

**Dr. Ambedkar Global Law Institute, Tirupati - 3 Years LLB**

<b>I-SEMESTER</b>				
<b>SL.N O.</b>	<b>PAPERS</b>	<b>NAME OF THE SUBJECT</b>	<b>EXAMS. DURAIRONS.H OURS</b>	<b>MAXIMUM MARKS</b>
1.	paper - 1	Contracts - I	3 Hours	100
2.	Paper - 2	Constitutional Law - I	3 Hours	100
3.	paper - 3	Torts and Consumer Protection Law	3 Hours	100
4.	Paper - 4	Law of Crimes - I (IPC)	3 Hours	100
5.	Paper -5	Family Law - I	3 Hours	100
<b>II-SEMESTER</b>				
6.	paper - 6	Contracts - II (Special Contracts)	3 Hours	100
7.	Paper - 7	Constitutional Law - II	3 Hours	100
8.	paper - 8	Environmental Law	3 Hours	100
9.	Paper - 9	Jurisprudence	3 Hours	100
10.	Paper -10	Administrative Law	3 Hours	100
<b>SECOND YEAR LL.B</b>				
<b>III - SEMESTER</b>				
11.	paper - 11	Property Law	3 Hours	100
12.	Paper - 12	Labour Law -I	3 Hours	100
13.	paper - 13	Company Law	3 Hours	100
14.	Paper - 14	Public International Law	3 Hours	100
15.	Paper -15	Interpretation of Statutes (Optional-1)	3 Hours	100
<b>IV- SEMESTER</b>				
16.	paper -16	Labour Law - II	3 Hours	100
17.	Paper - 17	Family Law - II	3 Hours	100
18.	paper - 18	Taxation Law	3 Hours	100
19.	Paper - 19	Intellectual Property Rights Law (Optional -2)	3 Hours	100
20.	Paper -20	Land law Including Tenure and Tenancy System (Optional- 3)	3 Hours	100
<b>THIRD YEAR LL.B</b>				
<b>V - SEMESTER</b>				
21.	paper -21	Labour Law - II	3 Hours	100
22.	Paper - 22	Family Law - II	3 Hours	100
23.	paper - 23	Law of Evidence	3 Hours	100
24.	Paper - 24	Banking Law (optional -4)	3 Hours	100
25.	Paper -25	Media Law with RTI Act (optional - 5)	3 Hours	100
<b>VI - SEMESTER</b>				
26.	Paper- 26	P.T - 1: Drafting, Pleading And	----	Internal Assess - ment - 90 marks

		Conveyancing		and Viva-voce – 10 marks.
27.	Paper- 27	P.T-2: Professional Ethics And Accounting System	3- Hours	Uni. Exam. 80 marks, 3 Hours duration and viva-voce 20 marks
28.	Paper-28	P.T-3: Alternate Dispute Resolution	1 ½ - Hours	Uni. Exam. 50 marks, 1 ½ Hour duration and Extension work for 50 marks.
29.	Paper-29	P.T-4: Moot Court Exercise and Internship	---	Internal Assess - ment - 90 marks and Viva-voce – 10 marks.
30.	Paper-30	Penology And Victimology (optional -6)	3- Hours	100

### 3 YEARS LL.B COURSE FIRST SEMESTER

#### **FIRST SEMESTER-3 & 5YEARS LL.B COURSE** **CONTRACTS-I (General Principles of Law of Contract)** **PAPER-I**

**Unit 1** :History and nature of contractual obligations-writs of debt, covenant and account-actions on the case and on assumptionist consideration-moral basis for contractual obligations subjective and objective theories sanctity of contracts.

**Unit 2** : Agreement and contract definitions, elements and different kinds.

**Unit 3** :Proposal and acceptance: Their various forms-essential elements, communication and revocation-proposal and invitations for proposal-floating offers-tenders-dumping of goods.

**Unit 4** :Consideration. *Nudum pactum*-its need, meaning, kinds, essential elements-privity of contract and considerations-its exception adequacy of consideration present, past and adequate consideration, unlawful consideration and its effects views of law commission of India on consideration-evaluation of the doctrine of consideration

**Unit 5** : Capacity to contract: Meaning-incapacity arising out of status and mental defect minor's agreements-definition of "minor"-accessories supplied to a minor-agreements beneficial and detrimental to a minor affirmation-ratification in cases by a person of an agreement made by him while he was a minor-agreements and estoppels-evaluation of the law relating to minors agreements-other illustrations of incapacity to contract.

**Unit 6** : Free consent: Its need and definition-factors vitiating free consent

6.1: Coercion-definition-factors elements-duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion-evaluation of Sec.15.

6.2: Undue influence-definition-essential elements-between which influence-independent advice-*paradarhanashin* women-unconscionable bargains effect of undue influence.

6.3: Misrepresentation-definition-misrepresentation of law and of fact-their effects and illustrations.

6.4: Fraud-definition-essential elements-suggestion-false *suppressio veri*-when does silence amounts to fraud? Active concealment of truth-importance of intention.

6.5: Mistake-definition-kinds-fundamental error-mistake of law and of fact-their effects-when does a mistake vitiate free consent and when does it not vitiate from consent?.

**Unit 7** :Legality of objects

7.1: Void agreements-lawful and unlawful consideration and objects void. Voidable. Illegal and unlawful agreements and their effects.

7.2: Unlawful considerations and objects

7.2.1: Forbidden by law

7.2.2: Defeating the provision of any law

7.2.3: Fraudulent

7.2.4: Injurious to person or property

7.2.5: Immoral

- 7.2.6: Against public policy
- 7.3: Agreements without consideration
- 7.3.1: Agreements without consideration
- 7.3.2: Agreements in restraint of marriage
- 7.3.3: Agreements in restraint of trade-its exceptions-sale of good will, sec.11 restrictions, under the partnership act, trade combinations exclusive dealing agreements, restraints on employees under agreements of service.
- 7.3.4: Agreements in restraint of legal proceedings-its exceptions
- 7.3.5: Uncertain agreements
- 7.3.6: Wagering agreements-its exceptions

**Unit 8** : Discharge of a contract and its various moods:

- 8.1: By performance-conditions of valid tender of performance-how? By whom? Where? When- in what manner? Performance of reciprocal promises-time essence of contract.
- 8.2: By breach-anticipatory breach and present breach.
- 8.3: Impossibility of performance-specific grounds of frustration-application to leases-theories of frustration-effect of frustration-frustration and restitution.
- 8.4: By period of limitation.
- 8.5: By agreement recession and alteration-their effect-remission and waiver of performance extension of time-accord and satisfaction.

**Unit 9** : Quasi contracts or certain relations resembling those created by contract.

**Unit 10** : Remedies in contractual relations.

- 10.1: Damages-kinds-remoteness of damages ascertainment of damages.
- 10.2: Injunction-when granted and when refused-why?
- 10.3: Refund and restitution
- 10.4: Specific performance-why? When?
- 10.5: Specific performance of contracts under Specific Relief Act 1969
- 10.6: Recession of contracts
- 10.7: Cancellation of instruments
- 10.8: Declaratory decrees
- 10.9: Preventive relief

### **SUGGESTED READINGS**

- 1 : Indian Contract Act,1872 and Specific Relief Act, 1963 and their commentaries.
- 2 : Guest-Anson. A.G. Law of Contract (24<sup>th</sup> Edn 1974)
- 3 : Avtar Singh. Dr -Law of Contract.
- 4 : Cheshire. G.C & Fifoor. H.S -The Law of Contract. (2 Edn. 1976).
- 5 : Chitty- Chitty on contracts- General Principles Vol-I (22 Edn. 1977).
- 6 : Kapur. J.L )Ed) Pollock and Mulla on the Indian Contract and Specific Relief Acts (9 Edn. 1972).
- 7 : Dalal J.H (Ed) Mulla on the Indian Contract Act (10 Edn. 1977).
- 8 : Krishnan Nair. M. Law of Contracts (3<sup>rd</sup> Edn. 1973)
- 9 : Sen. G.M – Case Book on the Law of Contract (1970).
- 10 : Treitel. G.H – Law of Contract (1962).
- 11 : Venkatraman. S and Ramamurthy K. – Venkatesa Iyer. T.S Law of Contract (4<sup>th</sup> Edn, 1983).
- 12 : Singhal. J.P and Subrahmanyam-Indian contract Act (Vol=I),
- 13 : Relevant volumes of the Annual Survey published by the Indian law Institute.

## **3 YEARS LL.B COURSE - FIRST SEMESTER CONSTITUTIONAL LAW-I PAPER-II**

**Unit 1** : Preamble-Federalism- Secularism-Social justice-Interpretation of preamble

**Unit 2** : The Union and its territory: Name and territory of the union-Admission or establishment of new States– Formation of a new State- Alteration of areas or boundaries- Names of the existing states

- Unit 3** : Citizenship: Right of citizenship of persons migrated from Pakistan, and persons of Indian origin residing outside of India, voluntary acquiring citizenship of foreign state not to be citizens continuance of the rights of citizenship, citizenship act.
- Unit 4** : Meaning and scope of state under Article 12 of Constitution of India  
 4.1. Local Authority – Municipalities, District Boards, Panchayats Improvement Trust and Mining settlement Boards, Body of Port Commissioners under the control or management of a municipal or local fund.  
 4.2 Other Authorities – Power to make laws, byelaws, rules, orders or regulations, are called ‘Other authorities’ within the meaning of Article 12.  
 4.3 State in the light of Fundamental rights.
- Unit 5** : Fundamental Rights - Definition – Laws inconsistent with or in derogation of the fundamental rights- The Right to equality, equality of opportunity-Prohibition of discrimination on grounds of religion, race caste, sex or place of birth.
- Unit 6** : Right to Freedoms  
 6.1:Freedom of Speech and Expression.  
 6.2:Freedom of the Press.  
 6.3:Freedom of Speech and Contempt of Court.  
 6.4:Freedom of Assembly.  
 6.5:Freedom of Association.  
 6.6:Freedom of Movement.  
 6.7:Freedom of Reside and Settle.  
 6.8:Freedom of Profession/Business, etc.,  
 6.9:Property and Social Control 1950 to 1978.  
 6.10:Property and Social Control-After 1978.
- Unit 7** : Right against exploitation  
 7.1:Prohibition of traffic in human beings and forced labour  
 7.2:Prohibition of employment of children in factories etc  
 7.3:Protection of interests of minorities  
 7.4:Right of minorities to establish and administer educational institutions.
- Unit 8** : Personal liberty:  
 8.1: Personal Liberty-meaning and scope  
 8.2: Rights against self incrimination  
 8.3: Rights against Retroactive Punishment  
 8.4: Rights of an accused-Double jeopardy
- Unit 9** : Constitutional Remedies  
 9.1:Enforcement of fundamental rights  
 9.2:Power of parliament to modify the rights the conferred by this part in their application to forces e.t.c.
- Unit 10** : Fundamental rights and Directive Principles:  
 10.1:Directive Principles-Reasons for incorporation.  
 10.2:Directive Principles-Directions of social change-A new social order.  
 10.3:Fundamental Rights and directive Principles-Inter relationship-Judicial balancing.  
 10.4:Constitutional Amendments-Arts. 31-A, 31-B and 31-C to strengthen Directive Principles.  
 10.5:Judicial Policy towards directive Principles  
 10.6: Fundamental Duties Art 51-A

## SUGGESTED READINGS

- 1 : Basu.D.D -Commentary on the Constitution of India.
- 2 : Hidayatullah.M (Ed) -Constitutional Law of India
- 3 : Seervai.H.M -Constitution of India.
- 4 : Austin.G –Indian Constitution A cornerstone of a Nation.
- 5 : Banerjee.A.C –Constitutional History of India.
- 6 : Khanna.H.R –Making of India’s Constitution
- 7 : Shiva Rao.B –Framing of India’s Constitution.
- 8 : Jain.M.P –Indian Constitutional Law.

9 : Relevant volumes of the Annual survey published by Indian Institute.

**(2009-10)BATCH**  
**3 YEARS LL.B COURSE - FIRST SEMESTER**  
**LAW OF TORTS AND CONSUMER PROTECTION LAWS**  
**PAPER-III**

**Unit 1** : Evolution of law of torts

- 1.1: Its development by courts in England.
- 1.2: Forms of Action.
- 1.3: Emergence of specific remedies from case to case.
- 1.4: Reception of Law of Torts in India.
- 1.5: Principles of Equity Justice and good conscience
- 1.6: Definition, nature, scope and objects
- 1.7: A Wrongful act violation of a duty (in rem) imposed by law, duty which is owed to people generally, Legal damages-*damnum sine injuria and injuria sine damno*
- 1.8: Tort distinguished from crime, breach of contract – The concept of Unliquidated damages-changing scope of Law of Torts: Expanding character-duties owed to people generally due to complexities of modern society, scientific and technological progress, industrialization, organization, specialization, occupational hazards-objects-prescribing standards of human conduct, redressal wrongs by payment of compensation, prescribing unlawful conduct by injunctions.

**Unit 2** : Principles of liability in torts:

- 2.1: Fault
- 2.2: Wrongful intent
- 2.3: Negligence
- 2.4: Liability without fault
- 2.5: Violation of Ethical codes
- 2.6: Statutory liability
- 2.7: Fatal Accidents Act-Railway Act-Workmen's compensation Act-Motor vehicles Act-Carrier Acts-Insurance Laws.
- 2.8: Place of motive in torts.
- 2.9: Extinguishments of liability in certain situations:
- 2.10: Death, *Actio personalis mortium cum persona*-Exceptions-Law reform (Miscellaneous Provisions) Act, 1934.
- 2.11: Waiver and Acquie

**Unit 3** : Justification in tort:

- 3.1: *Volenti non fit injuria*-What is free consent? Informed consent, mere knowledge and knowledge coupled with assumption of risk.
- 3.2: Necessity, Private and Public.
- 3.3: Plaintiff's default
- 3.3: Act of good and Inevitable Accident
- 3.5: Private defense
- 3.6: Statutory Authorisation
- 3.7: Judicial and Quasi-Judicial Acts
- 3.8: Parental and Quasi Parental Authority

**Unit 4: Doctrine of sovereign immunity and its relevance in India**

- 4.1: Liability of state-sovereign and non-sovereign functions, Croen proceedings Act of U.K Federal Tort Claims Act of U.S.A.
- 4.2: Constitution of India (Arts 294 and 300)
- 4.3: Act of state

**Unit 5** : **Vicarious liability:**

- 5.1: Basis, Scope and Justification
- 5.2: Express Authorization
- 5.3: Ratification

- 5.4: Abetment
- 5.5: Special Relationships
- 5.6: Master and servant-arising out of and in the course of employment who is master? Control test who is servant, borrowed servant independent contractor?.
- 5.7: Principal and Agent
- 5.8: Corporation and Principal Officer

**Unit 6 : Torts against persons and personal relations:**

- 6.1: Assault, Battery, Mayhem
- 6.2: False Imprisonment
- 6.3: Defamation-Libel, slander including law relating to privileges
- 6.4: Marital Relations, Domestic Relations, Parental Relations, Master and Servant Relations.
- 6.5: Malicious prosecution
- 6.6: Shortened Expectation of life.
- 6.7: Nervous shock.
- 6.8: Defenses.
- 6.9 : Trespass to land, Trespass *ab initio*, dispossession
- 6.10: Movable property-Trespass to goods, Detinue, Conversion
- 6.11: Torts against Business interests-Injurious Falsehood, Misstatements passing off.

**Unit 7 : Absolute/strict liability:**

- 7.1: Basic concepts
- 7.2: Theories of Negligence
- 7.3: Standards of care, Duty to take care, carelessness inadvertence
- 7.4: Doctrine of contributive Negligence.
- 7.5: *Res ipsa loquitur* and its due to Negligence with special reference to consumer protection law.
- 7.6: Professional liability due to Negligence with special reference to consumer protection law.
- 7.7: The rule in *Ryland v. Fletcher*. Principle for application of these rules.
- 7.8: Storing of dangerous things.
- 7.9: Escape of dangerous things-application of principles in concrete cases of damage arising out of industrial activity. (The Bhopal Disaster, Oelum, Gas Escape, Machua Dam Burst, M.C. Mehta case, Nuclear Installations and their hazards).
- 7.10: Liability under Motor Vehicle Act, Railway Act etc.

**Unit 8 : Nuisance**

- 8.1: Definition, Essentials, Types
- 8.2: Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, interference with light and air.

**Unit 9 : Legal Remedies:**

- 9.1: Legal remedies
- 9.2: Award of damages-simple, special, punitive
- 9.3: Remoteness of damages-foreseeability and directness tests
- 9.4: Injunction
- 9.5: Specific restitution of property
- 9.6: Extra-legal remedies-self help, re-entry in land, re-capture of goods, distress damage feasant abetment to nuisance
- 9.7: Judicial process in Tort-Dilatoriness-Complicated rules of procedures and evidence-Experts in trial process, reports of testing labs-Court fees, problems of access

**Unit 10 : Common Law and the Consumer:**

- 10.1: Duty to take care and liability for negligence: Manufacturers and traders and providers of services such as lawyers, doctors and other professionals
- 10.2: *Caveat emptor and Caveat Venditor*
- 10.3: Deceit and false advertisement
- 10.4: Liability for hazardous and inherently dangerous industrial activity.
- 10.5: Product liability-EEC directives
- 10.6: Right to common property resources-right to pass and repass on pathways

## SUGGESTED READINGS

- 1 : Winfield: Law of Torts
- 2 : Salmond: Law of Torts
- 3 : Ramaswami Iyer: Law of Torts
- 3 : Consumer Protection Act, 1986
- 5 : Bangia.R.K.Dr. Consumer Protection Laws and Procedures
- 6 : Indian Law Institute's-Annual Survey of India Law-Relevant articles.

**(2009-10)BATCH**  
**3 YEARS LL.B COURSE - FIRST SEMESTER**  
**LAW OF CRIMES (Criminal Law-I)**  
**Paper-IV**

### **Unit 1 : General**

- 1.1: Conception of Crime
- 1.2: State's power to determine acts or omissions as crimes
- 1.3: State's responsibility to detect, control and punish crime
- 1.4: Distinction between crime and other wrongs
- 1.5: Pre-colonial notions of crime as reflected in Hindu, Muslim, tribal laws
- 1.6: The Colonial reception-Macaulay's draft based essentially British notions
- 1.7: I.P.C a reflection of different social and moral values
- 1.8: Applicability of I.P.C
- 1.8.1: Territorial
- 1.8.2: Personal
- 1.9: Salient features of the I.P.C

### **Unit 2 : Elements of Criminal Liability**

- 2.1: Author of crime-natural person and a fit subject for punishment, companies and corporations
- 2.2: *Mens rea*-evil intention
- 2.3: Importance of *mens rea*
- 2.4: Recent trends of fix liability without *mens rea* in certain socio-economic offences
- 2.5: An act in furtherance of guilty intent
- 2.6: An omission as specifically includes in the Code
- 2.7: Injury to another

### **Unit 3 : Group Liability**

- 3.1: Stringent provision in case of combination of persons attempting to disturb peace
- 3.2: Common intention
- 3.3: Abetment
- 3.3.1: Instigation, aiding and conspiracy
- 3.3.2: Mere act of abetment punishable
- 3.4: Unlawful assembly
- 3.4.1: Basis of liability
- 3.5: Criminal conspiracy
- 3.6: Rioting as a specific offence

### **Unit 4 : Stages of Crime**

- 4.1: Guilty intention-mere intention not punishable
- 4.2: Preparation
- 4.2.1: Preparation not punishable
- 4.2.2: Exception in respect of certain offences of grave nature or of peculiar kind such as possession, counterfeit coins, false weights and measure
- 4.3: Attempt
- 4.3.1: Attempt when punishable-specific IPC provisions
- 4.3.2: Tests for determining what constitutes attempt proximity equivocally and social danger
- 4.3.3: Impossible attempt

### **Unit 5 : Factors negating guilty intention**

- 5.1: Mental incapacity
- 5.1.1: Minority
- 5.1.2: Insanity-impairment of cognitive facilities, emotional imbalance
- 5.1.3: Medical and legal insanity
- 5.2: Intoxication-involuntary
- 5.3: Private defence-justification and limits

5.3.1: When private defence extends to causing of death protection body and property

5.4: Necessity

5.5: Mistake of fact

**Unit 6 :** Types of punishment

6.1: Death

6.1.1: Social relevance of capital punishment

6.1.2: Alternative to capital punishment

6.2: Imprisonment-for life, with hard labour, simple imprisonment

6.3: Forfeiture of property

6.4: Fine

6.5: Discretion in awarding punishment

6.6: Minimum punishment in respect of certain offences

**Unit 7 :** Specific offences against human body

7.1: Causing death of human beings

7.1.1: Culpable homicide

7.1.2: Murder

7.1.2.1: Distinction between culpable homicide and murder

7.2: Specific mental element requirement in respect of murder

7.3: Situation justifying treating murder as culpable homicide not amounting to murder

7.3.1: Grave and sudden provocation

7.3.2: Exceeding right to private defense

7.3.3: Public servant exceeding legitimate use of force

7.3.3: Death in sudden fight

7.3.5: Death caused by consent of the deceased-Euthanasia

7.3.6: Death caused by person other than the person Intended

7.3.7: Miscarriage with or without consent

7.4: Rash and negligent act causing death

7.5: Hurt-grievous and simple

7.6: Assault and criminal force

7.7: Wrongful restraint and wrongful confinements-kidnapping from lawful guardianship and from outside India

7.8: Abduction

**Unit 8 :** Offences against women

8.1: Insulting the modesty of a woman

8.2: Assault or criminal force with intent to outrage the modesty of a woman

8.3: Causing miscarriage without woman's consent

8.4: Causing death by causing miscarriage without women's consent

8.5: Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse

8.6: Buying a minor for purposes of prostitution

8.7: Cruelty by husband or relatives of the husband

8.8: Rape

8.9: Custodial rape

8.10: Marital rape

8.11: Cruelty by husband or relatives of the husband

8.12: Common law remedies to protect against obscene/indecent depiction of woman

**Unit 9 :** Offences against property

9.1: Theft

9.2: Cheating

9.3: Extortion

9.4: Robbery and dacoity

9.5: Mischief

9.6: Criminal misrepresentation and criminal breach of trust

9.7: Criminal trespass

9.8: Forgery

**Unit 10 :** Offences by or relating to public servants

10.1: Public servant taking gratification of other than legal remuneration

10.2: Public servant induced by illegal or corrupt means to do or not to do an act

10.3: Public servant obtaining valuable thing without consideration connection with official functions.

10.4: Public servant framing incorrect document without intent to cause injury

10.5: Unlawful buying or bidding by public servant

10.6: Special legislation dealing with prevention of corruption, prevention of corruption Act, objective and scope

10.7: False evidence and offences against public justice



**Unit 11** : Offences against the State

- 11.1: Waging attempting conspiring to wage or collecting the ammunition to wage war against the Government of India
- 11.2: Assaulting President or Governor of a State with an intent to compel or restrain the exercise of any lawful power
- 11.3: Sedition
- 11.4: War against a power at peace with the Government of India are committing depredations on the territories or such powers
- 11.5: Permitting or aiding or negligently suffering the escape of or rescuing of harbouring, a state of prisoner

**Unit 12** :Defamation

- 12.1:Defamation
- 12.2:Punishment for defamation
- 12.3:Printing or engraving matter known to be defamatory
- 12.4:Sale of printed or engraved substance containing defamatory matter

**SUGGESTED READINGS**

- 1 : Gaur.K.D-Criminal Law-Cases and materials (1985 Edn)
- 2 : Ratanlal-Dhirajlal-Law of Crimes (1987) 23<sup>rd</sup> Edn.
- 3 : Huda-Law Crimes
- 3 : Kenny-Outlines of Criminal Law (Chapt 1to3)
- 5 : Ratanlal-Dhirajlal-The Indian Penal Code
- 6 : Achuthen Pillai.P.S-Criminal Law
- 7 : Nigam,R.C-Law Crimes in India-Vol-I
- 8 : Stewart,S.W-A Modern view of Criminal Law (Pergamon Press Oxford 1969)
- 9 : Gari Sing Gour-Penal Law of India
- 10 : Bhatt,V.R-Essays in Criminal Law
- 11 : Relevant volumes of the Annual survey published by Indian Law institute

**FAMILY LAW-I  
PAPER-V**

**Unit 1** : Marriage and Kinship

- 1.1: Evolution of the institution of marriages and family
- 1.2: Role of religion, rituals and practices in moulding the rules regulating marital relations
- 1.3: Types of family based upon; lineage-patrilineals, matrilineal, authority, structure patriarchal and martriarchal, location-patrilocal and matrilocal and number of conjugal units nuclear extended, joint and composite.
- 1.4: Applicability of law
  - 1.4.1: Who is a Hindu?
    - 1.4.1.1: Who is s Muslim?
    - 1.4.1.2: Who is a Christian?
  - 1.4.2: Sources of Hindu law, Muslim law and Christian law

**Unit 2:** Customary practices and the State

- 2.1: Polygamy
- 2.2: Concubinage
- 2.3: Child marriage
- 2.4: Sati
- 2.5: Dowry
- 2.6: State intervention through various legal measures

**Unit 3:** Conversion and its effect on family

- 3.1:Marriage
- 3.2:Adoption
- 3.3:Guardianship
- 3.4:Succession

**Unit 4** : Matrimonial Remedies

- 4.1:Non-judicial resolution of marital conflict problems

A: Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution

B: Divorce under Muslim personal law-Talaq and Talaq-e-tafweez

4.2: Judicial resolution of marital conflict problems A general perspective of matrimonial fault theory and principles of irretrievable breakdown of marriage

4.3: Nullity of marriage

4.4: Option of puberty

4.5: Restitution of conjugal rights

4.6: Judicial separation

4.7: Desertion-a ground for matrimonial relief

4.8: Cruelty-a ground for matrimonial relief

4.9: Adultery- a ground for matrimonial relief

4.10: Other grounds for matrimonial relief

4.11: Divorce by mutual consent under Special Marriage Act, 1954, Hindu Marriage Act, 1955 and Muslim law(Khula and Mubaraat)

4.12: Bars to matrimonial relief

4.12.1: Doctrine of strict proof

4.12.2: Taking advantage of one's own wrong and disability

4.12.3: Accessory

4.12.4: Connivance

4.12.5: Collusion

4.12.6: Condonation

4.12.7: Improper or unnecessary delay

4.12.8: Residuary clause-no other legal ground exists for refusing the matrimonial relief

#### **Unit 5 : Alimony and maintenance**

5.1: Maintenance of neglected wives, divorced wives, minor children, disabled children and parents who are unable to support themselves under the Code of Criminal Procedure, 1973

5.2: Alimony and maintenance as an independent remedy-a review under different personal laws

5.3: Alimony and maintenance as ancillary relief, alimony, pendente lite and permanent maintenance

5.4: Maintenance of divorced Muslim women under The Muslim Women (Protection of Rights on divorce) Act, 1996-a critical review

#### **Unit 6 : Child and the Family**

6.1: Legitimacy

6.2: Adoption

6.3: Custody, maintenance and education

6.4: Guardianship

#### **Unit 7 : Family and its changing patterns**

7.1: New emerging trends

7.1.1: Attenuation of family ties

7.1.2: Working women and their impact on spousal relationship, composition of family, status and role of women and decision making authority structure.

7.2: Factors affecting the family-demographic, environmental, religious, legislative

7.3: Process of social change in India-Sanskritisation, Westernization, secularization, universalisation, patriarchy and modernization including industrialization and urbanization

#### **Unit 8 : Establishment of Family court**

#### **Unit 9 : Securing of a Uniform Civil Code**

9.1: Religious pluralism and its implication

9.2: Connotations of the directive contained in Article 44 of the Indian Constitution

9.3: Impediments to the formulation of the Uniform Civil Code

#### **SUGGESTED READINGS**

- 1 : Kuppaswamy.A (ed) Maine's Hindu Law and Usage (1986)
- 2 : Kane.P.V History of Dharmasastras, Vol.II (1974)
- 3 : Sivaramaiah.B. Inequalities and the law (1985)

- 4 : Derrett.J.D.M A Critique of Modern Hindu Law
- 5 : Malik.B, Verma's Mohammedan Law (1978)
- 6 : Desai.S.T. Mulla's Principles of Hindu Law
- 7 : Diwan Paras. Hindu Law
- 8 : Diwan Paras: Family law
- 9 : Subba Rao,G.C.V. Family Law in India
- 10 : Mulla's Principles of Mohammedan Law

**(2009-10)BATCH**  
**3 & 5YEARS LL.B COURSE - SECOND SEMESTER**  
**CONTRACTS-II (Special Contracts)**  
**PAPER-VI**

**Unit 1 : Indemnity and guarantee:**

- 1.1: Indemnity and guarantee (Sec. 134, 127) Indian Contract Act 1872
- 1.2: Contract of indemnity
  - (A) Definition
  - (B) Rights of indemnity holder
  - (C) Liability of indemnifier.
- 1.3:Contract of guarantee
  - a. Definition
  - b. Essential characteristics of contract of guarantee
  - c. Distinction between contract of indemnity and contract of guarantee
  - d. Kinds of guarantee
  - e. Rights and liabilities of surety
  - f. Discharge of surety
  - g. Contract of Bailment and (Sec. 148-181 of Indian Contract Act 1872).

**Unit 2 : Bailment**

- 2.1: Definition
- 2.2: Essential requisites of bailment
- 2.3: Kinds of bailment
- 2.4: Rights and duties of bailor and bailee
- 2.5: Termination of bailment
- 2.6: Pledge
  - a. Definition
  - b. Rights and duties of pawnor and pawnee
  - c. Pledge by Non Owners.

**Unit 3 : Contract of Agency (Sec. 182-238 of the Indian Contract Act 1872)**

- 3.1: Definition of agent
- 3.2: Creation of agency
- 3.3: Rights and Duties of agent
- 3.4: Delegation of authority
- 3.5: Personal liability of agent
- 3.6: Relations of principal with third parties
- 3.7: Termination of agency.

**Unit 4 : Contract of sale of goods (The Indian Sale of Goods Act 1930).**

- 4.1: Formation of Contract
- 4.2: Subject matter of Contract of Sale
- 4.3: Conditions and Warrantees
- 4.4: Express and Implied conditions and Warranties
- 4.5: *Caveat Emptor*
- 4.6: Property, Possession and Risk
- 4.7: Passing of Property
- 4.8: Sale of non-owners
- 4.9: Delivery of goods
- 4.10: Rights and duties of seller and buyer before and after sale.
- 4.11: Rights of unpaid seller.

**Unit 5** : Contracts of partnership (The Indian Partnership Act,1932).

- 5.1: Definition and nature of Partnership
- 5.2: Formation of Partnership
- 5.3: Test of Partnership
- 5.4: Partnership and other Associations
- 5.5: Registration of Firms
- 5.6: Effect of non-registration
- 5.7: Relation of Partners
- 5.8: Rights and Duties of Partners
- 5.9: Properties of the Firm
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- 5.11: Implied authority of a partner
- 5.12: Kinds of Partners
- 5.13: Minor as Partners
- 5.14: Reconstitution of a Firm
- 5.15: Dissolution of firm.

**Unit 6** : Negotiable Instruments Act, 1881

### **SUGGESTED READINGS**

- 1 : Indian Contract Act, 1872 (Sec. 124-238)
- 2 : The Sale of Goods Act, 1930.
- 3 : The Partnership Act, 1932.
- 4 : Negotiable Instrument Act, 1881.
- 5 : Cheshire and Fifoot-The Law of Contract.
- 6 : Chitty- on contracts (Specific Contracts) Vol-II
- 7 : Pollock and Mulla-Indian contracts and Specific Relief Act.
- 8 : Pollock and Mulla- Sale of Goods and Partnership Acts.
- 9 : Avtar Singh-Law of Contracts.
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- 11 : S.T. Desai- Partnership
- 12 : Bowstead- Agency
- 13 : Relevant volumes of the Annual Survey Published by Indian law institute.

**(2009-10)BATCH**  
**3 YEARS LL.B COURSE - SECOND SEMESTER**  
**CONSTITUTIONAL LAW-II**  
**PAPER-VII**

**Unit 1** : Federalism:

- 1.1: Federalism-Principles-Comparative study of other Federations. Why India has a Federal Government.
- 1.2: Indian Federalism-President of India-Council of state-Process of Constitutional Amendment. Identification of Federal features.
- 1.3: Legislative relations between the Centre and the State
- 1.4: Administrative Relations-Centre States.
- 1.5: Financial Relations-centre-states
- 1.6: Governor's position from the Perspective of Federalism.
- 1.7: Centre's Powers over the States-Art. 356.
- 1.8: J&K-Special status.
- 1.9: Critical problems of Indian Federalism. Sarkaria Commission-Greater Autonomy v. Central Control. One party domination. Emergence of Political Federalism. Growth of Regional Parties.

**Unit 2** : Parliamentary government:

- 2.1: West Minister Model-Indian experience before independence-Choice of Parliamentary Government

- 2.2: President of India-Election, Qualifications, Impeachment, salary
- 2.3: Council of Ministers-President's constitutional position.
- 2.4: Governor and State Government-Constitutional Relationship
- 2.5: Legislative Process-Privileges, freedom of speech. Practice of law making etc.,
- 2.6: Legislative Privileges v. Fundamental Rights. In re. Art. 143 of the Constitution of India.
- 2.7: Prime Minister-Cabinet System-Collective responsibility Individual responsibility. President-Prime minister relation ship.
- 2.8: Party system-Anti –defection law. Freedom of an A.P./M.L.A to dissent.

**Unit 3** : Constitutional process of adaptation and alteration:

- 3.1: Methods of Constitutional Amendments-Written-Unwritten, Rigid-Flexible Constitutions. Provisions which can be amended by ordinary procedure, special procedure, Review of Constitutional Amendments.
- 3.2: Limitations upon Constitutional amendments *Shankari Prasad, Sajjari Singh*.
- 3.3: *Golaknath v. Punjab*-Why should federal Rights be immune from the process of Constitutional Amendment.
- 3.4: Basic structure doctrine as a limitation-*Kesavanand Bharathi*.
- 3.5: Development of the Basic Structure Doctrine. Constituent Power of the Supreme Court. *Vaman Rao v. Minerva Mills*.
- 3.6: *Indira Gandhi v. Raj Narain*; Judicial Consensus on Basic Structure Doctrine.
- 3.7: Legislative and Judicial Attempts to bury the Basic Structure Doctrine; Legitimation of the Basic Structure Doctrine. Special Bench to Reconsider the Basic Structure Issue. Forty-second Constitutional Amendment. Forty fourth Constitutional Amendment .
- 3.8: *Minerva Mills* and subsequent developments of the Basic Structure Doctrine. Responsibility of the Court; Activism v. Restraint.

**Unit 4** : Emergency:

- 4.1: Emergency-need for such a provision. Types of Emergencies, Experience in other democracies.
- 4.2: Proclamation of emergency-conditions-Art. 352-Effect of Emergency on Centre-State Relations.
- 4.3: Emergency and suspension of Fundamental Rights Arts. 358, 359- *Makhan Singh Tarasikha to A.D.M. Jabalpure*.
- 4.4: Financial emergency.

**Unit 5** : Services under the constitution.

- 5.1: Doctrine of Pleasure (Art. 310)
- 5.2: Protection against Arbitrary Dismissal, Removal or Reduction in Rank (Art. 311)
- 5.3: *Tulsiram Patel*-Exceptions to Art. 311.

**Unit 6** : Judicial process under the constitution.

- 6.1: Judicial Review-Art. 32, 226, 227.
- 6.2: Nature of Judicial Review.
- 6.3: Court system in India: Backlogs, Arrears, Alternatives, Lok Adalats, etc.,
- 6.4: Judges, Appointments, Conditions of service etc.,
- 6.5: Subordinate Judiciary.
- 6.6: Jurisdiction of Supreme Court and High court.
- 6.7: Advisory Jurisdiction of the Supreme Court.
- 6.8: Public interest Litigation.

**SUGGESTED READINGS**

- 1 : Basu.D.D -Commentary on the Constitution of India.
- 2 : Hidayatullah.M (Ed) -Constitutional Law of India
- 3 : Seervai.H.M -Constitution of India.
- 4 : Austin.G –Indian Constitution A cornerstone of a Nation.
- 5 : Banerjee.A.C –Constitutional History of India.
- 6 : Khanna.H.R –Making of India's Constitution
- 7 : Shiva Rao.B –Framing of India's Constitution.
- 8 : Jain.M.P –Indian Constitutional Law.
- 9 : Relevant volumes of the Annual survey published by Indian Institute.

**3 YEARS LL.B COURSE - SECOND SEMESTER**  
**ENVIRONMENTAL LAW**  
**PAPER-VIII**

Including Wild Life Protection Act

**Unit 1** : The meaning of environment and pollution:

1.1: Definition, as defined in the Environment Protection Act: 1986 Sec. 2(a); "Pollution" as defined in the same Act, Sec 2(a), (b), (c), (d), (e); and in the water (Prevention and Control of Pollution) Act, 1974. "Forests", as defined in the Indian Forest Act, 1927, and the Forest conservation Act, 1980. the intended meaning of environment in Constitution, Articles 15(2) (b), 24, 39 (a), (b), (c),(e), (f), 47, 48 A, 49.

1.2: Causative factors of Pollution.

**Unit 2** : Subject matter of environmental laws:

**Unit 3** : Types and functions of environmental laws

3.1: Primary Protective Laws

3.1.1: For human-beings: Laws pertaining to: (a) Water (b) Air, (c) Noise, (d) Nuclear radiation, (e) Toxic substances.

3.1.2: For non human-beings: Laws pertaining to (a) Wild life (b) Marine life, (c) Forests, (d) Minor-forests, (e) restrictions on trade.

3.2: Primary planning laws

3.2.1: For production :: Laws pertaining to : (a) Land use (b) Irrigation, (c) Industries, (d) Mining, (e) Grazing-land, (f) Catchments areas, (g) Wet land, (h) Estuaries.

3.2.2: For distribution :: Laws pertaining to : (a) Land ceiling (b) Town planning/zoning, (c) Slums, (d) Housing, (e) Recreational areas, (f) Parks, (g) Sanctuaries, (h) Biospheres.

**Unit 4** : Secondary laws:

4.1: Pertaining to the administration and functioning of Pollution Control Boards; Water-Boards; the Factories Acts, Forest Act Land Reform and Development Acts, industries Act, etc.,

4.2: Laws relating to the administration within the Ministry of Environment and forest.

4.3: Laws relating to the collection, dissemination and publication of data by the Boards of Ministry, concerning. : a) Hazardous material, b) Endangering industries, c) Levels of pollution; and d) Types of safety measures available and implemented.

4.4: Laws relating to the role of the lower courts (including the Forest Courts).

**Unit 5** : Tertiary laws:

5.1: Constitutional provisions concerning inter-state relations that concern acquisition, regulation and distribution natural resources, (Water, Forests, Mines, Oil) (with special emphasis on Art. 14, 19, 31-A, 31-B, 31-C, 39(b)&(c); Union list; 6, 52, 56, 57 State list: 17, 18, 21, 23. concurrent List: 17, 17-A, 17-B, 18, 20, and Ninth Schedule.

5.2: Constitutional provisions: The Constitution of India Art. 14, 15, 2(b), 19(e), 21, 31-c, 32, 38, 39, 32, 37, 48-A, 49, 51, 51-A(g).

**Unit 6** : International parameters of environment:

6.1: Stockholm Declaration and its impact.

6.2: Rio Summit

6.3: United Nations Environmental Programme (UNEP).

6.4: State responsibility for environmental pollution

6.5: North South Perspective.

**Unit 7** : Legal strategies regulation

7.1: Deterrence through criminal liability, Strict liability, Absolute Liability and Vicarious liability.

7.2: Principles of calculating penalties and economic sanctions against offenders.

7.3: Principles and methods of standardization

7.4: Managerial

7.4.1: Principles of tortious liability

7.4.2: Estoppel

7.4.3: Strategies of incentives, through non-taxation, deductions etc.,

7.4.4: Methods of recovery through insurances, sureties, bonds etc.,  
7.5: Environmental courts/Tribunals

**Unit 8** : Rights in common law:

8.1: Basis of occupancy, usufruct and group or collective rights of indigenous communities in national and international laws.

**Unit 9** : Natural rights theories and its advocacy in environment related issues:

9.1: Right to life.

9.2: Right to livelihood

9.3: Right to reside

9.4: Right to development

9.5: The rights of future generations

**Unit 10** : Multinational corporate liabilities:

In the legal responsibilities of multinational funding agencies.

**Unit 11** : Judicial activism and environment:

### **SUGGESTED READINGS**

- 1 : Agarwal.A. (ed)-The State of India's Environment the Second Citizen's Report (1985).
- 2 : Chatrapathi Singh-Common property and common poverty (1985)
- 3 : Jayal, Bandhopadhyay and Singh (ed) India's environment crises and response (1985)
- 4 : Leelakrishnan.P (ed)-Environment and the law (1986)
- 5 : Jain.S.N (ed)-Pollution Control and the law (1978)
- 6 : Baxi.U-The Bhopal case (1986)

### **3 YEARS LL.B COURSE - SECOND SEMESTER(2009-10)BATCH JURISPRUDENCE PAPER-IX**

**Unit-1** : Need to study Jurisprudence; Its relationship with political; power structures and just society.

**Unit-2** : What is a Concept?

2.1: Concept; Ideas and Notions

2.2: What is Theory? Difference between theory; hypothesis; conjecture; and opinions .

**Unit-3** : What is a Norm?

3.1: Difference between maxims, rules, principles and customary rules

3.2: Differences between Primary Rules and Secondary Rules.

3.3: What is a Normative System

**Unit-4** : Concept of Law; Its difference with laws of natural science, social sciences, statistics, history

4.1: Laws on obligation

**Unit-5** : Why are Laws obligatory?

5.1: Define and discuss the following legal concepts: liability, obligation, sanction, coercion, compulsion, duty, estoppel, promise, Dharma with case material

5.2: Contractarian Theories: General-will theories and Free-will theories and Autonomous theories particularly Positivist theories connected development of Austin onwards: Reference to Dworkin; Rawls and Marxian terms of the Doctrine of withering away of state, including Transcendental Theories.

5.3: Whom does the law obligate? Personality; people; state-with particular reference to Directive Principles of State Policy; *locus standi*, Randhir Singh, Golaknath and other relevant cases.

**Unit-6** : Theories of Authority

6.1: Types of authority; legislative, judicial and customary-their binding nature.

6.2: Bindingness with regard to Precedent. Determination of ratio and methods of Wanbaugh, Salmond, Good Hart, Simpson's approach in Jacob's case. Also the studying factors of Ilewlyn (information to be provided that there is no distinction between making and declaring, basing on Gestalt psychology. (Ref: Peter Brett)

**Unit-7** : Limits on Legislative Authority

7.1: Positivist view that there are no limits. Discuss with reference to Austin, Kelsen, Golaknath and D.C Wadhwa's case.

7.2: Natural Law view that the limits are defined by principles of morality or natural justice; the legislation, from whatever source, must be in accordance with such principles. Discuss with reference to Aquinas, Finnis.

7.3: The Rationalists view that the limits are set by rational principles of justice Discuss with reference to Kant, Rawls.

7.4: The Basic Structure Doctrine-that the limits are set by the Basic Structure of the Constitution or the law itself; any legislation contrary to the basic structure is non-law (ref: *Kesavananda Bharathi's* case)

7.5: Define and discuss the basic legal Concept of Reasonableness with reference to Indian cases.

*State of Madras v. V.G. Row* (1952 SC 196). *Dwaraka Prasad Laxmi Narayan v. State of U.P* (AIR 1954 SC 224). *Krishanchanda Arora v. Commissioner of Police* (1961 3 SCR 135). *Hardhan Shah v. State of West Bengal* (1975 3 SCC 198). *Air India v. Nargesh Meerza* (AIR 1987 SC 1829). *Maneka Gandhi v. Union of India* (1978 2SCR 621).

**Unit -8**: The Functions of Law

8.1: Law as the upholder of the moral order in the society

8.2: Concept of Dharma and connection between Law and Morality

8.3: Law for bringing efficiency and social stability; the utilitarian views

8.4: The differences between the ends of a legal order, a political order and a religious order. Are they interchangeable? Can one replace another? Issue concerning the dialectics of law

8.5: Law as a means of Social Control

8.6: Law as Volksgeist

**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 : M.D.A Freeman (ed.), Lloyd's Introduction to Jurisprudence, (1994), Sweet & Maxwell
- 5 : H.L.A Hart, The Concepts of Law (1970) Oxford, ELBS
- 6 : Dias, Jurisprudence (1994 First Indian re-print), Aditya Books, New Delhi.

**3 YEARS LL.B COURSE - SECOND SEMESTER(2009-10)BATCH  
ADMINISTRATIVE LAW  
PAPER-X**

**Unit -1**: Evolution, Nature and Scope of Administrative Law

1.1: From a *Laissez Faire* to a Social Welfare State; State as regulator of private interest; State as provider of services; Other functions of Modern State; Relief; Welfare

1.2: Evolution of Administration as the fourth branch of government; Necessity for delegation of powers on administration

1.3: Evolution of agencies and procedures for settlement of disputes between individual and administration



1.3.1: Regulatory Agencies in the United States

1.3.2: Conseil d'Etat of France

1.3.3: Tribunalization in England and India

1.4: Relationship between Constitutional Law and Administrative Law and Public Administration

1.5: Separation of Powers: To what extent relevant to administrative functions?

1.6: Rule of Law and Administrative Law

1.7: Definitions of Administrative Law

1.8: Scope of Administrative Law

1.9: Emerging trends: Positive duties of administration under the modern social welfare legislation and compulsions of planning

## **Unit -2:** Bureaucracy in India

2.1: Nature and Organization of civil service; Central and State

2.2: It's hierarchical character; Accountability and Responsiveness

2.3: Powers and Functions

2.4: Attainment of developmental and social welfare goals through bureaucracy; Problems and perspectives

2.5: Class character and Structure

2.6: Administrative deviance; Corruption; Nepotism; Mal-administration; Disciplinary proceedings and Prosecutions under Prevention of Corruption Act.

## **Unit -3 :** Legislative powers of administration

3.1: Necessity for delegation of legislative power

3.2: Constitutionality of delegated legislation; Powers of exclusion and inclusion and power to modify statute.

3.3: Requirements for the validity of delegated legislation

3.3.1: Consultation of affected interests and public participation in decision making

3.3.2: Publication of delegated legislation

3.4: Administrative directions; circular and policy statements

3.5: Legislative Control of delegated legislation

3.5.1: Laying procedures and their efficacy

3.5.2: Committees on delegated legislation-their constitution-function and effectiveness

3.5.3: Hearings before Legislative Committees

3.6: Judicial Control of delegated legislation-Doctrine of *Ultra Vires*

3.7: Sub-Delegation of legislative powers

## **Unit-4:** Judicial powers of administration

4.1: Need for devolution of adjudicatory authority on administration

4.2: Administrative Tribunals and other adjudicating authorities their *ad hoc* character- Compare administration of justice in court with that of Tribunals (Ref. Robson)

4.3: Nature of Tribunals; Constitution; Procedure; Rules of evidence, etc., with special reference to the following:

4.3.1: Central Board of Customs and Excise

4.3.2 : MRTP Commission

4.3.3: ESI courts

4.3.4: Service Tribunals

4.4: Jurisdiction of Administrative Tribunals and Other authorities; Distinction between quasi-judicial and administrative functions and relevance of this distinction in the light of recent decisions of the Supreme Court

4.5: The Right to Hearing; Essentials of hearing process, Bias (no one can be a judge in his own cause); Oral Hearing, etc.,

4.6: Rules of Evidence- No evidence; Some evidence and Substantial evidence rules

4.7: Requirements regarding Reasoned Decisions.

4.8: The Right to Counsel

4.9: Institutional Decisions

4.10: Administrative Appeals

4.11: Council on Tribunals and Inquiries in England

4.12: US Regulatory Agencies and Administrative Procedures Act, 1946

4.13: Emerging trends of Tribunalization in India as a means to relieve congestion in the courts and utilization of administrative expertise

## **Unit -5: Judicial Control of Administrative Action**

### 5.1: Preliminary

- 5.1.1: Courts as the final authority of determine legality of administrative action; Problems and Perspectives
- 5.1.2: Exhaustion of Administrative Remedy
- 5.1.3: Standing; Standing for Social Action Litigation
- 5.1.4: Laches                      5.1.5: *Res Judicata*

### 5.2: Grounds of Judicial Review: Scope of judicial review

- 5.2.1: Jurisdictional error/*ultra vires*
- 5.2.2: Abuse and non exercise of jurisdiction
- 5.2.3: Error apparent on the face of the record
- 5.2.4: Violation of Principles of Natural Justice
- 5.2.6: Primary jurisdiction
- 5.2.7: Absence of ripeness
- 5.2.8: Political Question
- 5.2.9: Doctrine of Legitimate Expectation

### 5.3: Methods of Judicial Review

- 5.3.1: Statutory Appeals
- 5.3.2: *Mandamus*
- 5.3.3: *Certiorari*
- 5.3.4: *Prohibition*
- 5.3.5: *Quo-warranto*
- 5.3.6: *Habeas corpus*
- 5.3.7: Declaratory Judgment and Injunctions
- 5.3.8: Specific Performance and civil suits for compensation
- 5.3.9: Fact-finding Commissions

## **Unit -6: Administrative Discretion**

- 6.1: Need for administrative discretion
- 6.2: Administrative discretion and Rule of Law
- 6.3: Malafide exercise of discretion
- 6.4: Constitutional imperatives and use of discretionary authority
- 6.5: Irrelevant Considerations
- 6.6: Non-exercise of discretionary power
- 6.7: Discretion to prosecute or to withdraw prosecution
- 6.8: Limiting, confining and restructuring discretion-general discretion, technical discretion

## **Unit-7 : Liability for wrongs: (Tortuous and Contractual)**

- 7.1: Tortuous Liability: Sovereign and Non-sovereign functions
- 7.2: Crown Proceedings Act of UK and Torts Claims Act of US
- 7.3: Statutory Immunity
- 7.4: Act of State
- 7.5: Contractual liability of Government
- 7.6: Government privilege in legal proceedings; State secrets, Public interest, etc.,
- 7.7: Right to Information and Open government
- 7.8: *Estoppel* and Waiver

## **Unit 8 : Corporations and Public undertakings**

- 8.1: State Monopoly; Remedies against arbitrary action or for action against public policy
- 8.2: Liability of public and private corporations of departmental undertakings
- 8.3: Legal Remedies
- 8.4: Accountability; Committee on public undertakings, Estimates committee, etc.

## **Unit-9 : Informal methods of settlement of disputes and grievance redressal procedure**

- 9.1: Conciliation and mediation through Social Action Groups
- 9.2: Use of media, lobbying and public participation in policy making
- 9.3: Public inquiries and Commissions of inquiry
- 9.4: Ombudsman, Parliamentary Commissioner
- 9.5: *Lok pal, lok ayukta*
- 9.6: Vigilance Commission
- 9.7: Congressional and Parliamentary Committees

## **SUGGESTED READINGS**

- 1 : D.D.Basu, Comparative Administrative Law (1998).

- 2 : Wade, Administrative Law (Seventh Ed, Indian print 1997), Universal ,Delhi
- 3 : J.C.Garner, Administrative Law(1989)
- 4 : M.P.Jain, Cases and Materials on Indian Administrative Law, Vol.I and II (1996)Universal,Delhi.
- 5 : Jain & Jain, Principles of Administrative Law (1997),Universal Delhi.
- 6 : S.P.Sathe,Administrative Law (1998) Butterworths-India,Delhi.

**SECOND SEMESTER**  
**PAPER-VI**  
**CONTRACTS-II (Special Contracts)**

**Unit 1** : Indemnity and guarantee:

- 1.1 : Indemnity and guarantee (Sec. 134, 127) Indian Contract Act 1872
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  - (A) Definition
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  - g. Contract of Bailment and (Sec. 148-181 of Indian Contract Act 1872).

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- 2.1 : Definition
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- 2.5 : Termination of bailment
- 2.6 : Pledge
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  - b. Rights and duties of pawnor and Pawnee
  - c. Pledge by Non Owners.

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- 4.5 : *Caveat Emptor*
- 4.6 : Property, Possession and Risk
- 4.7 : Passing of Property
- 4.8 : Sale of non-owners
- 4.9 : Delivery of goods
- 4.10 : Rights and duties of seller and buyer before and after sale.
- 4.11 : Rights of unpaid seller.

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- 5.10 : Relation of Partners to third parties
- 5.11 : Implied authority of a partner
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- 5.15 : Dissolution of firm.

**Unit 6** : Negotiable Instruments Act, 1881

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- 6 : Chitty- on contracts (Specific Contracts) Vol-II
- 7 : Pollock and Mulla-Indian contracts and Specific Relief Act.
- 8 : Pollock and Mulla- Sale of Goods and Partnership Acts.
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- 11 : S.T. Desai- Partnership
- 12 : Bowstead- Agency
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**PAPER-VII**  
**CONSTITUTIONAL LAW-II**

**Unit 1** : Federalism:

- 1.1 : Federalism-Principles-Comparative study of other Federations. Why India has Federal Government. a
- 1.2 : Indian Federalism-President of India-Council of state-Process of Constitutional Amendment. Identification of Federal features.
- 1.3 : Legislative relations between the Centre and the State
- 1.4 : Administrative Relations-Centre States.
- 1.5 : Financial Relations-centre-states
- 1.6 : Governor's position from the Perspective of Federalism.
- 1.7 : Center's Powers over the States-Art. 356.
- 1.8 : J&K-Special status.
- 1.9 : Critical problems of Indian Federalism. Sarkaria Commission-Greater Autonomy v.  
Central Control. One party domination. Emergence of Political Federalism. Growth of Regional Parties.

**Unit 2** : Parliamentary government:

- 2.1 : West Minister Model-Indian experience before independence-Choice of Parliamentary Government
- 2.2 : President of India-Election, Qualifications, Impeachment, salary
- 2.3 : Council of Ministers-President's constitutional position.
- 2.4 : Governor and State Government-Constitutional Relationship
- 2.5 : Legislative Process-Privileges, freedom of speech. Practice of law making etc.,
- 2.6 : Legislative Privileges v. Fundamental Rights. In re. Art. 143 of the Constitution of India.
- 2.7 : Prime Minister-Cabinet System-Collective responsibility Individual responsibility. President-Prime minister relation ship.
- 2.8 : Party system-Anti -defection law. Freedom of an A.P. /M.L.A to dissent.

**Unit 3** : Constitutional process of adaptation and alteration:

- 3.1 : Methods of Constitutional Amendments-Written-Unwritten, Rigid-Flexible Constitutions. Provisions which can be amended by ordinary procedure, special procedure, Review of Constitutional Amendments.
- 3.2 : Limitations upon Constitutional amendments *Shankari Prasad, Sajjari Singh.*
- 3.3 : *Golaknath v. Punjab*-Why should federal Rights be immune from the process of Constitutional Amendment.
- 3.4 : Basic structure doctrine as a limitation-*Kesavanand Bharathi.*
- 3.5 : Development of the Basic Structure Doctrine. Constituent Power of the Supreme Court. *Vaman Rao v. Minerva Mills.*

- 3.6 : *Indira Gandhi v. Raj Narain*; Judicial Consensus on Basic Structure Doctrine.  
 3.7 : Legislative and Judicial Attempts to bury the Basic Structure Doctrine; Legitimation of the Basic Structure Doctrine. Special Bench to Reconsider the Basic Structure Issue. Forty-second Constitutional Amendment. Forty fourth Constitutional Amendment .  
 3.8 : *Minerva Mills* and subsequent developments of the Basic Structure Doctrine. Responsibility of the Court; Activism v. Restraint.

**Unit 4** : Emergency:

- 4.1 : Emergency-need for such a provision. Types of Emergencies, Experience in other democracies.  
 4.2 : Proclamation of emergency-conditions-Art. 352-Effect of Emergency on Centre-State Relations.  
 4.3 : Emergency and suspension of Fundamental Rights Arts. 358, 359- *Makhan Singh Tarasikha to A.D.M. Jabalpure*.  
 4.4 : Financial emergency.

**Unit 5** : Services under the constitution.

- 5.1 : Doctrine of Pleasure (Art. 310)  
 5.2 : Protection against Arbitrary Dismissal, Removal or Reduction in Rank (Art. 311)  
 5.3 : *Tulsiram Patel*-Exceptions to Art. 311.

**Unit 6** : Judicial process under the constitution.

- 6.1 : Judicial Review-Art. 32, 226, 227.  
 6.2 : Nature of Judicial Review.  
 6.3 : Court system in India: Backlogs, Arrears, Alternatives, Lok Adalats, etc,  
 6.4 : Judges, Appointments, Conditions of service etc,  
 6.5 : Subordinate Judiciary.  
 6.6 : Jurisdiction of Supreme Court and High court.  
 6.7 : Advisory Jurisdiction of the Supreme Court.  
 6.8 : Public interest Litigation.

**SUGGESTED READINGS**

- 1 : Basu.D.D -Commentary on the Constitution of India.  
 2 : Hidayatullah.M (Ed) -Constitutional Law of India  
 3 : Seervai.H.M -Constitution of India.  
 4 : Austin.G -Indian Constitution A cornerstone of a Nation.  
 5 : Banerjee.A.C -Constitutional History of India.  
 6 : Khanna.H.R -Making of India's Constitution  
 7 : Shiva Rao.B -Framing of India's Constitution.  
 8 : Jain.M.P -Indian Constitutional Law.  
 9 : Relevant volumes of the Annual survey published by Indian Institute.

**PAPER-VIII**  
**ENVIRONMENTAL LAW**  
**Including Wild Life Protection Act**

**Unit 1** : The meaning of environment and pollution:

- 1.1 : Definition, as defined in the Environment Protection Act: 1986 Sec. 2(a); "Pollution" as defined in the same Act, Sec 2(a), (b), (c), (d), (e); and in the water (Prevention and Control of Pollution) Act, 1974. "Forests", as defined in the Indian Forest Act, 1927, and the Forest conservation Act, 1980. the intended meaning of environment in Constitution, Articles 15(2) (b), 24, 39 (a), (b), (c),(e), (f), 47, 48 A, 49.  
 1.2 : Causative factors of Pollution.

**Unit 2** : Subject matter of environmental laws:

**Unit 3** : Types and functions of environmental laws

- 3.1 : Primary Protective Laws  
 3.1.1 : For human-beings: Laws pertaining to: (a) Water (b) Air, (c) Noise, (d) Nuclear radiation, (e) Toxic substances.  
 3.1.2 : For non human-beings: Laws pertaining to (a) Wild life (b) Marine life, (c) Forests, (d) Minor-forests, (e) restrictions on trade.  
 3.2 : Primary planning laws  
 3.2.1 : For production:Laws pertaining to: (a) Land use (b) Irrigation, (c) Industries, (d) Mining, (e) Grazing-land, (f) Catchments areas, (g) Wet land, (h) Estuaries.  
 3.2.2 : For distribution Laws pertaining to: (a) Land ceiling (b) Town planning/zoning, (c) Slums, (d) Housing, (e) Recreational areas, (f) Parks, (g) Sanctuaries, (h) Biospheres.

**Unit 4** : Secondary laws:

- 4.1 : Pertaining to the administration and functioning of Pollution Control Boards; Water-Boards; the Factories Acts, Forest Act Land Reform and Development Acts, industries Act, etc.,
- 4.2 : Laws relating to the administration within the Ministry of Environment and forest.
- 4.3 : Laws relating to the collection, dissemination and publication of data by the Boards of Ministry, concerning.  
: a) Hazardous material, b) Endangering industries, c) Levels of pollution; and d) Types of safety measures available and implemented.
- 4.4 : Laws relating to the role of the lower courts (including the Forest Courts).

**Unit 5** : Tertiary laws:

- 5.1 : Constitutional provisions concerning inter-state relations that concern acquisition, regulation and distribution natural resources, (Water, Forests, Mines, Oil) (with special emphasis on Art. 14, 19, 31-A, 31-B, 31-C, 39(b)&(c); Union list; 6, 52, 56, 57 State list: 17, 18, 21, 23. concurrent List: 17, 17-A, 17-B, 18, 20, and Ninth Schedule.
- 5.2 : Constitutional provisions: The Constitution of India Art. 14, 15, 2(b), 19(e), 21, 31-c, 32, 38, 39, 42, 47, 48-A, 49, 51, 51-A (g).

**Unit 6** : International parameters of environment:

- 6.1 : Stockholm Declaration and its impact.
- 6.2 : Rio Summit
- 6.3 : United Nations Environmental Programme (UNEP).
- 6.4 : State responsibility for environmental pollution
- 6.5 : North South Perspective.

**Unit 7** : Legal strategies regulation

- 7.1 : Deterrence through criminal liability, Strict liability, Absolute Liability and Vi-carious liability.
- 7.2 : Principles of calculating penalties and economic sanctions against offenders.
- 7.3 : Principles and methods of standardization
- 7.4 : Managerial
- 7.4.1 : Principles of tortuous liability
- 7.4.2 : Estoppel
- 7.4.3 : Strategies of incentives, through non-taxation, deductions etc,
- 7.4.4 : Methods of recovery through insurances, sureties, bonds etc,
- 7.5 : Environmental courts/Tribunals

**Unit 8** : Rights in common law:

- : Basis of occupancy, usufruct and group or collective rights of indigenous communities in national and international laws.

**Unit 9** : Natural rights theories and its advocacy in environment related issues:

- 9.1 : Right to life.
- 9.2 : Right to livelihood
- 9.3 : Right to reside
- 9.4 : Right to development
- 9.5 : The rights of future generations

**Unit 10** : Multinational corporate liabilities:

- : In the legal responsibilities of multinational funding agencies.

**Unit 11** : Judicial activism and environment:

**SUGGESTED READINGS**

- 1 : Agarwal.A. (ed.,)-The State of India's Environment the Second Citizen's Report (1985).
- 2 : Chatrapathi Singh-Common property and common poverty (1985)
- 3 : Jayal, Bandhopadhyay and Singh (ed.,) India's environment crises and response (1985)
- 4 : Leelakrishnan.P (ed.,)-Environment and the law (1986)
- 5 : Jain.S.N (ed.,)-Pollution Control and the law (1978)
- 6 : Baxi.U-The Bhopal case (1986)

**Unit-1** : Need to study Jurisprudence; Its relationship with political; power structures and just society.

**Unit-2** : What is a Concept?

2.1 : Concept; Ideas and Notions

2.2 : What is Theory? Difference between theory; hypothesis; conjecture; and opinions.

**Unit-3** : What is a Norm?

3.1 : Difference between maxims, rules, principles and customary rules

3.2 : Differences between Primary Rules and Secondary Rules.

3.3 : What is a Normative System

**Unit-4** : Concept of Law; Its difference with laws of natural science, social sciences, statistics, history

4.1 : Laws on obligation

**Unit-5** : Why are Laws obligatory?

5.1 : Define and discuss the following legal concepts: liability, obligation, sanction, coercion, compulsion, duty, estoppel, promise, Dharma with case material

5.2 : Contractarian Theories: General-will theories and Free-will theories and Autonomous theories particularly Positivist theories connected development of Austin onwards: Reference to Dworkin; Rawls and Marxian terms of the Doctrine of withering away of state, including Transcendental Theories.

5.3 : Whom does the law obligate? Personality; people; state-with particular reference to Directive Principles of State Policy; *locus standi*, Randhir Singh, Golaknath and other relevant cases.

**Unit-6** : Theories of Authority

6.1 : Types of authority; legislative, judicial and customary-their binding nature.

6.2 : Binding ness with regard to Precedent. Determination of ratio and methods of Wanbaugh, Salmond, Good Hart, Simpson's approach in Jacob's case. Also the studying factors of Llewellyn (information to be provided that there is no distinction between making and declaring, basing on Gestalt psychology. (Ref: Peter Brett)

**Unit-7** : Limits on Legislative Authority

7.1 : Positivist view that there are no limits. Discuss with reference to Austin, Kelsen, Golaknath and D.C Wadhwa's case.

7.2 : Natural Law view that the limits are defined by principles of morality or natural justice; the legislation, from whatever source, must be in accordance with such principles. Discuss with reference to Aquinas, Finnis.

7.3 : The Rationalists view that the limits are set by rational principles of justice- Discuss with reference to Kant, Rawls.

7.4 : The Basic Structure Doctrine-that the limits are set by the Basic Structure of the Constitution or the law itself; any legislation contrary to the basic structure is non-law (ref: *Kesavananda Bharathi's* case)

7.5 : Define and discuss the basic legal Concept of Reasonableness with reference to Indian cases. *State of Madras v. V.G. Row* (1952 SC 196).

*Dwaraka Prasad Laxmi Narayan v. State of U.P* (AIR 1954 SC 224).

*Krishanchanda Arora v. Commissioner of Police* (1961 3 SCR 135).

*Hardhan Shah v. State of West Bengal* (1975 3 SCC 198).

*Air India v. Nargesh Meerza* (AIR 1987 SC 1829).

*Maneka Gandhi v. Union of India* (1978 2SCR 621).

**Unit -8** : The Functions of Law

8.1 : Law as the upholder of the moral order in the society

8.2 : Concept of Dharma and connection between Law and Morality

8.3 : Law for bringing efficiency and social stability; the utilitarian views

8.4 : The differences between the ends of a legal order, a political order and a religious order. Are they interchangeable? Can one replace another? Issue concerning the dialectics of law

8.5 : Law as a means of Social Control

8.6 : Law as Volksggeist

## 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 : M.D.A Freeman (ed.), Lloyd's Introduction to Jurisprudence, (1994), Sweet & Maxwell  
 5 : H.L.A Hart, The Concepts of Law (1970) Oxford, ELBS  
 6 : Dias, Jurisprudence (1994 First Indian re-print), Aditya Books, New Delhi.

**PAPER- X**  
**ADMINISTRATIVE LAW**

**Unit -1** : Evolution, Nature and Scope of Administrative Law

- 1.1 : From a *Laissez Faire* to a Social Welfare State; State as regulator of private-interest; State as provider of services; Other functions of Modern State; Relief; Welfare  
 1.2 : Evolution of Administration as the fourth branch of government; Necessity for delegation of powers on administration  
 1.3 : Evolution of agencies and procedures for settlement of disputes between individual and administration  
 1.3.1 : Regulatory Agencies in the United States  
 1.3.2 : Conseil d'Etat of France  
 1.3.3 : Tribunalization in England and India  
 1.4 : Relationship between Constitutional Law and Administrative Law and Public Administration  
 1.5 : Separation of Powers: To what extent relevant to administrative functions?  
 1.6 : Rule of Law and Administrative Law  
 1.7 : Definitions of Administrative Law  
 1.8 : Scope of Administrative Law  
 1.9 : Emerging trends: Positive duties of administration under the modern social welfare legislation and compulsions of planning

**Unit -2** : Bureaucracy in India

- 2.1 : Nature and Organization of civil service; central and State  
 2.2 : Its hierarchical character; Accountability and Responsiveness  
 2.3 : Powers and Functions  
 2.4 : Attainment of developmental and social welfare goals through bureaucracy; Problems and perspectives  
 2.5 : Class character and Structure  
 2.6 : Administrative deviance; Corruption; Nepotism; Mal-administration; Disciplinary proceedings and Prosecutions under Prevention of Corruption Act.

**Unit -3** : Legislative powers of administration

- 3.1 : Necessity for delegation of legislative power  
 3.2 : Constitutionality of delegated legislation; Powers of exclusion and inclusion and power to modify statute.  
 3.3 : Requirements for the validity of delegated legislation  
 3.3.1 : Consultation of affected interests and public participation in decision making  
 3.3.2 : Publication of delegated legislation  
 3.4 : Administrative directions; circular and policy statements  
 3.5 : Legislative Control of delegated legislation  
 3.5.1 : Laying procedures and their efficacy  
 3.5.2 : Committees on delegated legislation-their constitution-function and effectiveness  
 3.5.3 : Hearings before Legislative Committees  
 3.6 : Judicial Control of delegated legislation-Doctrine of *Ultra Vires*  
 3.7 : Sub-Delegation of legislative powers

**Unit-4** : Judicial powers of administration

- 4.1 : Need for devolution of adjudicatory authority on administration  
 4.2 : Administrative Tribunals and other adjudicating authorities their *ad hoc* character-Compare administration of justice in court with that of Tribunals (Ref.Robson)  
 4.3 : Nature of Tribunals; Constitution; Procedure; Rules of evidence, etc., with special reference to the following:  
 4.3.1 : Central Board of Customs and Excise  
 4.3.2 : MRTP Commission  
 4.3.3 : ESI courts  
 4.3.4 : Service Tribunals  
 4.4 : Jurisdiction of Administrative Tribunals and Other authorities; Distinction between quasi-judicial and administrative functions and relevance of this distinction in the light of recent decisions of the Supreme Court  
 4.5 : The Right to Hearing; Essentials of hearing process, Bias (no one can be a judge in his own cause); Oral Hearing, etc.,



- 4.6 : Rules of Evidence- No evidence; some evidence and Substantial evidence rules
- 4.7 : Requirements regarding Reasoned Decisions.
- 4.8 : The Right to Counsel
- 4.9 : Institutional Decisions
- 4.10 : Administrative Appeals
- 4.11 : Council on Tribunals and Inquiries in England
- 4.12 : US Regulatory Agencies and Administrative Procedures Act, 1946
- 4.13 : Emerging trends of Tribunalization in India as a means to relieve congestion in courts and utilization of administrative expertise

the

**Unit -5** : Judicial Control of Administrative Action

- 5.1 : Preliminary
  - 5.1.1 : Courts as the final authority of determine legality of administrative action; Problems and Perspectives
  - 5.1.2 : Exhaustion of Administrative Remedy
  - 5.1.3 : Standing; Standing for Social Action Litigation
  - 5.1.4 : Laches
  - 5.1.5 : *Res Judicata*
- 5.2 : Grounds of Judicial Review: Scope of judicial review
  - 5.2.1 : Jurisdictional error/*ultra vires*
  - 5.2.2 : Abuse and non exercise of jurisdiction
  - 5.2.3 : Error apparent on the face of the record
  - 5.2.4 : Violation of Principles of Natural Justice
  - 5.2.6 : Primary jurisdiction
  - 5.2.7 : Absence of ripeness
  - 5.2.8 : Political Question
  - 5.2.9 : Doctrine of Legitimate Expectation
- 5.3 : Methods of Judicial Review
  - 5.3.1 : Statutory Appeals
  - 5.3.2 : *Mandamus*
  - 5.3.3 : *Certiorari*
  - 5.3.4 : *Prohibition*
  - 5.3.5 : *Quo-warranto*
  - 5.3.6 : *Habeas corpus*
  - 5.3.7 : Declaratory Judgment and Injunctions
  - 5.3.8 : Specific Performance and civil suits for compensation
  - 5.3.9 : Fact-finding Commissions

**Unit -6** : Administrative Discretion

- 6.1 : Need for administrative discretion
- 6.2 : Administrative discretion and Rule of Law
- 6.3 : Malafide exercise of discretion
- 6.4 : Constitutional imperatives and use of discretionary authority
- 6.5 : Irrelevant Considerations
- 6.6 : Non-exercise of discretionary power
- 6.7 : Discretion to prosecute or to withdraw prosecution
- 6.8 : Limiting, confining and restructuring discretion-general discretion, technical discretion

**Unit-7** : Liability for wrongs: (Tortuous and Contractual)

- 7.1 : Tortuous Liability: Sovereign and Non-sovereign functions
- 7.2 : Crown Proceedings Act of UK and Torts Claims Act of US
- 7.3 : Statutory Immunity
- 7.4 : Act of State
- 7.5 : Contractual liability of Government
- 7.6 : Government privilege in legal proceedings; State secrets, Public interest, etc.,
- 7.7 : Right to Information and Open government
- 7.8 : *Estoppel* and Waiver

**Unit 8** : Corporations and Public undertakings

- 8.1 : State Monopoly; Remedies against arbitrary action or for action against public policy
- 8.2 : Liability of public and private corporations of departmental undertakings
- 8.3 : Legal Remedies
- 8.4 : Accountability; Committee on public undertakings, Estimates committee, etc.,

**Unit-9** : Informal methods of settlement of disputes and grievance redressal procedure

- 9.1 : Conciliation and mediation through Social Action Groups

- 9.2 : Use of media, lobbying and public participation in policy making
- 9.3 : Public inquiries and Commissions of inquiry
- 9.4 : Ombudsman, Parliamentary Commissioner
- 9.5 : *Lok pal, lok ayukta*
- 9.6 : Vigilance Commission
- 9.7 : Congressional and Parliamentary Committees

## SUGGESTED READINGS

- 1 : D.D.Basu, Comparative Administrative Law (1998).
- 2 : Wade, Administrative Law (Seventh Ed, Indian print 1997), Universal, Delhi
- 3 : J.C.Garner, Administrative Law (1989)
- 4 : M.P.Jain, Cases and Materials on Indian Administrative Law, Vol.I and II (1996) Universal, Delhi.
- 5 : Jain & Jain, Principles of Administrative Law (1997), Universal Delhi.
- 6 : P.Sathe, Administrative Law (1998) Butterworths-India, Delhi.

## THIRD SEMESTER Paper - XI: PROPERTY LAW

(Including Transfer of Property Act and Easement Act)

### Unit 1:

- 1 Jurisprudential contours of property
- 1.1 Concept and Meaning of Property: New Property; Governmental largesse
- 1.2 Kinds of property: Movable and Immovable property; Tangible and Intangible property; Intellectual property; Copyright; Patents and Designs; Trademarks
- 1.3 Private and Public property: Natural resources as property; Privatization of public property
- 1.4 Capitalist and socialist analysis of property: Property in means of Production
- 1.5 Possession and ownership as man; property relationship; Finder of lost goods
- 1.6 Social Functions of Property

### Unit 2:

#### 1 LAW RELATING TO TRANSFER OF PROPERTY

- 1.1 General Principles of transfer of Property
- 1.2 Specific Transfers
- 2.2.1 Sale

### Unit 3:

- 3.1 Mortgage
- 3.2 Kinds of Mortgages, Simple Mortgage, Mortgage by conditional sale; distinguished from sale with a condition for repurchase. Usufructuary Mortgages, English Mortgage.
- 3.3 Distinguished from Mortgage by conditional sale, Mortgage by deposit of title deeds;
- 3.4 When registration is necessary? Anomalous Mortgage
- 3.5 Systematic constraints; When formalities are required? Formalities effect of non - Registration; Debt may be proved
- 3.6 Rights of Mortgagor; Right to Redeem; distinction between "Due" and "Payable"; Clog on redemption; Partial redemption; Accession to mortgaged property and Improvements; Mortgagor's power to lease
- 3.7 Rights and liabilities of Mortgagee; Right to Foreclosure or Sale; Rights to sue for mortgage money; Accession to mortgaged property; Rights of mortgagee in possession; Substituted Security
- 3.8 Liabilities of a Mortgagee in possession
- 3.9 Postponement of Prior Mortgage
- 3.10 Marshalling and Contribution
- 3.11 Who may Sue for redemption?
- 3.12 Conventional Subrogation; Legal Subrogation; "Redeem Up and Foreclose Down"

### Unit 4: Actionable Claims, Security Interests in Immovables

### Unit 5: Charges

### Unit 6: Leases

## **Unit 7: Exchange**

## **Unit 8: Gifts**

## **Unit 9:**

- 9.1 Easements
- 9.2 Creation of Easements
- 9.3 Nature and Characteristics of Easements
- 9.4 Extinction of Easements
- 9.5 Riparian Rights
- 9.6 Licenses

## **Unit 10: Recordation of Property Rights**

- 10.1 Law relating to Registration of documents affecting property relations; Exemption of leases and mortgages in favor of Land Development Bank from registration
- 10.2 Recordation of rights in agricultural land with special reference to respective states
- 10.3 Investigation of title to property
- 10.4 Law relating to Stamp Duties
- 10.5 Of the liability of instruments to duty
- 10.6 Duties by whom payable
- 10.7 Effect of not only duty stamping instruments; examination and impounding of instruments; inadmissibility on evidence impounding of instruments

# **PAPER - XII - LABOUR LAW-I**

## **Unit 1: HISTORICAL PERSPECTIVES OF LABOUR**

- 1.1 Labour through the ages; Slave labour; guild system; Division on caste basis; Labour during feudal days
- 1.2 Colonial labour law and policy
- 1.3 Labour capital conflicts: exploitation of labour, profit motive, poor bargaining power, poor working conditions, unorganized labour, surplus labour, division of labour and super specialization, lack of alternative employment
- 1.4 International Labour Standards and their implementation
- 1.5 From laissez faire to welfare state: transition from exploitation to protection and from contract to statute

## **Unit 2: TRADE UNIONISM**

- 2.1 Labour Movement as a counter measure to exploitation,
- 2.2 History of Trade Union Movement in India Right to trade union as part of human right to freedom of association, amalgamation, rights and liabilities, dissolution
- 2.3 Legal Control, and protection of trade union, registration, amalgamation, rights and liabilities; dissolution
- 2.4 Problems, multiplicity of unions, over politicization intra - union and inter - union rivalry, outside leadership, closed shop and union - shop, recognition of unions

## **Unit 3: COLLECTIVE BARGAINING**

- 3.1 Concept of collective bargaining
- 3.2 International norms, conditions precedent; merits and demerits
- 3.3 Bargaining process
  - 3.3.1 Negotiation
  - 3.3.2 Pressurization: Strike and Lockout, go slow, work to rules, gherao
- 3.4 Structure of bargaining: plant, industry and national levels
- 3.5 Duration and enforcement of bipartite agreement
- 3.6 Reforms in law

## **Unit 4:**

## **4 STATE REGULATION OF INDUSTRIAL RELATIONS**

- 4.1 Theoretical foundations social justice, labour welfare, public interest, productivity, Industrial peace and development, price control
- 4.2 Methods of regulation
  - 4.2.1 Recognition of mutual arrangements
  - 4.2.2 Assistance to bipartite settlements: conciliation, voluntary arbitration, formulation of standing orders
  - 4.2.3 State prescription of machinery: reference for adjudication (the political overtones), adjudicatory mechanisms (how do they differ from courts?) award, its binding nature, judicial review of awards
  - 4.2.4 State prescription of standards in lay off, strike, lockout, retrenchment, closure and transfer of undertakings
- 4.3 The Conceptual conundrum: industry, industrial dispute, workmen
- 4.4 Unfair Labour Practices

**Unit 5:**

- 5 Discipline in Industry: restrains on managerial prerogatives
  - 5.1 Doctrine of Hire and Fire: history of management's prerogative
  - 5.2 Fairness in disciplinary process
    - 5.2.1 Punishment for misconduct: meaning of misconduct
    - 5.2.2 The right to know: the charge sheet
    - 5.2.3 The right to defend: domestic enquiry, notice, evidence, cross examination, representation, unbiased inquiry officer and reasoned decision
    - 5.2.4 Prenatal (permission) and Postnatal (approval); control during pendency of proceedings (S.33 of the I.D.Act.)

**Unit 6:** Legal Control and protection of trade unions: Indian Trade Union Act of 1926:

- 6.1 Registration, rights and liabilities of trade union.
- 6.2 Amalgamation and dissolution of trade union.
- 6.3 Problems; multiplicity of unions, over politicization, intra – union and inter – union Rivalry, outside leadership, closed shop and union- shop.
- 6.4 Recognition of unions.
- 6.5 Amendments to Trade Union Act and reforms in law.

**Unit 7:** Law relating to service conditions:

- 7.1 Industrial employment (standing Orders) Act, 1946- Scope and Object of the Act,
- 7.2 Model Standing Orders, and matters to be incorporated in standing orders (Schedule to the Act)
- 7.3 Submission of draft standing order, certification and modification of standing orders :
- 7.4 Interpretation of standing orders and power of appropriate Government to make rules ,
- 7.5 Concept of misconduct, disciplinary action and punishment for misconduct.

**Unit 8:** Law relating Industrial Disputes: Industrial Disputes Act, 1947-

- 8.1 Conceptual conundrum: industry, industrial dispute, workmen;(Sec.2 'J'K' and 'S');

**Unit 9 :** Law relating Industrial Disputes: Industrial Disputes Act, 1947

- 9.1 Disputes settlement machinery.
- 9.2 Conciliation officers,
- 9.3 Board of Conciliation,
- 9.4 Labour court,
- 9.5 Industrial Tribunal and National Tribunal – duties and powers; (Sec.3-10)
- 9.6 Reference for adjudication Voluntary Arbitration (Sec 10 & 10A).
- 9.7 Award its binding nature and Judicial review of awards. (Sections 18 & 11-A).
- 9.8 Statutory limitations on strikes and lock-outs; unfair labour practices – prohibition and penalties, (Sec.22-31 & 25-T, 25U).
- 9.9 General and special provisions relating to lay-off, retrenchment and closure (Sections 25A- 25S and 25K – 25R).

**Unit 10:** Recommendations Second Labour Commission on Industrial Disputes.

**Books recommended:-**

1. R.F. Rustomji : The Law of Industrial Disputes in India
2. J.N.Malik : Trade Union Law
3. Bagri: Law of Industrial Disputes, Kamal Law House, 2001.
4. Srivastava : Law of Trade Unions , Eastern Book Company, 4<sup>th</sup> Edition ,2002
5. Dr. V.G. Goswami: Labour and Industrial Law , Central Law Agency, Allhabad.
6. S.N.M.Mishra : Labour and Industrial Law , Central Law Agency, Allhabad.
7. Khan & Khan : Labour Law , Asia Law House, Hyd.

**Paper -XII:**

**COMPANY LAW**

**Unit 1:**

- 1 Meaning of Company: Various theories of Corporate Personality; Creation and Extinction of company

**Unit 2:**

- 2 Forms of Corporate and Non – corporate organizations
- 2.1 Corporations, Partnerships and other associations of persons.
- 2.2 State Corporations, Government companies.
- 2.3 Public Sector, Small Scale, Co – operative, Corporate and Joint Sectors:
- 2.4 Foreign Collaboration; their role functions and accountability:
- 2.5 Companies and the Rule of Law, their Civil and Criminal Liability, their Essential Characteristics

**Unit 3: 3 FORMALITIES OF A COMPANY:**

- 3.1 Law relating to companies; Public and Private companies Act, 1956
- 3.2 Need of company for development; Formation of a company; Registration and Incorporation
- 3.3 Memorandum of Association: Various clauses : Alteration there in: Doctrine of Ultra Vires Articles of Association: Binding force; Alteration; its relations with Memorandum of Association; Doctrine of Constructive Notice and Indoor Management; Exceptions
- 3.4 Prospectus: Issue – contents- liability for misstatements- Statement in lieu of prospectus
- 3.5 Promoters – position – duties and liabilities

**Unit 4: 4 SHAREHOLDERS AND DIRECTORS**

- 4.1 Shares, General Principles of allotment, Statutory Restrictions, Share certificate its objects and effects; Transfer of share, Restrictions on transfer, Procedure for transfer, refusal of transfer, role of public financial institutions, relationship between transferor and transferee, issue of shares at premium and discount
- 4.2 Shareholder: Who can be and who cannot be a shareholder? Modes of becoming a shareholder, calls on shares, forfeiture and surrender of shares, lien on shares, rights and liabilities of shareholder
- 4.3 Share Capital: kinds, alteration and reduction of share capital, further issue of capital, Conversion of loans and debentures into capital, duties of court to protect the interests of creditors and shareholders
- 4.4 Director's position, appointment, qualifications, vacation of office, removal, resignation, powers and duties of directors, meeting, registers, loans, remunerations of directors, role of nominee directors, compensation for loss of office, managing directors and other managerial personnel

**Unit 5: 5 DIVIDENDS**

- 5.1 Meetings, kinds, procedure, voting
- 5.2 Dividends, payment capitalization of bonus shares
- 5.3 Audit and Accounts

**Unit 6: DEBENTURES, BORROWING POWERS**

- 6.1 Debentures: meaning, need, floating charge, kinds of debentures, shareholder and debenture holder, remedies of debenture holders
- 6.2 Protection of Minority Rights
- 6.3 Prevention of oppression and who can apply? When can he apply? , powers of The court and of the Central Government?
- 6.4 Borrowing powers, effects of unauthorized borrowing charges and mortgages, Loans to other companies investments, contracts by companies

**Unit 7: OTHER ALLIED ASPECTS**

- 7.1 Private companies, nature, advantages conversion into public company, foreign Companies, government companies, holding and subsidiary companies
- 7.2 Investigations, powers
- 7.3 Reconstruction and Amalgamations
- 7.4 Defunct Companies

**Unit 8: WINDING UP: Types: by court, reasons, grounds, who can apply?**

- 8.1 Procedure.
- 8.2 Powers, of liquidator
- 8.3 Powers of court,
- 8.4 Consequences of winding up order.
- 8.5 Voluntary winding up by members and creditors.
- 8.6 Winding up subject to supervision of court.

- 8.7 Liability of past members.
- 8.8 Payment of liabilities preferential payments.
- 8.9 Unclaimed dividends
- 8.10 Winding up of unregistered company

**Unit 9: LAW AND MULTINATIONAL COMPANIES:**

- 9.1 Collaboration, agreements for technology transfer
- 9.2 Control and regulation of foreign companies, taxation of foreign companies, share capital in such companies

**Unit 10: LAW REFORMS**

**Paper - XIV**  
**PUBLIC INTERNATIONAL LAW**

**Unit 1:**

**1 STATES AS SUBJECTS OF INTERNATIONAL LAW**

- 1.1 Nature of International Law
- 1.2 Evolution nature of state as a subject of International Law
- 1.3 Criteria of Statehood
- 1.4 Distinction between State and Governments
- 1.5 Recognition of States and Governments
- 1.6 The notion of State Succession

**Unit 2:**

**2 STATES AS MAKERS OF INTERNATIONAL LAW**

- 2.1 Custom- Creation through State Practice
  - 2.1.1 Concept of "State practices" creative of "Custom"
  - 2.1.2 Types of Custom
  - 2.1.3 Proof of Custom
  - 2.1.4 Place of customary International Law in the evolution, and for the future, of international law
  - 2.1.5 Treaties
  - 2.1.6 Concept of treaties
  - 2.1.7 Types of treaties (bilateral/regional/multilateral; dispositive/non dispositives; Law - creating)
  - 2.1.8 Authority to enter into treaties which special reference to India and SAARC
  - 2.1.9 Essential of a valid treaty, with special reference to Jus Cogens
  - 2.1.10 State Succession to treaties
  - 2.1.11 Selected problems in treaty interpretation

**Unit 3: International adjudication**

- 3.1 General principles of civilized nations and juristic writing (publicists) as acknowledged Subsidiary
- 3.2 International Law Creating Act.
- 3.3 The Resolution of the General Assembly as Law Creating Acts
- 3.4 The Status of Specialized United Nations Agencies
- 3.5 The role of international NGO's in international law creation

**Unit 4:**

- 4 Individuals, non state communities and peoples in international law
  - 4.1 The traditional discourse concerning Individual as a subject and object of international law
  - 4.2 The basic modification, post charter, in the position of the individual

**Unit 5:**

- 5 Equitable resource utilization and just world order
  - 5.1 The traditional concepts of State Jurisdiction
  - 5.2 The reformulation of the law of the common heritage or mankind
    - 5.2.1 From mare liberum to the common heritage of mankind

**Unit 6: SEA LAW**

- 6.1 Territorial Waters
- 6.2 Continental Shelf
- 6.3 Sea - bed and Ocean - floor
- 6.4 Special problem of Antarctica.

## **Unit 7: AIR LAW**

- 7.1 The law of outer space, the moon Treaty, Geo Stationary object in outer space
- 7.2 Problems of liability in the case of hazards
- 7.3 The emerging law concerning trans - boundary pollution accident (Chernobyl, Basse and Bhopal)

## **Unit 8: INTERNATIONAL ECONOMIC LAW**

- 8.1 The IBRD, The IMF
- 8.2 The GATT
- 8.3 The UNCTAD; W.T.O

## **UNIT 9:- INTERNATIONAL ORGANISATIONS**

- 9.1.1 League of Nations
- 9.1.2 United Nations
- 9.1.3 The General Assembly
- 9.1.4 The Security Council
- 9.1.5 The International Court of Justice (ICJ)
- 9.1.6 The Economic and social Council
- 9.1.7 The Trusteeship Council
- 9.1.8 The Secretariat
- 9.2 Specialised Agencies
  - 9.2.1 International Labour Organisation (ILO)
  - 9.2.2 World Health Organisation (WHO)
  - 9.2.3 United Nations Educational, Scientific and Cultural Organisation (UNESCO)

## **UNIT - 10:- International Law - Terrorism**

### **Paper XV** **INTERPRETATION OF STATUTES** **(Optional - I)**

#### **Unit 1: INTRODUCTION**

- 1.1 Difference between construction and interpretation
- 1.2 Concept and power of interpretation
  - 1.2.1 Literal construction
  - 1.2.2 Other principles of interpretation
- 1.3 General principles of interpretation
  - 1.3.1 The Primary rule: literal construction
  - 1.3.2 The other main principles of interpretation
  - 1.3.3 Reading words in their context: the external aspect
  - 1.3.4 Reading words in context: the statutory aspect

#### **Unit 2: BENEFICIAL CONSTRUCTION**

- 2.1 Restrictive construction
  - 2.1.1 Consequence to be considered
  - 2.1.2 Presumption against changes in the common law
  - 2.1.3 Mens rea in statutory offences
- 2.2 Construction to prevent evasion of abuse
  - 2.2.1 Consequence to prevent evasion
  - 2.2.2 Construction to prevent abuse of powers

#### **Unit 3:**

- 3.1 Theoretical or ideological approaches to interpretation
- 3.2 Judicial restraint
- 3.3 Judicial activism
- 3.4 Juristic restraint

#### **Unit 4: PRESUMPTIONS REGARDING JURISDICTION**

- 4.1 Presumptions against ousting established jurisdictions
- 4.2 Presumptions against creating new, and enlarging established jurisdictions
- 4.3 How far statutes affect the crown
- 4.4 Further presumptions regarding jurisdiction
  - 4.4.1 Territorial extent of British legislation
  - 4.4.2 How far statutes conferring rights affect foreigners
  - 4.4.3 Presumptions against a violation of international law

## **Unit 5: CONSTRUCTIVE TO AVOID COLLISION WITH OTHER PROVISIONS**

- 5.1 Construction most agreeable to justice and reason
  - 5.1.1 Presumption against intending what is inconvenient or unreasonable
  - 5.1.2 Presumption against intending injustice or absurdity
  - 5.1.3 Presumption against impairing obligation, or permitting advantage from one's own wrong
  - 5.1.4 Retrospective operation of statutes

## **5.2 EXCEPTIONAL CONSTRUCTION**

- 5.2.1 Modification of the language to meet the intention
- 5.2.2 Equitable construction
- 5.2.3 Strict construction of penal laws
- 5.2.4 Statutes encroaching on rights or imposing burdens

## **Unit 6: SUBORDINATE PRINCIPLES**

- 6.1 Usage and contemporanea exposition
- 6.2 Construction imposed by statute
- 6.3 Construction of words in bonam partem
- 6.4 Change of language
- 6.5 Understanding associated words in a common sense, and the expressio unius rule
- 6.6 Generic words following more specific
- 6.7 Meaning of some particular expression

## **Unit 7: Intentions attributed to the legislature when it expresses none**

- 7.1 Imperative and directory enactments
- 7.2 Absolute and qualified duties
- 7.3 Impossibility of compliance
- 7.4 Waiver
- 7.5 Public and private remedies

## **Unit 8: STARE DECISIS**

- 8.1 The doctrine as inherited by us
- 8.2 Techniques of innovation (subversion) of stare decisions
- 8.3 Supreme Court's authority to overrule its own decisions (e.g. The Antulay's Case)
- 8.4 Advisory jurisdiction and its import on precedent
- 8.5 Prospective overruling in India
- 8.6 Objections to judicial review as anti majoritarian

## **Unit 9: STATUTORY INTERPRETATION AS ASPECTS OF JUDICIAL PROCESS**

- 9.1 Rules of statutory interpretation their judge made character
- 9.2 Legalism and rule of literal interpretation
- 9.3 Creativity: mischief and golden rule
- 9.4 Self discipline: rules of construction in Fiscal and Criminal Statutes
- 9.5 Technicality rules as to necessary and implied repeal: Rules for interpretation of codifying, consolidating and amending statute
- 9.6 Values and interpretation

## **Unit 10: CONSTITUTIONAL INTERPRETATION**

- 10.1 Differentiation from statutory interpretation; Rex Vs. Burah as example
- 10.2 Literal interpretation
- 10.3 Harmonious construction
- 10.4 Reference to Constituent Assembly debates
- 10.5 Pith and Substance
- 10.6 Occupied field
- 10.7 Residuary power
- 10.8 Repugnancy
- 10.9 Amending power
- 10.10 Directive Principles as sources of Constitutional Interpretation



# PAPER -XVI

## LABOUR LAW - II

### **Unit 1:**

#### **1 REMUNERATION FOR LABOUR**

- 1.1 Theories of Wages: marginal productivity, subsistence, wages fund, supply and demand, residual claimant, standard of living
- 1.2 Concepts of Wages (minimum wages, fair wages, living wages, need based minimum Wages)
- 1.3 Components of Wages: dearness allowance, principles of fixation
- 1.4 Disparity in Wages in different sectors: need for rationalization and national approach
- 1.5 Wage determining process: modes and modalities
  - 1.5.1 Unilateral fixation by employer
  - 1.5.2 Bilateral fixation
  - 1.5.3 Conciliation, arbitration and adjudication
  - 1.5.4 Wage Board and Pay Commission
  - 1.5.5 Principles of wage fixation
- 1.6 Concept of bonus; computation of bonus
- 1.7 Protection of Wages: nonpayment, delayed payment, unauthorized deductions, remedial measures

### **Unit 2:**

#### **2 Health and Safety**

- 2.1 Obligations for health and safety of workmen legislative controls: factory, mines and plantations
- 2.2 Employer's liability
  - 2.2.1 Workmen's Compensation
  - 2.2.2 Employees State Insurance
  - 2.2.3 Liability for hazardous and inherently dangerous industries; environmental Protection

### **Unit 3:**

#### **3 Labour Welfare**

- 3.1 Welfare provided by the employers and through bipartite agreements and by statutory prescription
- 3.2 Provident Fund and Family Pension
- 3.3 Gratuity
- 3.4 Interstate migrant workmen; regulation of employment and conditions of service
- 3.5 Regulation of working hours: Statutory controls
- 3.6 Woman and labour force
  - 3.6.1 Equal Remuneration Law, maternity benefits protective provisions for women under Factories, plantations and mines laws
- 3.7 Employment of young persons: prohibition of employment of children, regulation of employment of young persons

### **Unit 4:**

#### **4 Protection of the weaker sectors of labour**

- 4.1 Tribal labour: need for regulation
- 4.2 Beedi workers
- 4.3 Unorganized labour like domestic servants: problems and perspectives
- 4.4 Bonded labour: socio - economic programmes for rehabilitation
- 4.5 Contract labour regulation
- 4.6 Constitutional dimensions of labour standards

### **Unit 5:**

Law relating to wages and bonus :Theories of wages: marginal productivity , subsistence, wage fund , supply and demand , residual claimant , standard of leaving concepts of wages (minimum wage, fair wage, leaving wage, need-based minimum wage): Constitutional provisions : Components of wages:

- 5.1 Minimum wages Act, 1948: Objectives and constitutional validity of the Act: procedure for fixation and revision of minimum rates of wages: exemptions and exceptions :
- 5.2 Payment of wages Act, 1936: Regulation of payment of wages Authorized Deductions ,
- 5.3 Payment of Bonus Act,: Bonus- Its Historical back ground , present position and exemptions , Payment of Bonus (Amendment) Act, 2007

### **Unit 6 : Social Security against employment injury and other contingencies :**

- 6.1 Concept and development of social security measures :
- 6.2 Employers liability to pay compensation for employment injury: Legal Protection : Workmen's Compensation Act, 1923
  - 6.1.1 Concept of 'Accident arising out of' and 'in the course of the employment ': Doctrine of notional extension and doctrine and added peril:
  - 6.1.2 Total and partial disablement:
  - 6.1.3 Quantum and method of distribution of compensation
- 6.3 Employees State insurance Act, 1948:
  - 6.2.1 Benefits provided under the Act:

- 6.2.2 Employees State Insurance Fund and Contributions:
- 6.2.3 Machinery for the implementation of the Act:
- 6.2.4 ESI Court and appeal to High Court

**Unit : 7** Law relating to retirement benefits :

- 7.1 Employees Provident Fund and Miscellaneous Provisions Act, 1952; Family Pension Scheme 1971 and Employees Pension Scheme 1995:
- 7.1.1 The changing rules regarding Employees Provident Fund and Pension Schemes;
- 7.2 Payment of Gratuity Act, 1972 – Concept of gratuity, Eligibility for payment of gratuity, Determination of Gratuity, Forfeiture of gratuity

**Unit: 8** Contract Labour:

- 8.1 Problems of Contract Labour: Process of Contractualisation of labour
- 8.2 Legal Protection: Contract Labour (Regulation and Abolition) Act, 1970; Controversy regarding Abolition of contract labour and their absorption; Land mark cases: Air Indian Statutory Corporation. V. United Labour Union, (1977) & SAIL case (2002);
- 8.3 Proposed amendment and its impact on the contract labour.

**Unit 9:** Unorganized Sector:

- 9.1 Problem of Definition and Identification; Unionization problems
- 9.2 Historical backdrop of proposed bills on social security for unorganized sector (2004,2005 & 2007) ;
- 9.3 Unorganized Sector Worker’s Social Security Act, 2008.

UNIT – 10: - LAW REFORMS

**Books Recommended:**

1. R.F. Rustomji: The law of Industrial Disputes in India;
2. J.N. Malik: Trade Union Law;
3. Bagri: Law of Industrial Disputes, Kamal Law House, Delhi;
4. Srivastava: Law of Trade Unions., Eastern Book Company;
5. Dr. V.G. Goswami, Labour and Industrial Law, Central Law Agency, Allahabad;
6. S.N. Mishra: Labour and Industrial Law, Central Law Agency, Allahabad;
7. Khan and Khan: Labour Law, Asia Law House, Hyderabad.

## PAPER -XVII FAMILY LAW - II

**Unit 1: JOINT HINDU FAMILY (MITHAKSHARA AND DAYABHAGA)**

- 1.2 Mithakshara Joint Families
- 1.3 Mithakshara coparcenary – formation and incidents Property under Mithakshara law – separate property
- 1.4 coparcenary properties
- 1.5 Dayabhaga coparcenary - formation and incidents
- 1.6 Property under Dayabhaga law Kartha of the Joint Family – his position, powers privileges and obligation
- 1.1 Alienation of property – separate and coparcenary
- 1.2 Debts – Doctrine of Pious Obligation and antecedent debt
- 1.3 Partition and Re – union

**Unit 2:** Joint Hindu Family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws in it

**Unit 3: INHERITANCE**

- 3.1 Hindus
- 3.1.1 Historical perspective of traditional Hindu Law as background to the study of Hindu Succession Act,1956.
- 3.1.2 Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act, 1956
- 3.1.3 Devolution of interest in Mithakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956
- 3.1.4 Succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956
- 3.1.5 Disqualifications relating to Succession
- 3.1.6 General rules of Succession
- 3.1.7 Marumakkattayam and Aliyasantana Laws governing people living in Travancore, Cochin and the districts Malabar and South Canara

**Unit 4: NEW PROPERTY CONCEPTS, SUCH AS SKILL, JOB ETC, AS NEW FORMS OF PROPERTY**

**Unit 5: SETTLEMENT OF SPOUSAL PROPERTY:**

A need for development

**Unit 6: MUSLIM LAW OF INHERITANCE AND SUCCESSION**

- 6.1 Rules governing Sunni and Shiva law of inheritance
- 6.2 Differences between Shia and Sunni laws
- 6.3 Administration of Estates

**Unit 7: Wills under Muslim Law**

**Unit 8: INDIAN SUCCESSION LAW**

- 8.1 Domicile
- 8.2 Intestate succession

**Unit 9: Will - Codicil**

- 9.1 Interpretation - re vocation of will
- 9.2 Bequests - Conditional - Contingent or void bequests
- 9.3 Legacies
- 9.4 Pro- Sale and letter of administration
- 9.5 Executor - Administrators
- 9.6 Succession - Certification

**SUGGESTED READINGS**

- 1 A . Kuppusamy (ed) - Mayne's Hindu Law and usage (1956)
- 2 P.V. Kane - History of Dharmasastra, Vol- II (1974)
- 3 B. Sivaramayya - Inequalities and the law (1985)
- 4 J.D.M. Derrett - A critique of Modern Hindu Law
- 5 B.N. Sampath, conversion and inter- personal conflict of laws, Islamic law in modern India - Tahir Mohmood . (ed) 128 (1972)
- 6 A.A.A. Fyzee - Outlines of Mohammedan Law
- 6 B. Malik (ed), Varma's Mohammadan Law, 275 - 76 (1978)
- 7 S.T. Desai's (ed), Mulla's principles of Hindu law
- 8 Paras Diwan - Hindu Law
- 9 Paras Diwan - Family Law
- 10 G.C.V.Subbarao - Family Law in India
- 11 N.R.M. Menon (ed) National Convention of Uniform Civil Code for all Indians (1986)
- 12 Mulla's - Principles of Mohammedan Law
- 13 Relevant volumes of the Annual Survey published by the Indian Law Institute

**Paper - XVIII**  
**TAXATION Law**

- Unit – 1 :** Constitutional Provisions – Arts. 265 to 289 – Scope of Tax Laws : b) Tax and Fee. Capital Receipt and Revenue Receipt distinguished.
- Unit – 2:** Direct Tax Laws: Income Tax Law: Historical out line, Definitions – ‘Income’ ‘Agriculture Income’ ‘Previous Year’ and Assessee’ Incidence of Tax and Residential Status. Statutory exemptions (Ss 10 to 13A ) classification of Income and Heads of Income ( Ss 14 to 59): b) Assessment (Ss.109 to 158) Collection and Recovery of Tax ( Ss 19A – 234) Double Taxation Relief Clubbing of Incomes ( Ss 50-66).
- Unit – 3:** Income Tax Authorities, Settlement of cases (S.245). Appeals and Revisions (Ss246-269), Penalties, offences and Prosecution (Ss270 -280).
- Unit – 4:** Wealth Tax Act: Definitions of Asset, Net Wealth. Valuation Date Deemed Assets . Exempted Assets.
- Unit – 5:** Indirect Tax Laws:
- Unit – 6:** a) Central Sales Act. 1956 – Historical outline – Definitions – A detailed study of Ss. 4 to 6A – Registration of Dealers –Liability in special cases (Ss 16 to 18):
- Unit – 7:** A.P. General Sales Tax Act, 1957 Definitions: Business – Dealer- Casual Dealer – Total turn – over – Registration of dealers ( S. 12)
- Unit – 8:** VAT , Scope of VAT, problems and prospects in its application,
- Unit - 9:** Sales Tax Authorities (Ss3 and 4)
- Unit – 10:** Reforms in Law

**Books Recommended:**

- Dr. Vinod K, Singhania, Student Guide to Income Tax, Taxman.
- Dr. Vinod K. Singhania, Direct Taxes Law & Practice, Taxman Allied Service Pvt. Limited.
- Myneni S.R., Law of Taxation, Allahabad Law Series.
- Kailash Rai, Taxation Laws, Allahabad Law Agency.
- Dr. Gurish Ahuja, Systematic Approach to Income Tax, Bharat Law House Pvt. Limited, Delhi.
- V.S. Datey Law and Practice Central Sales Tax Act, 2003, Taxman Publications.
- Nani Palkhiwala: Income Tax, Butter worths Publications.
- Dr. GK Pillai, VAT – A Model for Indian Tax Reforms.
- Naidu's Sales Tax Act.

**Paper - XIX**

**INTELLECTUAL PROPERTY LAWS**

**(OPTIONAL -2)**

**Unit1: Introduction**

- 1.1 The meaning of intellectual property
- 1.2 Competing rationales of the legal regimes for the protection of intellectual Property
- 1.3 The main forms of intellectual property ; copy right, trade marks, patents, designs, geographical indicatorsmerchandise, franchise and forms of unfair competition
- 1.4 The competing rationales for protection of rights in

**Unit - 2: Copyright - Trademarks - Patents - Designs**

- 2.1 Introduction to the leading international instruments concerning intellectual Property rights:
- 2.2 The Berne Convention, Universal Copyright Convention,
- 2.3 The Paris Union The World Intellectual Property Rights Organization (WIPO)
- 2.4 UNESCO
- 2.5 TRIPS
- 2.6 TRIMS
- 2.7 WTO

**Unit 3: SELECT ASPECTS OF THE LAW OF COPYRIGHT IN INDIA**

- 3.1 Historical evolution of the law
- 3.2 Meaning of copyright
- 3.3 Copyright in literary, dramatic and musical work
- 3.4 Copyright in musical and dramatic work and cinematograph films
- 3.5 Ownership of copyright
- 3.6 Assignment of copyright
- 3.7 Author's special rights
- 3.8 Notion of infringement
- 3.9 Criteria of infringement
- 3.10 Infringement of copyright by films of literary and dramatic works
- 3.11 Importation and infringement
- 3.12 Fair use provisions
- 3.13 Video piracy
- 3.14 Aspects of copyright justice

**Unit - 4: Remedies, especially the possibility of Anton pillar injunctive relief in India**

**Unit 5: INTELLECTUAL PROPERTY IN TRADEMARKS**

- 5.1 The rational of protection of trade marks as (a) an aspect of commercial and (b) of consumer rights
- 5.2 Definition; conception of trade marks
- 5.3 Registration
- 5.4 Distinction between trademark and property mark
- 5.5 The doctrine of honest concurrent user
- 5.6 The doctrine of deceptive similarity
- 5.7 Passing off and infringement criterial of infringement
- 5.8 Standards of proof in passing off action

**Unit - 6: Remedies**

**Unit 7: THE LAW OF INTELLECTUAL PROPERTY - PATENTS**

- 7.1 Conception of patent
- 7.2 Historical overview of the patents law in India
- 7.3 Patentable inventions with special reference to biotechnology products entailing creation of new forms of life
- 7.4 Process of obtaining a patent: application, examination, opposition and sealing of patents; general introduction
- 7.4.1 The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters
- 7.4.2 Wrongfully obtaining the invention
- 7.4.3 Prior publication or anticipation
- 7.4.4 Obviousness and the lack of inventive step
- 7.4.5 insufficient description
- 7.5 Rights and obligations of a patentee
- 7.5.1 Patents as chose in action
- 7.5.2 Duration of patent: law and policy consideration
- 7.5.3 Use and exercise right
- 7.5.4 Right to secrecy

- 7.5.5 The notion of abuse of patent rights
- 7.6 Special categories
  - 7.6.1 Employee invention: law and policy consideration
  - 7.6.2 Combination and selection patents
  - 7.6.3 International patents, transfer of technology, know how and problems of self reliant development
  - 7.6.4 Biotechnology Patents
  - 7.6.5 Patents in nuclear power -new varieties of plant breeds and medicinal plants
  - 7.6.6 Compulsory licenses
- 7.7 Infringement
  - 7.7.1 Criterial of infringement
  - 7.7.2 Onus of proof
  - 7.7.3 Modes of infringement: the doctrine of colorable Variation
  - 7.7.4 Defense in suits of infringement
- Unit 8: Remedies
- Unit 9:** Intellectual property and remedies under Criminal Law      Consideration of some aspects of reform in the law of intellectual property
- Unit 10:**
  - 10.1 Information Technology and exclusive marketing rights

**Paper - XX -**  
**LAND LAWS INCLUDING TENURE AND TENANCY SYSTEM**

- Unit 1:** Ownership of land doctrine of eminent domain
- Unit 2:** Doctrine of Escheat
- Unit 3 : Movement of land reforms
  - 3.1 Pre - independence position zamindari settlements, ryotwari settlement, mahalwari system, intermediaries, absentee landlordism, large holdings
  - 3.2 Post independence reforms
    - 3.2.1 Abolition of Zamindaries
    - 3.2.2 Laws relation to abolition of intermediaries
- Unit 4:** Laws relating to acquisition of property and government control and use of land, Land Acquisition Act. 1894
- Unit 5:** Laws relating to ceiling on land holding
- Unit 6: Urban land ceiling
  - 6.2 Agricultural land ceiling
- Unit 7:** Laws relating to tenancy reforms
  - 7.1 Land to the tiller
  - 7.2 Rent control and protection against eviction
- Unit 8:** Laws relating alienation/ assignment in scheduled areas
- Unit 9:** Laws relating to grabbing
- Unit 10:** Forest laws: Conservation of Forest Act

**SEMESTER-V**

**Paper - XXI**

**CIVIL PROCEDURE CODE AND LIMITATION ACT**

- Unit 1: INTRODUCTORY**
  - 1.1 Concepts of Civil Procedure in India before the advent of the British Rule
  - 1.2 Evolution of Civil Procedure from 1712 to 1901
  - 1.3 Principle features of the Civil Procedure code
  - 1.4 Importance of State Amendments
  - 1.5 Types of procedures - inquisitorial and adversary importance of observance of procedure
- Unit 2: SUITS**
  - 2.1 Concept of laws suit
  - 2.2 Order I, Parties to suit
  - 2.3 Order II, Frame of suit

- 2.4 Order IV, Institution of suit
- 2.5 Bars and suit; Doctrines of Sub Judice and Res judicata
- 2.6 Place of suing (Sec. 15,20) Territorial jurisdiction
- 2.7 'Cause of Action' and Jurisdictional bars
- 2.8 Summons (Sections 27,28,31 Orders IV, VI, IX)
- 2.9 Service of foreign summons (sec. 29)
- 2.10 Power for order (sec. 30, order XI)

**Unit 3: PLEADINGS: (ORDER VI)**

- 3.1 Material Facts
- 3.2 Forms of pleading
- 3.3 Condition precedent
- 3.4 Presumptions of law
- 3.5 Striking out/amendment

**UNIT 4: PLAINT: ORDER VII**

- 4.1 Particulars (esp. in money suits/suits for immovable property)
- 4.2 Showing defendants interest and liability
- 4.3 Ground of Limitation
- 4.4 Return of plaint
- 4.5 Rejection of plaint
- 4.6 Production and listing of documents
- 4.7 Written Statement
- 4.8 Counter claim
- 4.9 Set off
- 4.10 Framing of issues

**UNIT 5: APPEARANCE AND EXAMINATION**

- 5.1 Appearance
- 5.2 Ex parte procedure
- 5.3 Default of portion
- 5.4 Summoning and attendance of witnesses
- 5.5 Examination
- 5.6 Admissions
- 5.7 Production, Importing, Return of Documents
- 5.8 Hearing
- 5.9 Affidavit
- 5.10 Order XVII
- 5.11 Adjournments, judicial discretion and problems arrears

**UNIT 6: JUDGMENT AND DECREE**

- 6.1 Concepts of judgment decree and interim Orders and stay
- 6.2 Injunctions
- 6.3 Appointment of Commissions, Receivers
- 6.4 Costs

**UNIT 7: EXECUTION (ORDER XXI)**

- 7.1 Concept of 'Execution'
- 7.2 General Principles of Execution
- 7.3 Power for Execution of Decrees (sec.38-46)
- 7.4 Procedure for Execution (sec51-54)
- 7.5 Enforcement: Arrest and Detention (sec 55-59)
- 7.6 Attachment (sec 60-64)
- 7.7 Sale (sec 65-67)

**UNIT 8: SUITS IN PARTICULAR CASES:**

- 8.1 Suits by or against Government (sec 79-82)
- 8.2 Suits by aliens and by or against foreign Rulers Ambassadors (Sec 83,87(a))
- 8.3 Suits relating to public matters (sec 91,93)
- 8.4 Incidental and supplementary proceedings (sec75-78, 94-95)
- 8.5 Suits by or against minors, persons with unsound mind, indigent persons etc.
- 8.6 Inter pleader suits

**UNIT 9: APPEALS AND COMMISSION**

- 9.1 Appeals from Original Decrees (sec. 96-99A) and Order XLI
- 9.2 Appeals from Appellate Decrees (Sec 100-103)
- 9.3 Appeals from Orders (sec 101-106) (Order XLIII)
- 9.4 General Provisions Relating to Appeals (sec 107-108)
- 9.5 Appeals to the Supreme Courts (sec109)
- 9.1 The rationale of Commissions
- 9.2 Order XXVI
- 9.3 Social-legal Commissions of inquiry in : Social Action or 'Public' Interest Litigation

## **UNIT 10: LIMITATION**

- 10.1 Concept of limitation-why limitation?
- 10.2 General principles of Limitation.
- 10.3 Extension-Sufficient cause-acknowledgement
- 10.4 Legal Disability-condo nation-when comes to an end?
- 10.5 Limitation Act of 1963 (excluding Schedules)

## **PAPER-XXII LAW OF CRIMES - II (Criminal Procedure Code)**

### **UNIT 1: INTRODUCTORY**

- 1.1 The rationale of Criminal Procedure: The importance of Fair Trial
- 1.2 Constitutional perspectives: Articles 14,20 and 21
- 1.3 The variety of Criminal procedures
- 1.4 The organization of Police, prosecutor, Defense, Counsel and Prison Authorities and their duties, functions and powers
- 1.5 Types of procedures-inquisitorial and Advisory-importance of observance of procedure

### **UNIT 2: PRE-TRIAL PROCESS ARREST : SEARCH AND SEIZURE**

- 2.1 The distinction between cognizable and non-cognizable offences: relevance and adequacy problems
- 2.2 Steps to ensure accused's presence at trial: Warrant and summons cases
- 2.3 Arrest with and without warrant (sec 70-73 and 41)
- 2.4 The absconder's status (sec82-85)
- 2.5 Rights to arrest
- 2.5.1 Rights to be informed of the grounds of arrest (sec.55,60(1),75)
- 2.6 Rights to be taken to the Magistrate without delay (sec56-57)
- 2.7 Rights of not being detained for more than 24 Hours (sec 57 Article 22(2) of the Constitution of India)
- 2.8 Rights to consult legal practitioner and legal aid
- 2.9 Rights to be examined by a medical practitioner (sec54)
- 2.10 Search warrant (sec.83,94,97,98)and Searches without warrant (sec.103)
- 2.11 Police search during investigation (sec, 153, 165,166)
- 2.12 General Principles of search (sec.100)
- 2.13 Seizure (sec.102)
- 2.14 Constitutional aspects of validity of search and seizure proceedings

### **Unit 3: PRE - TRIAL PROCESS: FIR**

- 3.1 FIR (sec.154)
- 3.2 Evidentiary value of FIR (sec. 145,157 of Indian Evidence Act)
- 3.3 Pre - trial process: Magisterial power to take cognizance (sec.195-199 Cr.P.C. )

### **Unit 4: TRIAL PROCESS AND FAIR TRIAL**

- 4.1 Commencement of proceedings (sec.200, 201,202)
- 4.2 Dismissal of complaint (sec. 203,204)
- 4.3 Bail
- 4.3.1 Bailable and non - bailable offences (sec.436,437,439)
- 4.3.2 Cancellation of bails (sec.437(5))
- 4.3.3 Anticipatory Bail (sec.438)
- 4.3.4 Appellate Bail powers - suspension of sentence (sec.389(1),395(1), 437(5))
- 4.3.5 General Principles concerning bond (sec.441-450)
- 4.3.6 Constitutional principles regarding bail
- 4.4 Conception of fair trial
- 4.5 Presumption of innocence
- 4.6 Venue of trial (sec.177-189) jurisdiction of criminal courts
- 4.7 Right of accused to know the accusation (sec.221-224)
- 4.8 The trial must generally be held in accused's presence (sec.205, 273, 317)
- 4.9 Right of cross examination and to offer evidence in defense
- 4.10 Constitutional interpretation of Article 21 as a right to speedy trial

### **Unit 5: CHARGE**

- 5.1 Form and content of charge (sec.211, 212, 216)
- 5.2 Separate charges for distinct - offences (sec.218, 219, 220, 221, 223)

### **Unit 6: PRELIMINARY PLEAS TO BAR THE TRIAL:**

- 6.1 Jurisdiction (Sec.26, 177-188, 461, 462, 479)

- 6.2 Time limitations – Rationale and scope (sec.468, 473)
- 6.3 Pleas of autrefois acquit and autrefois convict (sec.300, 22(d))
- 6.4 Issues – estoppel

**Unit 7: TRIAL BEFORE A COURT OF SESSION**

(Procedural steps and substantive rights under sec.226- 236)

**Unit 8: JUDGEMENT**

- 8.1 Form and content (sec.354)
- 8.2 Summary trial (sec. 260-265)
- 8.3 Post conviction orders in lieu of punishments; emerging panel policy(ss.360, 361, 31)
- 8.4 Compensation and cost (sec.357, 358)
- 8.5 Modes of providing judgment (sec.353, 362, 363)

**Unit 9: APPEALS AND REVISION**

- 9.1 No appeal in certain cases (sec.372, 375, 376 )
- 9.2 The rationale of appeals, review, revisions
- 9.3 The multiple range of appellate remedies
  - 9.3.1 Supreme Court of India (sec. 374, 379, Articles 132, 134)
  - 9.3.2 High Court (sec.374)
  - 9.3.3 Sessions Court (sec.374)
  - 9.3.4 Special right to appeals (Sec. 380)
  - 9.3.5 Governmental appeal against sentencing (sec.377, 378)
  - 9.3.6 Judicial power in disposal of appeals (sec.168)
  - 9.3.7 Legal aid in appeals

**Unit 10: PROBATION AND PAROLE AND PROCEDURE UNDER PROBATION OF OFFENDERS ACT AND SPECIAL PROCEDURES IN CRIMINAL MATTERS**

- 10.1 Problems and principles
- 10.2 Suspension of sentence
- 10.3 Meaning of Parole
- 10.4 Authority granting parole
- 10.5 Supervision
- 10.6 Conditional release
- 10.7 Procedure under Juvenile Justice Act.
- 10.8 Juvenile Justice system
- 10.9 Treatment and rehabilitation of juveniles
- 10.10 Juvenile – adult crimes
- 10.11 Protection juvenile offenders, legislative and judicial role
- 10.12 Concept of juvenile delinquency

**Paper – XXIII**  
**LAW OF EVIDENCE**

**Unit 1: INTRODUCTORY**

- 1.1 Conceptions of evidence in classical Hindu and Islamic Jurisprudence
- 1.2 Evidence in Customary Law Systems (Non – state law)
- 1.3 The introduction of the British ‘Principles’ of evidence
- 1.4 The main features of the Indian Evidence Act.
- 1.5 Other Acts. Which deal with evidence (special reference to CPC, Cr.P.C., Central Act. Such as Banker’s Book Evidence Act., Fiscal and Revenue Laws etc.,
- 1.6 Problem of Applicability of Evidence Act.
  - 1.6.1 Administrative Areas
  - 1.6.2 Administrative Tribunals
  - 1.6.3 Industrial Tribunals
  - 1.6.4 Commissions of Enquiry
  - 1.6.5 Court – martial
  - 1.6.6 Need for industrial Tribunals, Commissions of Enquiry, Court Martial, Unfair means of examination, Arbitration, Disciplinary proceedings

**Unit 2: CENTRAL CONCEPTIONS IN LAW OF EVIDENCE**

- 2.1 Facts: Sec. 3; Definition, distinction (relevant facts/ facts in issue)
- 2.2 Evidence: Oral and documentary (is ‘real’ or ‘material’ evidence Covered by this) – Primary and Secondary evidence
- 2.3 Circumstantial Evidence, Direct Evidence and Hearsay evidence
- 2.4 Presumption (sec.4)
- 2.5 ‘Proved’ ,‘Disproved’ and Not Proved.
- 2.6 Witness
- 2.7 Appreciation of Evidence



### **Unit 3: FACTS: RELEVANCY**

- 3.1 The Doctrine of Res Gestae (sec.6,7,8,9)
- 3.2 Evidence of Common Intention (sec.10)
- 3.3 The problems of relevancy of 'Otherwise' Irrelevant become Relevant Facts (sec.11)
- 3.4 Relevant facts for proof of custom (sec. 13)
- 3.5 Facts concerning bodies and metal state (sec.14 & 15)

### **Unit 4: ADM ISSIONS AND CONFESSIONS**

- 4.1 General principles concerning Admissions
- 4.2 (sec. 17-23)
- 4.3 Differences between 'Admission' and 'Confession' The problems of non – admissibility of confessions
- 4.4 Caused by inducement, threat or promise (sec. 24) Inadmissibility of Confession made before a
- 4.5 Police Officer (sec.25)
- 4.6 Admissibility of 'Custodial' Confessions (sec 26) Admissibility of 'information' received from an accused Person in custody; with special reference to the problem of discovery based on 'Joint statement' (sec. 27)
- 4.7 Confession by Co – accused (sec. 30)
- 4.8 The problems with the judicial action based on a 'Retracted Confession'

### **Unit 5: DYING DECLARATION OTHER STATEMENTS BY PERSONS WHO CAN NOT BE CALLED AS WITNESSES**

- 5.1 The justification for relevance on dying declaration (sec. 32)
- 5.2 The judicial standards for appreciation of evidentiary value of dying declarations
- 5.3 Section 33(2) to (8); General Principles
- 5.4 Special problems concerning violation of women's rights In marriage in the Law of Evidence (sec. 32 (6))

### **Unit 6: RELEVANCE OF JUDGMENTS**

- 6.1 General principles (sec. 40 – 44)
- 6.2 Admissibility of Judgments in civil and criminal matters (sec. 43)
- 6.3 'Fraud and "Collusion" (sec.44)

### **Unit 7: EXPERT TESTIMONY**

- 7.1 General Principles (sec. 45- 50)
- 7.2 Who is an Expert? Types of Expert Evidence
- 7.3 Opinion on Relationship especially proof of marriage (sec. 50)
- 7.4 The Problems of Judicial defense to expert testimony

### **Unit 8: ORAL AND DOCUMENTARY EVIDENCE**

- 8.1 General Principles concerning oral evidence (sec. 59 -60)
- 8.2 General principles concerning documentary Evidence (sec. 67 – 90)
- 8.3 General Principles Regarding Exclusion of oral by Documentary Evidence
- 8.4 Special problems regarding Hearsay Evidence
- 8.5 Estoppel in relation to oral and Documentary Evidence

### **Unit 9: WITNESSES, EXAMINATION AND CROSS EXAMINATION**

- 9.1 Competency to Testify (sec. 118)
- 9.2 State Privilege (sec. 123)
- 9.3 Professional Privilege (sec. 126,127, 128)
- 9.4 Approver Testimony (sec.133)
- 9.5 General Principles of Examination (sec. 135 – 166)
- 9.6 Leading Questions (sec. 141- 143)
- 9.7 Lawful Questions in Cross Examination (sec. 146)
- 9.8 Compulsion to answer questions put to witness (sec. 147, 153)
- 9.9 Hostile Witness (sec. 154)
- 9.10 Impeaching of the standing or credit of witness (sec. 155)

### **Unit 10: BURDEN OF PROOF AND ESTOPPEL**

- 10.1 The General and Special Exceptions to Probandi (sec. 101)
- 10.2 General and Special Exceptions to Onus Probandi
- 10.3 The justification of presumptions of the Doctrine of Judicial Notice
- 10.4 Justification as to presumption as to certain offences (sec. 113- A)
- 10.5 Presumptions as to Dowry Death (sec. 113 – B)
- 10.6 The Scope of the Doctrine of Judicial Notice (sec. 114)
- 10.1 Why Estoppel? Introduction as to the Rationale (sec. 115)
- 10.2 Estoppel, Resjudicata and Waiver: and Presumption
- 10.3 Estoppel as a matter of
- 10.4 Estoppel by Deed
- 10.5 Estoppel in fair
- 10.6 Equitable and promissory Estoppel
- 10.7 Questions of corroboration (sec. 156, 157); Accomplice
- 10.8 Improper admission and of witness in civil and criminal cases - Arising out of discussion of these areas the class should take Up issues of law reform. The Sixty Ninth Report on the Indian Evidence Act by

the Law Commission of India proposes many Changes. Some of these must be by promotion of Human Rights in the administration of justice

**Paper -XXIV**  
**LAW OF BANKING**  
**(Optional Paper - IV)**

**Unit 1: The Nature and Development of Banking**

- 1.1 History of Banking in India - Evolution
- 1.2 Constitutional perspectives - Union list entries 36,37, 38,43,44,45 And 46 State list, entry 30 of List - II

**Unit 2: RELATIONSHIP OF BANKER AND CUSTOMER**

- 2.1 Banker, banking business, meaning of customer, types of accounts
- 2.2 Contract between banker and Customer, general relation, legal relation, their rights and duties
- 2.3 Banker's Lien
- 2.4 Banking instruments, bank notes, bankers drafts, deposit receipts, Letter of credit, indemnities, traveler's cheques, postal order, Dividend warrants, bonds

**Unit 3: LAW RELATING TO BANKING COMPANIES IN INDIA**

- 3.1 The Banking Companies Act. 1949, Extent and application, business of Banking companies, control and management by reserve bank, suspension of business and winding up of banking companies, special provisions for speedy disposal of winding up of proceedings
- Unit 4: The Banking Regulation Act. 1948, extent and application business of Banking companies, provisions for winding up
- Unit 5: Reserve Bank of India Act. 1934 characteristics, and functions, objectives legal status and organizational structure, functions such as; banking, Currency, banker to government, exchange control over non banking companies and supervision of other banks (see sections 17,18 and 42)
- 5.4 Co - operative banking law: Banking Regulation (Co- operative Societies) Rules, 1966 - Co - operative Credit Society Act. 1904 and 1970

**Unit 6: NATIONALISATION OF BANKS:**

- 6.1 Banking Companies (Acquisition and Transfer of undertaking) Act. 1969 and 1970
- 6.2 Legislative competence for nationalization: Entries 43, 44 and 45 of List - I Entry 42 of List - III, Entry 7 and 52 of List - I, Entries 24, 26, 27 of List - II, 33 of List - III: Entries 54, 56 of List - I: Articles 19(1) (f), 19(5), 31, 31 (1)
- 6.3 Banks before and after nationalization: growth, assets and liabilities, efficiency and profitability, recovery frauds in banks, bank robberies

**Unit 7: FOREIGN EXCHANGE CONTROL AND BANKING FOR NON- RESIDENTIAL INDIANS**

- 7.1 FERA , 1974, authorized dealers in foreign exchange, restrictions on dealing on payment (Sections 3 to 10, 13 to 17, 19 22 to 27 only)

**Unit 8: Law relating to negotiable instruments: Negotiable Instruments Act. 1881**

- 8.1 Meaning, Kinds of negotiable instruments, promissory notes
- 8.2 Bills of exchange, holder, holder in due course, parties
- 8.3 Negotiation, presentment, discharge from liability
- 8.4 Dishonour, noting and payment for honour cheques, crossing of cheques, pledge land II stocks, shares, life policies, documents of title to goods, guarantee and hypothecation

**Unit 9: Reforms in Indian Banking Law: The Indian banking commission and banking laws, committee of Government of India, A review of their Recommendations**

**BOOKS RECOMMENDED FOR STUDY**

- 1 Sheldon, Law of Banking
- 2 Tunner, Law of Banking
- 3 Gulati, Banking Companies Act.
- 4 Maheswari, Banking Law and Practice
- 5 Ravi. R Mehta, Fundamentals of Banking
- 6 Promod Kumar Mukherjee, Modern Banking Theory
- 7 S.G.Panandikar, Banking in India

**PAPER - XXV**  
**MEDIA LAW**

**(With Right to Information Act)**

**(OPTIONAL PAPER - V)**

- Unit – 1:** Mass media – Types of – Press Films, Radio Television. Ownership patterns – Press – Private – Public, Ownership patterns – Films – Private, Ownership Patterns – Radio & Television, Public, Difference between visual and non – visual media – impact on peoples minds.
- Unit – 2:** Press – Freedom of speech and Expression – Articles 129 (1) (a): Includes Freedom of the press, Laws of defamation, obscenity, blasphemy and sedition, Law relating to employees wages and service conditions, Price and page Schedule Regulation, Newsprint and Control Order, Advertisement – is it included with in freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act
- Unit – 3: Films** -How far included in freedom of speech and expression? Censorship of films – Constitutionally, The Abbas Case, Difference between films and press – Why Pre censorship valid for films but not for the press? Censorship under the cinematography Act.
- Unit-4:** Radio and Television – Government Monopoly; Why Government department? Should there be an autonomous corporation? Effect of television on people. Report of the Chanda Committee, Government Policy, Commercial advertisement, internal security of serials, etc. judicial Review of Doordarshan decisions: Freedom to telecast.
- Unit – 5:** Constitutional Restrictions; Radio and television subject to law of defamation and obscenity, Power to legislate – Article 246 read with the seventh schedule, Power to impose tax – licensing and license fee.
- Unit – 6:** Right to Information: Development of RTI in India
- Unit – 7:** Right to Information Act , 2005; its implementation
- Unit – 8:** Right to Information Decisions; Decisions of Judiciary
- Unit – 9:** RTI and Decisions of Chief Central Information commissions and State Information Commission under the RTI Act, 2005.

**Unit – 10: Law Reforms in India**

**Books Recommended :**

- M.P.Jain, Constitutional Law of India (1994) Wadhwa.
- H.M. Seervai, Constitutional Law of India Vol.1. (199)Tripathi, Bombay.
- Rajeev Dhavan “On the law of the Press in India” 26Jl.L/288(1984).
- Rajeev Dhavan, “Ligitimating Government Rehtoric: Reflections on some Aspects of the Second Press commission “ 26 J. L /391 (1984)
- Soil Sorabjee, Law of person Censorship in India (1976).
- Justice E.S. Venkatramaiah, Freedom of Press: some Recent Trends (1984)
- D.D. Basu, The Law of Press of India (1980)
- Right to Information Act, 2005, SP Sathe, 2006.
- Right to Information in India, Solu Nigam

**SEMESTER - VI**

**Paper - XXVI**

**PRACTICAL TRAINING - I**

**DRAFTING, PLEADING AND CONVEYANCING**

- A DRAFTING:  
General Principles of drafting and relevant substantive rules shall be taught.
- B PLEADINGS:  
1 CIVIL  
1 Complaint  
2 Written statement  
3 Interlocutory Application  
4 Original Petition  
5 Affidavit  
6 Execution Petition  
7 Memorandum Petition  
8 Petition under Articles 226 and 32 of the Constitution of India
- 2 CRIMINAL  
1 Complaints  
2 Criminal Miscellaneous Petition  
3 Bail Application and  
4 Memorandum of appeal and revision
- C CONVEYANCING:

- 1 Sale Deed
- 2 Mortgage Deeds
- 3 Lease Deed
- 4 Gift Deed
- 5 Promissory Note
- 6 Power of attorney
- 7 Will

Drafting and pleadings will include 15 exercises and carries 45 Marks, conveyancing will include 15 exercises and carries 45 Marks. These 30 exercises shall be recorded. Each student shall be served with different Problems for the purpose of exercise.

**Paper - XXVII**  
**PRACTICAL TRAINING - II**

**PROFESSIONAL ETHICS, ACCOUNTING SYSTEM**

**Unit 1:**

- 1.1 Law and legal profession – development of legal profession in India
- 1.2 Right to practice – a right or privilege? Constitutional guarantee under article 19 (g) and its scope

**Unit 2:**

- 2.1 Regulation governing enrolment and practice. Practice of law – Whether a business?
- 2.2 Solicitors firm – whether and industry
- 2.3 Elements of advocacy

**UNIT 3: ETHICS**

- 3.1 Seven lamps of advocacy
- 3.2 Advocates duties towards public, clients, court, towards other advocates and legal aid
- 3.3 Bar Council code of ethics

**UNIT 4: DISCIPLINARY PROCEEDINGS:**

- 4.1 Professional misconduct – disqualifications
- 4.2 Functions of Bar Council of India/ State Bar Councils in dealing with disciplinary proceedings
- 4.3 Disciplinary committee
- 4.4 Disqualification and removal from rolls

\* 50 Selected opinions of the Disciplinary Committee of Bar Councils And 10 major judgments of the Supreme Court on the subject to be Covered

**UNIT 5:**

- 5.1 Bar – Bench relations

**UNIT 6: ACCOUNTANCY OF LAWYER**

- 6.1 Nature and functions of accounting
- 6.2 Important branches of accounting
- 6.3 Accounting and law
- 6.4 Use of knowledge of accountancy in legal disputes especially arising out of law of contracts, tax law etc.

- 6.5 Accountancy in lawyers office / firm

6.5.1 Basic financial statements

- \* Income & Loss accounts
- \* Balance sheet – interpretation thereof
- \* Feature of Balance sheet

6.5.2 Standard costing There shall be a University written examination on this paper For 80 Marks and viva – voce examination carrying 20 Marks. The viva – voce board shall be an mentioned under Paper – VIII. The candidate shall get a minimum 1/3<sup>rd</sup> of marks allocated for each component and 40% on the aggregate

**Paper - XXVIII**  
**PRACTICAL TRAINING - III**  
**ALTERNATE DISPUTE RESOLUTION**

Alternative Dispute Resolution (ADR) paper is by written examination for 50 marks and for 50 marks , a student is required to participate and learn

- Negotiation skills
- Conciliation skills
- Arbitrational practice including international arbitrational and arbitration rules by simulation programmes and case studies to be conducted by either by a legal practioner or a senior teacher.

- The third component of this paper will be Viva Voce examination on all the above two aspects. This will carry 10 marks

**Unit -1:** judicial dispute resolutions ; Characteristics, Operation Principles, Party participation and Control , Short focus on issue, Reasoned Decision, Finality, Adversary Process, what course do and do not do effectively? Advantages and Disadvantages of such resolution.

**Unit - 2:** Alternative dispute resolution , Alternative to formal adjudication - Techniques processes, Unilateral - Bilateral - Triadic (Third party) Intervention, Advantages - Limitations, Distinction between arbitration - conciliation and negotiation, Distinction between judicial settlement and alternative dispute resolution.

**Unit -3:** Self help, avoidance and lumping Negation mediation , conciliational, arbitration and distinctions in between Alternate models if dispute resolutions, Role of Panchayat, Role of Grama Sabhas, Lokpal , Lok Adalats, Family Courts,

**Unit - 4:**The Arbitration and conciliation Act, 1996. Background of the Act, Definitions of "Arbitration", "Arbitrator", Arbitration agreement", Appointment of "Arbitrator", grounds for changing the arbitrator, terminator of Arbitrator.

**Unit - 5:** Proceedings in arbitral tribunals and enforcement of awards, Arbitral Award Termination of Proceedings, Setting aside of arbitral award, Finality and Enforcement, Appeals, enforcement of foreign awards, New York and Geneva Convention Awards.

**Unit - 6:** Section 89 and O-10, R-1-AB and C of CPC Conciliation, Meaning and definition conciliation agreement, appointment of conciliator, powers and function of conciliator, techniques of successful conciliation proceedings, enforceability.

**Unit -7:** Other Alternative modals of dispute resolution, Family Courts, Family Courts Act, 1984, family council ling techniques, Tribunals, Motor Accident Tribunals, MV Act, relevant Provisions, Administrative Tribunals, Consumer Forms.

**Unit - 8:** Legal Services Authority

**Unit - 9:** Role of N.G.Os. in dispute resolutions

### **Books Recommended:**

1. O.P. Tiwari: The Arbitration and Conciliation Act (2<sup>nd</sup> Edition): Allahabad Law Agency.
2. Johar's: Commentary on Arbitration and Conciliation Act, 1996: Kamal Law House.
3. Acharya N.K.: Asia Law House, Hyderabad
4. Tripathi S.C.: Central Law Agency, Allahabad.
5. Avtar Singh: Arbitration and Conciliation, Eastern Law Book House, Lucknow
6. Murthy KKS: Gogia Law Agency, Hyderabad.
7. P.C.Rao Alternate Dispute Resolution 2001 Ed. Universal Book Traders, New Delhi.
8. S.D. Sing: Alternate Dispute Resolution 2001 Ed. Universal Book Traders, New Delhi.

## Paper – XXIX PRACTICAL TRAINING -IV MOOT COURT EXERCISE AND INTERNSHIP

This paper will have three components of 30 marks each and viva voice is 10 marks

### **A MOOT COURT (30 MARKS) REQUIREMENTS:**

- 1 Three Moot Courts in the year
- 2 10 Marks for each
- 3 The Moot Court shall be based on assigned problem to be prepared by the faculty concerned
- 4 Evaluation by principal/ head concerned, an advocate and teacher concerned Out of 10 Marks allotted for each problem 5 Marks are to be allotted for written Submission and 5 Marks for oral advocacy
  - a Written submission shall include brief summary of facts, issues involved provisions of land agreements, citation, prayer etc.
  - b Marks for oral advocacy may be awarded for communications skills, presentation, language, provisions of law, authorities quoted, court manners etc.

### **B OBSERVANCE OF TRIAL in two cases, one Civil**

case minimum and record his observations step by step of different stages of litigations/ proceedings in the 2/3 years of 3 years law course of 4/5 year in 5years law course

### **C INTERVIEWING TECHNIQUES AND PRE- TRIAL PREPARATIONS (30 Marks) REQUIREMENTS:**

- 1 Each student has to maintain a dairy to record Interaction with clients, preparation of documents and court papers
- 2 The students should observe two interviewing sessions with clients at lawyers office/ legal Aid Office this shall be recorded in the dairy which will carry 15 Marks
- 3 Each student will further observe the preparation of documents and court paper and record such observance in the dairy. This carries 7.5 Marks

4 Each student shall observe the procedure for filling the petition and record the same in the dairy. This carries 7.5 Marks

5 The dairy shall clearly indicate the dates on which the above observations are made and shall be authenticated by the advocate concerned Evaluation of the above dairy shall be made by the teacher concerned and the advocate

D There shall be a viva – voce examinations all the above three components. This carries 10 Marks

Paper – XXX  
PENOLOGY AND VICTIMOLOGY

(Optional Paper – VI)

Unit -1: Dimensions of Crime in India, Nature and extent of Crime in India

- 1.1 Reporting of Crime Statistics and problem of accurate reporting of Crime
- 1.2 Victim Studies, self – reporting
- 1.3 Costs of Crime, some factors for evaluating the rate of crime in India-
- 1.4 Territory: Population: Heterogeneity: Human values
- 1.5 General approaches to crime control
- 1.6 Continental approaches: Social defence
- 1.7 Social approaches: Crime Prevent Control
- 1.8 Crimes of the powerful, Organized crime-smuggling, traffic in narcotics
- 1.9 White collar crime:- corruption in public life, Socio
- 1.10 Economic crime: Adulteration of Food and Drugs: fraudulent trade practices
- 1.11 Crimes in the professions – Medical, Legal Engineering
- 1.12 State Criminality
- 1.13 Perpetrators of ordinary crime
- 1.14 The situation criminal
- 1.15 The chronic offender
- 1.16 Criminality of Women
- 1.17 Young offenders
- 1.18 Criminal gangs
- 1.19 Crimes of the marginalized with special reference to i. Forest offences; ii. States offenders, vagrants, prostitution.

Unit -2: The Police and to Criminal Justice

- 2.1 The Police System
- 2.2 Structural organization of Police at the centre and the states
- 2.3 Mode of recruitment and training
- 2.4 Powers and duties of police under the police acts
- 2.5 Criminal Procedure Code and other laws
- 2.6 Arrest, search and seizure and Constitutional imperatives
- 2.7 Methods of police investigation
- 2.8 Third degree methods, Corruption in police
- 2.9 Relationship between police and prosecution
- 2.10 Liability of police for custodial violence
- 2.11 Police Public relations, Select aspects of National Police Commission Report.

Unit – 3: Punishment of Offender some discarded modes of punishment

- 3.1 Corporal punishment: Whipping and flogging
- 3.2 Mutilation and Branding
- 3.3 Transportation Exile
- 3.4 Public execution
- 3.5 An appraisal of these modes of punishment
- 3.6 Punishments under the Indian Criminals Law
- 3.7 Capital punishment
- 3.8 Imprisonment, Fine, Cancellation or withdrawal of licenses, etc,

Unit – 4: The Prison system

- 4.1 Administrative organization of prisons
- 4.2 Mode of recruitment and training
- 4.3 The Jail Manual, Powers of prison officials
- 4.4 Prisoners classification – Male, Female: Juvenile and Adult: Under trial
- 4.5 Constitutional imperatives and prison reforms and convicted prisoners
- 4.6 Open Prisons
- 4.7 Violation of prison code and its consequences
- 4.8 Appraisal of imprisonment as a mode of punishment.

Unit -5: Treatment and correction of Offenders

- 5.1 The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment,
- 5.2 Classification of offenders through modern diagnostic techniques
- 5.3 The role of psychiatrists, psychoanalysts and social workers in the prison
- 5.4 vocational and religious education and apprenticeship programmes for the offenders
- 5.5 Group counseling and re-socialization programmes
- 5.6 Prisoners Organizations for self-government.
- 5.7 Participation of inmates in community services,
- 5.8 An appraisal of reformative techniques suggested forms of treatment of offenders under the IPC (Amendment) Bill, 1972
- 5.9 Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

Unit -6: Re-socialization processes

Unit – 7: Probation, The Probation of Offenders Act, 1958.

- 7.1 The attitude of judges towards probation, Mechanism of probation and standards of probation services,
- 7.2 Problems and prospects of probation,
- 7.3 The suspended sentence.

Unit – 8: Parole, Nature of Parole

- 8.1 Authority for granting parole
- 8.2 Supervision Paroles
- 8.3 Parole and conditional release
- 8.4 Release of the offender
- 8.5 Problems of the released offender
- 8.6 Attitudes of the Community towards released offender
- 8.7 Prisoner Aid Societies and other voluntary Organization
- 8.8 Governmental action
- 8.9 An appraisal.

Unit – 9: Nature and Development,

- 9.1 Its expanding dimensions, typology of victims, compensation, compensation by application of Article 21 and 300A
- 9.2 Victim and criminal justice, emerging trends and policies.

Unit - 10: Law Reforms

Books Recommended:

Ahammad siddque , criminology and penology, Central law Agency, Allahabad

Iyer, Prospective in Criminology, Law and Social Change

Ross, H. Lawrence (Ed) Law and Deviance (1981)

Sutherland, E. and cressy Principles of Criminology (1978)

Walker, N. Crime and Criminology (1961); A Critical Introduction (1987)

J.N. Sethna, Society and to Criminal (1980) A Siddique, Criminology, Problems and Perspectives, Central Law Agency Lucknow.

M.Ponioan, Criminology and penology, Poineer Books , Delhi.

E.Sutherland, White Collar Crime (1949)