



## C. U. SHAH UNIVERSITY Wadhwan City

**FACULTY OF:-** LAW (B.A. or B.com LL.B.)

**SEMESTER:-** 5

**CODE:-** 4LW05LOC1

**NAME:-** LAW OF CRIME -II

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW05LOC1	LAW OF CRIME-II	5	0	0	5	5	30	1.5	70	3	---	---	---	100

### Syllabus.

#### 1. Introductory.

- 1.1. The rationale of criminal procedure: the importance of fair trial.
- 1.2. Constitutional perspectives : Articles 14, 20 & 21.
- 1.3. The variety of criminal procedures (the class should examine, in particular the procedure for trial of special offences, especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act).
- 1.4. The organisation of police, prosecutor, defence counsel and prison authorities and their duties, functions and powers.

## **2. Pre-trial process : arrest:**

- 2.1. The distinction between cognisable and non-cognisable offences : relevance and adequacy problems.
- 2.2. Steps to ensure accused's presence at trial : warrant and summons.
- 2.3. Arrest with and without warrant (Section 70-73 and 41).
- 2.4. The absconder status (Section 82, 83, 84, and 85)
- 2.5. Right of the arrested person.
- 2.6. Right to know grounds of arrest (Section 50(1), 55, 75)
- 2.7. Right to be taken to magistrate without delay (Section 56, 57)
- 2.8. Right to not being detained for more than twenty-four hours (Section 57) : 2.9 Article 22(2) of the Constitution of India.
- 2.9. Right to consult legal practitioner, legal aid and the right to be told of rights to bail.
- 2.10. Right to be examined by a medical practitioner (Section 54).

## **3. Pre-trial process : Search and Seizure.**

- 3.1. Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section 103).
- 3.2. Police search during investigation (Section 165, 166, 153).
- 3.3. General principles of search (Section 100).
- 3.4. Seizure (Section 102).
- 3.5. Constitutional aspects of validity of search and seizure proceedings.

#### **4. Pre-trial Process : FIR.**

- 4.1. F.I.R. (Section 154).
- 4.2. Evidentiary value of F.I.R. (Section 145 and 157 of Evidence Act).

#### **5. Pre-trial Process : Magisterial Powers to take Cognizance.**

#### **6. Trial Process.**

- 1.1. Commencement of proceedings : (Section 200, 201, 202)
- 1.2. Dismissal of complaints (Section 203, 204).
- 1.3. Bail: concept, purpose : constitutional overtones.
  - 1.3.1. Bailable and Non-Bailable offences (Section 436, 437, 439).
  - 1.3.2. Cancellation of Bail (Section 437 (5) )
  - 1.3.3. Anticipatory bail (Section 438).
  - 1.3.4. Appellate bail powers (Section 389(1), 395(1), 437(5) ).
  - 1.3.5. General principles concerning bond (Sections 441-450).

#### **7. Fair Trial.**

- 7.1. Conception of fair trial.
- 7.2. Presumption of innocence.
- 7.3. Venue of Trial.
- 7.4. Right of the accused to know the accusation (Section 221-224).
- 7.5. The right must generally be held in the accused's presence (Section 221-224).
- 7.6. Right of cross-examination and offering evidence in defence : the accused's statement.
- 7.7. Right to speedy trial.

## **8. Charge.**

- 8.1. Framing of charge.
- 8.2. Form and content of charge (Section 211, 212, 216).
- 8.3. Separate charges for distinct offence (Section 218, 219, 220, 221, 223).
- 8.4. Discharge – pre-charge evidence.

## **9. Preliminary pleas to bar the trial.**

- 9.1. Jurisdiction (Section 26, 177-188, 461, 462, 479).
- 9.2. Time limitations : rationale and scope (Section 468-473).
- 9.3. Pleas of autrefois acquit and autrefois convict (Section 300, 22D).
- 9.4. Issue-Estoppel.
- 9.5. Compounding of offences.

## **10. Trial Before a Court of Sessions : Procedural Steps and Substantive Rights.**

## **11. Judgement.**

- 11.1. Form and content (Section 354).
- 11.2. Summary trial.
- 11.3. Post-conviction orders in lieu of punishment : emerging penal policy. (Section 360, 361, 31)
- 11.4. Compensation and cost (Section 357, 358).
- 11.5. Modes of providing judgement (Section 353, 362, 363).

## **12. Appeal, Review, Revision.**

- 12.1. No appeal in certain cases (Section 372, 375, 376).
- 12.2. The rationale of appeals, review, revision.
- 12.3. The multiple range of appellate remedies :
  - 12.3.1. Supreme Court of India (Section 374, 379, Articles 31, 132, 134, 136).

- 12.3.2. High Court (Section 374).
- 12.3.3. Sessions Court (Section 374).
- 12.3.4. Special right to appeal (Section 380).
- 12.3.5. Governmental appeal against sentencing (Section 377, 378).
- 12.3.6. Judicial power in disposal of appeals (Section 368).
- 12.3.7. Legal aid in appeals.
- 12.4. Revisional jurisdiction (Sections 397-405).
- 12.5. Transfer of cases (Section 406, 407).

### **13. Juvenile delinquency.**

- 13.1. nature and magnitude of the problem.
- 13.2. Causes.
- 13.3. Juvenile court system.
- 13.4. Treatment and rehabilitation of juveniles.
- 13.5. Juveniles and adult crime.
- 13.6. Legislative and judicial protection of juvenile offender.
- 13.7. Juvenile Justice Act 1988.

### **14. Probation.**

- 14.1. Probation of offenders law.
- 14.2. The judicial attitude.
- 14.3. Mechanism of probation : standards of probation services.
- 14.4. Problems and prospects of probation.
- 14.5. The suspended sentence.

### **15. Reform of criminal procedure.**

#### **Select Bibliography:**

- 1. Ratanlal Dhirajlal, Criminal Procedure Code (1999) University, Delhi.

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## C. U. SHAH UNIVERSITY Wadhwan City

**FACULTY OF:-LAW (B.ALL.B.)**

**SEMESTER: -5**

**CODE: - 4LW05INS1**

**NAME: –INSURANCE LAW**

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW05INS 1	INSURANCE LAW	5	0	0	5	5	30	1.5	70	3	---	---	---	100

### **Syllabus.**

#### **1. Introduction.**

- 1.1. Definition, nature and history of insurance.
- 1.2. Concept of Insurance and law of contract and law of torts future of insurance in globalized economy.
- 1.3. History and development of insurance in India.
- 1.4. Insurance Regulatory Authority – role and functions.

#### **2. General principles of law of Insurance.**

- 1.1. Contract of Insurance – classification of contract of insurance nature of various insurance contracts, parties thereto.
- 1.2. Principles of good faith-non-disclosure-misrepresentation in insurance contract

- 1.3. Insurable interest.
- 1.4. The risk.
- 1.5. The policy, classification of policies-its form and contents, its commencement, duration, cancellation, alteration, rectification, renewal, assignment, construction.
- 1.6. Conditions of the policy.
- 1.7. Alteration of the risk.
- 1.8. Assignment of the subject matter.

### **3. Life Insurance.**

- 1.1. Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract.
- 1.2. Event insured against life insurance contract.
- 1.3. Circumstances affecting the risk.
- 1.4. Amounts recoverable under life policy.
- 1.5. Persons entitled to payment.
- 1.6. Settlement of claim and payment of money.

### **4. Insurance Against Third Party Risks.**

- 5.1. The Motor Vehicles Act, 1988.
- 5.1.1. Nature and scope, persons governed, definitions of 'use', 'drives', 'motor vehicle', requirements of policy, statutory contract between insurer and drive rights of third parties, limitations on third party's rights duty to inform third party.
- 5.1.2. Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance.
- 5.1.3. Conditions to be satisfied.
- 5.1.4. Claims tribunal, constitution, functions, application for compensation – who can apply ? – procedure and powers of claims tribunal its award.

5.1.5. Co-operative insurance (Motor Vehicles Rules).

## **5. Social Insurance in India.**

- 6.1. Important elements in social insurance, its need.
- 6.2. commercial insurance and social insurance.
- 6.3. Workmen's compensation – scope, risks covered, industrial accidents, occupational diseases, cash benefits, incapacity, amount of compensation, nature of injuries, dependents, schedule.
- 6.4. Sickness insurance, Adarkar scheme, Stack and Rao scheme for wage earners and others, risks covered, maturity and other, risks covered, maturity and other benefits.
- 6.5. Old age, premature death and invalidity insurance or pension insurance, public provident fund, jeevandhara policy.
- 6.6. Unemployment insurance.
- 6.7. Social insurance for people like seamen, circus workers and agricultural, workers.

### **Select bibliography.**

- 1. Singh, Bridge Anand, New Insurance law (2000) Union Book Publishers, Allahabad.
- 2. Ivamy, General Principles of Insurance Laws (1993), Butterworths.





**C. U. SHAH UNIVERSITY**  
**Wadhwan City**

**FACULTY OF:-LAW (B.ALL.B.)**

**SEMESTER: -5**

**CODE: - 4LW05EQT1**

**NAME: – Equity Trust & Specific Relief Act**

Teaching & evaluation scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW05EQ T1	Equity Trust & Specific Relief Act	5	0	0	5	5	30	1.5	70	3	---	---	---	100

**Syllabus.**

**1. Introduction.**

- 1.1. The concept of trust : distinction with agency and contract.
- 1.2. Development of law : common law and equity.
- 1.3. Trusts : classification.

**2. Definition and Nature of trusts under the Indian Law.**

- 2.1. Creation of trusts : rules.

**3. Duties of trustees.**

- 3.1. Execution.
- 3.2. Acquittance with the nature of property.
- 3.3. Duties in respect of title.

- 3.4. Duty of care.
- 3.5. Conversion.
- 3.6. Impartiality.
- 3.7. Prevention of waste.
- 3.8. Keeping of accounts and giving of information.
- 3.9. Investment.
- 3.10. Sale.
- 3.11. Liability for breach of trust.

#### **4. Rights of trustees.**

- 4.1. Title deed.
- 4.2. Reimbursement.
- 4.3. Indemnity.
- 4.4. Seeking direction from court.
- 4.5. Settlement of accounts.
- 4.6. General authority.

#### **5. Powers of trustees.**

- 5.1. Sale.
- 5.2. Varying of investment.
- 5.3. Property of minors.
- 5.4. Giving receipts.
- 5.5. Power to compound, compromise and settle.
- 5.6. Exercising authority on death or disclaimer of one of the trustees.
- 5.7. Suspension of trustee's power.

#### **6. Disabilities of trustees.**

#### **7. Rights of beneficiaries.**

- 7.1. Rents and profits.
- 7.2. Specific execution.
- 7.3. Inspection and information.

- 7.4. Transfer.
- 7.5. Suit for execution.
- 7.6. To have proper trustees.
- 7.7. Right to compel the trustee to do the duties.
- 7.8. Rights on wrongful purchase or acquisition by trustees.
- 7.9. Follow up of trust properties in the hands of third parties.
- 7.10. Blending of property by trustee.
- 7.11. Wrongful application of trust property by partner trustee for partnership purposes.

**8. Liabilities of beneficiaries.**

**9. Discharge of Trustees.**

**10. Appointment of New Trustees.**

**11. Extinction of Trust.**

**12. Constructive Trusts : the equitable and fiduciary Relationship.**

- 12.1. Transfer without intent to dispose beneficial interest.
- 12.2. Trust incapable of execution and trusts executed fully without exhausting property the cypress doctrine.
- 12.3. Transfer and request for illegal purpose.
- 12.4. Transfer pursuant to rescindable contract.
- 12.5. Debtor becoming creditor's representative.
- 12.6. Advantage from undue influence.
- 12.7. Advantage by qualified owner.
- 12.8. Property acquired with notice of existing contract.
- 12.9. Purchase by person contracting to buy property to be held on trust.

- 12.10. Possession of property without whole beneficial interest.
- 12.11. Duties of constructive trustees.
- 12.12. Right to bonafide purchasers.

**13. Special legislation.**

- 13.1. Charitable and religious trust.

**14. Common property resources and public trust doctrine.**

**15. Specific relief.**

- 6.1. Specific performance of contract.
  - 6.1.1. Contract that can be specifically enforced.
  - 6.1.2. Persons against whom specific enforcement can be ordered.
- 6.2. Rescission and cancellation.
- 6.3. Injunction.
  - 6.3.1. Temporary.
  - 6.3.2. Perpetual
- 6.4. Declaratory orders.
- 6.5. Discretion and powers of court.

**Select bibliography.**

- 1. Rao.C.R., The Indian Trust Act and Allied Laws (1999).
- 4. Specific Relief Act 1963