



**BHAGWANT UNIVERSITY**

SIKAR ROAD, AJMER - 305004  
RAJASTHAN (INDIA)

**[ SYLLABUS**

**Faculty of Law**

**LL.M**

**MASTER PROGRAMME IN LAW**

# Masters Program in Law

## LLM EXAMINATIONS

### ORDINANCES RELATED TO LLM EXAMINATION

- (1) The examination for the Degree of Master of Laws shall consist of two parts, Part I and Part II and there will be an examination at the end of each year.
- (2) A candidate who has passed the Bachelor of Laws (P) degree examination of the University or an examination of some other University recognized by the Board of Management of the University as equivalent or a candidate who holds the LLB. (P) degree and has also passed any of the courses of the University and there after pursued a regular course of study in the aggregate at the Diploma examination and there after pursued a regular course of study for one academic year shall be eligible for admission to LL.M. Part-I Examination.
- (3) A Candidate who having passed the LL.M Part I Examination of this University has attended a regular course of study for one academic year shall be eligible for admission to the LL.M Part II Examination. Provided that a candidate who has obtained a least 40% marks in two papers or at least 50% marks in one paper at the LL.M Part I Examination may be provisionally admitted to the LL.M Part II class and after attending a regular course of study for one year permitted to appear prescribed for the LL.M part-II Examination, he will also re-appear and pass in paper or papers of LL.M part I Examination. Such a candidate as well as a candidate who having failed at the LL.M. Part II Examination reappears at the same, may re-appear in such paper (s) as he choose for the purpose of making up the aggregate of 50% However, for passing the LL.M Part I / LL.M. Part II Examination a candidate will be required to fulfill the condition of obtaining a minimum of 40% marks in each paper and 50% marks in aggregate of all the papers at the LL.M Part I and / or LL.M. Part-II Examination as the case may be, separately. The marks of the papers in which a candidate does not choose to reappear will be carried forward for the purpose of working out his result. The option once given by a candidate will be treated as final and no change shall be permitted subsequently.

**Note:** Actual marks obtained by a candidate for the paper or papers in which he re-appears shall be taken into account and the marks obtained earlier in the papers in which he has not reappeared will be carried for working out his result.

#### Notice

Changes in Statues/Ordinances/Rules/Regulation/Syllabi and Books may from time to time, be made by amendment or re-marking and a candidate shall, except in so far as the University determines otherwise comply with any change that applies to years he has not completed at the time of change. Obtained by the candidate in each paper in the last attempt by him shall be taken into account

1. A Candidate who holds the degree of Master of Laws of this University or of any other University recognized as equivalent to the Master of Laws degree of this University may be permitted to appear at the LL.M. Part-II

Examination in any branch in which he has not already qualified for the master of Laws degree with put having undergone regular course of study and if study and if successful will b given a certificate to that effect For a pass. A candidate shall be required to secure 40% marks in each paper and 50% marks in The aggregate of all papers prescribed to the examination.

A candidate who desires to enter for the examination under this Ordinance must submit his application on prescribed form The application shall be accompanied with the requisite amount of examination fee and shall be forwarded by the in charge department of law for the LL.M course.

In the case of a candidate whose application is rejected and who does not submit an application and only sends the fee the amount paid by the candidate on account of fee shall be refunded after deducting Rs.20/-

### **Notes**

1. Candidates appearing in an additional optional group of a subject shall be required to pass the examination in all the papers of the Group before being declared successful in the examination.
2. Such candidate will not be allowed to offer dissertation in lieu of one paper.
3. No candidate can avail the benefit of provisions if the Scheme has been changed in LL.M Course. For example a Candidate who passed the LL.M in four paper scheme per year will not be eligible to appear for five paper scheme per year.

### **IMPROVEMENT**

1. A candidate who has passed his LL.M Part I or Part II Examination and wants to improve his performance by re-appearing in any one or two theory paper(s) only of his choice shall be permitted to do so only in the immediately following year according to the syllabus in force. The marks obtained by him in each such paper shall be taken into account provided they are more than his previous score and his result shall be revised accordingly. Such a candidate will not be included in the merit list.

2. A candidate who wants to re-appear in the Examination under the above provisions must submit his application on the prescribed form along with the prescribed examination fee and other fees by the last date fixed for the purpose duly forwarded/ countersigned by the same officer who had forwarded for his last appearance at the examination.

3. A candidate who improves his performance shall submit to the university his original mark-sheet of the preceding examination and also degree (in case of improvement of division at the Final Year Examination) along with the marks sheet fee within 3 Month from the date of declaration of his result for issuing revised mark sheet and a degree. In case the degree is already in the custody of the University he shall intimate this fact to the university.

### **Scheme for LL.M Examination (Annual)**

In order to be declared successful at the LL.M Part I & Part II Examinations a candidate shall be required to obtain at least 40% marks in each paper and 50% marks in aggregate of all papers prescribed for the examination.

Division shall be awarded on the combined result of LL.M Part I & Part II Examination All successful candidates who obtain 65% marks of the total aggregate shall be placed in 1st

Division and those who obtain not less than 50% but below 60% of the total aggregate marks shall be placed in IInd Division.

### **LL.M Part -I Examination**

01LLM101 Paper I - Legal theory and Judicial Process

01LLM102 Paper II Law and Social Transformation in India

01LLM103 Paper III Indian Constitutional Law -The New Challenges.

01LLM104 Paper IIII Legal Education and Research Methodology

01LLM105 Paper IV Practical Examination

Paper V

### **Research Methodology**

Paper writing base on: 25 marks

- a. 01LLM105.1 Doctrinal research 25 marks
- b. 01LLM105.2 Non-Doctrinal research 25 marks
- c. 01LLM105.3 Class room teaching (12 lecture in a year) 25 marks

### **Note:**

1. The topic will be same for doctrinal and non -doctrinal writings and will be written in one file in two part i.e. part (a) and Part (b).
2. All students have to take 12 classes of LL.B. for 25 marks under class room teaching. Teaching will be assessed by the senior faculty members.
3. Viva voice will be taken by one internal and one external examiner on the date notified by the university. Viva will be based on paper writing to examine the knowledge of research methodology.

# Paper -1

## 01LLM101 - Legal Theory and Judicial Process

Concept of Dharma in Indian Legal System

Definition, Nature and Scope of Jurisprudence

Analytical Legal Positivism (Bentham, Austin, Kelsen and Hart)

Historical School (Savigny and Henry Maine)

Philosophical School (Kant and Hegel)

Sociological School (Ihering, Ehrlich and Pound) and Post Sociological Developments. American / Scandinavian Realism (Holmes, Llewellyn and Cardozo)

Natural Law School (Grotius, Hobbes, Locke, Rousseau and Stammler)

Marxian Theory of Law (Karl Marx)

Critical Legal Study Feminism (Kathrine T Bartlett)

Fairness of Justice (John Rawls)

Law and Morality (Hart -Fuller Debate)

Sources of Law Rights and Duties Legal Person,

Ownership and possession

Criminal Justice and Theories of Punishment Property Liability Including, Vicarious Liability and Absolute Liability.

Compensatory Justice and Distributive Justice

### **Nature of Judicial Process.**

- i) Judicial process as an instrument of social ordering
- ii) Judicial process and creativity law-common law model, Legal Reasoning and growth of law, change and stability
- iii) The tools and techniques of judicial creativity and precedent
- iv) Legal development and creativity through legal reasoning under statutory and codified systems.
- v) Nations of judicial review
- vi) Role in constitutional adjudication -various theories of judicial role
- vii) Tools and techniques in policy -making and creativity in constitutional adjudication.
- viii) Varieties of judicial and juristic activism
- ix) Problems of accountability and judicial law making

## **Judicial Process in India.**

- i) Indian debate on the role of judges and on the nature of judicial review
- ii) The independence of judiciary and the political nature of judicial process
- iii) Judicial activism and creativity of the supreme court -the tools and techniques of creativity
- iv) Judicial process in pursuit of constitutional goals and values -new dimensions of judicial activism and structural challenges.
- v) Institutional liability of courts and judicial activism-scope and limits.
- vi) Principle of constitutional interpretation.

## **The concept of Justice**

- i) The concept of justice or dharma in Indian thought
- ii) Dharma as the foundation of legal ordering in Indian thought
- iii) The concept and various theories of justice in the western thought
- iv) Various theoretical base of justice : The liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

## **Select Bibliography**

W.Friedmann -Legal Theory

Ross: On Law and Justice

Hart: Law liberty and mortality

Devlin: The enforcement of Mortality

Stone: Legal System and lawyers reasoning's

Hall: living law of democratic society

Patterson Juris prudence

Julius Stone : The province and functions of Law, Part-II, Chs 1-8- 16(2000), Universal New Delhi

Cardozo: The nature of Judicial process (1995), Universal New Delhi Henry J Abraham: The judicial process (1998) oxford

J Stone: Precedent and the law: Dynamics of common Law growth (1985), Butterworths W

Friedmann: Legal Theory (1960), Stevens London

Bodenheuer : Jurisprudence -The Philosophy and Method of the Law (1997) Universal, Delhi.

J Stone: Legal systems and Lawyer's reasonings (1999) Universal, Delhi

U Baxi: The Indian Supreme Court and politics (1980), Eastern, Lucknow

Rajeev Dhavan: The Supreme Court of India, A Socio Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay

John Rawls: A Theory of Justice (2000) Universal, Delhi

Edward H Levi and Introduction to legal reasoning (1970), University of Chicago

# Paper - II

## 01LLM102 - Law and Social Transformation in India

- 1 (A) Concept of Social Change and Social Transformation
  - i) Relation between law and public opinion
  - ii) Law as an instrument of social change
  - iii) Law Tradition and culture, impact of common law on India tradition & Culture.
  - iv) Sociological School and its, applicability in India
  - v) Principles of Social legislation
- (B) Religion and the law
  - i) Religion on its meaning and relationship with law
  - ii) Evaluation of religion as an integrative and divisive factor
  - iii) Concept of secularism in Indian perspective
  - iv) Religious minorities and the law
- 2 (A) Language and the Law
  - i) Multi linguistic culture and its impact on policy in governance
  - ii) Role of Language in society
  - iii) Formation of linguistic states critical evaluation
  - iv) Constitutional guarantee to linguistic minorities
  - v) Language policy and the constitution: official language
- (B) Community and the Law
  - i) Caste as a socio cultural reality and role of caste as a divisive and Integrative factor
  - ii) Non discrimination on the ground of caste
  - iii) Acceptance of caste as a factor to undo past injustices -an objective analysis
  - iv) Protective discrimination, scheduled castes, tribes and backward classes
  - v) Reservation policy, statutory commissions and problems of national integration
- 3 (A) Regionalism and the Law
  - i) Role of Regionalism as a divisive and integrative factor
  - ii) Concept of India as one unit
  - iii) Right of Movement residence and business, impermissibility of state or regional barriers
  - iv) Equality in matters of employment: the slogan "Sons of the soil" and its practice
  - v) Admission to educational institutions: Preference to residents of a state
- (B) Women and the Law:
  - i) Position and role of women in Indian society

- ii) Crimes against women
- iv) Gender injustice and its various forms, causes and remedies
- iv) Women's commission
- v) Empowerment of women: Constitutional and other legal provisions

#### 4 (A) Children and the Law

- i) Child Labour
- ii) Sexual exploitation
- iii) Adoption, Maintenance and related problems
- iv) Children and education a constitutional

#### mandate (B) Modernization and the Law

- i) Modernisation as a value: constitutional perspectives
- ii) Modernisation of social institutions through law
- iii) Reform of Family law
- iv) Agrarian reform -industrialization of agriculture
- v) Criminal Law : Plea bargaining , compounding and payment of compensationto victims
- vi) Civil Law (ADR) confrontation v. consensus, mediation and conciliation, Lok adalat
- vii) The jurisprudence of sarvodaya -Gandhiji, VinobaBhave
- viii) Socialist thought on law and justice, an enquiry through constitutional debates on the right to property.
- ix) Marxist Legal Theory

### Select Bibliography

Marc Calanter (ed): Law and society in modem India (1997) oxford  
 Robert Lingat: The classical Law of India (1998) oxford U Baxi: The crisis of the Indian Legal System (1982) Vikas New Delhi U Baxi (ed): Law and poverty critical essay (1988), Tripathy Bombay Manushi: A Journal about women and society  
 Duncan Derret: The state, religion and law in india (1999) oxford university press new delhi H M Seervai: Constitutional law in India (1999) Tripathi  
 DDBasu: Shorter constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi.  
 Sunil Deshta and KiranDeshta: Law and Menace of child Labour (2000) annol publication delhiSavitriGurasekirare: Children Law and Justice (1997) Sage Indian Law Institute : Law and Social Change : Indo -American reflection (1988) Tripathi Mumbai  
 J B Kriplani : Gandhi His Life and Thought 1970, Ministry of Information and Broadcasting Government of Indian  
 M P Jain Outlines of Indian Legal History (1993) Tripathi Bombay  
 AguasFlavia : Law and Gender Inequality : The politics of women's rights in India (1999) oxford



## **01LLM103 - Indian constitutional Law: The New Challenges**

### 1) Freedom

- i) Creation of New states
- ii) Allocation and share of resources
- iii) The inter-state of disputes on resources
- iv) Rehabilitation of internally displaced persons and center's responsibility
- v) Freedom of trade commerce and intercourse
- vi) Service under Union
- vii) Emergency Provisions
- viii) Federal Comity
- ix) Special status of certain states, Tribal areas, Scheduled

### areas 2 (A) State Meaning and scope in modem perspective

(B) Right to equality: Privatization and its impact on affirmative action

(C) Freedom of press and challenges of new scientific development

- i) Freedom of speech
- ii) Right to strike, hartal and bandh
- iii) Emerging regime of new right and remedies -right to education
- iv) Right to information and Right to privacy, Right to health
- v) Reading directive principles and fundamental duties into fundamental rights
- vi) Compensationjurisprudence
- vii) Right to life and liberty and criminal jurisprudence
- viii) Commercialization education and its

### impact 3) Stresses and strains of Governance

- i) Right of Minorities
- ii) Secularism and religious fanaticism
- iii) Separation of powers: Stresses and strain
- iv) Judicial activism and judicial restraint
- v) PIL implementation
- vi) Judicial independence
- vii) Appointment, transfer and removal of judges
- viii) Accountability executive and judiciary
- ix) Tribunals: Need necessity and constitutionality

#### 4) Democratic process

- i) Nexus of politics with criminals and the business
- ii) Election: Mechanism and procedure
- iii) Election commission status
- iv) Electoral reforms: Accountability, Transparency, Free and fair, Election and remedies
- v) Coalition Government, Stability, Durability, Corrupt Practice
- vi) Grassroots democracy, Democratic decentralization and local self government

#### **Select Bibliography**

No specific bibliography is suggested for this course since the course materials depends upon the latest developments. These developments in the areas specialized in course can be gathered from the recent material such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

## **01LLM104 - Legal Education And Research Methodology**

- 1 i) Objectives of Legal Education
  - ii) Lecture method of teaching merits and demerits
  - iii) The problem method
  - iv) Discussion method and its suitability at postgraduate level teaching
  - v) The seminar method of teaching
  - vi) Examination system and problems in evaluation external and internal assessment
  - vii) Student participation in, law school programmes, organization of seminars, publication of journal and assessment of teachers
  - viii) Clinical legal education legal aid, legal literacy, legal survey and law reform
- 2 Research Method
  - i) Socio Legal Research
  - ii) Doctrinal and non doctrinal
  - iii) Relevance of empirical research
  - iv) Induction and deduction
  - v) Identification of problem of research what is a research problem
  - vi) Survey of available literature and preparation of bibliography
  - vii) Legislative materials including subordinate legislation notification and policy statements.
- 3 i) Decisional materials including foreign decisions, methods of discovering the rule of the case
  - ii) Juristic writings a survey of juristic literature its relevance in selection of problems in India and foreign periodicals
  - iii) Compilation of list of reports or special studies conducted relevant to the problems
  - iv) Formulation of the research problem
  - v) Devising tools and techniques for collection of data
  - vi) Methods for the collection of statutory and case material and juristic literature
  - vii) Use the historical and comparative research material viii) Use of observation studies
  - ix) Use of questionnaires/ interview
  - x) Use of case studies
  - xi) Sampling procedures, design of sample, types of sampling to be adopted
  - xii) Use of scaling techniques

- 4 i) Jurimetrics  
ii) Computerize research - A Study of legal research programmes such as lexis and west law coding  
iii) Classification and tabulation of data use of cards for data collection rules for tabulation, explanation of tabulated data  
iv) Analysis of data qualitative and quantitative  
v) Report writing

### **Select Bibliography**

High brayal, Negel Duncan and Richard Crimes: Clinical Legal Education: Active learning in, your law school (1998), Blackstone Press Ltd, London

5 K Agarwal (ed): Legal Education in India (1973), Tripathi Bombay

N R MadhavaMenon (ed) : A handbook of clinical Legal Education (1998) Eastern Book Company, Lucknow

M O Price H bitmer andBysicwicz: Effective Legal Research (1978)

Pauline V Young: Scientific Social Survey and Research (1962)

Wiliam J Grade and Paul K Hatt Methods in Social Research McGraw-Hill book company London. H M Hvman interviewing in Social research (1965)

## **01LLM105 - Practical Examination**

The practical examination shall be conducted at the end of January on research methodology, law teaching and clinical work. There shall be 25 marks each for doctrinal research and 25 marks each for law teaching and clinical work for making the practical examination objective and meaningful, the following division of marks shall be taken.

### **Research Methodology**

**(i) research                      01LLM105.1                      Doctrinal  
(25 marks)**

Each student is assigned in advance a separate topic and asked to collect materials, A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

**(ii) 01LLM105.2 Non-doctrinal research                      (25marks)**

Here the students are asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

**iii) 01LLM105.3 Clinical Work                      (25 marks)**

The legal aid clinic of the law school/Department can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The initiative and potential of the student and the actual work turned out by him shall be assessed by the faculty.

**iv) 01LLM105.4 Law Teaching                      (25 marks)**

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. The students may be asked to teach the LL.B. students. They can select any of the methods of teaching in legal education practical; the LL.M. students are evaluated internally and externally.

## LLM Part-II Examination

Every candidate offering himself for the LL.M Part-II Examination, shall be examined in five papers in any one of the following branches, each paper will be of 3 hours duration and carry 100 marks.

### Branch-Corporate Law

02LLM101.1 Paper I General Principles of Contract 02LLM101.2

Paper II Special Contract and Law of Insurance

02LLM101.3 Paper III Company Law

02LLM101.4 Paper IV Law relating to negotiable instruments and International Contacts

02LLM201 Paper V Dissertation

### Branch-Criminal Law

Paper I Comparative Criminal Procedure

Paper II Penology Treatment of offenders

Paper III Drug Abstinence Criminal Justice and Human Rights.

Paper IV Juvenile Delinquency

Paper V Dissertation

### Branch-Human Rights Law

Paper I Concept and development of Human Rights

Paper II Human Rights and International Law

Paper III Protection and Enforcement of Human Rights in India

Paper IV Human Rights of Disadvantaged group: Problems and issues.

(In the protection and enforcement)

Paper V Dissertation

### Branch-International Law

Paper I International organization Law Practice and Future

Paper II International Humanitarian Law

Paper III Law of Sea

Paper IV International and contemporary issues

Paper V Dissertation

The dissertation shall be submitted in triplicate by the candidate. It shall be the candidate's own work carried out under the guidance or supervision of a person who is taking L.L.M. classes and possesses at least five years teaching experience of PG classes. The dissertation shall be submitted so as to reach the registrar within 30 clear days after the completion of the L.L.M. Part-II Examination.

A candidate who is declared failed at the L.L.M. Part-II Examination may on his request, be exempted from fresh submission of dissertation at the time of his subsequent appearance at the L.L.M. Part-II Examination provided he had secured pass marks in Dissertation submitted by him last time and provided further that the examiner of the dissertation or the Dean of the Faculty of law of the University certifies that no important changes have been made in law to justify a resubmission for the evaluation of the dissertation. The candidate shall, by October 1 st of the year preceding the examination send his request for exemption from fresh submission of dissertation duly endorsed and forwarded by the Head of the Institution concerned. The University will, as early as possible, inform the candidate about his exemption from resubmission of fresh dissertation. An evaluated dissertation shall not be re-submitted for evaluation.

### **LL.M PART II EXAMINATION**

Every candidate offering himself for the LL.M Part II Examination shall be examined in five papers belonging to anyone of the following branches. Each paper shall be of 3 hours duration and carry 100 marks.

#### **BRANCH -1 CORPORATE LAW - PAPER I**

#### **02LLM101.1 - GENERAL PRINCIPLES OF CONTRACT**

Laissez faire theory and free trade.

Subjective and objective theory.

Contract to status and re-cycling.

Contractual Mechanism

Elements of an agreement.

Essentials of a valid contract.

Privity to contract and Privity to consideration. Capabilities of Parties - a Comparison with common Law. Consensus - ad - idem and Indian Law.

Void agreement and doctrine of restitution.

Performance and discharge of contract.

Doctrine of impossibility and frustration.

Equitable doctrines and Indian law in contract

Breach of Contract.

Remedies - damages measure and forfeiture

#### **Suggested Readings:**

Pollock

Salmond

Anson

Odgers

Street

Pollock & Mulla

Indian Contract Act and Specific Relief Act.

Principles of the Law of Contract.

Principles of the English Law of Contract

Introduction to the Law of Contract

Foundation of Legal Liability.

Indian Contract Act and Specific Relief Act.

## **02LLM101.2 - Special Contract And Law Of Insurance**

### **Contract of Indemnity and Guarantees.**

distinction and consequences, discharge and liability.

### **Bailment and Pledge.**

Creation and Termination. Legal Obligations.

### **Agency**

Relation and determination.

Contract of Sale of Goods.

Sale of Goods Act 1930

Partnership-Indian Partnership Act. 1932

Co-ownership and Partnership. Legal status of Partnership. Company and Partnership

### **Law of Insurance**

Introduction: Nature of Insurance contract, various kinds of insurance, Proposal Policy, Parties consideration, need for utmost good faith, insurable interest, Indemnity, Insurance Policy, law of contract and law of torts-future of insurance need, importance and place of insurance. Constitutional perspective - the Entries 24,25,29, 30,47 of List I Union List: 23, 24 of List m, General Principles of Law of insurance: Definition, Nature and history, The risk commencement, attachment and duration, Assignment alteration. Settlement of claim and subrogation, Effect of war upon policies, Indian Insurance Act 1938 and the Insurance Regulatory Authority Act2000.

### **Suggested Readings:**

Benjamin: On Sale of Personal Property.

Blackburn: On Sale.

Chalmers Sale of Goods Act. 1930

Beal: The Law of Bailments.

Story: Bailments.

B owstead: A digest of the Law of Agency.

Lindley: Partnership.

Blanchard Shrivastava: Elements of Insurance.

M. N. Mishra: Law of Insurance.



## 02LLM101.3 - COMPANY LAW

Company Law - Indian.

Companies Act, 1956.

Literal and Legal definition.

Concept of person and Company.

Promoter.

Prospectus of company.

Fraud - misrepresentation and its consequences.

Incorporation.

Memorandum of Association.

Doctrine of Ultra-Virus.

Articles of Associations.

Doctrine of Indoor management.

Its exceptions.

Share capital issue and allotment of shares, members, dividends, interest and commission.

Borrowing powers, charges, mortgages and debentures.

Directors, other managerial persons, accounts and audit.

Meetings, majority powers and rights of minority share holders, protection of a company from oppressions and mismanagement. Investigation of company's affairs.

Reconstruction and amalgamation of company.

Winding up-General provisions, illegal Association and Defunct Company.

### **Suggested Readings:**

K. M. Ghosh: Indian Companies.

Palmer on Companies.

Mulla: The Law of Insolvency of India.

Buckley on the Companies Act.

## **02LLM101.4 - Law Relating To Negotiable Instruments And International Contracts**

Negotiable instruments kinds.

Holder and holder in due course

Parties

Negotiation

Presentment

Discharge from liability

Dishonour

Civil Liability

Liability: Procedure for prosecution: extent of penalty

The paying broker

Duty to honour customer's cheques.

Conditions

Exceptions to duty to honour cheques Money paid by mistake

The collecting Banker Liability for conversation Duties

Good Faith and statutory protection to the collecting bankers

### **Suggested Reading:**

Byles on bills

Bhames: Negotiable Instruments

Bhastham and Adiga: The Negotiable Instruments Act

### **Paper V - 02LLM201 - Dissertation**

