



**DEPARTMENT OF JURIDICAL SCIENCES**

**CREDIT BREAK UP FOR 3 YEARS**

**LL.B. COURSE**

**2015 BATCH**

**DETAILED SYLLABUS FOR LAW PAPERS IN  
SEMESTER I**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-102	Law of Torts and Consumer Protection Act	3	1	0	4
2	LLB-103	Jurisprudence (Legal method, Indian legal system, and basic theory of law)	3	1	0	4
3	LLB-104	Constitutional Law - I	3	1	0	4
4	LLB-105	Law of Contract - I	3	1	0	4
5	LLB-106	Family Law	3	1	0	4
6	LLB-107	Law of Crimes - I (IPC)	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-181	Skill Development - I	0	0	2	1
8	BSD-182	Project & Seminar - I	0	0	2	1
<b>Total Credit</b>			<b>26</b>			

**LAW OF TORTS INCLUDING CONSUMER PROTECTION LAWS  
AND  
MOTOR VEHICLES ACT**

**Module I: An Introduction to the Law of Torts**

- Definition of Tort
- Distinction between Tort and other branches of law
- Interests protected by the Law of Torts
- Common Elements of Wrong doing:
  - ✓ Act,
  - ✓ Omission,
  - ✓ Malice,
  - ✓ Motive,
  - ✓ Recklessness etc
- Legal Principles:
  - ✓ Damnum Sine Injuria,
  - ✓ Injuria Sine Damno,
  - ✓ Ubi Jus Ibi Remedium.

**Module II: General Defenses**

- Volenti Non Fit Injuria
- Plaintiff is Wrongdoer
- Inevitable Accident
- Act of God
- Private Defense
- Mistake
- Necessity
- Statutory Authority
- Act of State

**Module III: Liability under Tort**

- Fault Liability
- Strict Liability
- Absolute Liability
- Vicarious Liability
- State Liability
- Constitutional Torts

**Module IV: Specific Torts: Trespass, Nuisance and Negligence**

- Tort of Trespass- to Person, Land and Goods
- Tort of Nuisance- Private and Public
- Tort of Negligence- Duty of Care and Breach of Duty, Causation and Remoteness of Damage, Professional Negligence.

**Module V: Dignitary Torts**

- Defamation- Basic principles and defenses
- Breach of Confidence
- Privacy- an emerging tort

**Module VI: Remedies under Torts**

- Specific Restitution of Property
- Damages
- Injunction

**Module VII: Consumer Protection under Tort Law**

- Introduction to Consumer Protection Act, 1986
- Structure of Consumer Forum- National, State and District Forum
- Who is a 'consumer' under CPA? What are their rights?
- What are 'Services' under CPA? What is known as 'Deficiency in Services'?

**Module VIII: Motor Vehicles Act, 1988**

- Liability without fault in certain cases
- Insurance of Motor Vehicles against third party risks
- Offences, Penalties and Procedures

**Bare Act:**

- The Consumer Protection Act, 1986
- The Motor Vehicles Act, 1988

**Suggested Readings:**

1. Avtar Singh - Law of Contract
2. Pollock and Mulla - Indian Contract Act
3. N D Kapoor – The Mercantile Law
4. Anson, Anson's Law of Contract

**JURISPRUDENCE**  
**(LEGAL THEORY AND CONCEPTS OF LAW)**

**Module I: Introduction**

- Meaning of the term 'jurisprudence'
- Norms and the normative system.
  - ✓ Different types of normative systems, such as of games, languages, religious orders, unions, clubs and customary practice.
  - ✓ Legal system as a normative order: similarities and differences of the legal system with other normative systems.
- Nature and definition of law.

**Module II: Schools of Jurisprudence**

- Analytical positivism
- Natural law
- Historical school
- Sociological school
- Economic interpretation of law
- The Bharat jurisprudence
- The Ancient: the concept of 'Dharma'
- The Modern: PIL, social justice, compensatory jurisprudence

**MODULE III: Purpose of Law**

- Justice
- Meaning and kinds
- Justice and law: approaches of different schools
- Power of the Supreme Court of India to do complete justice in a case: Article 142
- Critical studies
- Feminist jurisprudence

**MODULE IV: Sources of Law**

- Legislation
- Precedents: concept of stare decisis
- Customs
- Juristic writings

**MODULE V: Legal Rights**

- Concept
- Rights: kinds
- Right duty correlation

**MODULE VI: Persons**

- Nature of personality
- Status of the unborn, minor, lunatic, drunken and dead persons]
- Corporate personality
- Dimensions of the modern legal personality: Legal personality of non-human beings

**MODULE-VII: Possession**

- Concept
- Kinds of possession

**MODULE VIII: Ownership**

- Concept
- Kinds of ownership
- Difference between possession and ownership

**MODULE IX: Property**

- Concept
- Kinds of property

**MODULE X: Liability**

- Conditions for imposing liability
- Wrongful act
- Damnum sine injuria
- Causation
- Mens rea
- Intention
- Malice
- Negligence and recklessness
- Strict liability
- Vicarious liability

**MODULE XI: Obligation**

- Nature and kinds
- Sources of obligation

**MODULE XII: Procedure**

- Substantive and procedural laws: difference
- Evidence: Nature and kinds

**Suggested Readings:**

1. Bodenheimer Jurisprudence—The Philosophy and Method of Law (1996), Universal , Delhi.
2. Fitzgerald,(ed.) Salmond on Jurisprudence (1999) Tripathi, Bombay
3. W. Friedmann, Legal Theory (1999) Universal, Delhi.
4. V.D. Mahajan, Jurisprudence and Legal Theory (1996 re-print) , Eastern, Lucknow
5. M.D.A Freeman (ed.), Lloyd's Introduction t Jurisprudence, (1994), Sweet & Maxwell  
Paton G.W., Jurisprudence (1972) Oxford, ELBS
6. H.L.A. Hart, The Concepts of Law (1970) Oxford, ELBS
7. Roscoe Pond, Introduction to the Philosophy of Law (1998 Re-print) Universal, Delhi.
8. Dias, Jurisprudence (1994 First Indian re-print), Adithya Books, New Delhi.
9. Dhyani S.N., Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi

**CONSTITUTIONAL LAW I****Module I: Introduction to the Constitution and Constitutional Law of India**

- Historical background to the Making of the Constitution of India
- Constituent Assembly and the Passing of the Constitution
- The Objectives Resolution and the Preamble to the Constitution of India
- Elucidating Key Concepts-

- ✓ 'Sovereign Socialist Secular'
- ✓ 'Democratic Republic'
- ✓ 'Separation of Powers'
- ✓ 'Rule of Law'

### **Module II: The Three Wings of Government**

- Legislature: Structure of Parliament and State Legislatures, Mode of Election, Parliamentary Procedures, Voting, Powers and Functions- (Article 79-122, 148-151)
- Executive: Structure of Union and State Governments, Cabinet, Powers and Functions of PM / CM(Article 52-78, 123)
- Judiciary: Structure of the Courts, Jurisdiction, Appointment of Judges, Supreme Court as the Final Interpreter of the Constitution, Powers and Functions(Article 124-147, 214-227)

### **Module III: Federalism under the Indian Constitution: a Modularly Model**

- Federalism: Meaning, Scope and Concepts
- Is India a true federation? Rationale behind Modularly nature.
- Separation of Powers- conceptual analysis, comparison with US model
- Legislative Relations between Union and State(Article 245-256)
- Financial Relations between Union and State(Article 265-289)
- Principles of Interpretation:
  - ✓ Territorial Nexus
  - ✓ Plenary Powers and Non-obstante clause
  - ✓ Harmonious Construction and Pith and Substance
  - ✓ Residuary Power
  - ✓ Repugnancy- Direct Conflict, Occupied Field and Intended Occupation
- [Cases- State of WB v UOI, State of WB v CPDR, GVK Industries v. UOI, Gujarat Univ. v. Krishna, Prafulla Kumar v. Bank of Commerce, Khulna, State of Rajasthan v. G. Chawla, UOI v. Harbhajan Singh Dhillon, Hoechst Pharmaceuticals v. State of Bihar, Deep Chand v. State of UP, Zaveribhai v. State of Bombay, M ..Karunanidhi v. UOI]

### **Module IV: Judiciary and its Independence (Article 124-147, 214-227)**

- Independence of Judiciary: why so crucial?
- Transfer of Judges
- Judicial Review- HC powers of Superintendence u/A. 226., Supervision u/A. 227, Jurisdictions of the SC, Review and Curative Petition, Supreme Court as a Court of Record- Contempt Power
- [Cases-State of Karnataka v UOI, State of Rajasthan v UOI, Pritam Singh v State, Rupa Hurra v Ashoke Hurra, Delhi Judicial Service Assn.]

### **Module V: Executive and its Discretion (Article 52-78, 123)**

- President as the 'nominal head' of the Executive
- 'Aid and advice of the council of ministers'-Discretionary Powers of the President and Governors
  - [Cases: Ram Jawaya Kapoor, UNR Rao, Shamsher Singh]
- Powers of Pardon
  - [Cases: Maru ram, Kehar Singh, Swaran Singh, Epuru Sudhakar]
- Legislative Power of the Executive
  - [Cases: AK Roy, DK Wadhwa]

### **Module VI: Amendment to the Constitution and Basic Structure Doctrine**

- Understanding A. 368
  - ✓ 'Procedure to Amend' to 'Power to Amend'
  - ✓ Impact of 24<sup>th</sup> and 25<sup>th</sup> Amendments
  - ✓ 42<sup>nd</sup> Amendment and the A. 368

- Evolution of Basic Structure Doctrine- Case Analysis
  - ✓ Pre-Keshavananda Bharati
  - [Cases: Shankari Prasad, Sajjan Singh, IC Golaknath]
    - ✓ Keshavananda Bharati
    - ✓ Post-Keshavananda Bharati
  - [Cases: Indira Gandhi, Minerva Mills, Waman Rao, Nagaraj, IR Coelho]

### **Module VII: Emergency Provisions**

- Proclamation of Emergency under A. 352
  - ✓ Instances and Debates
  - ✓ Changes introduced by the 44<sup>th</sup> Amendment
  - ✓ Impact on Fundamental Rights- ADM Jabalpur v. Shiv Kant Shukla
- President's Rule under A. 356
  - ✓ Instances and Debates
  - ✓ Judicial Review
  - ✓ Impact of Sarkaria Commission Recommendations
  - [Cases- State of Rajasthan, SR Bommai, Rameshwar Prasad]
- Financial Emergency under A. 360

### **Bare Acts:**

- Constitution of India, 1950

### **Suggested Readings:**

1. M.P.Jain, Indian Constitutional Law, Wadhwa & Co, Nagpur
2. V.N.Shukla, Constitution of India, Eastern Book Company, Lucknow
3. Granville Austin, Indian Constitution-Cornerstone of a Nation, OUP, New Delhi
4. H.M.Seervai, Constitutional Law of India (in 3 Volumes), N.M.Tripathi, Bombay
5. G.C.V.Subba Rao, Indian Constitutional Law, S.Gogia & Co., Hyderabad

## **LAW OF CONTRACT I**

### **Module I: Introduction**

- Indian Contract Act, 1872
- Historical Background
- Contract: Meaning, Nature and Types
- Major Definitions under Indian Contract Act

### **Module II: Agreement**

- Formation of an Agreement: (Ss. 2-10 )
  - ✓ Intention to create legal relationship
- Proposal and Acceptance:
  - ✓ Their various forms,
  - ✓ Essential Elements
- Communication
- Revocation- Mode of Revocation of Offer Special Situations: ( Ss. 2-10 )

### **Module III: Capacity to Contract**

- Legal Disability to Enter into Contract-
  - ✓ Minors, Persons of Unsound Mind
  - ✓ Effects of Minors Agreement

- Persons disqualified by Law
- Liability for Necessaries Supplied to the Minor
- Indian Contract Act, 1872, Sections 10, 11, 12, 64, 65, 68;
- Specific Relief Act, 1963,
- Section 33; Indian Majority Act, 1875

#### **Module IV: Consideration**

- Meaning and Nature of Consideration - Nudum Pactum
- Doctrine of Privity of Contract and of Consideration- Its Exceptions of consideration
- Adequacy of Consideration: Present, Past and Adequate Consideration  
Unlawful Consideration and its Effect
- Indian Contract Act, 1872: Sections 2(d), 2(f), 23 and 25

#### **Module V: Free Consent**

- Consent – Definition
  - ✓ Free Consent and Vitiating Elements:
    - Coercion
    - Undue Influence
    - Fraud
    - Misrepresentation
    - Mistake
- Effect on Contracts influenced by any factor Vitiating Free Consent

#### **Module VI: Limitations on Freedom of Contract**

- Legality of Object
- Void and Voidable Agreements
- Agreements against Public Policy
- Agreements with Unlawful Consideration
- Agreements without Consideration
  - ✓ Agreements in Restraint of Marriage
  - ✓ Agreements in Restraint of Trade
  - ✓ Agreements in Restraint of Legal Proceedings
- Ambiguous and Uncertain Agreements
  - ✓ Wagering Agreements – Its exceptions
  - ✓ Contingent Contracts

#### **Module VII: Discharge of a Contract**

- By Performance
- Performance by Joint Promisors
- Discharge by Novation - Remission
- Accord and Satisfaction
- Appropriation of Payments
- Discharge by Impossibility of Performance - Doctrine of Frustration Discharge by Breach - Anticipatory Breach - Actual breach

#### **Module VIII: Remedies for Breach of Contract**

- Damages
  - ✓ Types of Damages
  - ✓ Remoteness of Damages
  - ✓ Ascertainment of Damages
- Quasi Contracts



**Bare Acts:**

- The Indian Contract Act 1872
- The Sale of Goods Act 1930
- The Specific Relief Act 1963
- The Partnership Act 1932

**Suggested Readings:**

1. D.D. Basu, The Law Of Torts ,Kamal , Calcutta.
2. D.M.Gandhi , Law Of Tort,Eastern Lucknow.
3. Ratanlal And Dhirajlal, The Law of Tort, Universal ,Delhi.
4. J. N. Pandey ,Law of Tort,Central Law Publication Allhabad.
5. Salmond and Heuston –On the Law of Torts (2000) Universal, Delhi.
6. J.N Boriwala, Commentry on Consumer Protection act, 1986, Universal ,Delhi.
7. P.K Majumdar, The Law of Consumer Protection In India (1998), Orient Publishing Co., New Delhi.
8. R. M Vats, Consumer and The law (1994), Universal ,Delhi

**FAMILY LAW I****Module I: An Introduction to Family Law**

- Nature of Hindu Law,
- Who is Hindu & Sources of Hindu Law-Modern and Ancient
- Two Principal Schools of Hindu Law.
- Idea about the Muslim Law and its emergence

**Module II: Law of Marriage and Dissolution**

- Marriage-Evolution of the Institution of Marriage and Family (A detailed study of Hindu Marriage Act, 1955)
- Matrimonial Remedies:
  - ✓ Restitution of Conjugal Rights
  - ✓ Judicial Separation
  - ✓ Nullity of marriage
- Dissolution of Marriage : Theories – Forms of Divorce – Grounds for divorce under Special marriage Act – Various grounds of Divorce (Cruelty as a ground for divorce Desertion as ground for divorce, Adultery as a ground for divorce) – Divorce by Mutual Consent – Irretrievable Breakdown as a Ground for Dissolution
- Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves provisions under the Code of Criminal Procedure 1973 – Maintenance and Alimony;
- Customary Practices and legislative provisions relating to dowry prohibition- Maintenance under Hindu Marriage Act (Sec.24 & 25)
- Muslim Marriage: Essentials, classification of marriage – Legal effects of valid – void and irregular marriage - Muta marriage – Sources of Islamic law; Customary practices and State regulation – Pre-emption – Option of puberty – Kinds of Marriage under Sunni Law & Shia Law
- Mehr: Definition, Concept, Dower, Kinds of Dower, Rights of Wife in case of Unpaid Mehr
- Classification of Divorce (Talaq),
- Maintenance of Wife under Muslim personal law,
- Parentage and Legitimacy – Kinds and Powers of guardian

**Module III: Schools of Hindu Law**

- Mitaksara and Dayabhaga Schools.
- The difference between the Mitakshara and Dayabhaga Schools.

**Module IV: Law relating to Minority and Guardianship**

- Kinds of Guardians; Duties & Powers of Guardians;
- A detailed study of Hindu Adoption and Maintenance Act, 1956;
- Maintenance: Traditional Rights and Rights under Hindu Adoption & Maintenance Act 1956.

**Module V: Civil Marriage and Emerging trends in Family Law**

- Provisions of Special Marriage Act, 1954
- Emerging trends: Surrogacy – Live-in Relationship – IVF – Domestic Violence – Same Sex Marriage

**Bare Acts**

- The Hindu Marriage Act, 1955
- The Hindu Adoption and Maintenance Act, 1956
- The Hindu Succession Act, 1956
- The Special Marriage Act, 1954
- The Dissolution of Muslim Marriages Act, 1939
- The Muslim Women (Protection of Rights on Divorce) Act, 1986

**Suggested Readings:**

1. Paras Diwan - Family Law ,Allahabad Law Agency, Faridabad
2. Mulla -Hindu Law, Butterworth Publication
3. Mulla- Mohammedan Law Butterworth co.
4. Myneni, S R, Muslim Law(other Muslim Law, Family Law II)
5. A.A.A Fyzee- Outline of Mohammedan Law.
6. Hidayatulla, M, Principles of Mohammedan Law.
7. A.M Bhattacharjee-Muslim Law and Constitution, Easter Law House, Calcutta.
8. Subzari's, Hindu Law(ancient &modified).Ashok Grover & Sons ,Aurangabad

**FAMILY LAW II****Module I: Principles of Inheritance under Hindu Law**

- Property Mitakshara and Dayabhaga Schools
- Principles of Inheritance: The Hindu Succession Act, 1956;
- General Rules of Succession of a Hindu Male and Female dying Intestate under the Hindu Succession Act;
  - ✓ Stridhan and Women's Estate;
  - ✓ Gifts and
  - ✓ Testamentary Succession-Wills.
- Formation and Incident under the Coparcenary Property under Dayabhaga and Mitakshara:
  - ✓ Extent and Mode of Succession
  - ✓ Karta of Joint Family: Position, Powers and Privileges
  - ✓ Debts: Doctrine of Pious Obligation and Antecedent Debts

**Module II: Partition under Hindu Law**

- Meaning,
- Division of Right and Division of Property: Persons Entitled to Demand Partition - Partition how Effected – Suit for Partition – Re-opening of Partition – Reunion

**Module III: Principles of Inheritance under Muslim Law**

- Shia and Sunni schools; Distribution of property
- Muslim Law of Property: Meaning and Concept of Will (Wasiyat) – Formalities – Will (Wasiyat) made in deathbed or during illness

**Module IV: Gift (Hiba)**

- Concept – Formality – Capacity – Revocability

**Module V: Wakf**

- Concept of wakf
  - ✓ Essential conditions – Kinds of Wakf – Creation of Wakf and its essentialities – completion – Legal consequences – Difference between conditional Wakf and Contingent Wakf – Revocation
- Mutawali
  - ✓ Definition – Competency and Incompetency of Mutawali – Appointment – Removal – Procedure of Removal

**Module VI: Indian Succession Act, 1925**

- Wills and Codicils
- Definition of will
- Essential Characteristics of a will
- Persons capable of making a will
- Probate
- Letter of Administration
- Executor
- Administrator
- Succession Certificate

**Bare Acts**

- The Hindu Marriage Act, 1955
- The Hindu Adoption and Maintenance Act, 1956
- The Hindu Succession Act, 1956
- The Special Marriage Act, 1954
- The Dissolution of Muslim Marriages Act 1939
- The Muslim Women (Protection of Rights on Divorce) Act 1986

**Suggested Readings:**

1. Paras Diwan - Family Law ,Allahabad Law Agency, Faridabad
2. Mulla -Hindu Law, Butterworth Publication
3. Mulla- Mohammedan Law Butterworth co.
4. Myneni, S R, Muslim Law(other Muslim Law, Family Law II)
5. A.A.A Fyzee- Outline of Mohammedan Law.
6. Hidayatulla, M, Principles of Mohammedan Law.
7. A.M Bhattacharjee-Muslim Law and Constitution, Easter Law House, Calcutta.
8. Subzari's, Hindu Law(ancient &modified).Ashok Grover & Sons ,Aurangabad

**LAW OF CRIMES I**  
**INDIAN PENAL CODE, 1860**

**Module I:**

- Extent and operation of the Indian Penal Code,
- Definition of crime,
- Concept of crime- Definition and meaning of crime
- Distinction between crime and tort, Fundamental elements of crime
- Stage of a crime;
  - ✓ Intention
  - ✓ Preparation,
  - ✓ Attempt – Essentials of the attempt
  - ✓ Commission
- Impossible attempt, attempt and preparation distinguished- Actus Reus and mens rea

**Module II:**

- General Explanations and Exceptions (Sec.76-106)
- Definition Constructive joint liability – Mistake – Judicial and executive acts – Accident– Necessity – Infancy – Insanity – Intoxication – Consent – Good faith – Private defense

**Module III:**

- General exceptions - Abetment (Sec.107 to 116)
- Criminal Conspiracy (Sec 120-A and B)
- Offences against the State (Sec. 121-124A)
- Offences against public peace and Tranquility (Sec. 141-148, 159 and 160)

**Module IV:**

- Offences affecting human body:
  - ✓ Culpable Homicide and Murder
  - ✓ Hurt and Grievous Hurt
  - ✓ Wrongful restraint and Wrongful confinement
  - ✓ Criminal force and Assault
  - ✓ Kidnapping and abduction

**Module V:**

- Offences affecting human body:
  - ✓ Culpable Homicide and Murder
  - ✓ Hurt and Grievous Hurt
  - ✓ Wrongful restraint and Wrongful confinement
  - ✓ Criminal force and Assault
  - ✓ Kidnapping and abduction

**Module VI:**

- Offences against Women:
  - ✓ Rape – custodial rape – marital rape – Prevention of immoral traffic – Prohibition of indecent representation of women – Dowry Harassment – Dowry Death

**Module VII:**

- Offences affecting the public health:
  - ✓ Safety – convenience – decency and morals
- Unnatural offences-
- Offences against Property
  - ✓ Theft – Extortion – Robbery & Dacoity – Cheating – Mischief – Criminal Trespass – Criminal misappropriation and Criminal breach of trust.

**Module VIII:**

- Offences by or relating to public servants
  - ✓ False Evidence and Offences against Public Justice
  - ✓ Offences relating to documents
- Offences relating to Marriage
  - ✓ Cruelty by husband and relatives of husband Defamation.

**Bare Act:**

- Indian Penal Code, 1860

**Suggested Readings:-**

1. Ratan Lal and Dhiraj Lal: Indian Penal Code, Wadhwa & Co., 2000.
2. Achutan Pillai: Criminal Law, Butterworth Co., 2000.
3. Gour K.D.: Criminal Law - Cases and Materials, Butterworth Co., 1999.
4. Kenny's: Outlines of Criminal Law, (1998 Edition)

JIS UNIVERSITY

**DETAILED SYLLABUS FOR LAW PAPERS IN  
SEMESTER II**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-201	Law of Contract - II	3	1	0	4
2	LLB-202	Constitutional Law - II	3	1	0	4
3	LLB-203	Law of Crimes - II (CRPC)	3	1	0	4
4	LLB-204	Property Law (Including Transfer of Property Act and Easement Act)	3	1	0	4
5	LLB-205	Administrative Law	3	1	0	4
6	LLB-206	Legal Writing	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-281	Project & Seminar - II	0	0	2	1
8	BSD-282	Skill Development - II	0	0	2	1
<b>Total Credit</b>			<b>26</b>			

**LAW OF CONTRACT II**

**Module I: The Contract Act, 1872**

- Indemnity
  - ✓ Definition and nature
  - ✓ Extent of liability
  - ✓ Commencement of liabilities
- Guarantees
  - ✓ Definitions and essential features
  - ✓ Extent of Surety's liability
  - ✓ Discharge of surety from liability
  - ✓ Rights of surety
- Bailment
  - ✓ Definition and essential features
  - ✓ Duties of bailer and bailee
  - ✓ Rights of bailee.
- Agency
  - ✓ Definition and essentials
  - ✓ Creation of Agency
  - ✓ Relation of Principal and Agent – Rights and Duties of agents
  - ✓ Relation of Principal with third party – Agent's Authority
  - ✓ Rights and liabilities of undisclosed principal
  - ✓ Personal liability of Agent – rectification
  - ✓ Determination of Agency

**Module II: The Specific Relief Act, 1963**

- Nature of specific reliefs
- Recovering possession of property

- Specific performance of contracts
- Contracts which can and which cannot be specifically performed
- Rescission of contract
- Cancellation of instruments
- Rectification of instruments
- Declaratory Decrees Injunction
  - ✓ Preventive relief- temporary and perpetual injunctions
  - ✓ Mandatory injunction

### **Module III: The Partnership Act, 1932**

- General
  - ✓ Definition and nature of Partnership.
  - ✓ Essential elements of Partnership.
- Formation of Partnership
  - ✓ Partnership Deed.
  - ✓ Registration of firm – Consequences of non-registration.
- Rights and Liabilities of Partners
  - ✓ Mutual relationship between partners
  - ✓ Authority of Partner
- Admission and Outgoing of Partners
- Dissolution of Firms
  - ✓ Grounds
  - ✓ Consequences

### **Module IV: The Sale of Goods Act, 1930**

- General
  - ✓ Definitions – Buyer, Seller, Goods.
  - ✓ Essentials of Sale, Sale and Agreement to sell.
- Conditions and Warranties – Doctrine of Caveat Emptor.
- Transfer of ownership
  - ✓ Passing of property
  - ✓ Transfer of title by non – owner
- Performance of Contract of Sale – Delivery
- Rights and liabilities of Buyers and Sellers.
  - ✓ Right of Unpaid Seller of goods

### **Bare Acts:**

- The Indian Contract Act 1872
- The Sale of Goods Act 1930
- The Specific Relief Act 1963
- The Partnership Act 1932
- The Negotiable Instruments Act, 1881

### **Suggested Readings:**

1. Avtar Singh - Law of Contract
2. Pollock and Mulla - Indian Contract Act
3. N D Kapoor – The Mercantile Law
4. Anson, Anson's Law of Contract

## CONSTITUTIONAL LAW II

### Module I: Introduction to Citizenship

- Meaning of Citizenship
- Citizenship at the commencement of the constitution (Article 5,6,7)
- Citizenship under the Citizenship Act, 1955
- Issues related to citizenship

### Module II: Fundamental Rights (General)

- Origin and development of Fundamental Rights
- Widest interpretation of Provision of Part III
- Suspension of Fundamental Rights
- Definition of “state” (Article 12)
  - ✓ Judicial interpretation in defining the scope and ambit of state
  - ✓ Is Judiciary included in the word “state”
- [Cases- University of Madras v Santa Bai, Electricity Board, Rajasthan v. Mohan Lal, Sukhdev Singh v. Bhagatram, R.D. Shetty v The International Airport Authority of India, Ajay Hasia v Khalid Mujib, Pradeep Kumar Biswas v. Indian Institute of Chemical Biology, Zee Telefilms Ltd UOI, Naresh v. State of Maharastra, A.R. Antulay v. R.S.Nayak]

### Module III: Interpretation of Constitution

- Law inconsistent with Fundamental Rights (Article- 13)
- Meaning and Basis of Judicial Review
- Conceptual analysis and comparison with US model
- Application and Rules of Interpretation of Article 13
  - ✓ Voidness arising out of Lack of Legislative Competence
  - ✓ Doctrine of Severability – Doctrine of Eclipse – Doctrine of waiver
- Is Constitutional amendment a ‘law’ under Article- 13
- [Cases- Marbury v Madison, A.K. Gopalan v. State of Madras, State of Bombay v Balsara, R.M.D.C v. Union of India, Bhikaji v State of M.P, Shankari Prasad v UOI, GolakNath v State of Punjab, Kesavananda Bharti v State of Kerala]

### Module IV: Right to Equality (Article 14-18) and Right to Freedom (19-22)

- Introduction
- Conceptual Analysis of Equality before Law and Equal Protection of Law
- Article 14 permits classification but prohibits class legislation
- Test of Reasonable Classification
- [Cases- Ramkrishna Dalmia v Justice Tendulkar, E.P. Royappa v. State of Tamil Nadu, Maneka Gandhi v UOI, R.D. Shetty v. Airport Authority]
- Article 14 and Legitimate expectation
- [Cases- Council of Civil Services Unions v. Minister for the Civil Services, Navjyoti Co-op. Group Housing Society v. UOI, FCI v M/s Kamdhenu Cattle Feed Industries, National Building Construction Corporation v. S. Ranghu Nattam)
- Non- Discrimination on the Grounds of Religion, Race, Caste, Sex or Place of Birth (Article- 15)
- [Case- State of U.P v Pradeep Tandon, Dr. Priti Shrivastav v. State of M.P]
- Equality of Opport Moduley in Public Employment (Article- 16)
- [Case- State of Kerala v N.M Thomas]
  - ✓ The Mandal Case – Position after Mandal case – Creamy Layer Concept
- [Case- Indra Sawhney v Union of India, Post Graduate Institute of Med. Ed. & Res. V. Faculty Association, E.V. Chinnaiiah v state of A.P, Ashok Kumar Thakur v. UOI, M. Nagraj v UOI]



- ✓ Reservation in Promotions (77<sup>th</sup> Amendment, 81<sup>st</sup> Amendment, 85<sup>th</sup> Amendment)
- Abolition of Untouchability (Article- 17)
- [Case- PUDR v UOI]
- Abolition of Titles (Article- 18)

### Module V: Right to Freedom (19-22)

- Introduction
- The Six Freedom
  - a. Freedom of Speech and Expression
    - [Cases- National Anthem case, Bennett Coleman vs UOI, UOI v Navin Jindal, UOI v ADR]
  - b. Freedom of Assembly
  - c. Freedom to form Association
    - [Cases- Dharam Dutt v UOI, O.K.A Nair v UOI, Delhi Police Non-Gazetted Karmachari Sangh v. UOI]
  - d. Freedom of Movement
    - [Cases- CPI(Marxist) v Bharat Kumar]
  - e. Freedom of Residence
  - f. Freedom of Profession, Occupation, Trade or Business
    - [Cases- P. A. Inamder v State of Maharastra, B.R. Enterprises v State of U.P, Noise Pollution, In re , T.M.A.Pai Foundation v State of Karnataka]
- Conceptual clarity of Reasonable Restriction.
- Instance of Reasonable Restrictions.
- Instances of Unreasonable Restrictions.
- Protection in Respect of Conviction for offences (Article 20)
  - ✓ Ex-post Facto law
  - ✓ Double Jeopardy
  - ✓ Protection against Self-Incrimination
- [Cases- Nandani Sathpathy v. P.L. Dani, Sampath Kumar v E.O. Enforcement Directorate, Madras]

### Module VI: Protection of Life and Personal Liberty (Article 21)

- Introduction – Prior to Maneka Gandhi Decision – Maneka Gandhi’s Case- A new Dimension – Post Maneka Gandhi Case
- [Cases- A.K. Gopalan case, Kharak Singh Case v State of Punjab, Maneka Gandhi v. UOI, Francis Coralie v. Delhi Administration, Sunil Batra case, Hussainara Khatoon case, Olga Tellis v Bombay Municipal Corporation, M.C Mehta v UOI, PUDR v UOI, PUCL v UOI]
- Judicial Activism with Article 21
- Right to Education (Article- 21A)
  - [Cases- Mohini Jain and Unni Krishnan case v State of A.P]
- Safeguards Against Arbitrary Arrest and Detention (Article- 22)
  - [Cases- Joginder Kumar v State of U.P, D.K.Basu v State of W.B]

### Module VII: Right against Exploitation (Article 23-24) and Right to Freedom of Religion (Article 25-28)

- Prohibition of ‘Traffic in Human Beings’ and Forced Labour
- Prohibition of employment of Children in Factories
  - [Cases- PUDR v UOI, Gaurav Jain v UOI, M.C Mehta v State of T.N, Bandhua Mukti Morcha v UOI]

### Module VIII: Right to Freedom of Religion (Article 25-28)

- India is a Secular State
- ✓ Secularism meaning and respect for different Religion

- ✓ What is Religion
- Restriction on Freedom of Religion
- Freedom to manage religious affairs
- Right to establish and maintain Institution for Religious and Charitable purpose
- Right to manage 'matter of Religion'
- [Cases- S. R. Bommai v UOI, M. Ismail Faruqui v UOI, Bijoe Emmanuel v State of Kerala, Bramachari Sidheswarshai v State of W.B, Aruna Roy v UOI]

### Module IX: Cultural and Educational Rights (Article- 29-30)

- Distinction between Article 29(2) and Article 15(1)
- Relationship between Article 29(1) and 30(1)
- Unaided minority educational institutions
- Unni Krishnan and St. Stephen's Decision partly overruled
- [Cases- Unni Krishnan v. state of A.P, St. Stephen college v University of Delhi, Frank Anthony Public School Employees Association v UOI, T.M.A PAI foundation v state of Karnataka, P.A. Inamdar v State of Maharashtra]

### Module X: Right to Constitutional Remedies (Article 32-35)

- Introduction – Who can apply – A Dynamic approach:- Origin of Public Interest Litigation – Abuse of PIL- Guideline by Supreme Court – Judicial Activism vis-a- vis Judicial Restrain
- [Cases- Rupa Ashok Hura v. Ashok Hura, A.B.S.K Sang (Rly) v. UOI, PUDR v. UOI, Bandhua Mukti Morcha case, Sheela Barse v. UOI, Shiram Food and Fertilizer case, etc]

### Module XI: Directive Principle of State Policy (Article 36-51)

- Introduction
- Objective of DPSP
- Modes of DPSP
  - ✓ Social and Economic Charter
- [Cases- M.C. Mehta case I,II]
  - ✓ Social Security Charter
- [Cases- Unni Krishnan Case, Centre of Legal Research v State of Kerala]
  - ✓ Comm Moduley Welfare Charter
- [Cases- Sarala Mudgal v UOI, Danial Latif v UOI,
- Relation between DPSP and FR
- DPSP given status of FR

### Module XII: Fundamental Duties (Article 51A)

- Needs for Fundamental Duties
- Sources of Fundamental Duties
- Fundamental Duties- An aid to Interpretation of constitutional Provisions
- [Cases- AIIMS student union v. AIIMS, Aruna Roy v UOI]

### Bare Acts:

- The Constitution of India, 1950

### Suggested Readings:

1. M.P.Jain, Indian Constitutional Law, Wadhwa & Co, Nagpur
2. V.N.Shukla, Constitution of India, Eastern Book Company, Lucknow
3. Granville Austin, Indian Constitution-Cornerstone of a Nation, OUP, New Delhi
4. H.M.Seervai, Constitutional Law of India (in 3 Volumes), N.M.Tripathi, Bombay
5. G.C.V.Subba Rao, Indian Constitutional Law, S.Gogia & Co., Hyderabad

**LAW OF CRIMES II**  
**CODE OF CRIMINAL PROCEDURE, 1973**

**&**  
**PROBATION OF OFFENDERS ACT AND JUVENILE JUSTICE ACT**

**Module I: Introduction**

- The Code of Criminal Procedure, 1973: Object, Scope and Extent of Cr.P.C.
- Definitions.
- Constitution of criminal courts and their powers.
- The importance of fair trial.
- The organization of Police, Prosecutor and Defence Counsel
- Distinction between cognizable and non-cognizable offences.
- Warrant and Arrest:
  - ✓ Power to Investigate
  - ✓ Steps to ensure presence of accused at trial :
    - Warrant and Summons cases.
    - Arrest with and without Warrant (Section 70-73 and 41).
    - The absconder status (section 82, 83, and 85).
    - Rights of arrested persons under Cr.P.C, and Article 22 (2) of the Constitution of India.

**Module II: Pre-Trial Process**

- Search and Seizure:
  - ✓ Search Warrant (section 83, 94,97, 98) and Search without warrant:
  - ✓ Police search during investigation (section 165, 166, 153).
  - ✓ General Principles of Search (Section-100) and Seizure (Section-102): Constitutional aspects of validity of Search and Seizure proceedings.
  - ✓ F.I.R (Section-154).
- Commencement of Proceedings (section 200, 201, 202).
- Dismissal of Complaint (section 203, 204).
- Bail, Bailable and Non-bailable Offences (section 436, 437, 438):
  - ✓ Cancellation of Bails (section 437 (5)).
  - ✓ Anticipatory Bail (section 438).
  - ✓ Appellate bail powers (section 389 (1), 395 (1), 437 (5)).
  - ✓ General Principles concerning Bail Bond (section 441 - 450).

**Module III: Fair Trial**

- Concept of fair trial.
- Presumption of innocence.
- Venue of trial Jurisdiction of Criminal Courts.
- Rights of accused (Section-221-224)-Constitutional Interpretation of Article 21 as a right to speedy trial.
- Charge.
- Form and content of Charge (section 211, 212, and 216).
- Separate charge for distinct offence (section 218, 219, 220, 221, 223).
- Discharge – pre- charge evidence.
- Preliminary pleas to bar trial.
  - ✓ Jurisdiction (section 26, 177- 189, 461, 462, 479).
  - ✓ Time Limitation (section 468 - 473).
  - ✓ Pleas of Autrefois Acquit and Autrefois Convict (section 300 and Art 22d).
- Compounding of offences.

- Trial before a Court of Session: Procedural steps and substantive rights.
- Summary trial (Sec 260-265).

### Module IV: Judgment

- Form and content (section 354).
- Post conviction orders in lieu of punishment(section 360, 361, 31):
  - ✓ Emerging penal policy of Plea Bargaining.
- Modes of providing judgment (section 353, 362, and 363).
- Compensation and cost (section 357,358).
- Appeals, review and revisions-Reforms in Criminal Procedure Code:
  - ✓ Appeal before Supreme Court of India and High Courts (section 374, 379) and (Article 31,132, 134, 136 of constitution of India)
  - ✓ Appeal to Sessions Court (section 374)
  - ✓ Special right to appeal (section 380)
  - ✓ Government appeal against sentencing (section 377, 378)
  - ✓ Judicial power in disposal of appeal (section 368)
  - ✓ Legal aid in appeals
  - ✓ Revisional jurisdiction (section 397- 405)
  - ✓ Transfer of cases (section 406, 407)

### Module V: Preventive Measures

- Removal of Public Nuisance.
- Security Provisions.
- Maintenance of wife, children & parents.

### Module VI: Probation and Parole

- Authority granting Parole.
- Supervision.
- Conditional release.
- Suspension of sentence.
- Procedure under Probation of Offenders Act, 1958:
  - ✓ Salient features of the Act.
- Juvenile Justice System:
  - ✓ Juvenile Justice (Care and Protection of Children) Act of 2000.
  - ✓ Procedure under Juvenile Justice Act.
  - ✓ Treatment and Rehabilitation of Juveniles.
  - ✓ Protection of Juvenile Offenders.
  - ✓ Legislative and Judicial Role.

### Bare Acts:

- The Code of Criminal Procedure, 1973.
- The Probation of Offenders Act, 1958.
- Juvenile Justice (Care and Protection of Children) Act, 2000.

### Suggested Readings:

1. Ratanlal & Dhirajlal- Criminal procedure Code.
2. Chandrashekar Pillai, Kelkar Lectures on Criminal Procedure Code.
3. S.N.Mishra, The Code of Criminal Procedure
4. Shailedra Malik, The Code Of Criminal Procedure.
5. R.N. Choudhari, Juvenile Justice in India.
6. K.L.Sethi, The Probation of offender Act, 1958.
7. Woodroffe, Commentaries on Cr.P.C.

**PROPERTY LAW**  
**(Transfer of Property Act and Easement Act)**

**Module I: General Principles pertaining to Movable and Immovable Property**

- General Definitions:
  - ✓ Immovable Property.
  - ✓ Attestation.
  - ✓ Notice.
  - ✓ Transfer of property (Meaning- Section 5).
  - ✓ Meaning of Property in Non-Transferable Properties ((Section 6).
- The concept of Transfer:
  - ✓ Persons Competent to Transfer (Section- 7).
  - ✓ Incidents of Transfer (Section-8).
  - ✓ Oral Transfer (Sections- 9).
  - ✓ Conditions Restraining Alienation (Sections 10 to 12).
  - ✓ Transfer for Benefit of Unborn Person and Rule against Perpetuity (Sections 13 to 18).
  - ✓ Vested and Contingent Interests (Sections 19 and 21).
  - ✓ Conditional Transfers (Sections 25 to 29).
  - ✓ Doctrine of Election (Section 35).

**Module II: General Principles applicable to transfer of Immoveable Properties only**

- Transfer by Transfer by ostensible owner (Sections 41)
- Doctrine of Feeding the Grant by Estoppel. (Section-43).
- Restrictive Covenant and Protection of Third Persons Rights (Sections 39 and 40).
- Lis Pendens (Section 52).
- Fraudulent Transfer (Section 53).
- Part-Performance (Section 53A).

**Module III: Sale of Immovable Property**

- Sale:
  - ✓ Essential features of Sale.
  - ✓ Definition:
    - Sale (Section- 54).
    - Exchange (Section-118).
  - ✓ Rights and liabilities of parties in Sale.
- Mortgages:
  - ✓ Definition:
    - Mortgage,
    - Mortgagor,
    - Mortgagee,
    - Mortgage Money,
    - Mortgage Deed (Section 58),
    - Charge (Section 100).
  - ✓ Kinds of Mortgage (Section 58).
  - ✓ Mode of Formalities for Creation of Mortgage (Section 59).
  - ✓ Rights and liabilities of mortgagor and mortgagee.
  - ✓ Right to Redeem, Partial Redemption, Clog on Redemption, (Section 60).
  - ✓ Marshalling and Contribution (Sections 81 and 82).
  - ✓ Subrogation (Sections 91 and 92).
  - ✓ Charge (Section-100).

**Module IV: Lease of Immovable Property**

- Lease:
  - ✓ Definition:
    - Lease (Section-105).
    - License (Section-52 The Indian Easement Act, 1882).
  - ✓ Essential features.
    - Kinds of leases.
    - Rights and liabilities of lessor and lessee.
    - How lease is made (Section-107).
    - Determination/Termination of Lease (Section 111).
    - Forfeiture (Section-114).
    - Effect of Holding over (Section 116).
- Exchange (Section- 118).
- Gifts-Definition (Section 122).
  - ✓ Different types of gifts.
  - ✓ Registration of Gifts.
  - ✓ Transfer how affected ((Section 123).
  - ✓ Onerous Gift (Section 127).
  - ✓ Universal Donee (Section 128).
  - ✓ Transfer of Actionable Claims (Section-130)

**Module V: Easements**

- Definition of easement. (Section-4)
- Acquisition and Kinds of Easements.
- Distinction between Lease and License.
- Dominant and Servient Tenements.

**Bare Acts:**

- The Transfer of Property Act, 1882
- The Indian Easement Act, 1882

**Suggested Readings:**

1. Mulla, Transfer of Property Act.
2. Subba Rao, Transfer of Property Act.
3. V.P.Sarathy, Transfer of Property.
4. T.P.Tripathi, Transfer of Property Act.
5. S.N.Shukla, Transfer of Property Act.

**ADMINISTRATIVE LAW****Module I: Introduction to Administrative Law**

- Nature and scope of administrative law
- The growth of administrative law
- Relationship between administrative law and constitutional law
- Rule of law
- Separation of powers
- Droit Administratif

**Module II: Classification of Administrative Action**

- Pure administrative action
- Quasi-legislative action
- Quasi-judicial action
- Ministerial action
- Administrative instructions
- Administrative discretion

**Module III: Rule-Making Power of the Administration/ Delegated Legislation**

- Concept of delegated legislation and the need for administrative rule-making
- Classification of delegated legislation
- Restraints on delegation
- Constitutionality of delegated legislation
- Control over administrative rule-making: Parliamentary control – Procedural control – Judicial control

**Module IV: Decision-Making or Adjudicatory Power of the Administration**

- Concept of administrative adjudication and tribunals
- Need for administrative adjudication
- Court of law and the administrative agency exercising adjudicatory powers
- Modes of administrative decision-making
- Problems of administrative decision-making

**Module V: Principles of Natural Justice**

- Rule against bias
- Audi Alteram Partem
- Reasoned decisions or speaking orders
- Post-decisional hearing
- Exceptions to the rule of natural justice
- Effect of breach of natural justice

**Module VI: Judicial Review of Administrative Action**

- Jurisdiction of the Supreme Court & High Courts
- Public law review principles
- Doctrine of legitimate expectation
- Doctrine of public accountability
- Doctrine of proportionality
- Modes of judicial review
  - ✓ Public law review
  - ✓ Private law review

**Module VII: Governance & People**

- Principles of good governance
  - ✓ Transparency and public accountability
  - ✓ Right to know
- Remedies for maladministration
  - ✓ Ombudsman
  - ✓ Lokpal & Lokayukta



- ✓ Central Vigilance Commission (CVC) & Central Bureau of Investigation (CBI)
- ✓ Global administrative law

### **Module VIII: Liability of the Administration**

- Liability of the administration in contract
- Liability of the administration in tort
- Privileges and immunities of the administration in suits
  - ✓ Privilege of notice
  - ✓ Privilege to withhold documents
  - ✓ Immunity from statute operation
  - ✓ Doctrine of promissory estoppels

### **Suggested Readings:**

1. M.P. Jain and S.N. Jain, Principals of Administrative Law, Wadhwa and Company, Nagpur.
2. Dr. S. P. Sathe, Administrative Law, Butterworths, New Delhi.
3. Durga Das Basu and A.K.Nandi, Administrative Law, Kamal Law House, Calcutta.
4. H.W.R. Wade and Christopher Forsyth, Administrative Law, Clarendon Press, Oxford
5. A.K. Shrivastav, Administrative Law (2 Vols.), Delhi Kamal Prakashan
6. Indian Law Institute, Cases and Materials on Administrative Law in India
7. J.C. Garner, Administrative Law, Butterworths, New Delhi

## **LEGAL WRITING**

### **Module I: Characteristics of Legal Language**

- Meaning of Legal Language
- Scope and Domain of Legal Language
- Problems of Legal Language
- Legal Language in India
- Official Language- the Constitutional Position (Articles 343 to 347, 348, 350, 351)

### **Module II: Legal Terminology**

Ad hoc, Ad interim, Animo attestandi, Alibi, Ad valorem, Ambiguitas – patent, Ambiguitas – latents, Amicus Curiae, Animus possidenti, Bona Fide(s), Corpus juris civilis, Caveat emptor, De facto, De jure, Detenu, En masse, Ex officio, Ex- cathedra, Ex-parte, Ex-gratia, En-route, Ens legis, Ex post facto, Factum valent, In pari delicto, In pari material, In lieu of, In personam, In rem, Inter se, Impasse, In situ, Inter alia, In toto, Ipso facto, Intra vires, Jure Divino, Jus in rem, Jus ad rem, Jus tertii, Jus in re aliena, Jus in re propria, Jus gentium, Jus natural, Laissez faire, Legalis homo, Lex loci, Locus standi, Magnum bonum, Magnum opus, Mala fides, Modus operandi, Mutatis and mutandis, Note bene, Novus homo, Onus probandi, Obiter dictum, Prima facie, Quid pro quo, Res integra, Res nullius, Sine qua non, Socius criminis, Sans, Status quo, Suo motu, Ultra vires, Vox populi vox dei.

### **Module III: Legal Maxims**

Actus dei nemini facit injuriam, Actus non facit reum nisi mens sit rea, Actus personalis moritur cum persona, Audi alteram partem, Communis error facit jus, Damnum sine injuria, Delegates non potest delegare, Ex turpi causa non oritur action, Falsus in uno falsus in omnibus, Generalia specialibus non derogant, Ignorantia facit excusat ignorantia juris non excusat, Injuria sine damno, Nemo dat quod non habet, Novus actus interveniens or nova causa interveniens, Noscitur a sociis, Par in partem imperium non habet, Qui facit per alium facit per se, Respondeat superior, Res ipsa loquitur, Res non potest peccare, Ubi jus ibi idem remedium, Vigilantibus non dormientibus, jura subveniunt, Volenti non fit injura



**MODULE IV: Fundamental Principles of Legal Writing**

Concision, clarity and cogency ,Simplicity of structure, Title, Heading, Use of italics, Numbers, Definition of terms, Contractions, Use of first person, Ellipses & alterations, Citations, references and foot notes

**MODULE V: Legal Drafting in English**

Notices, Affidavit, Agreement, Complaint, Written statement,

**MODULE VII: Figure of Speech**

Simile, Metaphor, Personification, Apostrophe, Hyperbole, Euphemism, Antithesis, Oxymoron, Epigram, Irony, Pun, Metonymy, Synecdoche, Transferred epithet, Litotes, Interrogation, Exclamation, Climax, Anti-climax.

**Suggested Readings:**

1. Legal Language – Dr. Madabhishi Sridhar
2. Legal Language and Legal Writing – S. K. Mishra
3. Legal Language, Legal writing and general English – Prof. Dr. Saria Gupta and B. P. Agrawal
4. Outline of Legal language in India – Dr. Anirudh Prashad
5. Legal Language and Legal rights – S. N. Mishra
6. Legal language and Legal rights – Tandon
7. English Grammar – Wren and Martin

**DETAILED SYLLABUS FOR LAW PAPERS IN**  
**SEMESTER III**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-301	Civil Procedure Code and Limitation Act	3	1	0	4
2	LLB-302	Labor Law - I	3	1	0	4
3	LLB-303	Land Laws	3	1	0	4
4	LLB-304	Corporate Law - I	3	1	0	4
5	LLB-305	Intellectual Property Rights	3	1	0	4
6	LLB-306	Clinical Paper I	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-381	Project & Seminar - III	0	0	2	1
<b>Total Credit</b>			<b>25</b>			

**CODE OF CIVIL PROCEDURE & LIMITATION ACT**

**Module I: Introduction**

- Historical perspective and Introduction to Civil Procedure Code.
- Definitions: Decree, Judgement, Order, Foreign Court, Foreign Judgement, Mesne- Profits, Affidavit, Suit.

**Module II: Suits in General**

- Important Concepts: Res Sub-Judice, Resjudicata, Restitution, Caveat, Inherent Powers of Courts
- Presumptions as to foreign Judgments.
- Execution of Judgement and Decree
- Jurisdiction and Place of Suing
- Institution of Suit
- Pleadings: Meaning, Object, General rules, Amendment of Pleadings
- Complaint and Written Statement
- Appearance and Non-Appearance of Parties
  - ✓ Costs and Interests

**Module III: Judgment and Execution**

- Execution of Decrees and Orders,
- Death, Marriage and Insolvency of Parties,
- Withdrawal and Adjustment of Suits (Order XX-XXIII),
- Commissions
- Suits by or against the Government and Public Officers,
- Suits Involving a Substantial Question of Law,
- Suits by or against Corporation, Suits by or against Firms, Trustees, Executors and Administrators,
- Suits by or against Minors and Persons of Unsound Mind, Suits Relating to Matters

**Module IV: Interim Orders**

- Temporary Injunctions
- Summary Procedure
- Suits by Indigent persons
- Inter-pleader Suit

**Module V: Appeal, Reference, Review and Revision**

- Appeals from Original Decree
- Appeals from Appellate Decrees
- General Provisions relating to Appeals
- Reference to High Court
- Review
- Revision

**Module VI: LIMITATION ACT, 1963**

- Introduction and Historical background of the limitation Act
- Bar of Limitation
- Computation of period of limitation.

**Bare Acts:**

- The Code of Civil procedure, 1908
- The Limitation Act, 1963

**Suggested Readings:**

1. SudiptoSarkar & V.R. Manohar, Sarkar's Code of Civil Procedure (2 Vols), Lexis Nexis India (11<sup>th</sup> Edn)
2. C.K. Takwani, Code of Civil Procedure, Eastern Book Company, 2010
3. M.R. Malik, Ganguly's Civil Court, Practice and Procedure, Eastern Law House, 2012
4. M.P. Tandon, Code of Civil Procedure, Allahabad Law Agency, 2005
5. DinshawFardauziMulla, Mulla's Code of Civil Procedure, Lexis Nixis (18<sup>th</sup> Edn)

**LABOUR LAW I****Module I: Trade Unions and Collective Bargaining**

- Trade Unionism in India
- Definition of Trade Union and Trade Dispute
- Registration of Trade Unions
  - ✓ Legal Status of Registered Trade Union
  - ✓ Mode of Registration
  - ✓ Powers and Duties of Registrar
  - ✓ Cancellation and Dissolution of Trade Union
  - ✓ Procedure for Change of Name
  - ✓ Amalgamation and Dissolution of Trade Union
- Disqualifications of Office-bearers, Right and Duties of Office-bearers and Members
- General and Political Funds of Trade Union
- Civil and Criminal Immunities of Registered Trade Unions
- Recognition of Trade Union
- Collective Bargaining

**Module II: Resolution of Industrial Dispute**

- Industrial Dispute Act, 1948
  - ✓ Industrial Dispute and Individual Dispute
  - ✓ Arena of Interaction and Participants: Industry, Workman and Employer
  - ✓ Settlement of Industrial Dispute
    - Works Committee
    - Conciliation Machinery
    - Court of Enquiry
    - Voluntary Arbitration
    - Adjudication: Labour Court, Tribunal and National Tribunal
  - ✓ Powers of the Appropriate Government under the Industrial Disputes Act, 1947
  - ✓ Unfair Labour Practice

**Module III: Instruments of Economic Coercion**

- Concept of strike
  - ✓ Gherao
  - ✓ Bandhand Lock-out
  - ✓ Types of Strike
  - ✓ Rights to Strike and Lock-out
  - ✓ General Prohibition of strikes and lock-outs
  - ✓ Prohibition of Strikes and Lock-outs in Public Utility Services
  - ✓ Illegal Strikes and Lock-outs
  - ✓ Justification of Strikes and Lock-outs
  - ✓ Penalties for Illegal strikes and Lock-outs
  - ✓ Wages for Strikes and Lock-outs
- Lay-off
  - ✓ Retrenchment
  - ✓ Transfer and Closure: Definition of Lay-off and Retrenchment Compensation
  - ✓ Compensation to Workmen in Case of Transfer of Undertaking Closure
  - ✓ Closure: Prevention and Regulation
  - ✓ Conditions: Precedent for Retrenchment
  - ✓ Special Provisions Relating to Lay-off, Retrenchment and Closure in Certain Establishments
  - ✓ Procedure for Retrenchment and Re-employment of Retrenched Workmen and Penalty c. Disciplinary Action and Domestic Enquiry
- Management's Prerogative during the Pendency of Proceedings
- Notice of Change

**Bare Act:**

- The Trade Unions Act, 1926
- The Industrial Employment (Standing Orders) Act, 1946
- The Industrial Dispute Act, 1948

**Suggested Readings:**

1. Indian Law Institute, Cases and Materials on Labour Law and Labour Relations, 1963
2. PL Malik, Industrial Law, Eastern Book Company, 2013
3. Dr. Goswami, Labour and Industrial Law, Central Law Agency, 2011
4. Surya Narayan Misra, An Introduction to Labour and Industrial Law, Allahabad Law Agency, 1978
5. S.C. Srivastava, Industrial Relations and Labour Law, Vikas Publishing House, New Delhi, 6<sup>th</sup> Edn., 2012
6. Chaturvedi, Labour and Industrial Law, Central Law Agency, 2004
7. S.C. Srivastava, Commentaries on the Factories Act, 1948, Universal Law Publishing House, Delhi, 2002
8. H.L. Kumar, Workmen's Compensation Act, 192, Universal Law Publishing, 2009

9. Surya Narayan Misra, An Introduction to Labour and Industrial Law, Allahabad Law Agency, 1978
10. S.C. Srivastava, Industrial Relations and Labour Law, Vikas Publishing House, New Delhi
11. M.S Siddiqui, Cases and Materials on Labour Law and Labour Relation, Indian Law Institute, 1963
12. P.L. Malik, Industrial Law, Eastern Book Company, 2013

## LAND LAWS

### (INCLUDING CEILING AND ANY OTHER LOCAL LAWS)

#### **Module I: Land Reform**

- Concept of Land Reform;
- Land Reforms and India.

#### **Module II: Land Reforms in WB**

- Land Reforms in West Bengal;
- Operation Barga.

#### **Module III: The West Bengal Land Reforms Act, 1956**

- ✓ Raiyats: Various rights; restrictions on rights (Sections 4-7)
- ✓ Pre-emption (Section- 8)
- Powers of Revenue Officer (Section 9, and powers under other provisions under the Act)
- Diluvated Land (Section 11)
- ✓ Partition of holding among Co- sharer Raiyats (Section 14)
- ✓ Restrictions on alienation of Land by Schedule Tribes (Sections 14A - 14I)
- ✓ Ceiling on Holding (Sections 14J - 14Z)
- ✓ Bargadars (Sections 15 - 21E)
- ✓ Principles of Distribution of Land (Sections 49 - 49A)

#### **Module IV: The West Bengal Premises Tenancy Act, 1997**

- Definitions (Section 2)
- ✓ Eviction: (Sections 6 - 7)
- ✓ Fair Rent: (Sections 17 - 22)
- Appointment of Controller,
- Additional and Deputy Controller and Registrar: (Section 39)
- Final Hearing of certain applications: (Section 42)
- Appeal, Revision and Review: Fair Rent: (Section 43)

#### **Module V: The West Bengal Apartment Ownership Act, 1972**

- Definitions (Section 3)
- Common area & facilities and Bye laws (Sec-5-8)
- Common Profits & Expenses and declaration (Sec 9-10)
- Byelaws & Penalty (Sec 11-16)

#### **Module VI: The Rights To Fair Compensation & Transparency In Land Acquisition, Rehabilitation & Resettlement Act, 2013**

- Determination of Social impact & Public Purpose
- Notification & Acquisition
- Rehabilitation & Resettlement Award

- Procedure and manner of Rehabilitation & Resettlement
- Committees & Authorities for Rehabilitation & Resettlement
- Apportionment of Compensation
- Payment
- Temporary Occupation of Land
- Offences & Penalties

**Bare Acts:**

- The West Bengal Land Reforms Act, 1956
- The Land Acquisition Act, 1894
- The West Bengal Premises Tenancy Act, 1997
- The West Bengal Apartment Ownership Act, 1972
- The Rights to Fair Compensation & Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013

**Suggested Readings:**

1. The West Bengal Land Reforms Act. : A. N. Saha,
2. The West Bengal Land Reforms Act. : SusantaSen,
3. The West Bengal Land Reforms Act. : D. P. Chatterjee,
4. The West Bengal Land Reforms Act. : Ashutosh Mukherjee

## CORPORATE LAW I

**Module I: Company Form and Structure**

- Corporate Personality – Concept and kinds
- Company – Definition, Nature, Characteristic feature
- Classification of companies
- Company vis-à-vis Body Corporate
- Company as distinguished from other forms of business
- Doctrine of piercing the corporate veil – Statutory exceptions and Judicial interpretations
- Promotion – Legal position of Promoters, Duties and Liabilities
- Pre-incorporation Contracts

**Module II: Company - Registration and Incorporation**

- Memorandum of Association – Importance and Contents
- Articles of Association – Significance and interrelationship
- Doctrine of Ultra Vires – Applicability, consequences
- Doctrine of Constructive Notice – Rule of presumption
- Doctrine of Indoor Management – Concept & exceptions
- Certificate of Incorporation and Commencement
- Deposits, Prospectus (meaning, issue and kinds)

**Module III: Corporate Fund Raising**

- Share/Equity Capital – Meaning and Nature of Shares, Kinds of Shares
- Rights issue, Bonus Issue - Rationale, mechanism
- Allotment –Principles & procedure
- Sweat Equity Shares

**Bare Acts:**

- The Companies Act, 2013

**Suggested Readings:**

1. Ashwin Labnnai Shah, Lectures on Company Law, Tripathi Pvt. Ltd.; Mumbai
2. Avtar Singh, Indian Company Law, Eastern Book Company, Luknow
3. Ramaiya, Guide to Companies Act (Vol. 1 & 2), Wadhwa & Company, Nagpur
4. S. M. Shah, Lectures on Company Law, Tripathi, Bombay
5. S.S. Gulshan, Company Law, Excel Books
6. Dr. N. V. Paranjape, Company Law, Central Law Agency
7. B.K. Sen Gupta, Company Law, Eastern Law House, Kolkata
8. R. R. Pennington, Company Law, Butterworth

**INTELLECTUAL PROPERTY RIGHTS****Module I: Introduction**

- The meaning of intellectual property
- Forms of intellectual property: copyright, trademarks, patents and designs
- New forms as plant varieties and geographical indications
- Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright, Convention, the Paris Convention, Trips, the World Intellectual Property Rights Organization (WIPO) and the UNESCO

**Module II: Law of copyright in India**

- Historical evolution of the copyright law
- Meaning of copyright
- Copyright in literacy, dramatic and musical works
- Copyright in sound records and cinematograph films
- Ownership of copyright
- Assignment and licence
- Copyright authorities
- Infringement of Copy right and remedies including Anton Pillor injunctive relief in India

**Module III: Trademarks**

- The rationale of protection of trademarks as an aspect of commercial and of consumer rights, Dilution Theories of trade mark
- Definition and concept of trademarks
- Registration of trademark- authorities under the trademark Act
- Passing off and infringement
- Remedies

**Module IV: Design**

- The Designs Act, 2000
  - ✓ Definition and characteristics of Design
- Law in India
  - ✓ Protection and rights of design holders
  - ✓ Copyright in design
  - ✓ Registration
  - ✓ Remedies for infringement.
- Trademark and Domain Name Interface

**Module V: Patents**

- Concepts and Historical view of the patents
- Process of obtaining a patent, authorities
- Procedure for filling patents: patent co-operation treaty
- Prior publication or anticipation
- Rights and obligations of a patentee
- Compulsory licences
- Infringement; defences
- Injunctions and related remedies

**Module VI: Miscellaneous**

- Geographical indication,
- Plant varieties
  - ✓ Traditional knowledge
  - ✓ Bio piracy,
- Patentability of Biotechnology and micro organize
- New plant culture and breeds Act

**Bare Acts:**

- The Trademarks Act, 1999.
- The Patents Act, 1970.
- The Copyright Act, 1957.
- The Designs Act, 2000.
- The Geographical Indications of Goods (Registration and Protection), 1999.
- The Protection of Plant Varieties and Farmers Rights Act, 2001.
- The Biodiversity Act, 2002.

**Suggested Readings:**

1. Cornish W.R. Intellectual Property, Patents, Trade Marks, Copy Right and Allied Right, Asia Law House, Hyderabad.
2. Vikas Vashishth, Law and practice of Intellectual Property, Bharat Law House Delhi.
3. P. Narayanan, Intellectual Property Law, (ed) Eastern Law House, Calcutta
4. Bibeck Debroy (ed). Intellectual Property Right, Rajiv Gandhi Foundation, Delhi
5. U.I.F. Anderfelt, International Patent Legislation and Developing Countries
6. W.R. Cornish, Intellectual Property (3rd ed) Sweet and Maxwell
7. K. Thairani, copyright: The Indian Experience.



**DETAILED SYLLABUS FOR LAW PAPERS IN**  
**SEMESTER IV**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-401	Corporate Law - II	3	1	0	4
2	LLB-402	Labor Law - II	3	1	0	4
3	LLB-403	Interpretation of Statutes	3	1	0	4
4	LLB-404	Clinical Paper - II	3	1	0	4
5	LLB-405	Law of Crimes - III (Evidence)	3	1	0	4
6	LLB-406	Public International Law	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-481	Project & Seminar - IV	0	0	2	1
8	BSD-482	Skill Development - III	0	0	2	1
<b>Total Credit</b>			<b>26</b>			

**CORPORATE LAW II**

**Module I: Corporate Fund Raising**

- Issue of shares at premium and discount
- Calls on shares, Forfeiture of shares
- Debenture/Debt Capital –Concept, Meaning and Kinds
- Shareholder vis-à-vis Debenture holder

**Module II: Corporate Management**

- Directors – Meaning, Types, Qualifications, Disqualifications
- Legal Position of Directors
- Appointment and Removal of Directors
- Powers and Duties of Directors
- Meetings – Kinds and Requisites of valid meeting

**Module III: Corporate Collapse**

- Winding Up – Meaning and Types
- Modes of Winding Up and Procedure
- Winding Up by the Tribunal
- Voluntary Winding Up

**Bare Acts:**

- The Companies Act, 2013

**Suggested Readings:**

9. Ashwin Labnnai Shah, Lectures on Company Law, Tripathi Pvt. Ltd.; Mumbai
10. Avtar Singh, Indian Company Law, Eastern Book Company, Luknow
11. Ramaiya, Guide to Companies Act (Vol. 1 & 2), Wadhwa & Company, Nagpur
12. S. M. Shah, Lectures on Company Law, Tripathi, Bombay

13. S.S. Gulshan, Company Law, Excel Books
14. Dr. N. V. Paranjape, Company Law, Central Law Agency
15. B.K. Sen Gupta, Company Law, Eastern Law House, Kolkata
16. R. R. Pennington, Company Law, Butterworth

## **LABOUR LAW II**

### **Module I: The Minimum Wages Act, 1948**

- Concept of Minimum Wage, Fair Wage, Living Wage and Need Based Minimum Wage
- Constitutional Validity of the Minimum Wages Act, 1948
- Procedure for Fixation and Revision of Minimum Wages
- Fixation of Minimum Rates of Wage by Time Rate or by Piece Rate
- Procedure for Hearing and Deciding Claims

### **Module II: The Payment of Wages Act, 1936**

- Object, Scope and Application of the Act
- Definition of Wage
- Responsibility for Payment of Wages
- Fixation of Wage Period
- Time of Payment of Wage
- Deductions which may be made from Wages
- Maximum Amount of Deduction

### **Module III: The Factories Act, 1948**

- Approval, Licensing and Registration of Factories
- Concept of “Factory”, “Manufacturing Process”, “Worker”, and “Occupier”
- General Duties of Occupier
- Measures to be taken in Factories for Health, Safety and Welfare of Workers
- Working Hours of Adults
- Employment of Young Person and Children
- Annual Leave with Wages
- Additional Provisions Regulating Employment of Women in Factory

### **Module IV: The Employee’s Compensation Act, 1923**

- Definition of Dependant, Workman, Partial Disablement and Total Disablement
- Employer’s Liability for Compensation
  - ✓ Scope of Arising out of and in the Course of Employment
  - ✓ Doctrine of Notional Extension
  - ✓ When Employer is not liable
- Employee’s Provident fund and miscellaneous provisions Act, 1952
- Employer’s Liability when Contract or is engaged
- Amount of Compensation
- Distribution of Compensation
- Procedure in Proceedings before Commissioner
- Appeals

**Module V: Retirement Benefits**

- Employee's Provident fund and miscellaneous provisions Act, 1952
- Employees Pension Scheme, 1995 and Family Pension Scheme
- Social Security for the unorganized Sector

**Bare Acts:**

- The Minimum Wages Act, 1948
- The Payment of Wages Act, 1936
- The Factories Act, 1948
- The Employee's Compensation Act, 1923

**Suggested Readings:**

1. Indian Law Institute, Cases and Materials on Labour Law and Labour Relations, 1963
2. PL Malik, Industrial Law, Eastern Book Company, 2013
3. Dr. Goswami, Labour and Industrial Law, Central Law Agency, 2011
4. Surya Narayan Misra, An Introduction to Labour and Industrial Law, Allahabad Law Agency, 1978
5. S.C. Srivastava, Industrial Relations and Labour Law, Vikas Publishing House, New Delhi, 6<sup>th</sup> Edn., 2012
6. Chaturvedi, Labour and Industrial Law, Central Law Agency, 2004
7. S.C. Srivastava, Commentaries on the Factories Act, 1948, Universal Law Publishing House, Delhi, 2002
8. H.L. Kumar, Workmen's Compensation Act, 192, Universal Law Publishing, 2009

**INTERPRETATION OF STATUES****(INTERPRETATION OF STATUTES AND PRINCIPLE OF LEGISLATION)****Module I: Principles of Legislation**

- Law-making - the legislature, executive and the judiciary
- Principle of utility
- Relevance of John Rawls and Robert Nozick – Individual interest to community Interest
- Operation of these principles upon legislation
- Distinction between morals and legislation

**Module II: Interpretation of Statutes**

- Meaning of the term 'statutes'
- Commencement, operation and repeal of statutes
- Purpose of interpretation of statutes.

**Module III: Aids to Interpretation**

- Internal aids
  - Title
  - Preamble
  - Headings and marginal notes.
  - Sections and sub-sections
  - Punctuation marks.
  - Illustrations, exceptions, provisos and saving clauses
  - Schedules
  - Non-obstante clause.

- External aids
  - Dictionaries
  - Translations
  - Travaux Preparatoires
  - Statutes in pari material
  - Contemporanea Exposito
  - Debates, inquiry commission reports and Law Commission reports

#### **Module IV: Rules of Statutory Interpretation**

- Primary Rules
  - Literal rule
  - Golden rule
  - Mischief rule (rule in the Heydon's case)
  - Rule of harmonious construction
- Secondary Rules
  - Noscitur a sociis
  - Ejusdem generis
  - Reddendo singula singulis

#### **Module V: Presumptions in statutory interpretation Statutes are Valid**

- Statutes are territorial in operation
- Presumption as to jurisdiction
- Presumption against what is inconvenient or absurd
- Presumption against intending injustice
  - ✓ Presumption against impairing obligations or permitting advantage from one's own wrong
  - ✓ Prospective operation of statutes

#### **Module VI: Maxims of Statutory Interpretation**

- Delegatus non potest delegare
- Expressio unius exclusio alterius
- Generalia specialibus non derogant
- In pari delicto potior est conditio possidentis
- Utres valet potior quam pareat
- Expressum facit cessare tacitum
- In bonam partem

#### **Module VII: Interpretation with reference to the subject matter and purpose**

- Restrictive and beneficial construction
  - Taxing statutes
  - Penal statutes
  - Welfare legislation
- Interpretation of substantive and adjunctival statutes
- Interpretation of directory and mandatory provisions
- Interpretation of enabling statutes
- Interpretation of codifying and consolidating statutes
- Interpretation of statutes conferring rights
- Interpretation of statutes conferring powers.

#### **Module VIII: Principles of Constitutional Interpretation**

- Harmonious construction
- Doctrine of pith and substance
- Colourable legislation

- Ancillary powers
- "Occupied field"
- Residuary power
- Doctrine of repugnancy

### **Suggested Readings:**

1. G.P.Singh, Principles of Statutory Interpretation, (7th Edition) 1999, Wadhwa, Nagpur.
2. P. St. Langan (Ed.). Maxwell on The Interpretation of Statutes (1976) N.M.Tripathi, Bombay
3. K.Shanmukham, N.S.Bindras's Interpretation of Statutes, (1997) The Law Book Co. Allahabad.
4. V.Sarathi, Interpretation of Statutes, (1984) Eastern, Lucknow
5. M.P.Jain, Constitutional Law of India, (1994) Wadhwa & Co.
6. M.P.Singh, (Ed.) V.N.Sukla's Constitution of India, (1994) Eastern, Lucknow.
7. U.Baxi, Introduction to Justice K.K.Mathew's, Democracy Equality and Freedom (1978) Eastern, Lucknow.

## **LAW OF CRIMES III** **INDIAN EVIDENCE ACT, 1872**

### **Module I: Introduction to Law of Evidence**

- The main features of the Indian Evidence Act 1861
  - Applicability of Evidence Act
  - Administrative Tribunals
  - Industrial Tribunals
  - Commissions of enquiry
  - Court- Martial
- ❖ **Conceptions in Law of Evidence**
- Facts: section 3 definition: distinction - relevant facts/facts in issue
  - Evidence: oral and documentary
  - Circumstantial evidence and Direct evidence
  - Presumption
  - "Proving" "not proving" and "disproving"
  - Witness
  - Appreciation of evidence

### **Module II: Facts: Relevancy**

- The Doctrine of res gestae
  - The problems of relevancy of "otherwise" irrelevant facts (section ii)
  - Facts concerning bodies and mental state
- ❖ **Admission and Confessions**
- General principles concerning admission
  - Differences between "admission" and "confession"
  - Non- admissibility of confessions caused by "any inducement, threat or promise"
  - Inadmissibility of confession made before a police officer
  - Admissibility of custodial confessions
  - Admissibility of "information" received from accused person in custody; with special reference to discovery based on "joint statement"
  - Confession by co-accused
  - The problems with the judicial action based on a "retracted confession"

**Module III: Dying Declarations**

- The justification for relevance of dying declarations
- The judicial standards for appreciation of evidentiary value of dying declarations
- Conclusive Evidence
  
- ❖ **Relevance of judgments**
  - Admissibility of judgments in civil and criminal matters
  - “Fraud” and “Collusion”.
  
- ❖ **Expert Testimony**
  - Who is an expert? : types of expert evidence
  - Opinion on relationship especially proof of marriage
  - Judicial defence to expert testimony

**Module IV: Oral Documentary Evidence**

- General principles concerning oral evidence, Primary / Secondary evidence.
- General principles concerning documentary evidence.
- General principles regarding exclusion of oral by documentary evidence, public & private documents.
- Special problems: re-hearing evidence
- Estoppel
  
- ❖ **Witness Examination and cross Examinations**
  - Competency to testify
  - State privilege
  - Professional privilege
  - Approval testimony
  - General principles of examination and Cross examination
  - Leading questions
  - Lawful questions in Cross-examination
  - Reexamination
  - Compulsion to answer questions put to witness
  - Hostile witness
  - Impeaching of the standing or credit of witness

**Module V: Burden of Proof**

- General principles conception of onus-probans and onus-probandi
- General and special exceptions to onus probandi
- The justification of presumption and of the doctrine of judicial notice
- Justification as to presumption as to certain offences
- Presumption as to dowry
- The scope of the doctrine of judicial notice
  
- ❖ **Estoppel**
  - Why estoppel? The rationale
  - Tenomacy Estoppel
  - Estoppel, res-judicial and waiver and presumption
  - Question of corroboration
  - Improper admission and of witness in civil and criminal cases

**Bare Acts:**

- Indian Evidence Act, 1872

**Suggested Readings:**

1. The Law of Evidence, Batuk Lal, Central law Agency
2. Sarkar and Manohar, Sarkar on evidence, Wadhwa & Co. Nagpur
3. Avtar Singh, Principles of Law of evidence, Central Law Agency, New Delhi
4. Ratanlal, Dhirajlal: Law of Evidence, Wadhwa Nagpur
5. Polein Murphy, Evidence, Universal Delhi
6. Albert S. Osborn, the Problem Proof. Universal Delhi

**PUBLIC INTERNATIONAL LAW****Module I: Introduction**

- International Law- Origin, Nature and Concept
- Types and jurisprudence of International law
- Relationship between International and Municipal Laws

**Module II: Sources**

- Custom
- Treaties
- General Assembly Resolutions
- Juristic Works
- General Principles & Other Sources

**Module III: States**

- Definition
- Components
- Kinds of States
- Other related theories of State

**Module IV: International Law: Nature and working**

- Recognition: Theories, types, withdrawal etc.
- Extradition
- Law of the sea
- Trade and Environment: International law

**Module V: Legal Instruments**

- Vienna Convention on Law of Treaties : Comprehensive view
- Multilateral and bilateral agreements : Types, nature and applicability
- Conventions, protocol, treaties, agreements and other international instruments : Conceptual analysis

**Module VI: United Nations and other International Institution**

- United Nations : origin, nature, working and importance and other organs
- ICJ
- WTO

**Suggested Readings:**

1. Starke – Introduction to International Law
2. Oppenheim - International Law
3. H.O. Agarwal- Human Rights And International Law
4. .S.K.Kapoor- International Law
5. S.K.Avesti And R.P.Kataria-Law Relating To Human Rights.
6. S.K.Verma – Public International Law
7. Nirmal .C.J (Ed.)- Human Rights In India
8. Brownlie – Principles Of International Law
9. Shaw - International Law

JIS UNIVERSITY



**DETAILED SYLLABUS FOR LAW PAPERS IN**  
**SEMESTER V**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-501	Law of Insurance	3	1	0	4
2	LLB-502	Law of Taxation	3	1	0	4
3	LLB-503	Banking Law	3	1	0	4
4	LLB-504	Clinical Paper - III	3	1	0	4
5	LLB-505	Optional - I	3	1	0	4
6	LLB-506	Optional - II	3	1	0	4
7	BHU-501	English for Law	2	1	0	3
8	EVS-502	Environmental Studies	2	0	0	2
<b>SESSIONAL</b>						
9	BSD-581	Project & Seminar - V	0	0	2	1
10	BSD-582	Skill Development - IV	0	0	2	1
<b>Total Credit</b>			<b>31</b>			

**LAW OF INSURANCE**

**Module I: Origin and History of Insurance Law**

- Nationalisation and Regulation of Insurance Business.

**Module II: Insurance:**

- Definition, Essentials, Nature, Kinds and Application of Doctrine of Utmost Good Faith and Doctrine of Indemnity
- Insurable Interest - Definition, Essentials, Nature and Person having Insurable Interest.
- Premium - Definition, Mode or Method of Payment, Days of Grace, Forfeiture and Return of Premium.
- The Risk - Meaning, Essentials, Scope, Alteration and Application of Doctrine of Causa Proxima.
- Assignment of Insurance Policy - Nature and Manner
- Warranty - Meaning, Characters, Kinds, the Effect of Breach of Warranty, Warranty and Representation.

**Module III: Life Insurance**

- Definition, Essentials, Nature, Scope, Event Insured, Circumstances Affecting the Risk Including Suicide, Categories of Insurance Policies.

**Module IV: Fire Insurance**

- Definition, Nature, Scope, Meaning of the Term, Fire, Loss by Fire, Categories of Fire Insurance Policy and the Application of Special Doctrine - Reinstatement, Subrogation, Contribution etc.

**Module V: Marine Insurance**

- Definition, Scope, Nature, Categories of Marine Insurance Policies, Insured Perils, Loss and Abandonment, Partial Losses and General Average, Measure of Indemnity.

**Module VI: Miscellaneous**

- Insurance (Burglary, Liability and Motor Vehicle) - Definition, Nature and Scope.

**Module VII: Double Insurance of Reinsurance****Bare Acts:**

- Insurance Act, 1938

**Suggested Readings:**

1. M. N. Srinivasan: Principles of Insurance Law, Wadhwa & Co.
2. Rajiv Jain: Insurance Law and Practice, Vidhi Publication Private Limited
3. Taxmann: Insurance Manual, Taxmann Publication Private Limited
4. Bharat: Manual of insurance Laws, Bharat Publication Private limited
5. Dr. Avtar Singh: Law of Insurance, Universal Publication Pvt. Limited
6. George E. Rejda: Principles of Risk Management and Insurance

**LAW OF TAXATION****Module I: Income Tax Act**

- Basic concepts, basis of charges of tax
- Definitions
- Residential status of assesses, its impact on tax liability.

**Module II: Heads of Income**

- General concepts
- Chargeability to tax
  - ✓ Admissible & inadmissible deductions,
  - ✓ Exclusions and deductions from income.
- Set off and carry forward of losses.
- Salaries
- Income from House Property
- Income from Profits of Profession and business
- Capital Gains
- Income from other sources
- Clubbing of income

**Module III: Income Tax Authorities**

- Powers & functions,
- Assessment
- Allotment of permanent account number,
- Economic criteria scheme.

**Module IV: Appeal, Revision and Reference**

- Appeal,
- Revision,
- Reference
- Rectification, (Sec.269N, 269 UJ)

**Module V: Prosecution and Penalties**

- Prosecutions under Income Tax Act, 1961
- Non- compliance,
- Contravention,
- Avoidance
- Evasion of tax.
- Penalties

**Bare Acts:**

- Income Tax Act, 1961

**Suggested Readings:**

1. Taxman: Tax Planning and Management, Taxman
2. Agarwal, A.N.: Indian Economics (Selected Chapters) Wishwa Prakashini, N.Delhi.
3. N.K. Palkhivala & B.A. Palkhivala (eds): Kanga and Palkhivala's Income Tax Law and Practice.
4. Agrawal, V.S.: Taxation of Salaries with Tax Planning, Professional Book Publishers, New Delhi.
5. V.S. Sunderam: Law of Income Tax in India.
6. K. Chaturvedi and S.M. Pithisaria: Income Tax Law.
7. V.P. Gandhi: Some Aspects of Indian Tax Structure: An Economic Analysis
8. T. Mathew: Tax Policy.
9. I.P.S. Siddhu: Company Taxation Cases.
10. Bhagwati Prasad: Direct Taxes: Law and Practice Wishwa Prakashan, New Delhi.

**BANKING LAW****Module I: History**

- Nature and Development of Banking

**Module II: Concepts**

- Relationship of Banker and Customer:
  - ✓ Banks Banking Business, Meaning of Customer, Types of Accounts, Banker as Borrower
  - ✓ Contract Between Banker and Customer- Their Rights and Duties
  - ✓ Banker's Lien
  - ✓ Banking Instruments;
  - ✓ Banking Services

**Module III: Laws Regulating the Business of Banking (Salient Features Only)**

- Banking Companies Act, 1949
- Reserve Bank of India Act, 1934
- Foreign Exchange Management Act , 1998

**Module IV: Negotiable Instruments**

- Meaning and Kinds of negotiable Instruments
- Indorsement, Negotiability and Assignability
- Holder and Holder in Due Course
- Rights and Liabilities of Paying and Collecting Banker
- Dishonour of Negotiable Instruments Including Criminal Liability of Drawer and Protection of Collecting Banker

**Module V: SARFAESI ACT**

- Regulation of Securitization & Reconstruction of Financial Assets of Bank & Financial Institutions Enforcement of Security Interest
- Central Registry
- Registration by Secured Creditors & other Creditors
- Offences & Penalties

**Bare Acts:**

- Banking Companies Act, 1949
- Reserve Bank of India Act, 1934
- Foreign Exchange Management Act, 1998

**Suggested Readings:**

- Narasimham Committee report on the Financial System (1991) – Second Report (1999)
- Information Technology Act, 2000.
- M.L. Tannan, Tannan's Banking Law and Practice in India (Eighth Edition-2008), India Law House, New Delhi, 2 volumes
- Ellinger's Modern Banking Law (Fourth Edition) [E. P. ELLINGER, Professor of Law, National University of Singapore, EVA LOMNICKA, Professor of Law, King's College, London and a practising barrister, and RICHARD HOOLEY, Professor of Law, King's College London and Fellow of Fitzwilliam College, Cambridge].
- Principles of Banking Law (Third Edition) [ROSS CRANSTON, QC, MP, Centennial Professor of Law, LSE]
- SETH'S Banking Laws [commentaries on Banking Regulation Act as amended by SARFESI Act 2002 and BRA, amendment act 2007] K.C. Shekhar,
- Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi.
- Basu, A. Review of Current Banking Theory and Practice (1998) Mac millan
- M. Hapgood (ed.), Pagets' Law of Banking (1989) Butterworths, London
- R. Goode, Commercial Law, (1995) Penguin, London
- Ross Cranston, Principles of Banking Law (1997) Oxford.
- L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
- M. Dassel, S. Isaacs and G. Pen, E.C. Banking Law, (1994) Lloyds of London Press, London

**ENGLISH FOR LAW****Module I: Grammar and Usage**

- Tense and Composition
- Basic Transformations
  - ✓ Active/Passive
  - ✓ Negatives
  - ✓ Questions
- Simple, Complex and Compound Sentences
- Reported Speech
- Some Common errors

**Module II: Comprehension and Composition**

- Reading Comprehension
- Comprehension of Legal Texts
- Paragraph and Precise writing
- Formal Correspondence
- Note Taking
- Drafting of Reports and Projects
- Abstracts

**Module III: Legal Maxims & Legal Terms**

- Legal Maxims

Audi Alterm Partem; Delegatus Non Potest Delegare; Res Ipsa Lioquitur;  
Actus Non Facet Reum Nisi mens Sit Rea; Ignorata facit Excusat Ignorantisa Juris  
Non Execusat; Actio Personal is Moritur Cum Persona Amicus Curie,

- Legal Terms

Extradition, Forfeiture, Habeas corpus, Hereditaments,  
Impeachment, Inalienable, infanticide, Judgment debtor, Jurisprudence,  
Laches, Legacy, Letters of Administration, License, Moratorium, Notary  
Public, Null and Void, Privilege of Witness, Prosecution, Punishment,  
Preponderance of Probabilities, Void and Voidable

**Module IV:**

- Common Hindi and Urdu words used in Courts
- Translation from Hindi to English and Vice Versa

**Suggested Readings:**

1. Legal Language and Legal Writing – P.K. Mishra
2. English Grammar – Wren and Martin

Legal Language, Writing and General English – J.S. Singh

**ENVIRONMENTAL STUDIES****Module I: Introduction**

- Natural Resources: Forest Resource, Water Resource, Mineral Resource, Energy Resources (Renewable, Non-Renewable, Potentially Renewable)
- Population Growth: Exponential Growth, Logistic Growth, Maximum Sustainable Yield
- Disaster Management: Types of disasters (Nature & Man-made), Floods, Earthquake, Tsunamis, Cyclones, Landslides (Cause, Effect & Control)
- Ecology & Ecosystem: Elements of Ecology, Definition of Ecosystem- Components Types and Function, Food Chain & Food Web,
- Structure and Function of The Following Ecosystem: Forest Ecosystem, Grassland Ecosystem, Desert Ecosystem, Aquatic Ecosystems
- Environmental Management: Environmental Impact Assessment, Environmental Laws and Protection Act of India, Different International Environmental Agreement.

**Module II: Air pollution and Control**

- Sources Of Pollutants: Point Sources, Nonpoint Sources and Manmade Sources Primary & Secondary Pollutant

- Types of Air Pollutants: Primary Secondary Pollutant ; Suspended Particulate Matter, Oxides of Carbon, Oxides of Nitrogen, Oxides of Sulphur, Particulate, PAN, Smog (Photochemical Smog and London Smog),
- Effects on Human Health & Climate: Greenhouse Effect, Global Warming, Acid Rain, Ozone Layer Depletion
- Air Pollution and Meteorology: Ambient Lapse Rate, Adiabatic Lapse Rate, Atmospheric Stability & Temperature Inversion
- Control of Air Pollution (ESP, Cyclone Separator, Bag House, Catalytic Converter, Scrubber (Ventury),

### Module III: Water Pollution

- Classification of Water (Ground & Surface Water)
- Pollutants of Water, Their Origin and Effects: Oxygen Demanding Wastes, Pathogens, Nutrients, Salts, Heavy Metals, Pesticides, Volatile Organic Compounds.
- Surface Water Quality Parameters: Ph, DO, 5 Day BOD Test, BOD Reaction Rate Constants, COD. Numerical related to BOD Lake: Eutrophication [Definition, Source and Effect].
- Ground Water: Aquifers, Hydraulic Gradient, Ground Water Flow (Definition Only), Ground Water Pollution (Arsenic & Fluoride; Sources, Effects, Control)
- Quality of Boiler Fed Water: DO, Hardness , Alkalinity, TDS and Chloride
- Layout of Waste Water Treatment Plant (Scheme Only).

### Module IV: Land Pollution

- Types of Solid Waste: Municipal, Industrial, Commercial, Agricultural, Domestic, Hazardous Solid Wastes (Bio-Medical), E-Waste
- Solid Waste Disposal Method: Open Dumping, Land Filling, Incineration, Composting, Recycling (Advantages and Disadvantages).

### Module V: Noise Pollution

- Definition of Noise, Effect of Noise Pollution on Human Health,
- Average Noise Level of Some Common Noise Sources
- Definition of Noise Frequency, Noise Pressure, Noise Intensity, Noise Threshold Limit Value, Equivalent Noise Level, L10 (18 Hr Index)
- Noise Pollution Control.

### Suggested Readings:

1. Asthana, D. K. (2006). Text Book of Environmental Studies. S. Chand Publishing
2. Basu, M., Xavier, S. (2016). Fundamentals of Environmental Studies, Cambridge University Press, India
3. Basu, R. N., (Ed.) (2000). Environment. University of Calcutta, Kolkata
4. Bharucha, E. (2013). Textbook of Environmental Studies for Undergraduate Courses. Universities Press.
5. De, A.K., (2006). Environmental Chemistry, 6th Edition, New Age International, New Delhi.
6. Mahapatra, R., Jeevan, S.S., Das, S. (Eds) (2017). Environment Reader for Universities, Centre for Science and Environment, New Delhi.
7. Masters, G. M., & Ela, W. P. (1991). Introduction to environmental engineering and science. Englewood Cliffs, NJ: Prentice Hall.
8. Odum, E. P., Odum, H. T., & Andrews, J. (1971). Fundamentals of ecology. Philadelphia: Saunders.
9. Sharma, P. D., & Sharma, P. D. (2005). Ecology and Environment. Rastogi Publications 3

**DETAILED SYLLABUS FOR LAW PAPERS IN**  
**SEMESTER VI**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-601	Environmental Law	3	1	0	4
2	LLB-602	Clinical Paper - IV	3	1	0	4
3	LLB-603	Optional - III	3	1	0	4
4	LLB-604	Optional - IV	3	1	0	4
5	LLB-605	Optional - V	3	1	0	4
6	LLB-606	Optional - VI	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-681	Project & Seminar - VI	0	0	2	1
8	BSD-682	Skill Development - V	0	0	2	1
<b>Total Credit</b>			<b>26</b>			

**ENVIRONMENTAL LAW**

**(INCLUDING LAWS FOR THE PROTECTION OF THE WILD LIFE AND  
OTHER LIVING CREATURES INCLUDING ANIMAL WELFARE)**

**Module I: Introductory**

- The meaning and definition of environment Ecology – Ecosystems – Biosphere Biomes – Ozone depletion – Global Warning – Climatic changes
- Need for the preservation, conservation and protection of environment
- Ancient Indian approach to environment
- Environmental degradation and pollution
  - ✓ Kinds, causes and effects of pollution.

**Module II: Remedies and reliefs under Indian Law**

- Common Law remedies against pollution
  - ✓ Trespass,
  - ✓ negligence, and
  - ✓ Theories of Strict Liability & Absolute Liability
- Relevant provisions of I.P.C. and Cr.P.C. and C.P.C., for the abatement of public nuisance in pollution cases
- Remedies under Specific Relief Act
  - ✓ Reliefs against smoke and noise
  - ✓ Noise Pollution.

**Module III: Specific Laws**

- Law relating to the preservation, conservation and protection of forests, wild life and endangered species, marine life, coastal ecosystems and lakes etc.
  - ✓ Prevention of cruelty towards animals.
  - ✓ The law relating to prevention and control of water pollution.
  - ✓ Air Pollution.

- ✓ Environment pollution control mechanism.
- ✓ Law relating to environment protection.
- National Green Tribunal

#### **Module IV: Constitutional Provisions in regards to Environment in India**

- Art. 48A and Art. 51A(g) of the Constitution of India
  - ✓ Right to wholesome environment
  - ✓ Right to development
  - ✓ Restriction on freedom of trade, profession, occupation for the protection of environment
  - ✓ Immunity of Environment legislation from judicial scrutiny(Art.31C)
- Legislative powers of the Centre and State Government
  - ✓ Writ jurisdiction

#### **Module V: Role of Indian Judiciary in the Evolution of Environmental Jurisprudence.**

#### **Module VI International gatherings for Environment**

- International Environmental Regime
  - ✓ Transactional Pollution - State Liability
  - ✓ Customary International Law
  - ✓ Liability of Multinational Corporations/Companies
- Stockholm Declaration on Human Environment, 1972
- The role of UNEP for the protection of environment
- Ramsar Convention 1971
- Bonn Convention (Migratory Birds) 1992
- Nairobi Convention, 1982 (CFCC) –
- Biodiversity Convention (Earth Summit), 1992
- Kyoto Protocol 1997,
- Johannesburg Convention 2002.
- Rio+20,2012

#### **Bare Acts:**

- Environment (Protection) Act, 1986.
- Air (Prevention and Control of Pollution) Act, 1981.
- Water (Prevention and Control of Pollution) Act, 1974.
- Indian Forest Act, 1927.
- Forest (Conservation) Act, 1980.
- Wild Life Protection Act, 1972.

#### **Suggested Readings:**

1. Paras Diwan : Environmental Law and Policy in India,
2. S.N. Jain (ed.): Pollution Control and the Law.
3. Armin Rosencranz and Shyam Divan: Environmental Law and Policy in India.
4. A. Agarwal (ed.): Legal Control of Environmental Pollution
5. Chetan Singh Mehta: Environmental Protection and Law
6. V.K. Krishna Iyer: Environment Pollution and Law
7. Paras Diwan: Studies on Environmental Cases.
8. Shah : Environmental Law
9. Dr. N. Maheshwara Swamy, Environmental Law, Asia Law House, Hyderabad.



**DETAILED SYLLABUS FOR LAW PAPERS IN  
SEMESTER I**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-102	Law of Torts and Consumer Protection Act	3	1	0	4
2	LLB-103	Jurisprudence (Legal method, Indian legal system, and basic theory of law)	3	1	0	4
3	LLB-104	Constitutional Law - I	3	1	0	4
4	LLB-105	Law of Contract - I	3	1	0	4
5	LLB-106	Family Law	3	1	0	4
6	LLB-107	Law of Crimes - I (IPC)	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-181	Skill Development - I	0	0	2	1
8	BSD-182	Project & Seminar - I	0	0	2	1
<b>Total Credit</b>			<b>26</b>			

**DETAILED SYLLABUS FOR LAW PAPERS IN  
SEMESTER II**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-201	Law of Contract - II	3	1	0	4
2	LLB-202	Constitutional Law - II	3	1	0	4
3	LLB-203	Law of Crimes - II (CRPC)	3	1	0	4
4	LLB-204	Property Law (Including Transfer of Property Act and Easement Act)	3	1	0	4
5	LLB-205	Administrative Law	3	1	0	4
6	LLB-206	Legal Writing	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-281	Project & Seminar - II	0	0	2	1
8	BSD-282	Skill Development - II	0	0	2	1
<b>Total Credit</b>			<b>26</b>			

**DETAILED SYLLABUS FOR LAW PAPERS IN  
SEMESTER III**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-301	Civil Procedure Code and Limitation Act	3	1	0	4
2	LLB-302	Labor Law - I	3	1	0	4
3	LLB-303	Land Laws	3	1	0	4
4	LLB-304	Corporate Law - I	3	1	0	4
5	LLB-305	Intellectual Property Rights	3	1	0	4
6	LLB-306	Clinical Paper I	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-381	Project & Seminar - III	0	0	2	1
<b>Total Credit</b>			<b>25</b>			

**DETAILED SYLLABUS FOR LAW PAPERS IN  
SEMESTER IV**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-401	Corporate Law - II	3	1	0	4
2	LLB-402	Labor Law - II	3	1	0	4
3	LLB-403	Interpretation of Statutes	3	1	0	4
4	LLB-404	Clinical Paper - II	3	1	0	4
5	LLB-405	Law of Crimes - III (Evidence)	3	1	0	4
6	LLB-406	Public International Law	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-481	Project & Seminar - IV	0	0	2	1
8	BSD-482	Skill Development - III	0	0	2	1
<b>Total Credit</b>			<b>26</b>			

**DETAILED SYLLABUS FOR LAW PAPERS IN  
SEMESTER V**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-501	Law of Insurance	3	1	0	4
2	LLB-502	Law of Taxation	3	1	0	4
3	LLB-503	Banking Law	3	1	0	4
4	LLB-504	Clinical Paper - III	3	1	0	4
5	LLB-505	Optional - I	3	1	0	4
6	LLB-506	Optional - II	3	1	0	4
7	BHU-501	English for Law	2	1	0	3
8	EVS-502	Environmental Studies	2	0	0	2
<b>SESSIONAL</b>						
9	BSD-581	Project & Seminar - V	0	0	2	1
10	BSD-582	Skill Development - IV	0	0	2	1
<b>Total Credit</b>			<b>31</b>			

**DETAILED SYLLABUS FOR LAW PAPERS IN  
SEMESTER VI**

Sr. No.	Course Code	SUBJECT	PERIODS			CREDIT
			L	T	P	
<b>THEORY</b>						
1	LLB-601	Environmental Law	3	1	0	4
2	LLB-602	Clinical Paper - IV	3	1	0	4
3	LLB-603	Optional - III	3	1	0	4
4	LLB-604	Optional - IV	3	1	0	4
5	LLB-605	Optional - V	3	1	0	4
6	LLB-606	Optional - VI	3	1	0	4
<b>SESSIONAL</b>						
7	BSD-681	Project & Seminar - VI	0	0	2	1
8	BSD-682	Skill Development - V	0	0	2	1
<b>Total Credit</b>			<b>26</b>			

**TOTAL CREDIT - 160**

**COMPULSORY PAPERS FOR LL.B.**  
**3 YEARS COURSE**

1. English For Law
2. Law of Torts & Consumer Protection Act
3. Law of Contract I
4. Law of Contract II
5. Family Law I
6. Family Law II
7. Constitutional Law I
8. Constitutional Law II
9. Law of Crimes I (Indian Penal Code)
10. Law of Crimes II (Code of Criminal Procedure)
11. Law of Crimes III (Indian Evidence Act)
12. Legal Writing
13. Property Law
14. Code of Civil Procedure
15. Jurisprudence
16. Administrative Law
17. Company Law
18. Labor Law I
19. Labor Law II
20. Intellectual Property Rights
21. Interpretation of Statutes
22. Land Laws
23. Public International Law
24. Banking Law
25. Environmental Law
26. Law of Insurance
27. Law of Taxation

**CBCS PAPERS FOR LL.B.**  
**3 YEARS COURSE**

1. Environmental Studies

**CLINICAL PAPERS FOR LL.B.**  
**3 YEARS INTEGRATED COURSE**

1. Drafting, Pleading & Conveyancing
2. Alternative Dispute Resolution
3. Moot Court & Trial Advocacy
4. Professional Ethics & Professional Accounting System

**OPTIONAL PAPERS FOR LL.B.**  
**3 YEARS INTEGRATED COURSE**

1. Offences Against Child & Juvenile Offence
2. Advanced Corporate Law
3. Law and Disability
4. Comparative Constitutional Law
5. Women and Law
6. Criminology, Penology & Victimology
7. Private International Law
8. IT Offences and Cyber Law
9. Competition Law
10. Merger & Acquisition
11. International Trade Law
12. International Human Rights

## **CLINICAL PAPERS FOR BBA-LL.B. (H)** **5 YEARS INTEGRATED COURSE**

- 1. Drafting, Pleading & Conveyancing**
- 2. Alternative Dispute Resolution**
- 3. Moot Court & Trial Advocacy**
- 4. Professional Ethics & Professional Accounting System**

### **CLINICAL PAPER** **(DRAFTING, PLEADING AND CONVEYANCING)**

#### **Module I: Drafting**

- General principles of drafting and relevant substantive rules

#### **Module II: Pleadings**

- **Civil-**
  - ✓ Complaint, Written Statements, Affidavit, Execution Petition,
  - ✓ Interlocutory application, Original Petition, Memorandum of
  - ✓ Appeal and Revision, Petition under Articles 32 & 226 of the
  - ✓ Constitution of India, PIL petition.
- **Criminal-**
  - ✓ Complaint, Criminal Miscellaneous Petition, Bail
  - ✓ Application, Memorandum of Appeal and Revision
- **Practical exercises**

#### **Module III: Conveyance**

- Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory
- Note, Power of Attorney, Will, Trust Deed,
- Practical exercises

#### **VIVA VOCE – Marks 10**

NOTE: Students will have to put in four weeks of internship compulsorily in Semesters VI, VIII, IX, X, The internship should be in the following Institutions or Organizations:

- NGO
- Trial and Appellate Advocates [compulsory]
- Judiciary,
- Legal Regulatory Authorities,
- Legislatures and Parliament,
- Market Institutions,
- Law Firms,
- Companies,
- Local Self-government,
- Other Legal Functionaries,

- Any other body approved by the University.

**Suggested Readings:**

1. R.N. Chaturvedi: Pleadings and Conveyancing, Central Law Publications.
2. De Souza: Conveyancing, Eastern Law House.
3. Tiwari: Drafting, Pleading and Conveyancing, Central Law Agency.
4. Mogha: Indian Conveyancer, Eastern Law House.
5. Mogha: Law of Pleadings in India, Eastern Law House.
6. Shiv Gopal: Conveyancing, Precedents and Forms, Eastern Book Company
7. Narayana P.S.: Civil Pleadings and Practice, Asia Law House.
8. Narayana P.S.: Criminal Pleadings and Practice, Asia Law House.
9. Noshirvan H.Jhabvala: Drafting, Pleadings, Conveyancing & Professional Ethics. Jamhadar & Companes.
10. D.Srivastava: The Law of Pleadings, Drafting and Conveyancing, Central Law Agenc

**CLINICAL PAPER**  
**(ALTERNATIVE DISPUTE RESOLUTION)**

**Module I: Concept of Arbitration**

- Arbitration: Meaning scope and types
- Arbitration Agreement- Essentials, Kinds
- Who can enter into arbitration agreement?
- Validity
- Reference to arbitration
- Interim measures by court

**Module II: Arbitration Tribunal**

- Composition
- Jurisdiction
- Grounds of challenge
- Powers
- Procedure
- Court assistance
- Award, Rules of guidance, Form and content, Correction and interpretation
- Grounds of setting aside an award-Want of proper notice and hearing,
- Contravention of composition and procedure.
- Impartiality of the arbitrator
- Bar of limitations, res-judicata
- Consent of parties
- Enforcement
- Appeal

**Module III: Conciliation**

- Distinction between “conciliation”, “mediation”, and “arbitration”.
- Appointment of conciliator
- Interaction between conciliator and parties
- Communication, disclosure and confidentiality
- Suggestions by parties
- Settlement agreement and its effect
- Resort to judicial proceedings, legal effect

- Costs and deposit

#### **Module IV: International Arbitration**

- Enforcement of Foreign Award
- New York convention Award
- Geneva Convention Award

#### **Module V: Rule making Power**

- Legal Service Authorities Act, 1987
- Lok Adalat
- Legal Litreacy and Legal Aid Camp.

#### **Bare Acts:**

- Arbitration and Conciliation Act, 1996
- Legal Service Authorities Act, 1987

#### **Suggested Readings:**

1. Avtar Singh: Arbitration and Conciliation
2. Goyal: Arbitration and Conciliation Act
3. Shukla: Legal remedies

### **CLINICAL PAPER**

#### **(MOOT COURT AND TRIAL ADVOCACY)**

#### **Module I: Moot Court (20 + 20 = 40) Marks**

- Every student is required to participate in at least **2** moot courts in the V Semester with **20** marks for each. The moot court work will be on an assigned problem and it will be evaluated for **10** marks for written submissions and **10** marks for oral advocacy. Marks will be given on the basis of written submission and oral advocacy.
  - ✓ Written submissions shall include brief summary of facts, issues involved, provisions of laws and arguments, citation, prayer, etc.
  - ✓ Marks for oral advocacy may be awarded for communication skills, presentations, language, provisions of law; authorities quoted, court manners, etc.
  - ✓ Written Memorials submitted by the students shall be kept by the College for Further Verification.
  - ✓ The performance of student in the moot court shall be evaluated by a committee consisting of
    - HoD of the School of Juridical Science
    - An Advocate with 10 years' experience at the Bar; and
    - The teacher concerned.

#### **Module II: Observance of Trial in Two cases,**

##### **One Civil and One Criminal (10 + 10 = 20) Marks**

- Students are required to attend courts to observe at least one civil and one criminal case. They shall maintain a record and enter the various steps observed during their attendance on different days in the court assignment.
- The Court Observation Record submitted by the students should be evaluated by committee consisting of
  - HOD of the School of Juridical Science/the concerned teacher
  - External Examiner appointed by the University and



- An Advocate with 10 years' experience at the Bar.

### **Module-III: Court attendance (10) Marks**

- Court Attendance shall be compulsory and details shall be recorded in a Record Book kept therefore.
- This may be carried under the supervision of a teacher of the college.

### **Module IV: Interviewing Techniques and Pre-Trial Preparations and Internship/Court Visit Diary (10) Marks**

- Each student should observe two 'interview sessions' of clients either in the Lawyer's Office or in the Legal Aid Office and record the proceedings in a diary, which will carry - 5 marks.
- Each student has to further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This shall be recorded in the diary which will carry 5 marks.
- The diary shall clearly indicate the dates on which the above observations are made and they shall be authenticated by the advocate concerned.
- Evaluation of the above diary shall be made by the committee consisting of
  - Principal of the College/the concerned teacher
  - University Representative appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, JIS; and
  - An Advocate with 10 years' experience at the Bar and average be taken.

### **Module V: Viva-voce (20) Marks**

- There shall be viva-voce examination on all the above three components.
- The Viva-voce Board consisting of
  - Principal of the College/the concerned teacher
  - University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law; and
  - An advocate with 10 years' experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

### **Suggested Readings:**

1. Dr. Kailash Rai: Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law Publication.
2. Amita Danda: Moot Court for Interactive Legal Education, Gogia Law Agency, Hyderabad.
3. Blackstone's: Books of Moots, Oxford University Press
4. Mishra: Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law, Allahabad.

## **CLINICAL PAPER** **(PROFESSIONAL ETHICS)**

### **Module I: Admission, Enrolment & Rights of Advocate**

- Importance of Legal Profession.
- Persons who may be admitted as advocate on a State roll.
- Disqualification for enrolment
- Rights of Advocates
- State Bar Councils
  - ✓ Establishment and Organisation
  - ✓ Powers and Functions
- Bar Council of India

- ✓ Organisation
- ✓ Powers and Functions

**Module-II: Ethics of Legal Profession**

- Meaning, Nature and Need
- Duty to the Client

**Module-III: Punishment for Professional or Other Misconduct**

- Professional or other Misconduct- Meaning and Scope
- The Body or Authority empowered to punish for professional or other misconduct.
  - ✓ State Bar Council and its disciplinary committee
  - ✓ Bar Council of India- and its disciplinary committee
- Complaint against advocates and procedure to be followed by the Disciplinary Committee.
- Remedies against the order of punishment.

**Module-IV: Bench Bar Relation**

- Role of Judge on Maintaining Rule of Law
- Mutual Respect
- Maintenance of orderly society
- Invaluable aid of advocates to Judges
- Privilege of Advocates
- Duty to avoid interruption of Council
- Administration of Justice clean & Pure
- Uncourteous conduct, Misconduct of lawyers and Insulting Language.

**Module-V Meaning and Categories of Contempt of Court**

- Contempt of Court- Its meaning and Nature
- Kinds of Contempt
  - ✓ Criminal Contempt
  - ✓ Civil Contempt
- Contempt by Lawyers
- Contempt by Judges, Magistrates or other persons acting judicially
- Contempt by State, Corporate bodies & other officers

**Bare Acts:**

- The Advocates Act, 1961.
- The Contempt of Courts Act, 1971.

**Suggested Readings:**

1. J.P.S. Sirohi: Professional Ethics, Lawyer's Accountability, Bench- Bar Relationship.
2. Kailash Rai: Legal Ethics, Accountability, for Lawyer's, Bar-Bench Relation.

**OPTIONAL PAPERS FOR LL.B.**  
**3 YEARS INTEGRATED COURSE**

1. Offences Against Child & Juvenile Offence
2. Advanced Corporate Law
3. Law and Disability
4. Comparative Constitutional Law
5. Women and Law
6. Criminology, Penology & Victimology
7. Private International Law
8. IT Offences and Cyber Law
9. Competition Law
10. Merger & Acquisition
11. International Trade Law
12. International Human Rights

**1.OFFENCES AGAINST CHILD & JUVENILE OFFENCE**

**Module I: Concept of Child and Juvenile**

- Definition and concepts of term child and Juvenile.
- Causes of offence against child.
- International protection to child and convention

**Module II: Offences against Child**

- Child abuse
- Child labour and forced labour
- Kidnapping, abduction
- Abetment of suicide of child
- Sale of obscene objects to young.

**Module III: Social Relations and Child**

- Child marriage (Child Marriage Restraint Act)
- Abandonment of child
- Custody of Child during matrimonial suit.
- Obligations to supply necessities to children

**Module IV: Protection of Child and Juveniles**

- Under the provisions of constitution (fundamental rights and directive-principles)

- Under IPC, 1860.
- Under CRPC, 1973.
- Under Contract Act, 1872
- Under Juvenile Justice Act, 2015

### **Module V: Juvenile Delinquency**

- Juvenile delinquency – Nature, causes,
- Juvenile Court System,
- Treatment and rehabilitation of juveniles
- Legislative and judicial protection of juvenile offender,
- Juvenile Justice Act, 2015.

### **Bare Acts:**

- The Prohibition of Child Marriage Act, 2006.
- Juvenile Justice (Care and Protection of Children) Act, 2015.

### **Suggested Readings:**

1. Paras Diwan Children & Legal Protection
2. Savitri Goonesekar Children Law and Justice
3. O.P. Mishra Law Relating to women & child

## **2.ADVANCED CORPORATE LAW**

### **Module I: An Introduction to Securities Market**

- Capital Market Intermediaries – Stock broker – Sub-broker – Merchant Bankers – Under writers – Debenture trustees, Debenture Trust Deed – Credit Rating Agencies.
- Regulatory Framework – SEBI – Objective, Power, Functions,
- Securities Appellate Tribunal, Appeal and Appearance before SAT

### **Module II: Declaration & Payment of Dividends**

- Meaning of dividend
- Declaration of dividend u/s 123 of the Companies Act 2013
- Rights of Dividend – rights shares – bonus shares
- Punishment for failure to distribute dividends

### **Module III:**

- ICDR Regulations 2009
- IPO, FPO, Rights Issue, Bonus Issue, Preferential Issue
- Insider trading – SEBI (Prohibition of Insider Trading) Regulations 1992, Objective, Connected Person, Price sensitive information
- Securities Contract (Regulation) Act and Rules
- Listing & Delisting of securities
- Derivatives

### **Module IV: Depository System**

- Depositories Act 1996 – Concept and Benefits,
- Difference between Depository and Custodian,
- NSDL and CDSL

- Dematerialization of securities
- Indian Depository Receipts (ICDR Reg-96 to 106) & American Depository Receipts

### **Module V: Compromises, Arrangements, Reconstruction and Amalgamations**

- Compromise and Arrangement
- Introduction to reconstruction
- Acquisition and Amalgamation by shares purchase
- Power of the Central Government to provide amalgamation of companies in public interest

### **Module VI: Prevention of Oppression and Mismanagement**

- Shareholders Democracy
- Majority Powers and Minority Rights
- Principle of Non-Interference (Rule established in Foss v. Harbottle)
- Protection against Oppression
- Protection against Mismanagement
- Compromise and Arrangement

#### **Bare Acts:**

- The Companies Act, 2013

#### **Suggested Readings:**

1. Ashwin Labnnai Shah, Lectures on Company Law, Tripathi Pvt. Ltd.; Mumbai
2. Avtar Singh, Indian Company Law, Eastern Book Company, Luknow
3. Ramaiya, Guide to Companies Act (Vol. 1 & 2), Wadhwa & Company, Nagpur
4. S. M. Shah, Lectures on Company Law, Tripathi, Bombay
5. S.S. Gulshan, Company Law, Excel Books
6. Dr. N. V. Paranjape, Company Law, Central Law Agency
7. B.K. Sen Gupta, Company Law, Eastern Law House, Kolkata

## **3..LAW AND DISABILITY**

### **Module I: Concept of Disablement**

- Basic approaches to disability
  - ✓ Traditional approach of sympathy and charity
  - ✓ Modern approach of rationality and human dignity

### **Module II: Determination of Disability**

- Varying criteria for determination of disabilities
- Administrative process for determination of disabilities
- Issues of Policy and law
- Reference to medical opinion
- Evaluation of disability by adjudicating authority

### **Module III: Responsibilities of Mentally Disabled Persons**

- Civil responsibilities
- Criminal responsibilities - acts of person of unsound mind

### **Module IV: International concern for the Disabled**

- Universal Declaration of Human Rights
- Declaration on the Rights of Mentally retarded Persons (1971)

- Declaration on the Rights of Disabled Persons (1975)

### **Module V: Constitutional and Legal Framework**

- Directive Principles – Art 41 and art 46.

### **Module VI: The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995**

- Introduction
- Meaning of disability
- Prevention and detection of disability
- Free education
- Reservation of posts for persons with disabilities
- Affirmative actions
- Non-discrimination
- Social Security and rehabilitation

### **Module VII: The Mental Health Act, 1987**

- Introduction
  - ✓ Meaning of Mentally Ill Person
  - ✓ Admission and detention of certain mentally ill persons
  - ✓ Judicial inquisition regarding alleged mentally ill person possessing property, custody of his person and management of his property
  - ✓ Protection of human rights of mentally ill persons
  - ✓ Legal aid to mentally ill person
- Other disabilities removal Acts
  - ✓ The Hindu Inheritance (Removal of Disabilities) Act, 1928
  - ✓ The Hindu Succession Act, 1956
  - ✓ The Caste Disabilities Removal Act, 1850

### **Module VIII:**

- Right of the disabled to marry and found family
- Incurably disabled persons and euthanasia
- Right not to be born of parent suffering from genetic diseases
- Institutionalization of the disabled as a substitute for the family shelter

### **Bare Acts:**

- The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995
- The Mental Health Act, 1987
- The Hindu Inheritance (Removal of Disabilities) Act, 1928
- The Hindu Succession Act, 1956
- The Caste Disabilities Removal Act, 1850

### **Suggested Readings:**

1. Vikash Panda, K.C. (1997). Education of Exceptional Children. New Delhi Publications.
2. Subba Rao, T.A. (1992). Manual on Developing Communication Skills in Mentally Retarded Persons, NIMH, Secunderabad.
3. Peshwaria, R. and Venkatesan (1992) Behavioural retarded children A manual 21 for Teachers. NIMH, Secunderabad.
4. Verma, S.K. : Rights of Persons with Disabilities
5. The Persons with disabilities (Equal opportunities, protection of Rights and full participation) Act 1995

## 4.COMPARATIVE CONSTITUTIONAL LAW

### Module I:

- What is Comparative Constitutional Law? The Concept of the Comparative Constitutional Law, Importance of the Study of Comparative Constitutional Law, Functions & Aims of Comparative Constitutional Law, Sources of the Comparative Constitutional Law.
- The Comparative Constitutional Law: Province Determined, Definition, Nature, Scope and Classification of Different Forms of the Constitutions of the USA, UK, Canada and Australia. Concept of Constitution – Constitutional Law –General Constitutional Objectives.
- The Constitution and its relationship with Statehood, Territoriality and Citizenship

#### ✓ Cases:

1. Cheatele V. The Queen (1993) 177 C.L.R. 541 (Austl.)
2. Edwards V. Attorney-General for Canada, [1930] A.C. 124 (P.C. 1929)-Persons Case
3. Jacobson V. Massachusetts, 197 U.S. 11, 31-33 & n.1 (1905)
4. Kindler V. Canada [1991] 2 S.C.R. 779
5. Law Society of Upper Canada V. Skapinker, [1984] 1 S.C.R. 357, 366
6. McCulloch V. Maryland, 17 U.S. (4 Wheat.) 316 (1819)
7. Muller V. Oregon, 208 U.S. 412, 419-20, n.1 (1908)
8. Printz V. United States 521 US 897 (1997)
9. R. V. Big M Drug Mart Ltd., [1985] 1 S.C.R. 295, 343-44 (Can.)
10. Roe V. Wade, 410 U.S. 113 (1973)
11. Roper V. Simmons 543 US 551 (2005)

### Module II:

- The Constitutional Design, Drafting & Gender, Constitutional Drafting and External Influence, Panoramic Constitution Approaches, the Comparatives Dilemma, Constitutional Endurance.
- Forms of Government: Federal and Unitary
- Federal – USA, India, Australia, Canada, Switzerland etc.
- Unitary – UK, France

#### ✓ Cases:

1. Goodyear India V. State of Haryana, AIR 1990 SC 781
2. Indira Nehru Gandhi V. Raj Narayan, AIR 1975 SC 2299
3. KeshavanandaBharati V. State of Kerala, AIR 1973 SC 1461
4. Minerva Mills Ltd. V. Union of India, AIR 1980 SC 1789
5. Nakara V. Union of India, AIR 1983 SC 130
6. Official Liquidator V. Dayanand, (2008) 10 SCC 1
7. P.A. Inamdar V. State of Maharashtra, (2005) 6 SCC 537

### Module III:

- Constitutionalism, Legal Pluralism and International Regimes. The Twilight of Comparative Liberal-Democratic Constitutionalism.
- The Contemporary Constitutionalism as the Law of the Peoples.
- Constitutionalism and Rule of Law: Rights Regime and their Protection
- General Principles of the Separation of Powers in the Westminster System. The Doctrine of the New Separation of Powers; Democratic Legitimacy, Functional Specialization, Fundamental Rights and the New Separations

#### ✓ Cases:

1. Griffin V. County School Board, Prince Edward County,

2. Griswold V. Connecticut, 381 U.S. 479
3. Hammer V. Dagenhart, 247 U.S. 251 (1918)
4. Holden V. Hardy, 169 U.S. 366 (1898)
5. I.C. Golak Nath V. State of Punjab, AIR 1967 SC 1643
6. 6.I.R. Coelho (Dead) By Lrs V. State of Tamil Nadu & Others, (2007) 2 SCC
7. Keshavanand Bharati V. State of Kerala, AIR 1973 SC 1461
8. Kokkinakis V. Greece
9. Korematsu V. United States, 323 U.S. 214 (1944)
10. Lawrence V. Texas: The Right that Dare Not Speak Its Name, 117 Harv. L. Rev. 1893 (2004)
11. Leyla Sahin V. Turkey
12. Lochner V. New York, 198 U.S. 45 (1905)
13. Malloy V. Hogan, 378 U.S. 1 (1964)
14. Maneka Gandhi V. Union of India, AIR 1978 SC 593
15. Marbury V. Madison, 5 U.S. 137 (1803)
16. Milk Board V. Clearview Dairy Farm Inc., 69 B.C.L.R. 220 (Sup. Ct. 1986) 42. Miranda V. State of Arizona, 384 U.S. 436 (1966)
17. Murrays Lessee V. Hoboken Land and Improvement Co.

#### Module IV:

- The Judiciary, Law and the Comparative Constitutional Adjudication & Courts. The Judicial Engagement with Comparative Constitutional Law Perspective. Docket Control and Institutional Success of Constitutional Courts.
- The Supremacy of the Constitutions, Rule of Law & Due Process, Comparative Form of Judicial Review and the Rise of Weak-Form of Judicial Review, Independence of Judiciary, Judicial Activism, Constitutional Provision for the Protection of the Judiciary. Enforcement of Socio-Economic Rights, Governance in Transition to Democracy and Free Speech in a Global World.

#### ✓ Cases:

1. A.P. Pollution Control Boards V. Prof. MV Nayudu, AIR 1999 SC 822
2. Anwar Ali Sarkar V. State of West Bengal, AIR 1952 SC 75
3. Aruna Ramchandra Shanbaug V. Union of India and Others, JT 2011 (3) SC 300
4. Barrios Altos V. Peru, IACHR Ser. C No. 75 (14 March 2001), para 189
5. Bhagwan Dass V. State (NCT) of Delhi, 2011 (5) 498
6. Bombay Hawkers Union V. B.M.C., (1985) 3 SCC 528
7. Budayeva V. Russia, [2008] ECHR
8. Center for PIL V. Union of India, 1995 Sppl. (3) SCC 382
9. Cerc V. Union of India, AIR 1995 SC 922
10. Charles Shobhraj V. Delhi Admin., (1978) 4 SCC 104
11. D.K. Basu V. State of West Bengal, (1997) 1 SCC 4116
12. Dandridge V. Williams, 397 U.S. 471 (1970)

#### Module V:

- Constitutional Law and Millennium Development Goals – Globalization and Constitutional Law
- Amending Powers – Limits

#### ✓ Cases:

11. Marbury V. Madison, 5 US (1 Cranch) 137 (1803)
12. City of Boerne V. Flores, 521 US 507 (1997)
13. Cook V. Cook (1938) 162 C.L.R. 3760
14. Union of India V. Gopal, AIR 1978 SC 684
15. State of Karnataka V. Union of India, (1977) SCC 608.
16. M.S.M. Sharma V. Sri Krishna Sinha, AIR 1959 SC 395
17. Jatish Chandra Ghose V. Harisadhan Mukherjee, AIR 1961 SC 613



18. TejKiran V. Sajiva, AIR 1970 SC 1573

### **Suggested Readings:**

1. D.D.Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur, 2008).
2. D.D.Basu, Comparative Federalism (Lexis Nexis, 2007).
3. DD Basu, Introduction to the Constitution of India (Lexis-Nexis-Butterworth-Wadhwa, 1.2008).
4. Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004).
5. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006).
6. Granville Austin, The Indian Constitution: Cornerstone of a Nation (OUP, 2008).
7. M.P. Singh, Comparative Constitutional Law (Eastern Book Company, 2011).
8. M.P.Jain, Indian Constitutional Law (6th ed., Wadhwa, Nagpur).
9. Mark Tushnet, Why the Constitution Matters (Yale University Press, 2010)
10. Methods of Comparative Law (Edward Elgar Publishing, 2012).

## **5.WOMEN AND LAW**

### **Module I: Constitutional perspective**

- Equality provisions in the Constitution of India - Preamble,
- Fundamental Rights and Directive Principles.
- Personal laws – Unequal position of the women
- Uniform Civil Code towards gender justice
- Growth of feminism and Feminist Jurisprudence

### **Module II: International Commitments**

- Universal Declaration of Human Right
- Convention on the Elimination of all Forms of Discrimination against Women, 1979
- Declaration on the Elimination of Violence against Women, 1993

### **Module III: Women and Inheritance Rights**

- Women's inheritance under the Hindu Joint Family System
- Right to inheritance by birth for sons only.
- Women's inheritance rights under Muslim Law
- Women's inheritance rights under Christian Law
- Women's inheritance rights under Parsi Law
- Matrimonial Property

### **Module IV: Women and Adoption and Guardianship rights**

- Right of women to adopt a child
- Women and guardianship of minor

### **Module V: Women and Matrimonial Law -Concept, Divorce and issue**

- Women and Maintenance Rights
- Women and criminal law
  - ✓ Adultery
  - ✓ Rape
  - ✓ Dowry death
  - ✓ Cruelty to married woman

- ✓ Bigamy
- Outraging the modesty of a woman
- Domestic violence (Domestic Violence Act , 2005)
- Miscarriage
- Social Legislations
  - ✓ The Dowry Prohibition Act,
  - ✓ Prevention of Immoral Traffic
  - ✓ Amniocentesis and foeticide
- Women and Employment
  - ✓ Labor force
  - ✓ Protective laws
  - ✓ Exploitation and harassment at workplace
- Woman Participation in Democratic Government
  - ✓ Parliament, State Legislatures and Local Bodies

**Bare Acts:**

- The Indecent Representation of Women (Prohibition) Act, 1986.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.
- The Dowry Prohibition Act, 1961.
- Protection of Women from Domestic Violence Act, 2005.

**Suggested Readings:**

1. Indian Penal Code- Ralanlal Dhirajlal-Wadhwa
2. SITA (Suppression of Immoral Trafficking in Women)
3. Domestic Violence Act, 2005 – Dr. Preeti Mishra
4. Vishaka's Case, Chandrima Das Case.
5. Indira Jaising, Hand book on law of Domestic Violence.
6. Lawyers collective, Law relating to sexual harassment at work place- Universal Delhi.
7. Krishna Pal Malik, Women & Law, Allahabad Law Agency
8. Manjula Batra, Women and Law, Allahabad Law Agency.

**6.CRIMINOLOGY, PENOLOGY & VICTIMOLOGY****Module I: Criminology**

- Nature and extent of crime in India
- General approaches to crime control

**Module II: Causes of Criminal Behaviour**

- The Classical School of Criminology
- Sociological Theories
  - ✓ Anomie,
  - ✓ Sutherland's Differential Association theory
  - ✓ Reckless's Containment or Social Vulnerability theory
- Economic Theories
  - ✓ Bonger's analysis
  - ✓ Economic theories and their relevance
- Environment –
- Home and Community Influence
- Multiple Causation Approach to Crime

**Module III: Police and the Criminal Justice System**

- Functions of the police

- Difficulties of the police
- Police reforms

#### **Module IV: White collar crime**

- Nature and definition
- Causes of white-collar criminality
- White-collar crime in India
- Judicial approach

#### **Module V: Organised crime**

- Characteristics of organized crime
- Kinds of organized crime
- The West Bengal Control of Organised Crime Act,
- Terrorism

#### **Module VI: Penology**

- Punishment of offenders
  - ✓ Object of punishment
  - ✓ Theories of punishment - Retributive theory, Deterrent theory, Preventive theory, Reformatory theory
- Punishment under the Indian Criminal Law
  - ✓ Punishments under the IPC
  - ✓ Imprisonment
  - ✓ Problems associated with imprisonment- Prisonisation of offender
  - ✓ Alternative approaches – Probation, Parole, Suspended Sentence and Indeterminate Sentence
  - ✓ Open prisons and borstals
  - ✓ Prison reforms - Classification and individualization of offenders, religious and moral education, Prison Industry.
  - ✓ After-care programmes
  - ✓ Prisoners' rights
  - ✓ Solitary confinement, fettering and hand-cuffing
  - ✓ Capital punishment- Justifications for and against capital punishment- Judicial attitude regarding capital punishment and the concept of "rarest of rare cases"
  - ✓ Commutation, Pardon, and Remission of sentences
  - ✓ New forms of punishments – compensation to victims of crime - Public Censure- CommModuley Service- Disqualification from holding office - Externment

#### **Module VII: Victims of Crime and criminal justice**

##### **Nature and scope of Victimology**

- Aspects of Victimology
- Rightful participation of victims in trials
- Dignity and respect to victims of crime
- Compensation to victims
- Legal, psychological and material support to victims
  - ✓ UN Declaration- Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985
  - ✓ Victim compensation in India- Section 357, Cr.P.C.- Section 5, the Probation of Offenders Act, 1958 - Judicial attitude

#### **Suggested Readings:**

1. Burgess, Ann Wolbert, Regehr, Cheryl, & Roberts, Albert R., 2010, Victimology Theories & Applications (2nd Edition), MA: Jones & Bartlett Publishers.

2. Doerner, William G., & Lab, Steven P., 2012, *Victimology* (6th Edition). USA: Anderson Publishing.
3. Wallace, Harvey, & Roberson, Cliff., 2011, *Victimology Legal, Psychological & Social Perspectives* (3rd Edition), New Jersey: Prentice Hall.
4. Schurink, WJ, Snyman, INA, & Krugel, WF., 1992, *Victimization Nature and Trends*. HSRC Press.
5. Singh Makkar, S.P, 1993, *Global perspectives in Victimology*, ABC Publications, Jalandhar.
6. Rajan, V.N, 1981, *Victimology in India: An Introductory Study*, Allied Publishers, New Delhi
7. Devasia, V.V, 1992, *Criminology, Victimology and Corrections*, Ashish Publishing House, New Delhi

## **7.PRIVATE INTERNATIONAL LAW**

### **Module I: Definition and Scope**

- Private International Law- Definition and Scope, Exception to Private International Law
- Jurisdiction — Bases and Limitations
- Domicile

### **Module II: Procedural Aspects**

- Procedure in Private International Law
- Foreign Judgments and Arbitral Awards

### **Module III: Private International Law vis-à-vis Personal Law**

- Law of obligations
- Contracts
  - ✓ Proper Law doctrine
  - ✓ Particular Topics
- Law of Torts
  - ✓ Theories
  - ✓ English and Indian Law of Foreign Trade
- Marriage
  - ✓ Nature of Marriage;
  - ✓ Validity of Marriage
  - ✓ Matrimonial Causes, Divorce, Annulment, Recognition of Foreign Divorce Decrees
- Adoption and Custody of Children
- Law of Property including IPR and Succession

### **Selected Readings:**

- 1.** Broch, L.G, “The Recognition of Foreign Decrees of Divorce and Separation in Norwegian Laws”, *Netherlands International Law Review* vol. 14(1967).
- 2.** Christian von, “Environmental Damage in Private International Law” *Recul Des Cours*, no. 268, (The Hague, Boston, London: MartinusNijhoff Publishers, 1997)
- 3.** De Nova Ro Dilfo, “Historical and Comparative Introduction to Conflict of Laws”, *Recul Des Cours*, vol. II, no. 118, (Layde: A.W. Sijthoff, 1966).
- 4.** Dolinger, Jacob, “Evolution of Principles for Resolving Conflicts in the Field of Contract and Torts”, *Recul Des Cours*, no. 283 (The Hague, Boston, London: MartinusNijhoff Publishers, 2000).
- 5.** Govindaraj, V.C., “The Rule of Selection” Rule in Conflict of Laws —The So — Called American Revolution: A Critique”, *Indian Journal of International Law*, vol. 45, no. 4 (2005)
- 6.** Graveson, Ronad H., “Comparative Aspects of the General Principles of private International Law”, *Recul Des Cours*, vol. II, no. 109, (Layde: AW. Sijthoff, 1963).
- 7.** Graveson, Ronald, “Problems of Private International Law”, *Recul Des Cours*, vol. 1, no. 141, (Layde: A.W. Sijthoff, 1974).
- 8.** Govindraj, V. C., *Conflict of Laws in India-Inter-territorial and Inter-personal Conflicts* (Oxford University Press, New Delhi, 2011)

9. Grinsburg, Jane C., "The Private International Law of Copy Right in an Era of Technological Change", Recuil Des Cours, no. 273 (The Hague, Boston, London: MartinusNhijoff Publishers, 1998).
10. Jambholkar, Lakshmi, Select Essays on Private International Law (Universal, New Delhi, 2011)

## **8.IT OFFENCES AND CYBER LAWS**

### **Module I:**

- Advantages and Disadvantages of Internet Technology
- Aims and Objectives of Information Technology Act
- Definitions: Computer, Computer Network, Computer Resource, Computer System, Asymmetric Crypto System
- Digital Signature and Electronic Signature Electronic Governance
- Attribution, Acknowledgement and dispatch of Electronic record
- Regulation of Certifying Authorities
- Electronic/Digital Signature Certificate
- Duties of Subscribers

### **Module II:**

- Penalties and Adjudication
- Cyber Appellate Tribunal
- Offences.
- Network Service Providers not to be liable in certain cases
- Issues relating to Trademark and Domain Name
- Domain Name Dispute Resolution Policy
- Copyright issue relating to Internet

### **Module III: Cyber Crime**

- Jurisdiction Issue in Cyber Crime
- Cyber Crime under Information Technology Act: National Perspective
- Cyber Crime under Information Technology Act: International Perspective
- International Convention on Cyber Crime
- Mobile Phones Crimes

### **Suggested Readings:**

1. Bare Act of Information Technology Act,
2. Rodney Ryder, Guide to Cyber Laws, Wadhwa Nagpur, 2nd Edition, 2003
3. Vakul Sharma, Information Technology: Law & Practice, Universal Law Publishers, 2nd edition, 2007
4. Vakul Sharma, Handbook of Cyberlaws, Universal Law Publication, Reprint Edition 2010
5. Dr Farooq Ahemed, Cyber Law in India, New Era Law Publishers, 3rd edition, 2008
6. Prag Diwan and Shimmi Kapoor, Cyber and E-Commerce Law, Bharat Publishers, 2nd Edition, 2000
7. V.K. Unni, Trademarks and Emerging Concepts of Cyber Property Rights, Eastern Law House, 2005
8. D.P. Mittal, Law of Information Technology (Cyber Law), Taxmann, 2000
9. Dr Amita Verma, Cyber Crimes and Law, Central Law Publishers, Allahabad, 2009
10. Dr Amita Verma, Cyber Crimes in India, Central Law Publishers, Allahabad, 2012
11. Diane Rowland & Elizabeth, Information Technology Law, 3rd Edition, Oxon Cavendish Publishing, 2006

## **9.COMPETITION LAW**

### **Module I: Introduction**

- Basic Concepts – Customer and Consumer – Market – Types of Market - Perfect Market, Monopoly, Oligopoly and Monopsony - Cartel - Predatory Pricing - Resale Price Maintenance - Competition – Models of Competition - Competition Policy - Competition Law - Goals of Competition Law.

### **Module II: History and Development of Competition Law**

- History and Development of Competition Law -History and Development of Competition Law in India - Constitutional vision of social justice - Sachar
- Committee, MRTP Act - Salient features and its amendment in 1991 - Liberalization and Globalization - Raghavan Committee Report -Competition Act 2002 - An Overview of Competition Law in India - Important Definitions under the Competition Act, 2002

### **Module III: Regulation of Collusion in the Market**

- Anti- Competitive Agreements under the Competition Act, 2002 - Appreciable Adverse effect on Competition in the Market - Determination of Relevant Market - Rule of Reason and Per se Rule - Horizontal and Vertical restraints – Exemptions – Penalties
- Prohibition of Anti- Competitive Agreements

### **Module IV: Regulation of Abuse of Dominant Position**

- Introduction - Dominance in the Market - Relevant Market - Appreciable Adverse Effect on Competition in the Market - Abusive Conducts under the Competition Act, 2002 – Penalties
- Prevention of Abuse of Dominance

### **Module V: Regulation of Combinations**

- Combinations: Merger, Acquisition, Amalgamation and Takeover - Horizontal, Vertical and Conglomerate Mergers - Combinations covered under the Competition Act, 2002
- Regulations – Penalties - Regulation of Combinations

### **Module VI: Enforcement Mechanisms**

- Enforcement Mechanisms under the Competition Act, 2002 - Competition Commission of India - Constitution of the CCI - Powers and Functions- Jurisdiction of the CCI – adjudication and appeals - Director General – Competition Appellate Tribunal-Enforcement Mechanisms under.

### **Module VII: Competition Advocacy and Emerging Trends in Competition Law**

- Competition Advocacy in India and other foreign jurisdictions - Intellectual Property Rights and Competition Law - International Trade Law and Competition Law – International Competition Law

#### **Bare Acts:**

- The Sherman Anti-Trust Act, 1890
- The Clayton Act, 1914
- The Robinson-Patman Act, 1936
- Federal Trade Commission Act, 1914
- Celler-Kefauver Antimerger Act, 1950
- Competition Act, 2002 (India)
- Competition Act, 1998 (UK)
- Enterprise Act, 2002 (UK)
- MRTP Act, 1969 (India)



- Consumer Protection Act, 1986

### **Suggested Readings:**

1. Vinod Dhall (ed.), Competition Law Today, Oxford University Press
2. S.M. Dugar, Commentary on MRTP Law, Competition Law & Consumer Protection Law 4th Edn. - 2006, Wadhwa, Nagpur
3. P. Satyanarayana Prasad, Competition Law and Cartels, Amicus Books, ICAI University Press, 2007
4. Ramappa, Competition Law in India, Oxford University Press, 2006.
5. S.M. Dugar, Commentary on MRTP Law, Competition Law & Consumer Protection Law Wadhwa Nagpur (4th ed. 2006)
6. Abir Roy & Jayant Kumar, Competition Law in India, Eastern Law House, New Delhi, 2008.
7. Richard Whish, Competition Law, Oxford University Press, 2008
8. Mark Furse, Competition Law of the EC and UK, 6th Edn. – 2008, Oxford University Press
9. Suresh T. Vishwanathan, Law and Practice of Competition Act, Bharat
10. T. Ramappa, Competition Law in India, Oxford University Press, 2006

## **10.MERGER & ACOUSITION**

### **Module I:**

- General introduction and aims, content and structure of the course;
- Rationale for M&A: business, commercial & legal;
- Transaction structures & terminology;
- Business sales & asset sales;

### **Module II:**

- Successor liability;
- Schemes of arrangement;
- Mergers, demergers & corporate restructuring;
- Procedures & compliances; role of the court in approving a scheme

### **Module III:**

- Schemes of arrangement (contd...), including squeeze outs & reduction of capital;
- Analysis of the interests of minority shareholders;
- Fairness in process & price

### **Module IV:**

- Takeovers – nature and types of regulation;
- Friendly & hostile takeovers;
- Voluntary & mandatory offers – launching an open offer;
- Creeping acquisitions

### **Module V:**

- Persons acting in concert; indirect acquisitions;
- Issues arising in the offer process; payment obligations;
- Takeover defences;

- Corporate governance issues in M&A.

### **Module VI:**

- Special transactions: leveraged buyouts & management buyouts;
- Deal-making: essence of due diligence, documentation;
- Legal aspects of valuation

### **Suggested Readings:**

1. K.R. Sampath, Law and Procedure For Mergers, Amalgamations, Takeovers & Corporate Restructure. Mumbai
2. J.Fred Weston, Chung, Kwang S. and Hoag, Susan E., Mergers, Restructuring and Corporate Control
3. Ramanujam's Mergers Et Al – Issues, Implications & Case Laws in Corporate Restructuring
4. Dr. J.C.Verma, Corporate Mergers, Amalgamations & Takeovers, Concept, Practice & Procedure
5. Sridharan & Pandian, Guide to Takeovers & Mergers- Complete Guide to Corporate Restructuring, Takeovers and Mergers, Amalgamation & Acquisitions
6. Ernst & Young, Master Guide to Mergers & Acquisitions in India – Tax and Regulation
7. Ravi & Puliani Mahesh, Manual of Companies Act & Corporate Laws: Including SEBI Rules, Regulations, Puliani,
8. Companies Act, 1956 & 2013
9. Avtar Singh, Company Law
10. Ramaiyya, Guide to Companies Act, 1956

## **11.INTERNATIONAL TRADE LAW**

### **Module I: An Introduction to International Trade**

- Economic Theories of free trade: Doctrine of absolute advantage and the doctrine of comparative advantage and their modern versions. The idea of Made in the World. Historical evolution culminating in the establishment of the GATT, 1947 and evolution of the GATT as an international institution. Establishment of the WTO.
- WTO as an international institution - Framework agreement and the accession of members. Structure and function of the WTO. Evolution of the dispute settlement mechanism and the Dispute settlement Understanding. Trade Review Mechanism.
- The GATT and Trade in Goods- Most favoured nation treatment and the principle of national treatment. Quantitative Restrictions. State trading Enterprises, General and Security Exceptions.
- Trade Remedies. - Anti-dumping duties. Countervailing duties. Safeguard Measures.
- Customs Unions and Free Trade Areas. GATT and Regional Trade Agreements. Proliferation of Preferential Trade Agreements. India and Preferential trade Agreements.

### **Module II: World Trade Organization**

- Agreement on Technical Barriers to Trade Sanitary and Phytosanitary Agreement. WTO jurisprudence on TBT and SPS Agreements. WTO and environment protection. Application of precautionary principle.
- General Agreement on Trade in Services (GATs) - Meaning of trade in services. General obligations. Specific obligations. Financial services. Telecommunication services. India and the GATs.
- Trade-Related Aspects of Intellectual Property Rights (TRIPs) - IPRS covered by TRIPs. Rights of patentees under the TRIPs. Compulsory licensing. Public health and the TRIPs. Indian response to the TRIPs.
- Agreement on Agriculture. Agriculture under the GATT and the WTO. Tariffication, domestic support and export subsidies. Food security and the WTO. Agriculture under the Doha Round.
- WTO in 21st century, Doha development round ; WTO social clauses, reform proposals



**Module III: Transnational Transactions and Resolution**

- Transnational Commercial Laws: Meaning and scope of Transnational Commercial Law. Evolution of Law Merchant. Sources of Transnational Commercial Law. Movement towards unification of national commercial laws. UNIDROIT and UNCITRAL.
- International Carriages. Carriage of goods by sea. Carriage by air. Multimodal transportation.
- International Sales. Concept of proper law of contract and its application. Vienna Convention on contract for international sale of goods.
- International Payments. The role of International Chamber of Commerce in the development of Transnational Commercial Laws. Uniform Customs and Practices on Documentary Credits.
- International Commercial Arbitration. UNCITRAL Model Law on international commercial arbitration. Indian Arbitration and Conciliation Act, 1996. Enforcement of foreign arbitral awards.

**Module IV: Law and Policy on Trade and Investment**

- Law and Policy of Export-Import Trade in India - Indian Trade Policy. State control over international trade. Export-Import Act, 1947. Various types of import licences. WTO Agreement on Import Licensing.
- Liberalization. Liberalization of trade policy in the nineties. Foreign Trade (Development and Regulation) Act, 1992. Foreign Exchange Management Act, 1999.
- Special Economic Zones. The legal framework. The practice.
- Law relating to Customs. The Customs Act. The Customs Tariff Act. The Export Import Policy.
- Foreign Investment in India. The Industries (Development and Regulation) Act and its application. Liberalization in the nineties. Foreign Investment Promotion Board. Current issues relating to foreign direct investment.

**Suggested Readings:**

1. Starke – Introduction to International Law
2. Oppenheim - International Law
3. H.O. Agarwal- Human Rights And International Law
4. S.K.Kapoor- International Law
4. S.K.Avesti And R.P.Kataria-Law Relating To Human Rights.
5. S.K.Verma – Public International Law
6. Nirmal .C.J (Ed.)- Human Rights In India
7. Brownlie – Principles Of International Law
8. Shaw - International Law

**12.INTERNATIONALHUMAN RIGHTS****Module I: Introduction**

- The Historical Development of Human Rights Law
- Human Rights Concepts and Discourse
- Human Rights Movements
- Rights, Duties and Dilemmas of Universalism

**Module II: International Human Rights Organisations:**

- The UN Human Rights System
- Treaty Bodies
- Regional Arrangements (Comparison of Universal and Regional Systems, The European Convention System, InterAmerican System and the African System
- the Role of the High Commissioner for Human Rights

**Module III: Normative Foundation of International Human Rights**

- Universal Declaration of Human Rights,
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights

**Module IV: Aspects of Human Rights**

- Racial Discrimination
- Discrimination against Women
- The Rights of Child
- The Right against Torture
- Enforced Disappearance
- The Right to Development
- The Rights of Persons with Disability
- Vertical and Horizontal Interpretation to Human Rights Law and Its Enforcement
- Human Rights, Development and Climate Change
- National Security, Terrorism and Limitation on Human Rights
- IPR and Human Rights

**Module V: Human Rights in India**

- Historical and Constitutional Development of Human Rights in India
- Fundamental Rights and Directive Principles of State policy under the Indian Constitution.
- Fundamental Duties under the Indian Constitution
- Role of Judiciary in Protection of Human Rights in India
- Role of National Institutions like National Human Rights Commission of India, Ombudsman etc.
- Protection of Vulnerable Sections of Society in India (Tribals, Women, Minorities, Children, Aged, Disabled)
- Right to Information
- Role of Non-Governmental Organizations in the Protection of Human Rights in India
- Poverty and Human Rights in India
- Career in Human Rights in India

**Suggestive Readings:**

1. Agarwal, H. O., Implementation of Human Rights Covenants with Special Reference of India
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