

Estd : 1988

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NAWADA VIDHI MAHAVIDYALAYA

Campus-I, Kendua, Akauna Bazar, Nawada, Pin-805123

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(Conducted under societies registration Act 1860 u/s 21)

Recognised by Bar Council of India, New Delhi & Govt. of Bihar, Patna

Permanently Affiliated to Magadh University, Bodh-Gaya

Website :- nawadavidhi.org

Ref. No.

Date :

It whom may be clear those, following law papers are offered by the institution to the students as elective papers/optional papers.

S.No.	Name of Paper
1	Hindu Law
2	Criminology & Penology
3	Investment and Security Law
4	International Organizations
5	Insurance Law
6	Banking Law Including Negotiable Instruments Act
7	Law of Taxation

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IQAC CO-ORDINATOR
N.V.M., NAWADA

[Signature]
Principal
Nawada Vidhi Mahavidyalaya

Elective Courses
metrix - 1.2.1

FAMILY LAW - I
(HINDU LAW)

The course includes the study of the following topics laying emphasis on the statutory law with latest amendments; however, a background of the traditional law is required wherever necessary.:

- (i) Sources of Hindu Law
- (ii) Schools and Sub-schools of Hindu Law
- (iii) Marriage with special reference to the Dowry Prohibition Act, 1961 & Child Marriage Restraint Act, 1929.
- (iv) Family Courts Act, 1984.
- (v) Matrimonial reliefs : Concept and grounds of various matrimonial relieves, viz. Restitution of Conjugal rights, Judicial Separation, Nullity of marriage and Divorce.
- (vi) Legitimacy : with special reference to section 112 of Evidence Act. Legal status of children born of void and voidable marriages.
- (vii) Adoption
- (viii) Law of Minority & Guardianship under Hindu Minority and Guardianship Act, 1956.
- (ix) Law of Maintenance including section 125 of Criminal Procedure Code, 1973.
- (x) Joint Hindu Family (Mitakshara & Dayabhaga)
- (xi) Alienation
- (xii) Law of Debts
- (xiii) Law of Partition & Re-union
- (xiv) Law of Succession : Intestate & Testamentary succession.

PAPER - VIII :

OPTIONALS

(ANY ONE OF THE FOLLOWING)

PAPER VIII(A):

BANKRUPTCY LAWS

This course is intended to introduce the students to the study of "Bankruptcy laws". Emphasis will be laid on the study of the following topics.

- (i) Origin and History of Bankruptcy Law
- (ii) Various Courts and Jurisdiction.
- (iii) Persons who may be adjudged insolvent.
- (iv) Law relating to procedure of Adjudication.
- (v) Consequences of Order of Adjudication including Annulment
- (vi) Composition and Schemes of arrangements, Discharge of insolvent, Proof of debts.
- (vii) Property of the insolvent : Property not divisible among creditors, property divisible among creditors.
- (viii) Refuted ownership.
- (ix) Doctrine of relation back, Restriction on rights of execution creditors, Avoidance of voluntary transfer and Fraudulent preference and Disclaimer of onerous property.
- (x) Realisation and distribution of property.
- (xi) Official Assignee and Receiver, Appeal, Review & Revision.

PAPER VIII (B):

CRIMINOLOGY & PENOLOGY

The course shall comprise of Criminology and Penology carrying 60 per cent. Marks for Criminology and 40 per cent. Marks for Penology. The Course will consist of the following :

1. Criminology

- (a) Definition, nature, scope and importance of criminology
- (b) Methods of Criminological studies
 - (i) Statistical
 - (ii) Case Study
 - (iii) Study of the criminal "in the open"
 - (iv) Experimental Method
- (c) Schools of Criminology



- (i) Classical
- (ii) Typological
- (iii) Cartographic
- (iv) Sociological
- (v) Socialist
- (vi) Feminist approach
- (vii) Multiple Factor Approach
- (d) Causes of Crimes
 - (i) Lombrosian Theory
 - (ii) Psycho-analytical Theory
 - (iii) Social Disorganization and Anomie
 - (iv) Differential Association Theory
 - (v) Delinquent Sub-Culture Theory
- (d) Juvenile Delinquency-Causes, prevention and treatment

2. Penology

- (a) Theories of Punishment
- (b) Capital Punishment
- (c) Concept of treatment with reference to :
 - (i) Prison
 - (ii) Probation
- (c) Parole

PAPER VIII (C): INVESTMENT AND SECURITY LAW

The course on Investment and Security Law has been designed to equip the students of law with various laws and rules governing the investment and purchase of securities. The course *inter alia*, shall comprise of the following :

- (a) Meaning of Investment and Securities
- (b) Legal Regulations of Investment in Securities Share & Debentures of a company
 - (i) Private Company




- privilege; Estoppel; extrinsic facts; exclusion of oral evidence by documentary evidence.
- (ii) Admission, Confession, Statements by absent persons, Dying declaration, Evidence given in previous judicial proceedings.
 - (iii) Means of proof, Document -- Public documents, private documents, Primary and Secondary evidence, witnesses, competency of witnesses, compatibility of witnesses; oath on affirmation, examination of witnesses.
 - (iv) Burden of proof; Corroboration; Circumstantial evidence, Judicial notice, presumptions.

PAPER VII : LAND LAWS INCLUDING CEILING ACT AND ANY OTHER LOCAL LAW

The course shall include the detailed study of the following Acts and shall be divided into three parts carrying 20 marks for part A, 60 marks for part B and 20 marks for Part C.

Part A -- Bihar Tenancy Act

20 marks

Part B -- Bihar Land Reform Act, 1950

60 marks

Part C -- Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land Act, 1961) 20 marks

PAPER VIII -- OPTIONALS

(ANY ONE OF THE FOLLOWING)

PAPER VIII (a) INTERNATIONAL ORGANIZATIONS

The course dealing with the historical development of International Organizations is intended to stress on the United Nations; its institutional framework, working, achievements and limitations.

The course shall comprise the following :



- (i) Concept and nature of International Organizations; Process of mankind towards international organization, Individual visions and Organized peace movement
- (ii) The League of Nations, Genesis and Creation, Purposes, General Provisions, Organs-Assembly, Council, Secretariat, Causes of its failure, Permanent Court of International Justice.
- (iii) The United Nations; Genesis and Creation; Purposes and Principles, Membership, Legal Capacity, Privileges and Immunities.
- (iv) The U.N. Organs : Their Composition, Functions and Powers; General Assembly; Security Council, Economic and Social Council, Trusteeship Council, Secretariat, International Court of Justice.
- (v) A comparative view of the League Covenant and U.N. Charter.. Achievements of the United Nations.; Advancement of Human Welfare Settlement of Disputes, Enforcement Action, Peace Keeping Operations, Disarmament, Progressive Development of International law.
- (vi) U.N. Legal and Political Limitations, Review and Revision of the Charter.
- (vii) Specialized Agencies,
- (viii) Regional Organizations.

PAPER VIII (b) : INSURANCE LAW

The course is intended to introduce the students to the study of the contract of Insurance with special reference to (i) Life, (ii) Fire and (iii) Marine Insurance Contracts. Emphasis will be laid on the study of the following topics :-

- (i) Origin and History of Insurance Law.
- (ii) Insurance -Definition, Essentials, Nature and Kinds.
- (iii) Insurable Interest- Definition, Essentials, nature and Insurable Interest in Life, Fire and marine Insurance.
- (iv) Premium - Definition, Mode of Method of payment, Days of grace, Forfeiture and Return of Premium.
- (v) Risk - Meaning, Essentials, Scope, Alteration and application of Doctrine of Causa proxima.

- (vi) Assignment of the Insurance Policy – Nature and Manner, Assignment of Life, Fire and Marine Policies.
- (vii) Warranty – Meaning, Characteristics, Kinds, The effect of breach of Warranty, Warranty and Representation.
- (viii) Double Insurance and Re-insurance.
- (ix) Life Insurance – Nature, Scope, Event Insured, Circumstances affecting the Risk, etc.
- (x) Fire Insurance – Definition, Nature, Scope, Meaning of the term 'Fire', 'Loss by Fire' and special doctrine of Reinstatement, Subrogation and contribution.
- (xi) Marine Insurance – Meaning, Nature, Scope, Classification of marine Policies, etc.

PAPER VIII (C) : BANKING LAW INCLUDING NEGOTIABLE INSTRUMENTS ACT

The course includes the study of the laws relating to banking – general principles and laws regulating the business of banking and the study of Negotiable Instruments Act, 1881. The course will be divided into two parts carrying 60 marks for Banking and 40 marks for Negotiable Instruments Act

(A) Banking law

- (i) Nature and development of banking
- (ii) Relationship of banker and customer
 - a. Banks, banking business, meaning of customer, types of accounts, banker as borrower.
 - b. Contract between banker and customer – their rights and duties;
 - c. Banker's lien;
 - d. Banking instruments;
 - e. Banking services.
- (iii) Laws regulating the business of banking (Salient features only)
 - a. Banking companies Act, 1949

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- b. Banking Regulation Act, 1949
 - c. Reserve bank of India Act, 1934
 - d. State Bank of India Act, 1955
 - e. Nationalisation of banks
 - f. Foreign Exchange Management Act, 1998
- (B) Law relating to Negotiable Instruments – (Negotiable Instruments Act, 1881)
- a. Comparative study of the different types of commercial and investment instruments;
 - b. Different functions and legal incidents of negotiable instruments;
 - c. Negotiability and Assignability;
 - d. Holder and Holder in due course;
 - e. Rights and liabilities of Paying and Collecting banker.
 - f. Dishonour of negotiable instruments including criminal liability of drawer and protection of collecting banker.

PAPER VIII (D):

**HUMAN RIGHTS, CRIMINAL JUSTICE
ADMINISTRATION AND ACCUSED**

This course will include, *inter alia*, the following :

1. **Meaning of Human Rights, Criminal Justice Administration and Accused**
2. **Basis of recognition of Human Rights to Accused**
3. **Evolution of Human Rights in the context of Criminal Justice Administration**
 - (a) Hindu legal system
 - (b) Muslim legal system
 - (c) British period
 - (d) International level
 - (e) National level / Constitution and other laws
3. **Human Rights of an Accused related to Arrest**
 - (a) Under Constitutional Law
 - (b) Under Criminal Procedure Code

4. **Human Rights available at every stage**

- (a) Right to engage Counsel
- (b) Right to apply Free Legal Aid
- (c) Right to be released on Bail
- (d) Other rights

5. **Human Rights available during Trial**

- (a) Right to Speedy Trial or Accelerated Hearing including Speedy Investigation
- (b) Right to be Presumed Innocent
- (c) Right to seek protection against Self - Incrimination
- (d) Right to seek protection against Double Jeopardy

6. **Special Human Rights under Criminal Justice Administration available to special classes of persons**

- (a) Juveniles
- (b) Women
- (c) Insane persons
- (d) S.C. / S.T. and other vulnerable groups

- privilege; Estoppel; extrinsic facts; exclusion of oral evidence by documentary evidence.
- (ii) Admission; Confession, Statements by absent persons; Dying declaration, Evidence given in previous judicial proceedings.
 - (iii) Means of proof, Document -- Public documents, private documents; Primary and Secondary evidence, witnesses; competency of witnesses, compatibility of witnesses; oath on affirmation; examination of witnesses.
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- (a) Theories of Punishment
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- (i) Concept and nature of International Organizations; Process of mankind towards international organization, Individual visions and Organized peace movement
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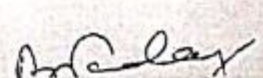
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- (viii) Double Insurance and Re-insurance.
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 - (d) International level
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5. **Human Rights available during Trial**

- (a) Right to Speedy Trial or Accelerated Hearing including Speedy Investigation
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- (d) Right to seek protection against Double Jeopardy

6. **Special Human Rights under Criminal Justice Administration available to special classes of persons**

- (a) Juveniles
- (b) Women
- (c) Insane persons
- (d) S.C. / S.T. and other vulnerable groups

- (iii) Minimum Wages Act, 1948
- (iv) Employees' State Insurance Act, 1949

PAPER - VIII : OPTIONALS

(ANY ONE OF THE FOLLOWING)

PAPER VIII (a) : TRUST, EQUITY & FIDUCIARY RELATIONS

This course is designed to acquaint students with general principles of Equity, and Fiduciary Relations and remedies available under Equity. The course shall be divided in two parts : (a) Equity and (b) Trust & Fiduciary Relations carrying 40 marks for Equity and 60 marks for Trust and Fiduciary Relations

A. Equity

- (a) Nature of Equity
- (b) History of courts of Equity
- (c) Relations of law of Equity
- (d) Important maxims of Equity
- (e) Different Equitable remedies

B. Trust & Fiduciary Relations

- (a) Essentials of Trust
- (b) Fiduciary Relationship-Concept, kinds, vis-à-vis, Trusteeship

- (c) Trust and contract, Power, condition, charge and personal obligations-distinguished
- (d) Classification of Trust and its importance
- (e) Private Trusts
- (f) Public Trusts
- (g) Appointment, Retirement & Removal of Trustee
- (h) Rights, Powers, Discretion and control of Trustee
- (i) Duties of trustee in relation to :
 - (i) Trust property; and
 - (ii) Beneficiary
- (j) The Administration of Trust
- (k) Liability for Breach of Trust
- (l) Constructive Trusts

PAPER VIII (b) : LAW OF TAXATION

The course will include the critical study of the India Income Tax Act, 1981 (as modified) and Bihar Finance Act, 1981. It will be divided into two parts carrying 60 marks for Indian Income Tax, 1981 and 40 marks for Bihar Finance Act, 1981.

(A) Indian Income Tax Act of 43 of 1961 (as modified)

Chapter	I, II, III, IV to VIII
Chapter	XI, XII, XIV, Sections 130 to 131
Chapter	XV, Sections 159, 168 to 168-B, 170, 171, 174, 176, 176 to 178-M, 179
Chapter	XVI, XVII-A, Sections 191-B, 192 to 206
Chapter	XXA, B, C, D, E

(B) Bihar Finance Act, 1981

Sections 2 to 14, 16, 17, 19, 20, 33, 45 to 48.

PAPER VIII (c) :

AIR & SPACE LAW

- (a) Sovereignty over Space, Five freedoms of Air.
- (b) Hijacking, Aviation safety and terrorism.
- (c) The concept, substance and subject matter of International Space Law.
- (d) The History of the Development of Space Law.
- (e) Sources of International Space Law.
- (f) Fundamental Principles of International Space Law.
- (g) Legal problems as to the Exploration of the Moon & Planets.
- (h) Rescue of Human Life in Outer Space.
- (i) The Legal status of Space objects.
- (j) The Regulation of various aspects of Space Activities, viz., Space communications, Direct Television Broadcasting, Satellites, the use of artificial earth satellites for navigation, space meteorology, the exploration of the earth's resources by space facilities, space activities and environmental pollution, Remote sensing.

PAPER VIII (d)(i) :

**WOMEN & LAW AND
LAW RELATING TO CHILD**

The course is divided into two parts : (A) Women and Law and (B) Law Relating to Child carrying 60 marks for Part A and 40 marks for Part B. It consists of the following:

(A) Women and Law

The fact that women constitute half of the world's population and deserve rights and status equal to men; yet they are unable to realize their legal rights is the reason for emphasis on this course to study the rights of women under International Laws and National laws and to examine international instruments and national laws which effect

the legal status of women and realization of their rights. The emphasis will be laid on the following :

- (a) **Legal position of women in pre-independence period**
 - (i) Legal position of women in Ancient India
 - (ii) Legal position of women in Medieval India
 - (iii) Legal position of women in British India
- (b) **Women's Right and Indian Constitution**

Constitutional provisions concerning equality and protection of women in chapter on Fundamental Rights and Directive Principles.
- (c) **U.N. Convention on Elimination of Discrimination Against Women, 1979.**
- (d) **U.N. Machinery for Advancement of Women's Equality and Women's Welfare.**
 - (i) International Commission on Status of Women.
 - (ii) CEDAW
- (e) **Social Legislation for Women**

Dowry Prohibition Act, 1961
- (f) **Dowry Crimes and I.P.C., 1860**
 - (i) Cruelty against married women . section 498-A (IPC)
 - (ii) Women's Right to Control their Re-productivity

(B) Law Relating to Child

Though Hindu civilization recognize rights from the womb, children rights in the modern world received recognition from the U.N. Convention on the Rights of Child, 1989. This part of the course will include rights of child as depository hopes and future of mankind in coming century. This part shall comprise of the following :

- (a) **Concept of Child, Determination of Age**
- (b) **Children's rights under Hindu jurisprudence/ancient India.**
- (c) **Emergence of the concept of Children's Rights under U.N. Convention on the Rights of the Child, 1989.**