

SARDAR PATEL UNIVERSITY

LL.B (CBCS) SEMESTER-VI

EFFECTIVE FROM-JANUARY-2016

COURSE TYPE	COURSE CODE	NAME OF THE COURSE	CREDIT	EXAMINATION DURETION	COMPONENT OF MARKS		
					INTERNAL 50MARKS	EXTERNAL 50 MARKS	TOTAL 100
CORE COURSE	ULO6CLLB01	PRCTICAL PAPER-I DRAFTING. PLEADINGAND CONVEYANCY	04	02	20/50	20/50	40/100
CORE COURSE	ULO6CLLB02	PRCTICAL PAPER-II PROFESSIONAL ETHICS & PROFESSIONAL ACCOUNTANCY SJS.	04	02	20/50	20/50	40/100
CORE COURSE	ULO6CLLB03	PRCTICAL PAPER-II ALTERNATIVE DISPUTE RESOLUTION	04	02	20/50	20/50	40/100
CORE COURSE	ULO6CLLB04	MOOT COURT-& EXERCISE INTERSHIP	04	02	20/50	20/50	40/100
ELECTIVE COURSE	UL06ELLB01	INTELLECTUAL PROPERTY-II	04	03	12/30	28/70	40/100
ELECTIVE COURSE	UL06ELLB02	LEGAL LANGUAGE/LEGAL WRITING INCLUDING GENERAL ENGLISH	04	03	12/30	28/70	40/100

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SARADAR PATEL UNIVERSITY

VALLABH VIDYANAGAR

FACULTY: LAW

LL.B.(CBCS)

SAMESTER:VI (w.e.f.jan,2016)

Course Code: ULO6CLLB01 Course Credit: 04	Course Title: Practice Paper-1: Drafting, Pleading and Conveyance Course Type: Core Compulsory
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Examination Marking Scheme

Internal (Marks)	External (Marks)	Total (Marks)
50	50	100

UNIT	DESCRIPTION IN DETAIL	CREDIT	WEIGHTAGE
1	Civil matters <ul style="list-style-type: none">➤ Suits for specific performance of contract➤ Declaratory suits➤ Suits for defamation➤ Suits relating to easement or its violation➤ Suits for rent and possession➤ Suits for breach of contract➤ Caveat application➤ Suits for injunction➤ Money suit➤ Civil Revision Application➤ M.A.C.T. injunction application➤ Suit for restraining nuisance and damage➤ Suit for partition➤ Suit for dissolution of partnership and account➤ Petition for restitution of conjugal right➤ Petition for judicial separation or divorce➤ Appeals➤ Write under art-226and 32 of constitution	1	25%
2	Criminal matters <ul style="list-style-type: none">➤ Complaint for defamation for false imprisonment and illegal confinement➤ Malicious prosecution➤ Maintenance application u/s 125 Criminal Procedure Code➤ Criminal complaint➤ Criminal Appeal➤ Criminal Revision➤ Nuisance➤ Theft➤ Rape	1	25%

	<ul style="list-style-type: none"> ➤ Cheating ➤ Kidnapping ➤ Dishonor of cheque ➤ Assault and battery ➤ Rioting ➤ Bail application ➤ Memorandum of appeals ➤ Revision and review application ➤ Writs under art-226 and 32 of constitution 		
3	<u>Conveyancing</u> <ul style="list-style-type: none"> ➤ Acknowledgment ➤ Power of attorney-general and special ➤ Bond ➤ Rent Note, Rent deed, Lease deed ➤ Adoption deed ➤ Agreement to sell ➤ Deed of exchange ➤ Gift deed ➤ Mortgage deed ➤ Sale deed ➤ Partition deed ➤ Trust deed ➤ Drafting of will ➤ Promissory note ➤ Affidavit 	1	25%
4	Written statement of civil & criminal drafting from unit: 1 & 2	1	25%

Reference books	
1. Pleading Convincing	- Shiva Gopal
2. Pleading Convincing	- K.K. Shrivastava
3. Pleading Convincing	- R.D. Shrivastava
4. Pleading, Drafting and Convincing	- R.N. Caturvedi
5. Drafting, Pleading, and convincing	- S.R. Myneni
6. Drafting, Pleading, and convincing	- N. Maheshwraswami
7. Principles & Forms of pleading	- S.C. Ghosh
8. Civil pleading & practice	- P.S. Narayan
9. Criminal pleading & practice	- P.S. Narayan

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VALLABH VIDYANAGAR**

FACULTY: LAW

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SAMESTER:VI (w.e.f.jan,2016)	
Course Code: ULO6CLLB02 Course Credit: 04	Course Title: Practice Paper-2: Professional Ethics & Professional Accounting System Course Type: Core Compulsory

Examination Marking Scheme

Internal (Marks)	External (Marks)	Total (Marks)
50	50	100

UNIT	DESCRIPTION IN DETAIL	CREDIT	WEIGHTAGE
1	Professional Ethics <ul style="list-style-type: none"> ➤ Meaning, Importance and source of professional ethics ➤ Distinction between business and profession ➤ Principles of professional ethics ➤ Various acts of professional misconduct including case of law ➤ Equipments of lawyer ➤ Duties, rights and Privileges of an advocate 	1	25%
2	Advocate Act 1961 <ul style="list-style-type: none"> ➤ Reasons and objects of the advocate act ➤ Certificate for Enrollment ➤ Constitution, functions and power of the bar council of state or bar council of India ➤ Disqualification for enrolment as an Advocate ➤ Accountancy for lawyer: General Principles ➤ Professional misconduct ➤ Rights and privileges of an advocate ➤ Appeal to the bar council of India and to supreme court 	1	25%
3	Contempt of court <ul style="list-style-type: none"> ➤ Meaning of contempt of court, its aim and types of it ➤ Civil & Criminal Contempt: Essentials ➤ Contempt by lawyers ➤ Contempt by judges ➤ Contempt by state 	1	25%

	<ul style="list-style-type: none"> ➤ Contempt by corporate bodies ➤ Penalty provision for the contempt of court under the Contempt of courts Act ➤ Defense available in contempt proceeding 		
4	Important cases of unit 1,2,&3	1	25%

Reference books	
1. Professional Ethics, Lawyer, Accountability	- J.P.S. Shirohi
2. Professional Ethics, Lawyer, Accountability	- S.R. Myneni
3. Advocates Act & Accountancy for lawyer	- N.Dutt- Majmudar
4. Professional Ethics, Accountancy for lawyer	- S.P.Gupta
5. Professional Ethics of the Bar	- C.L.Anand
6. The advocate act 1961	- Sanjiva Raw
7. Books and Advocacy	- Krishnamurty Iyer's
8. Commentary on contempt of courts Act, 1971	- GCV Subba Rao
9. The bar council code of ethics	

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FACULTY: LAW

LL.B.(CBCS)

SAMESTER:VI (w.e.f.jan,2016)	
Course Code: ULO6CLLB03 Course Credit: 04	Course Title: Practice Paper-3: Alternative Disputes Resolution Course Type: Core Compulsory

Examination Marking Scheme

Internal (Marks)	External (Marks)	Total (Marks)
50	50	100

UNIT	DESCRIPTION IN DETAIL	CREDIT	WEIGHTAGE
1	<ul style="list-style-type: none"> ➤ Arbitration ➤ Arbitration : Meaning & Scope ➤ General provision ➤ Arbitration agreement ➤ Arbitral Proceeding- ➤ Appeal- miscellaneous 	1	25%
2	<ul style="list-style-type: none"> ➤ Enforcement of certain foreign award ➤ New York convention award ➤ Geneva convention award ➤ Arbitral tribunal ➤ Conciliation 	1	25%
3	<ul style="list-style-type: none"> ➤ Alternative disputes resolution ➤ Supplementary Provision ➤ Arbitration Award ➤ Powers of Arbitrators 	1	25%
4	<ul style="list-style-type: none"> ➤ Lok Adalat ➤ Organization of lok Adalat ➤ Organization of case by lok Adalat ➤ Award of lok Adalat ➤ Power of lok Adalat 	1	25%

Reference Books	
1. Arbitration and ADR	- N.K.Acharya
2. Arbitration and Conciliation Act	- S.C.Tripathi
3. Arbitration and Conciliation Act	- N.V.Paranjape
4. Arbitration and Conciliation Act	- S.S.Mishra
5. Law of Arbitration and Conciliation Act	- Avatar Singh
6. Arbitration and Conciliation Act	- S.P.Gupta
7. Arbitration and Conciliation Act	- O.P.Tivari
8. Arbitration and Conciliation Act	- Geeta Oberoi
9. Arbitration and Conciliation Act	- S.Bawa
10. Law of Arbitration	- P.K.Basu Majumdar

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FACULTY: LAW

LL.B.(CBCS)

SEMESTER:VI (w.e.f.jan,2016)	
Course Code: ULO6CLLB04 Course Credit: 04	Course Title: Practice Paper-4: Moot Court exercise and Internship Course Type: Core Compulsory

Examination Marking Scheme

Internal (Marks)	External (Marks)	Total (Marks)
50	50	100

UNIT	DESCRIPTION IN DETAIL	CREDIT	WEIGHTAGE
1	<u>Civil matters</u> Framing of issue, Examination in Chief and cross examination of following suites <ul style="list-style-type: none"> ➤ Money suit ➤ Suit for rent and possession ➤ Suit for redemption or mortgage of property ➤ Suit for foreclosure or sale ➤ Suit for specific performance of contract ➤ Declaration suits ➤ Suits for damage of defamation ➤ Petition for alimony under the Hindu Marriage Act ➤ Suit for breach of contract ➤ Suit relating to easement or its violation ➤ Suit for partition ➤ M.A.C.T. injunction application ➤ Suit for partition ➤ Suit for dissolution of partnership and account ➤ Petition for restitution of conjugal right ➤ Application for compensation under W.C.Act, M.A.C.T. Appeals write petition ➤ Prepare plaint, written statement and argument on behalf of plaintiff or defendant 	1	25%
2	<u>Criminal matters</u> Framing of Charge, Examination in Chief, cross examination and F.S.-U/S-313 Of Cr.P.C <ul style="list-style-type: none"> ➤ Maintenance application u/s 125 of Cr.P.C ➤ Nuisance ➤ Theft Robbery and Dacoit ➤ Cheating 	1	25%

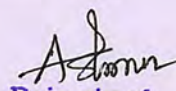
	<ul style="list-style-type: none"> ➤ Kidnapping ➤ Dishonor of cheque ➤ Assault and battery ➤ Bail application ➤ Memorandum of appeals ➤ Revision and review application ➤ Murder ➤ False imprisonment and illegal; confinement ➤ Prepare complaint with chief of cross examination of witnesses and argument for complaint of accused 		
3	<p><u>Observation of trial in one civil and one criminal case on the following matters</u></p> <ul style="list-style-type: none"> ➤ Prepares of board for arranging the matters ➤ Stages of suit or complaint in proceedings ➤ Examination in chief arguments and judgment and other observation if any. <p><u>Interviewing techniques and pre-trial preparation</u></p> <ul style="list-style-type: none"> ➤ Observation about conversation between the lawyer and client i.e. types of questions by the lawyers to client Documentary evidence if any and other paper procedure for filling suit or petitions. 	1	25%
4	Argument of civil & criminal matter of unit: 1&2	1	25%

Reference books	
1. Moot court, Pre-Trial Preparation of and Participation in trial proceedings & Viva-Voce	- S.R.Mayneni
2. Moot Court	- H.N.Tewari
3. Moot court, Pre-Trial Preparation of and Participation in trial proceedings	S.P.Gupta
4. Beginning Path to Moot Court	- Nomita & Mukesh
5. Moot Court Etc.	- JPS Sirohi

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SARADAR PATEL UNIVERSITY

VALLABH VIDYANAGAR

FACULTY: LAW

LL.B.(CBCS)

SEMESTER:VI (w.e.f.jan,2016)	
Course Code: ULO6ELLB01 Course Credit: 04	Course Title: Intellectual Property-II Course Type: Elective Subject

Examination Marking Scheme

Internal (Marks)	External (Marks)	Total (Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT	WEIGHTAGE
1	<p><u>THE PATENT ACT</u></p> <ul style="list-style-type: none"> ➤ Introduction, origin, object and salient features of patent Patentable subject-matter ➤ Obtaining a patent ➤ Publication and examination of the application ➤ Right and obligation of a patent 	1	25%
2	<ul style="list-style-type: none"> ➤ Compulsory licenses and revocation of patents for non working ➤ Use and acquisition of invention by government ➤ Patent infringement and action for infringement ➤ Offence and penalties ➤ Patent agents 	1	25%
3	<p><u>THE DESIGNS ACT</u></p> <ul style="list-style-type: none"> ➤ Object and reasons of the Designs Act ➤ Registration of Designs ➤ Piracy, Infringement of registered designs ➤ General and miscellaneous provision 	1	25%
4	<p><u>The Geographical indication of Goods (Registration And Protection) Act</u></p> <ul style="list-style-type: none"> ➤ Geographical indication, function, Characteristics etc ➤ The register and conditions for registration ➤ Procedure for registration ➤ Right conferred by registration, Infringement and reliefs 	1	25%

Reference Books

1. Intellectual property rights laws	- S.K. Singh
2. Intellectual property laws	- Allahaad law agency
3. Intellectual property rights laws	- Meena Paul
4. Intellectual property rights laws	- K.D.Raju
5. Intellectual property rights laws	- Nagarjun
6. Intellectual property rights laws	- J.P.Mishra
7. Intellectual property rights laws	- S.R.Myneni

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FACULTY: LAW

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SEMESTER:VI (w.e.f.jan,2016)	
Course Code: ULO6ELLB02 Course Credit: 04	Course Title: Legal Language/Legal Writing including General English Course Type: Elective Subject

Examination Marking Scheme

Internal (Marks)	External (Marks)	Total (Marks)
30	70	100

UNIT	DESCRIPTION IN DETAIL	CREDIT	WEIGHTAGE
1	➤ Legal Essay	1	25%
2	➤ Translation of Paragraph in Gujarati or Hindi	1	25%
3	➤ Précis writing	1	25%
4	➤ Legal Terminology & Latin Expressions ➤ Legal Maxims	1	25%

Note: As per the appendix one

Reference books	
1. Legal Language & Legal Writing	- Dr. Shrikant Mishra
2. Legal Language & Legal Writing	- M.P.Tandon
3. Legal Language & Legal Writing	- Dr Rega Suryarao
4. Legal Language & Legal Writing	- Aniruddh Prasad
5. Legal Language & Legal Writing	- SCTripathi
6. Legal Language & Legal Writing	- R.L.Jain
7. Legal Language & Legal Writing	- S.K.Mishra

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Sardar Patel University

LL.B(CBCS) VI Sem

Legal Language Legal Writing Including General English

Paper Code: UL06ELLB02

Unit-1 : Write Essay on the following

1. Capital Punishment ✓
2. Constitution Rights
3. Natural justice
4. Social Justice ✓
5. Extra-Judicial Remedies ✓
6. The Rule of Absolute Liability
7. Judicial Remedies ✓
8. Equality before Law
9. Public Interest Litigation ✓
10. Fundamental Rights
11. Doctrine of separation of Powers
12. Doctrine of ultra-vires
13. Emergency provision under the constitution
14. Delegated legislation
15. Nature, Scope and objects of consumer Protection Act. ✓
16. Cyber crimes
17. Fundamentals duties of citizen
18. Importance of Environments in present day
19. Importance of right to information Act.
20. Collective bargaining ✓
21. White collar crimes
22. Importance and need of common civil code ✓
23. Offence Against women ✓
24. Offence Against child
25. Unfair Labour Practice
26. Human Rights ✓
27. Doctrine of Indoor Management
28. Legal personality ✓
29. Lamps of Advocacy ✓
30. Contempt of Court ✓



Unit-1 Explain the following maxims illustrating their application

- *Affirmanti non neganti incumbit probatio*
The burden of proof lies upon him, who affirms, not upon him whom denies
- *De minimis non curat lex*
The Law takes no account of trifles
- *Ex dolo malo non oritur actio*
No right of action arises out of fraud
- *Ex Turpi causa non oritur actio*
From an immoral cause, no cause of action arises
- *Ex undo pacto non oritur actio*
From a nude contract, no right of action arises.
- *Actus non facit reum nisi mens sit rea*
The act itself does not constitute guilt unless done with a guilty mind.
- *Ignorantia juris (or legis) negis/nemini excusat* (Ignorance of law excuses nobody.)
- *Impossibile nulla obligatio est.*
There is no obligation to do impossible things.
- *Vigilantibus non Dormientibus jura subvenit*
Law comes to the assistance of the vigilant, not of the sleepy.
- *Qui facit per alium facit per se.*
He who does a thing through another, does it himself.
- *Res ipsa loquitur.*
The thing speaks for itself.
- *Volenti non fit injuria*
Where the sufferer is willing, there is no injury done.
- *Ubi jus ibi remedium.*
Where there is a right, there is a remedy.
- *Salus populi est suprema lex.*
The welfare of the people, or of public, is supreme law.
- *Respondeat superior.*
Let the principal be held responsible.
- *Injury sine damno*
Injury without damage.
- *Damnum sine injury*
Damage without damage.
- *Qui prior est tempore potior Est jure*
He who is first in time is better in law.
- *Novus actus interveniens.*
A new act intervening
- *Rex non potest peccare.*
The king can do no wrong.



- Acto personalis moritur cum persona.
A personal action dies with the person.
- In jura non remota cause sed proxima spectator.
In law the proximate cause, not the remote is to be regarded.
- Nemo dat quod non habet
No one can give that which he has not.
- Pendent elite innovetur.
During the pendency of litigation, no new change in the position can be made.
- Quic quid plantatur solo solo cedit.
Whatever is affixed to the soil belongs to the soil.

Unit-1: Explain the following terms discussing their legal importance and explain their meaning in law

Abatement	Bandit
Abetment	Battery
Acquiescence	Beneficiary
Acquittal	Breach
Act of God	C.I.F Contract
Ad hoc	Caveat Emptor
Ad emption of a legacy	Maintenance and Champerty
Admiralty	Conversion
Affidavit	Convict
Agent of necessity	Covenant
Alimony	Clogging Equity of Redemption
Approbate and reprobate	Common Law
Asylum	Consanguinity
Attestation	Contracting Out
Accord and Satisfaction	Composite negligence
Acknowledgement	Conveyance
Act in pais	Court-Martial
Act of State	Distress damage feasant
Ad Valorem	Deposition
Adjudication	Disclaimer
Adverse Witness	De jure, Do Novo
Affirmation	Decree Nisi
Alibi	Del Credere agent



Appendix	Devise
Approver	Dominant Tenement
Attachment	Dependent
Averment	De son tort
Bail	Demurrage
Bailiff	Deponent
Bench	Depose
Blackmail	Deposition
Burden of Proof	Detinue
Capital Punishment	Dictum
Cestui Que Trust	Dilatory plea
Civil Deatch	Doli incapax
Conviction	Donatio mortis causa
Cognizance	Ejusdem Generis
Concurrent Jurisdiction	Election
Contempt of Court	Embezzlement
Contributory negligence	Equity
Equity of redemption	Estoppel
Ex-parte	Extra judicial remedies
Judicial remedies	Enabling Act or Statute
Ex gratia	Ex Contractu
Ex delioto	Excuter de son tort
Exonerate	Extra territorial jurisdiction
Exoraditiion	
Foreclosure	Forma pauperis
Gsmishee	Goddwill
Habeas campus	Hostile witness
IOY (I owe you)	In rem, in personem
In ventro sa mere	Intestate
Issue	jusdisponendi
Jus in personam	jus tertii
Impeachment	Imposter
Impound	In camera
In exteso	In limine
In Toto	Rectification
In re	Innuendo
Inter alia	Interpleader
Interlocutory	Inventory
Ipsso facto	Intra Vires
Gist of action	Holding out

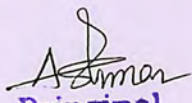
Holding over	Hypothecation
Pledge	Judicial notice
Jus accrescendi	Jus disponendi
Jus gentium	Laches
Leading questions	letter of administration
Lex loci actus	libel and slander
Lie pendens	Mal-Feasance-Mis- Feasance
Malice	Non- Feasance
Misnomer	Misrepresentation
Mistake	Misuser
Market overt	Non-joinder
Movatio	Nadum Pactum
Multifariousness	Mis joinder or Parties
Ouster	Overt
Over crowding	Pani passu
Perjury	Personation
Post -nuptial	Ante-Nuptial
Precedents	Precept
Prime facie case	Primogeniture
Para phemalia	Pauper
Pendentio lite	Parempatory please
Pin money	Post mortem
Privileged Communications	Probation
Quasi Contracts	Purging
Ratio decidendi	Rebutter
Redemption	Rejoinder
Remission	Remoteness of damages
Repugnant	Reprieve
Repudiation	Res gestae
Respondeat Superior	Res judicata
Res nullius	Stare decisis
Set off	Status Quo
Special Damage	General Damage
Testator	Testatrix
Tortfeasor	Territorial jurisdiction
Tenant at sufferance	Tenants in common
Joint Tenancy	Testament
Testamentary guardian	Turpis Causa
Verification	Vexatious action
Vis major	Viva Voce



Void
Waiver
Warranty
Versus
Hearsay Evidence
Secondary Evidence
Lien
Parties ad idem
Issue of Fact
Obiter dictum
Mesne Profit
Quantum Meruit
Rule of Law
Novation
Mala fide
Doli incapax
Fictio juris
Status quo
In rem
Onus
Lien
Prima facie
Vis major
Quantum meruit
Ipso facto
Cross examination
Adultery

Voidable
Warden
Verdict
Uberrima fides
Primary Evidence
Imbargo
Preamble
Issue of Law
Onus Probandi
Autro fois accuit
Mutatis Mutandis
Pith and Substance
Per sterpes and Per capita.
Extra diction
Void ab initio
Inter alia
Cypres
Habeus corpus
Alibi
Res Judicata
De fact
Mandamus
Estoppel
Status quo
Nudam pactum
Confession

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PARAGRAPHS FOR TRANSLATION AND FREE WRITING

Passage No.1

Our Constitution is unique in one respect. We do not pause with declarations of the rights of the Individual but go further and make them justiciable in ordinary courts. The right to move the Supreme Court of India by appropriate proceedings for the enforcement of such rights is guaranteed. The Court has the power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of the Fundamental Rights. This remedy can be suspended only in an emergency involving the security of the State. We considered such a provision necessary because the declarations, even in a Constitution are not self-executory. As Dicey said: 'The proclamation in a Constitution or a Charter of the right to personal freedom or indeed any other right, gives of itself but slight security that the right has more than a nominal existence! The enforceability of the Fundamental Rights is the sine qua non for the existence of the republic. Therefore we have protected the Fundamental Rights so that they may in their turn protect us. We have placed the Judiciary in a position to compel strict obedience to the constitutional mandate by the other two limbs of Government. We have even provided that the State shall not make any law derogating from the Fundamental Rights and any law so made is declared to be void.

Passage No.2 :-

Another source of delay is our slow procedural law. You have been told already that it takes a long time to get hold of the parties to the case and to array them before the Court. But that is not all. Every time a case is decided, the parties go home and the whole process begins again in the appeals that follow. I have never been able to understand why courts should not be made to work in such a way that there should be an integrated trial from the beginning to the end. Right up to the end of the execution of the decree, nobody should be allowed to go home: not until the case is finally disposed of. If an appeal has to take place, they must

Passage No. 4 :-

The question, then is do judges have a clear conception of what they do? I would readily answer that if the judge is not an automaton acting mechanically, he has always a very clear perception of what he is about to do although he may not be quite able to say what methods he follows. This is what I called the tendency in a judge. Judges have been known to be swayed unconsciously by their own notions of equality and equal protection of the law, by their reactions to the social structure of society by their conception of protection of certain basic rights and even by their respect for legislature. To some the written word has a meaning which they try to fit into their scheme of thinking while others read their own notions and theories into the law itself, some others look on law with blinkers on. The last do not look to the right or to the left but only just straight ahead. As Gray said: it does not appear to such judges that the legislature sometimes has had no answer to give since the precise question never occurred to the legislators. When that situation arises many more meanings can be spelled out from the same words than was thought before. The latent meaning of a positive law is a discovery which people differently situated and equipped may not make alike. Then arise the differences between judges. The written word intended to avoid confusion, is often the mother of that same confusion. The task of the judge is to find the meaning of what the legislature said.

Passage No. 5 :-

There is here a fundamental difference between the Civil Law and Common Law systems. A judge acting within the Civil Law System acts within the written law. In the Common Law System the judge tries to reason how a principle is applicable and whether it admits of a deviation. The most intriguing situation is when the judge finds that no principle so far stated in written law or in the dicta of judges quite fits the case. In legal parlance such a case is described as a case of first impression. After all society is not static. The pattern of life changes and so do our institutions and understanding of our social order. The law as evolved up to the point of controversy fails to take in the new

and republicanism as the climate of civilization. It connotes a society of equals, for inequality in social life leads to revolution and revolutions lead to concentration of power in a few. And please remember as Emerson says every man carries a revolution in his waist-coat pocket : The establishment of a Republic admits the power the people over the political body.

Passage No.7 :-

Now as I said earlier, the right to property is perhaps the only Fundamental Right in the whole chapter which is not appropriately there. It is the weakest of those rights if at all a fundamental right. The Supreme Court stands sharply divided on the issue of Fundamental Rights in relation to property. The views are before you. Five Judges hold that an amendment of all Fundamental Rights even to the extent of abrogating all of them is fully open. Six Judges say that it is not so open. But on the real question relating to property five Judges say that all amendments of the rights of property were always valid and other amendments will be equally valid in the future. Five others say that all abridgements of Fundamental Rights including those concerned with property were bad and such attempt must be prospectively overruled. Only one (and that is myself) upholds all past amendments as valid because by the earlier amendments Article 13 was emasculated and lost the weapons of Articles 14, 19 and 31. This, being acquiesced in, gives validity by the passage of time to all earlier amendments. Since the earlier amendments render neutral the effect of articles 14, 19 and 31 they rob article 13 of its power. According to this view amendments in respect of property rights alone are now legitimate but not in respect of other Fundamental Rights which continue to be under the shield of articles 13, 14 and 19. It is a moot question who is right and who is wrong and on that I can venture no opinion before you.

Passage No.8 :-

The difference arises from a judge's sense of his own duties and really lies in this. Most judges weigh arguments, put a brave face upon the matter and since they must give their decision,

our own life-time; but unfortunately it is not so. Even today untouchability raises its head at various places. Mahatma Gandhi knew that India was populated by a number of different religions but there were other problems which were profound and he combined them all by making the prayers common, by bringing people of several religions together so that they could pray to the same God to whom we all pray. We do not pray to different Gods but we all pray to the same God. He knew that there were two things needed in India—for India to be noble and great (1) there should be amity between the different peoples and religions and (2) removal of untouchability. He spoke of untouchability thus: "Anything that is prejudicial to the welfare of the nation is untouchable, but no human being can be untouchable, and I regard it as fiendish or satanic to regard a fifth of the land as untouchable".

Passage No. 10 :-

Every act of the Press is, of course, not viewed with the same severity. Case of breach of privilege run a broad spectrum and the most serious cases are those in which a House or the Vice-President or the Speaker are brought into ridicule and contempt. When a breach of privilege or contempt is brought to the notice of Parliament the matter is either considered by the Committee of Privileges or is considered in the appropriate House itself. Then the offending newspaper is called to account. The newspapers are easily dealt with. One of the easiest ways to punish the offending newspaper is to deny it its privileges. This punishment is severe enough but the punishment may, of course, take other forms and the offender may even be imprisoned. He cannot be fined because our Parliament in common with the House of Commons does not possess that power. Often enough the newspaper makes amends by an apology and the relevant House, consulting its own dignity, ignores the newspaper. The House acts on the dictum in the Daily Mail case that the process of Parliamentary investigation should not be used in a way which would give importance to irresponsible statements. In the words of our Indian proverb: an elephant does not pay heed to yelping dogs :

of university education is to raise the intellectual tone, improve the taste and give a balanced sense of values. On the national plane the spread of university education enables the public mind to be cultivated and purified and the intercourse of private life to be refined. It also facilitates the exercise of political power. It is a saying of Frederick the Great that an educated people are easier to govern. To expect more from degrees is to seek to be disappointed.

Passage No. 13 :-

Next we have the requirements of an orderly society. The main function of Government is ensuring law and order and peace and tranquillity so that all may go about their proper avocations without any difficulty. By a law and order Government I do not mean a police State. That is not the ideal form of Government. Indeed if a Government has to rely on the strength of the policeman's baton, it has really failed. What is needed is the creation of social conditions where the economic needs of the people are satisfied and there is peace and contentment and good neighbourliness. The task governments today is frustrated by the emergence of disruptive forces challenging the might of government itself and creating conditions of anarchy and social disruption. The causes for these are diverse. Political unrest created by some groups in search of aggrandisement is very different from unrest owing to harsh conditions of life and maladjustment of the good things of life. There may be some justification for the latter, if justification can ever be found for violence in any shape or form, but there is surely none for the former. We are unfortunately witnessing the first and that is the greatest concern of the day. From such political unrest arise hatred and law-breaking which make us fear for the very basis of our society. These groups shelter themselves under the appellation of a political party and their doings are regarded as the work of a party. It is far from it and may not be treated as such.

your Principal and myself are concerned, our race is already run. It behoves you to see that you not only behave as true citizens in our country but become the guardians, as it were, of the destinies of other brother citizens and see that the best people are at the helm of affairs.

Passage No. 16 :-

Therefore, I tell you that by all means get the best out of Western education, get the best out of Western culture, but this new culture which is coming into existence, keep aloof from it because if it once invades our country then there will be an end of our culture. We as a nation have existed spiritually and we have a spiritual past and a spiritual future, which we cannot jeopardise by learning the absurd ways of western nations. So I tell you, the only advice to you young men and women is that you play your part in building up our Country, be alive to what is happening around you and without taking sides, try to reason with people so that they may be able to choose well: be able to guide people so that they may be able to make a proper selection of persons who will be governing us in the future. By all means take part in politics and when you are there, have some code of conduct for yourself, something which will prevent you from crossing the floor because there is some advantage to yourself. Even if it goes against your interest, you must keep to your principles, and see that the people, who will keep to their principles, are chosen. Then in the realm of education and in contacts with other countries do not let go the culture of which India is justly proud. Our culture is something which we cannot afford to lose because our ancestors built it up after great contacts and give and take, between different communities and it is this culture which I think, is the hallmark of India. If we lose that culture, we may become a second-class western type of Indian but we shall cease to be the true Indians we are expected to be and we are.

Passage No. 17 :-

Therefore, if education plays such an important part in the lives of the people, we may begin by inquiring what it should be. True education should have at its base an opportunity for dialogue between the student and the teacher. Without it education

progress as a result. Every strike even in industry wastes not only private but public money. In using the weapon of strike in every thing and more so in education makes our culture, arts and production to suffer. We cannot improve our lot by retrograde action. While there may be some justification for the Gaullist style of participation in industry there may be none in education. There negotiation can achieve more than strikes and violence and destruction of property.

Passage No. 19 :-

It will, therefore, appear that the judiciary enjoys power of judicial review of administrative and in some cases even legislative process. Attacks on fundamental rights from any quarter can be countered by the judiciary and disputes between the State and citizens and other persons in which fundamental rights are involved can be considered and decided. In all disputes between the state on the one side and a citizen or non-citizen on the other, the question to ask is: how will the courts view the matter? In other words, the just decision of the issue depends upon whether the judge is independent and impartial or whether certain minimum requirements of a fair trial will be observed. The independence of Judges can be reasonably ensured by making the position of the Judge secure and their impartiality can be reasonably assured by selecting men of proved integrity and merits. Further the trial itself must be public and the law of procedure must be such as would give no advantage to one side over the other which is now called 'equality of arms'. The existing tests for determining the measure of independence available from international documents on human rights are separation of powers, separation of executive from the judiciary, the manner of selection of Judges and the power to punish for contempt to secure independence from 'private pressure groups'.

Passage No. 20 :-

In most democracies, this rule of law so jealously ensured in theory, is sought to be achieved in practice by appointing a guardian of the Constitution and the laws. The task of this guardian is to keep the law-making and the executive limbs of government from breaking through the bounds of the people's will. The