories of Punishment; Expiatory, Preventive and reformative and purposes of punishment. Penal Science in India: School of Punishment Pre-classical School, Neo classical Positive school. The reformers, Clinical school and multiple Causation approach.


Leading Cases:

Suggested Readings:
1. Pillai, K.S. - Criminology.
5. Shamshul Huda - Tagore Law Lectures on Criminal Law.

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BL-604(b) Paper-4 (b)- Intellectual Property Law

I. Copyright
   a. Nature and Meaning
   b. Scope of protection
   c. Procedure for protection
   d. Enforcement and Remedies

II. Patents
   a. Nature and Meaning
   b. Scope of protection
   c. Procedure for protection
   d. Enforcement and Remedies

III. Trademarks
   a. Nature and Meaning
   b. Scope of protection
   c. Procedure for protection
   d. Enforcement and Remedies

IV. Designs
   a. Nature and Meaning
   b. Scope of protection
   c. Procedure for protection
   d. Enforcement and Remedies

Text books:
1. Paris Convention for the Protection of Industrial Property, 1883;
2. Indian Copyright Act, 1957;
3. Indian Patents Act, 1970;
4. Agreement on Trade-Related Aspects of Intellectual Property Rights, 1994 (the TRIPS Agreement);
5. Indian Trademarks Act, 1999;
6. Indian Designs Act, 2000

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BL-605-Paper-5 (a)- Drafting, Pleading and Conveyancing
1. Meaning, Scope and Object of Pleadings; Plaint and written statement; Fundamental rules of Pleadings; Place of Suing; Frame of suits and its essentials; Parties to suit
2. Plaint in suit for injunction; Plaint in suit for specific performance; Plaint in suit for breach of contract; Plaint in suit for accounts by the Principal against the agent; Suit for partition and possession; Suit for damages for malicious prosecution; Application for eviction of tenant under the East Punjab Rent Restriction Act, 1949; Application to set aside ex parte decree; Application for appointment of guardian of a minor; Written Statements
3. Petition for Dissolution of Marriage under Section 13 of the Hindu Marriage Act,
   Petition for Restitution of Conjugal Rights under Section 9 of the Hindu Marriage Act,
   Petition for Decree of Nullity of Marriage under Section 11 & 12 of the Hindu Marriage Act,
   Petition for Judicial Separation under Section 10 of the Hindu Marriage Act, 1955
   Complaint for Maintenance of Peace and Order under Section 107 of the Code of Criminal Procedure, 1973
   Complaint for Public Nuisance
   Complaint for defamation
   Application for Maintenance under Section 125 of the Code of Criminal Procedure,
   Application for Bail
   Application for Anticipatory Bail
4. Meaning, Object and Functions of Conveyancing
   Components of deeds
   Agreement to sell property
   Sale Deed
   Gift Deed
   Mortgage Deed
   Lease Deed
   Deed of Exchange
   Will
   Power of Attorney
   Notice

Suggested Readings
Mogha : Pleadings
Mogha : Conveyancing
A.N.Chaturvedi : Pleadings & Conveyancing
Bindra N.S. : Pleading & Practice

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School of Law

OPJS UNIVERSITY, CHURU

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