

DIPLOMA IN HUMAN RIGHTS AND LAW



Course Director

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Course Contents:

Module I: Theoretical/ Philosophical /jurisprudential Approach

Module II: International & Regional Human Rights Approach

Module III: Human Rights under Domestic Laws and case laws

Module IV: Judiciary and Human rights

Module V: Human Rights of various vulnerable persons and groups

Module VI: Study of various commissions on Human Rights

Module VII: a) Media & human rights
b) Public Participation & human rights
c) NGOs & INGOs and human rights

Module VIII: Humanitarian Laws

a) Human Rights & Development
b) Human Rights & Right to self determination

Module IX: Project/Dissertations on various Human Rights topics/issues

Module X: Practical and Legal Training

Duration: 2 semesters

Eligibility: 1. II, III, IV and V year BSL LLB *or*
2. All years of Three Year Law Course (LL.B.) *or*
3. Graduation in any faculty

Seats: Minimum 20; Maximum 40

Classes: Tuesday & Wednesday (1.30 p.m. to 3.30 p.m.)

Assessment Pattern:

Written examination	50 marks
Viva-voce	20 marks
Dissertation	30 marks
Total	100 marks

Publisher's Note

The University of Pune has great pleasure in publishing the syllabus for the **First and Second Year LL.B. (Three-Year Law Course) (Semester Pattern) Course** under the Faculty of Law.

It is hoped that this syllabus will be most useful to the students of this course.

On behalf of the University, I thank the experts and authorities of the University for their keen interest and whole-hearted co-operation in bringing out this publication.

University of Pune
Ganeshkhind, Pune-411 007.

Dr. D. D. Deshmukh
Registrar

UNIVERSITY OF PUNE

Circular No. 230 of 2003

***Subject : Syllabus of First and Second Year LL.B.
(Three-Year Law Course) (Semester
Pattern)***

It is notified for the information of all concerned that the University Authorities have decided to implement the syllabus of I and II Year LL.B. (Three and Five Year Law course) (Semester Pattern). The syllabus is enclosed in the Appendix.

The above decision will come into force from Academic Year 2003-2004.

Ganeshkhind, Pune-411007

Ref. No. : CB/3524

Date : 12-6-2003

Sd/- **D. M. Devke**
for Registrar

**Semester Scheme for LLB (Three Year Law Course)
and BSL LLB (Five-Year Law Course)**

from academic year 2003-2004

1. The 1st and IIInd years of the LLB (three year law course) and BSL LLB (Five year law course) will adhere to the following semester pattern from the academic year 2003-2004
2. The improved semester pattern of 100 marks for each paper will be introduced in a phased manner as shown below

LLB (Three Year Law Course)

Year of the degree course	Academic year
Ist year LLB	2003-2004
IIInd Year LLB	2003 -2004
IIIrd year LLB	2004-2005

BSL LLB (Five Year Law Course)

Year of the degree course	Academic year
Ist year BSL	2003-2004
IIInd year BSL	2003-2004
IIIrd year BSL	2004-2005
IV year BSL LLB	2005-2006
V year BSL LLB	2006-2007

3. The detail syllabi for all the subjects of the Ist and IIInd years of the two courses are also enclosed
4. The rules of standard of passing are also enclosed.

5. The examination pattern has been simplified for the semester scheme and it shall be as follows
 - a. Since law subjects of these two courses are the same with same prescribed syllabus as far as possible, only one paper will be set for the two courses at any examination session.
 - b,. Since one subject shall have only one paper during any session. All candidates (regular, repeaters, of all semesters and non-semester candidates of earlier years) will appear for the same paper.
 - c. The papers for that subject will however have different code-numbers according to the course for identification.

University of Pune

Faculty of Law

LLB (Three-year LLB Course)

Rules for Standard for Passing, Benefit etc.

1. Standard of Passing

To Pass any examination, a candidate must obtain

 - a. 35% of the full marks in each paper
 - b. 50% of the total marks in the examination
2. Entitlement to appear at the end of the academic year

A Candidate who has completed his term for Semester I, III or V of the three-year LLB Course, and has paid examination fees for such Semester-Examination, but has remained absent for any or all papers or has failed in any or all papers at such Semester Examination, shall

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be entitled to appear for any or all of such papers respectively along with the Semester II, IV or VI examinations respectively.

Any student who has appeared for Semester I, III or V Examination of the three-year LLB Course shall be entitled to re-appear for all or any of the papers respectively along with the Semesters II, IV or VI examinations for improving his marks.

3. Exemption

A candidate who obtains at least 50% of the full marks in a paper shall at his option be exempted from that paper at a subsequent examination. He shall however have to pass in the remaining paper or papers in accordance with the standard of passing laid down above. The benefit of exemption so earned may be available for six years only.

4. First-Second Class

At the end of the academic year, those of the successful candidates who obtain 50% or more of the total marks will be placed in the Second Class, those who obtain 55% or more marks will get higher II class and those who obtain 60% or more of the total marks will be placed in the First Class and those obtain 70% or more marks will be placed in First Class with Distinction.

5. Allowed to keep terms

A candidate who obtains at the Ist and IInd years of LLB three year LLB course) 50% of the full marks in any six out of the total number of papers prescribed for

the respective academic year shall be allowed to keep terms respective for the IInd and IIIrd year of LLB Examination.

Provided however that he shall not be declared to have passed the IInd LLB or the IIIrd LLB Examination unless he has passed the Ist LLB or the IInd LLB Examination by passing in the remaining papers in accordance with the standard of passing laid down above.

Such a candidate shall not be eligible for a Class prize at scholarship awarded at the examination.

1st Year of LL.B. [Three-Year LL.B. Course]

Semester I (June-October)

1. Family Laws-I-100 marks
2. Law of Crimes-100 marks
3. Labour Laws-100 marks
4. Optional Papers (any one) -100 marks
 - a. Trust, Equity and Fiduciary Relationships
 - b. Criminology and Penology
 - c. Woman and Law, and Law relating to the Child
 - d. International Economic Law
5. Law of Contract-I- (General Principles of Contract and Specific relief Act)-100 marks

Semester II (November -April)

6. Family Laws-II-100 marks
7. Constitutional Law-100 marks
8. Law of Torts and Consumer Protection Act-100 marks
9. Practical Training III (Professional Ethics. Accountancy for Lawyers and Bar-Bench Relations)-100 marks

Ist year of LLB (Three-year LL.B Course)

Semester I (June-October)

Paper I-Family Laws-I

100 marks

(With latest amendments and case-law)

Family Relations - Hindus, Muslims, Christians and Parsis.

1. Nature, Sources and Schools of
 - a. Hindu Law
 - b. Muslim Law
2. Marriage
 - a. Formation
 - b. Duration
 - c. Disruption
3. Marital Relief
 - a. Judicial separation
 - b. Divorce
 - c. Nullity of marriage
 - d. Restitution of conjugal rights
 - e. Dissolution
4. Law of Maintenance (Hindu and Muslim law)
 - a. Claim of spouses
 - b. Claim of parents and children
 - c. Alimony (pendente lite and permanent)
5. Adoption
6. Minority and Guardianship
7. The Special Marriage Act 1954

Statutes

1. The Hindu Marriage Act, 1955
2. The Hindu Adoptions and Maintenance Act, 1956
3. The Hindu Minority and Guardianship Act, 1956
4. The Christian Marriage Act, 1872
5. The Indian Divorce Act, 1869 (as amended by Amendment Act 49 and 51 of 2001)
6. The Parsi Marriage and Divorce Act, 1936
7. The Special Marriage Act, 1954
8. The Muslim Women's (Protection on Divorc) Act, 1986
9. The Dissolution of Muslim Marriages Act.

Recommended books and reading

1. Desai Kumud, Law of Marriage and Divorce
2. Diwan Paras Modern Hindu Law
3. Mayne's Hindu Law and Usage
4. Diwan Paras, Family Law
5. Dr. T.V. Subbarao Family Law in India
6. Mulla, Principles of Mahommedan Law
7. Mahmood Tahir, Muslim Law of India.

Paper 2 Law of Crimes

100 marks

1. Indian Penal Code, 1860 - Sections I - 511
2. Criminal Jurisprudence - Essential of Crime, definition of crime and offence, related maxims, theories of punishment with relevant case-law

Recommended books

1. Ratanlal and Dhirajlal, The Indian Penal Code
2. Gaur K.D., A Test Book on the Indian Penal Code
3. Pillai, P.S.A., Criminal Law
4. Mishra S.N., Indian Penal Code
5. Bhattacharya T., The Indian Penal Code

References

1. Basu, Indian Penal Code, Vol. 1 & 2
2. Dr. H. S. Gour's, Penal Law of India, Vol. 1 to 4
3. Gaur K.D. Criminal Law - Cases and Materials
4. Jaspal Singh, Indian Penal Code
5. Kenny, Outlines of Criminal Law
6. Nigam R.C., Principles of Criminal Law

Ist year of LL.B. (Three-year LL.B. Course)**Semester I (June-October)****Paper 3 Labour Laws****100 marks****UNIVERSITY OF PUNE****Circular No. 292 of 2003****Subject : Syllabus of Labour Laws at First Year of
Three-Year Law Course - First Semester**

It is notified for the information of all concerned that the University Authorities have decided that the number of Acts minimized to six Acts instead of eight Acts for the First Year of Three-Year Law Course at Semester-I Paper-III - Labour Laws (100 marks). Six Acts are mentioned below.

- | | |
|---|-------------------|
| 1. Industrial Dispute Act, 1947 | - 30 marks. |
| 2. The Factories Act, 1948 | - 20 marks. |
| 3. The Minimum Wages Act, 1948 | - 10 marks. |
| 4. The Workmen's Compensation Act, 1923 | - 15 marks. |
| 5. Employees State Insurance Act, 1948 | - 15 marks. |
| 6. The Payment of Wages Act, 1936 | - 10 marks. |
| | 100 marks. |

The above decision will come into force from the Academic Year 2003-04.

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Recommended books and readings

1. Malik P. L. Handbook of Labour and Industrial Law.
2. Malhotra O.P. Industrial Disputes Act, 1947
3. Shrivastava K.D., Commentaries on all Labour Laws
4. Kothari G.M., A study of Industrial Law
5. Sachedeva, Industrial and Labour Law
6. Reports of the National Commission on Labour I / II
7. Recommendation and Conventions of ILO

Semester I (June-October)

Paper 4 -Optional paper (a)

Trust, Equity and Fiduciary Relationships 100 marks

Division of marks

- | | |
|---------------------------------------|----------|
| 1. The Indian Trusts Act, 1882 | 40 marks |
| 2. Fiduciary relations | 10 marks |
| 3. The Bombay Public Trusts Act, 1950 | 35 marks |
| 4. Principles of equity and maxims | 15 marks |

(with latest amendments and case-law)

A. The Indian Trusts Act 1882

1. Preliminary
 - a. Definitions - Trust, author of the trust, trustee, beneficiary, trust property, beneficial interest, instrument of trust, breach of trust, cestui que trust
 - b. Comparison of trust with other relationships
 - i. Private trust and Public/charitable trust
 - ii. Trust and debt
 - iii. Trust and Ownership
 - iv. Trust and Bailment
 - v. Trust and Agency
 - vi. Trust and Contract
 - vii. Trust and Conditions
 - viii. Trust and Equitable Charge
 - ix. Trust and Mortgage
 - x. Trust and Administration
2. Kinds of trusts
3. Creation of trusts
4. Appointment of trustees
5. Duties and Liabilities of trustees
6. Rights and Powers of trustees
7. Disabilities of trustees
8. Rights and Liabilities of the Beneficiary
9. Vacating the Office of Trustee
10. Extinction of Trusts
11. Certain Obligations in the Nature of Trusts

B. Fiduciary relations - concepts and kinds

C. The Bombay Public Trusts Act 1950

1. Definitions - public trust, math, person having interest, temple, wakf, trustee
2. Establishments
3. Charitable purposes and validity of certain public Trusts
4. Registration of Public Trust
5. Budget, Accounts and Audit
6. Powers and duties and restrictions on trustee etc.
7. Control, powers and functions of Charity Commissioner
8. Other functions and powers of Charity Commissioner, Dharmada, cypress
9. Speical provision as respects religious and charitable institutions and endowments
10. Public Trusts Administration Fund
11. Offences and Penalties
12. Function of Charity Commissioner, Procedure, jurisdiction and Appeals

D. Principles of equity and maxims

1. Concept and defination of equity
2. Origin and development
3. Maxims of equity
 - a. Equity will not suffer a wrong to be without a remedy.

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- b. Equity follows the law.
- c. Where there is equal equity, the law shall prevail.
- d. Where the equities are equal, the first in time shall prevail.
- e. He who seeks equity must do equity.
- f. He who comes into equity must come with clean hands.
- g. Delay defeats equities.
- h. Equality is equity.
- i. Equity looks to the intent rather than to the form.
- j. Equity looks on that as done which ought to be done.
- k. Equity imputes an intention to fulfil an obligation
- l. Equity acts in personam.

Recommended books and readings

- 1. Iyer N Suryanarayanan, The Indian Trust Act
- 2. Rangacharya I V, The Indian Trusts Act
- 3. Aggarwal O P, The Indian Trusts Act
- 4. Tandon M P, The Indian Trusts Act
- 5. Chaudhari D H, The Bombay Public Trusts Act, 1950
- 6. Shah K N, The Bombay Public Trusts Act, 1950
- 7. Apte M S, The Bombay Public Trusts Act, 1950
- 8. Gupte and Dighe, The Bombay Public Trusts Act, 1950
- 9. Snell's Principles of Equity
- 10. Ahmad Aquil, Equity, Trusts and Specific Relief
- 11. Baasu Durga Das, Equity, Trusts and Specific Relief

Semester I (June-October)
Paper 4 - Optional paper (b)

Criminology and Penology

100 marks

1. Criminology
 - a. Definition
 - b. Nature and scope of criminology and penology and the nature and extent of crime in India
 - c. The concept of crime and characteristic of criminal law
 - d. Determination and differential of crime
 - e. The criminal - who is a criminal?
 - f. Whether criminology is a science?
 - g. Objective of criminal justice system
2. Schools of criminology
 - a. The Classical school and Neo-classical School
 - b. Cartographic
 - c. Socialist
 - d. Typological
 - e. Lombrosian
 - f. Psychiatric
 - g. Sociological and socio-psychological
3.
 - a. Prevalence of crime
 - b. Study of crime and criminal justice
 - c. Identification of the causes of crime - theories
 - d. Approaches to crime problem
 - e. Focus on individual and environment

4. Role and function of police
 - a. In action
 - b. Police goals, objectives and functions
 - c. National Police Commission (recommendations)
 - d. Appointment of Police commissioner
 - e. Judicial Powers (Executive)
 - f. Organised crimes
 - g. Rights of victims
 - h. Protection of the accused
5. **A. Imprisonment : History of Prisons**
 - a. Aims and objectives, and conditions
 - b. Types of prisons
 - c.
 - i. Success and failure of prisons
 - ii. Discipline and control
 - d. Open air institutions

B.

 1. Prison work
 2. Education
 3. Prison reform - schools and reformations
 4. Rights of prisoners (contribution of the Supreme Court)

6. Prevention of crime and Delinquency
 - a. Punitive approach
 - b. Defence approach
 - c. Interventionist approach - prevention policies, recidivism, intervention, mechanical approach, clinical approach
7. White collar crime
 - a. Nature and definition
 - b. Types of white collar crime and development
 - c. Legislation to meet white collar crimes
 - d. Judicial trends

Recommended books and readings

1. Siddique Ahmed, Criminology
2. Sethna M J, Society and the Criminal
3. Sirohi J P S, Criminology and Criminal Administration
4. Paranjape N V, Criminology and Penology
5. Mehta Rohinton, Crime and Criminology
6. Sutherland E H, and Cressy D R, Principles of Criminology
7. Sutherland E H, White Collar Crime
8. Reckless W C. The Crime Problem
9. Bhudhan Vidya, Prison System in India
10. Mulla Committee Report

Semester I (June-October)

Paper 4 - Optional paper (c)

Woman and Law, and Law relating to the Child 100 marks

Division of marks

- m. Woman and Law - 50 marks
- n. Law relating to the Child - 50 marks

(With latest amendments and case-law)

A. Woman and Law (50 marks)

1. Constitution of India - provisions regarding women
 - a. Constitution of India - Articles 14, 15(1), 15(3), 16(1), 23 and (2), 39(d), 51
 - b. Reservation of seats for women in local bodies - Article 243
2. Violence against women
 - a. Domestic violence
 - i. Protection against Cruelty
 - ii. Harassment for dowry
 - iii. Forced prostitution
 - iv. State intervention
 - b. Relevant provisions of
 - i. The Indian Penal Code, 1890
 - ii. The Criminal Procedure Code, 1973
 - iii. The Indian Evidence Act, 1872
 - iv. The Dowry Prohibition Act, 1961
 - v. The Immoral Traffic (Prevention) Act, 1956

3. Women and Labour laws
Relevant provisions of
 - i. The Equal Remuneration Act, 1976
 - ii. The Maternity Benefits Act, 1961
 - iii. The Factories Act, 1948
 - iv. The Mines Act, 1952
 - v. The Employees' State Insurance Act, 1948
4. Other protective legislations
 - a. The National Commission for Women Act, 1990
 - b. The Indecent Representation of Women (Prohibition) Act, 1986
 - c. The Commission of Sati (Prevention) Act, 1987
 - d. The Medical Termination of Pregnancy Act, 1971
 - e. The Pre-natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act, 1994
5. Need for gender justice. Uniform Civil Code.

Recommended books and readings

1. Diwan Paras and Divan Peeyushi, Women and Legal Protection (Deep and Deep Publications, New Delhi)
2. Shamsi Dhamsuddin, Women, Law and Social Change (Ashish Publishing House, New Delhi)
3. "Towards Equality", Report on the Commission on Status of Women Empowerment in India. Chapters IV and Sec IV
4. The Hindu Widow's Re-marriage (Repeal) Act 1983
5. Gangrade K D, Social Legislation in India, Vols I and II

6. Bhattacharjee A M, Matrimonial Laws and the Constitution
7. Kant Anjam, Women and Law
8. Dewan V. K., Law Relating to Offences against Women
9. Mishra O P, Law relating to Women and Child
10. Reddy G B, Women and the Law
11. Batra Manjula, Woman and Law & Law Relating to Children in India.
12. The Pre-natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act, 1994
13. The Medical Termination of Pregnancy Act, 1971
14. The Muslim Women's (Protection of Rights on Divorce) Act, 1986

B. Law relating to the child (50 marks)

1. Social and legal status of child
2. Constitutional protection to children under Articles 15(3), 24, 39(c) and (f), 45 of the Constitution of India
3. The National Commission for child
4. Legal control of employment of child labour under the following enactments
 - a. The Factories Act, 1948
 - b. The Apprentices Act, 1961
 - c. The Bombay Shops and Establishments Act, 1948
 - d. The Child Labour (Prohibition and Regulation) Act, 1986

5. Protective legislations for the child
 - a. The Juvenile Justice (Care and Protection of Children) Act, 2000
 - b. The Protection of Human Rights Act, 1993
 - c. The Child Marriage Restraint Act, 1929
6. Child under litigation with reference to Civil Procedure Code 1908

Suggested reading

1. The National Commission for Child
2. Indian Law Institute, Child and the Law
3. Upendra Baxi, Law and Poverty
4. National Law School Seminar Report on the Rights of the Child (1991)

Semester I (June-October)

Paper 4 - Optional paper (d)

International Economic Law 100 marks

1. (a) Nature, development, scope and sources of International Economic Law
 - (b) International Law - is it true law?
 - (c) Theories of international law, private international law and public international law
2. International institutions, their functions and role in International Economic Law
 - New International Economic Order (NIEO), Charter on Economic Rights and Duties of States (ERDS)

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- United Nations Conference on Trade and Development (UNCTAD)
 - United Nations Conference on International Trade Law (UNCITRAL)
 - World Intellectual Property Organisation (WIPO)
Paris Convention, Berne Convention
 - International Bank for Reconstruction and Development (BRD)
 - International Finance Corporation (IFC)
 - International Development Association (IDA)
 - United Nations Development Programme (UNDP)
 - World Trade Organisation (WTO)
 - Organisation for Economic Co-operation and Development (OECD)
3. Foreign Investment
- Types and role of foreign investment
 - Measures to regulate and control foreign investment
 - World Bank guidelines
 - Introduction to International Finance
4. International Trade
- Unification of the law of International Sale of Goods
 - Uniform Customs and Practice for Documentary Credits and the International Chamber of Commerce

- Conventions for Enforcement of Arbitration Awards
 - Geneva Protocol and Convention
 - New York Convention 1958
 - UNCITRAL model law on international Commercial Arbitration
 - International Convention governing Bill of Lading
 - Brussels Convention
 - UNCITRAL Convention
 - The Hague Draft Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters
 - Recognition and enforcement
5. General Agreement on Tariffs and Trade
- a. The legal and institutional aspects of GATT
 - Historical evolution of the GATT
 - Objectives and main principles of GATT
 - Procedure of negotiation Negotiation Rounds
 - The GATT 1994, salient features of the GATT 1994 (Final Act of Uruguay Round)
 - World Trade Organisation (WTO)
 - b. Basic principles and core concepts of the GATT/ WTO, Most Favoured Nation (MFN)
 - Treatment, National Treatment, Tariffs and Quotas
 - GATT 1994 - Articles I-V, VII, XIII, XVII-XXI, XXVII (Also GATT 1994 - Articles XXII, XXIII)

- Relevant Cases
- Dumping and subsidies GATT 1994 Articles VI, XVI
- WTO agreement Annexure IA
- c. Exceptions to the GATT/WTO
GATT 1994, Articles XX, XXI, XII, IX, XXIII, XXIV, XXXV, XXIV, XIX
WTO Agreement on Safeguards of GATT 1994
- d. Agreement of GATT 1994
Controversial Agreements of GATT 1994
Less controversial agreements of GATT 1994
- e. Implications and Opportunities of GATT 1994 for India with particular reference to Agreement on Agriculture Agreement on TRIPS, Agreement on Textiles and Clothing
GATs, TRIMs
- f. Trade and Environment
GATT and the Environment with relevant cases
- 6. Settlement of Disputes in International Economic Law
 - a. WTO/GATT System
Article XXIII of GATT Dispute Settlement, Understanding,
 - b. International Court of Justice (ICJ)
Constitution, Procedure, Jurisdiction, Relevant Cases (as enclosed)

- c. World Bank Inspection Panel
Function, Procedure
- d. International Clauses for Settlement of Investment
Disputes (ICSID), US-Iran Claims
Tribunal, Function, Procedure

CASES PANEL REPORTS

1. Topic : Basic Principles and Core Concepts of GATT/
WTO : MFN, National Treatment Tariffs and Quotas
 - a. Belgium - I Unity Allowances, G/32 adopted on 7
November 1952, IS/39
 - b. Spain - Tariff Treatment of Unroasted Coffee from
Brazil, L/5 : 35, adopted on 11 June 1981 28S/02
 - c. United States - Denial of Most Favoured Nation
Treatment as to Non-rubber Footwear from Brazil,
DS/IS/R adopted on 19 June 1992, 39S/128.
 - d. Japan-Tariff on Import of Spruce-Pine-Fir
("Dimension Lumber") adopted 19 July 1989. 36S/
167
 - e. Thailand-Restrictions on Importation of and
Internal Taxes on Cigarettes BISD 37S/200.
 - f. US-Section 337 of the Tariff Act of 1930, BISD
36S/345.
 - g. Japan-Taxes on Alcoholic Beverages, WTO/DSS/
AB/R, WTO Panel report issued 11 July 1996,
appeal filed by Japan, 8 August 1996

- h. Japan-Taxes on Alcoholic Beverages, WT/DSS/R, WTO Appellate Body report circulated 4 October 1996.
- i. United States - Cases on Petroleum and Certain Imported Substances, BISD 34S/136. 27 ILM (1988, pp. 1596-1616) Trade and Environment.
- j. United States - Prohibition of Import of Tuna and Tuna Products from Canada, Report of the Panel adopted on 22 February 1982, BISD/29S/91
- K. United States-Taxes on petroleum and Certain Imported Substances, Report of the Panel adopted on 17 June 1987, BISD/34S/160.
- L. Canada - Measures affecting Exports of Unprocessed Herring and Salmon, Report of the Panel adopted on 22 March 1988, BISD/35/98.
- m. United States - Section 337 of the Tariff Act of 1930. Report of the Panel adopted on 7 November 1989, BISD/36S/345.
- n. EEC - Regulation on Imports of Parts and Components (Screwdriver Case), Report of the Panel adopted on 16 May 1990, BISD/37S/132.
- o. Thailand - Restrictions on Importation of and Internal Taxes on Cigarettes, Report of the Panel adopted on 7 November 1990, BISD/37S/200
- p. United States - Restrictions on Imports of Tuna from Mexico, Report of the Panel. GATT DOCUMENT ds21/R, 3 September 1991, 30 ILM 91991 1594.

- q. United States - Standards for Reformulated and Conventional Gasoline, WT/DS2/AB/R, AB-1996-1 29 April 1996.
- 2. Topic : ICJ
 - a. Anglo-Iranian Oil Co Case, ICJ Reports 1952, P. 93; 19 ILR 507
 - b. Monetary Gold Case (Preliminary Question), ICJ Reports, 1954 p. 29; 20 IL 441
 - c. Norwegian Loans Case, ICJ Reports 1957, p. 9; 24 ILR 782.
 - d. Barcelona Traction Case, (New Application) Preliminary Objection, ICJ Reports 1964, p. 4; 46 ILR 18
Secondary Phase, ICJ Reports 1970, p. 3; 46 ILR 178
 - e. Electronica Sicala SPA (ELSI) Case ICJ Reports 1989; 89 ILR 311
 - f. Certain Phosphates (Nauru v. Australia), ICJ Reports 1982, n 240; 97 ILR 111.

Recommended books and readings:

1. Dr. Rao Myneni Srinivasa, "International Economic Law, Poineer Books, Delhi.
2. Jackson, Davey, Syker, "Legal Problems of International Economic Relations", West Publishing Co. Minn. United States of America.
3. Trebilcock, Howse, "The Regulation of International Trade" Routledge, London.

4. Jonh Jackson, "The World Training System" The Mit Press, Cambridge.
5. Tandon, "Public International Law" Allahabad Law Agency, Allahabad.
6. P. Narayan, "Intellectual Property Law", Eastern Law House, Delhi.
7. Primary texts and general reference texts for the Trade Section of the Course.
8. The Result of the Uruguay Round of Multilateral Trade Negotiations : The legal texts. GATT Secretariat (1994). The full text of GATT 1947 and the multilateral agreements resulting from the Uruguay Round.
9. WTO Home Page <http://www.wto.org/Welsom.html>
10. For Panel Reports - Handbook of GATT Dispute Settlement (loose-leaf), P. Scatore, Davey and Lowented, Khiwer, 1991, Regularly updated loose-leaf reference of GATT and WTO panel Reports.

Semester I (June-October)

Paper 5 : Law of Contract - I (General Principles of Contract and Specific Relief Act) 100 marks

Division of marks :

General Principles of Contract - 80 marks

Specific Relief Act - 20 marks

(With latest amendments and case-law)

I. General Principles of Contract

1. Nature of Contract : Meaning, definition and elements, kinds of agreements and contract

2. Offer & Acceptance : definition, modes, legal rules as to offer, offer distinguished from invitation to offer, lapse of offer, standard Form contracts.
Acceptance : definition, models, legal rules as to acceptance, effect of silence on acceptance.
3. Communication of offer, acceptance and revocation - rules regarding communication, contracts through post, contracts by telephone and telex.
4. Intention to create legal relations - Intention, types, social/domestic agreements, commercial/business agreements; when no contract
5. Capacity of Parties - Minor, law relating to minor's agreement, persons of unsound mind, persons disqualified by law.
6. Free Consent - Definition, Ingredients of Free Consent - a) Coercion; b) Undue Influence; c) Fraud; d) Misrepresentation; e) Mistake
7. Consideration - Meaning definitions, legal rules as to consideration; - "No Consideration : No Contract" and exceptions; Difference between Indian and English Law.
8. Doctrine of privity, and exceptions
9. Legality of Object and Consideration - Consideration/ Object not lawful; : Unlawful agreements.
Agreements against public policy; Consequences of illegality
10. Other Legal Formalities - Contracts required to be in writing; Contracts required to be registered.

11. Void Agreements - Nature.
Agreements declared to be void.
 - a. Agreement in restraint of marriage
 - b. Agreement in restraint of trade
 - c. Agreement in restraint of legal proceedings
 - d. Uncertain agreement
 - e. Wagering agreement
 - f. Agreement to do impossible acts.
 - g. Object of Consideration Unlawful in part.
12. Contingent or conditional contracts - definition, essential characteristics of a contingent contract.
Rules regarding the contingent contract.
13. Performance of contract - Offer to performance - tender,
By whom contracts must be performed.
Reciprocal promises, Time and place of performance:
Assignment of right and liabilities.
14. Discharge of Contracts - Meaning
Modes of discharge -
 - a. Discharge by performance
 - b. Discharge by mutual consent;
 - c. Discharge by subsequent impossibility - doctrine of frustration;
 - d. Discharge by operation of law;
 - e. Discharge by breach of contract - anticipatory breach of contract.
 - f. Material alteration

15. Remedies for Breach of Contract - Consequences of Breach, Different Reliefs :
 - a. Rescission
 - b. Damages - liquidated damages and Penalty;
 - c. quantum meruit;
 - d. Specific performance;
 - e. Injunction;
 - f. Rectification
 - g. Cancellation.
16. Quasi contracts - What are - English and Indian law, - certain relations resembling those created by contracts
 - a. Supply of necessities to incompetent person
 - b. Reimbursement of interested person
 - c. Liability to pay for non-gratuitous acts
 - d. Finder of goods
 - e. Delivery by mistake or under coercion

II. Specific Relief Act, 1963

Specific performance - Section 9, 10, 14, 15, 16, 19, 20, 21-24,

Rectification - Section 26,

Rescission - Section 27,

Cancellation - Section 31,

Injunctions - Sections 36 to 42,

Principles involved in the grant of above reliefs.

Recommended reading:

Avatar Singh - Indian Contract Act

Mulla - Indian Contract Act.

Anson - Principles of the English Law of Contract

P R Desai - Principles of Law of Contract

Pollock and Mulla - Indian Contract and Specific Relief Acts

Subba Rao GC Law of Contract I & II

Anand & Iyer - Specific Relief

KapoorSK-Contract along with Specific Relief Act, 1963

Semester II (November-April)

Paper 6- Family Laws - II

100 marks

Law relating to succession and property to Hindus, Muslims, Christians and Parsis (including State laws) (with latest amendments and up-to-date case-law)

A. Hindu Law

1. Hindu Joint Family System
2. Mitakshara Joint Family
3. Dayabhaga Joint Family
4. Son's pious obligation
5. Partition
6. Stridhan
7. The Hindu Succession Act, 1956

B. Law relating to Muslims, Christians and Parsis

1. Mahommedan law of succession-principles of inheritance
2. Wakfb
3. Gift
4. Pre-emption
5. Wills

C. The Indian Succession Act 1925 (Sections 1 to 191)

Recommended books and reading

1. Diwan Paras, Family Law
2. Mulla, Principles of Mahomedan Law
3. Mulla, Principles of Hindu Law
4. Tahir Mahmood, Hindu Law
5. Mayne, Hindu Law and Usage
6. Derrett J.D.M., Introduction to Modern Hindu Law
7. Paruck, The Indian Succession Act (latest edition)
8. Tahir Mahmood, The Muslim Law of India
9. Subba Rao G.C.V., Family Law

Semester II (November-April)

Paper 7 - Constitutional Law

100 marks

Note : All inter-related Articles have to be so mentioned and taught accordingly

To be studied with latest amendments, and up-to-date case-law

A. Constitution of India - Features, Preamble, Territory, Citizenship, Fundamental Rights and Directive Principles, Legislature, Executive and Judiciary

1. The Nature of the Constitution
2. Salient features of the Constitution
3. Preamble of the Constituion
4. The Union and its Territory (Articles 1-4)
5. Citizenship (Articles 5-11)
6. Fundamental Rights (also with reference to Emergency Articles 352-360 and Amendment provisions Art 368)
 - a. General - Article 12, Definition of State - Article 13
 - b. Right to Equality - Articles 14-18
 - i. Equality before Law - Article 14
 - ii. Prohibition of Discrimination on Grounds of Religion, Race, Caste, Sex or Place of Birth - Article 15
 - iii. Equality of Opportunity in matters of Public Employment - Article 16
 - iv. Abolition of Untouchability - Article 17
 - v. Abolition of Titles - Article 18
 - c. Right to Freedom - Articles 19-22
 - i. Protection of Certain Rights regarding Freedom of Speech, etc. - Article 19

- ii. Protection in respect of Conviction for Offences - Article 20
 - iii. Protection in Life and Personal Liberty - Article 21
 - iv. Protection against Arrest and Detention in certain cases - Article 22
 - d. Right against Exploitation - Article 23-24
 - i. Prohibition of Traffic in Human Beings and Forced Labour - Article 23
 - ii. Prohibition of Employment of Children in Factories etc. - Article 24
 - e. Right to Freedom of Religion - Articles 25-28
 - f. Cultural and Educational Rights - Articles 29-30
 - g. Right to Constitutional Remedies - Articles 32 -35
7. Directive Principles of State Policy - Articles 36-51
Relation between Directive Principles of State Policy and Fundamental Rights.
 8. Fundamental Duties - Article 51-A
 9. The Union Executive - The President, Vice President, Council of Ministers 52-78 & 129
 10. The Parliament - Articles 79-122
 11. The Union Judiciary -Articles 124-147
 12. The Comptroller and Auditor General of India - Articles 148-151

B. Centre-state Relations

1. Introduction and concept of Federalism, Developments of Federation
2. The State Executives- Articles 153-167, 213
3. The State Legislature-Articles 168-212
4. The State Judiciary -Articles 214-237
5. The Panchayats- Articles 243, The Municipalities - Articles 243 P-243 ZG
6. Relations between the Union and State Articles 245-293
 - a. Legislative Relations
 - b. Administrative Relations
 - c. Financial Relations
7. The State Liability Articles 299-300
8. Right to Property - Articles 300A
9. Freedom of Trade, Commerce and Intercourse - Articles 301-307
10. Services under the Union and States - Articles 308-323
11. Tribunals - Articles 323A-323B
12. Elections and Emergency (all articles), Amendment and related Articles - Articles 324-329

Recommended books and reading

1. Basu Durga Das, Introduction to the Constitution of India
2. Basu Durga Das, Shorter Constitution of India
3. Dr. Pandey J.N., Constitutional Law of India

4. Jain M.P., Indian Constitutional Law
5. Seervai H.M., Constitutional Law of India
6. Dr. Shukla V.N., The Constitution of India
7. Tope T.K., Constitutional Law of India

Semester II (November-April)

Paper 8 - Law of Torts and Consumer Protection Act

100 marks

Division of marks :

Law of Torts - 80 marks

Consumer Protection Act 1986 - 20 marks

(With latest amendments and case-law)

A. Law of Tort (80 marks)

1. Nature of Tort
History, Definition of tort, Distinction between tort crime and contract.
2. General Principles
Constituents of tort, damnum sine injuria, injuria sine damno, ubi jus ibi remedium, General elements in tort, act and omission, voluntary act, malice, motive, intention, negligence and recklessness, fault, general principle of liability
3. Personal Capacity
Convict, Alien enemy, Husband and Wife, Corporation, Trade unions, Insolvent, State and its Subordinates, Minor, Lunatic, Foreign sovereigns.

4. General Defences
Act of State, Act of God, judicial acts, executive act, Leave and licence (consent, necessity, Private defence, inevitable, Accident statutory authority, parental and quasi parental authority, Plaintiff a wrong doer, acts causing slight harm.
5. Discharge of Torts
Waiver, Accord and satisfaction, Release, Acquiescence, judgement recovered, Statutes of limitation.
6. Vicarious Liability - Liability by Relation
 - a. master and servant-principles of liability, vicarious liability of State
 - b. Principal and agent
 - c. Guardian and ward
 - d. Company and director
 - e. Employer and independent contractor
 - f. Firm and Partner
7. Remedies
Damages, injunctions, specific restitution of property, extra-judicial remedies
8. Trespass to Person
Assault and battery, false, Imprisonment, damages, justification
9. Defamation
Libel and slander, essentials of defamation, innuendo, defences, remedies.

10. Trespass to Property
 - a. Trespass to immovable property
Trespass to land, trespass by animal, defences to trespass, remedies, trespass ab-initio.
 - b. Trespass to movable property
Trespass to goods, by conversion, by detention.
11. Negligence
Meaning, essentials, burden of proof, Res Ipsa Loquitur, contributory negligence, strict and absolute liability.
12. Nuisance
Kinds of nuisance, public nuisance and private nuisance, essentials, defences, remedies.
13. Malicious Proceedings
Malicious prosecution, malicious civil proceedings
14. Liability for mis-statements
Deceit or fraud, negligent mis-statements, innocent misrepresentations.
15. Death in relation to tort - English law and Indian law

B. Consumer Protection Act 1986 (20 marks)

1. Object, Definitions, Consumers Protection Councils, Consumer Dispute Redressal Agencies, Composition and jurisdiction.
2. Procedure for filing complaint, appeals, enforcement of orders, penalties.

Recommended books and reading

1. Ratanlal and Dhirajlal, The Law of Torts
2. Winfield on Tort,
3. Ramaswamy Iyer, The Law of Torts
4. Pandey J.N., Law of Torts with Consumer Protection
5. Bangia V.K., Law of Torts
6. Shukla M.N., Law of Torts
7. Tiwari O.P., The Consumer Protection Act
8. Gurjeet Singh, Law of Consumer Protection in India (Deep & Deep Publication, New Delhi)
9. Gurbax Singh, Law of Consumer Protection (Bharat Law Publication, Jaipur)
10. Avtar Singh, Introduction to Law of Torts.

Semester II (November-April)

Paper: 9 : Practical Training III (Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations)

100 marks

Note :

1. The course will be taught in association with practising lawyers.
2. The examination consists of two parts
 - A. Journal Work through the semester to be assessed by the teacher, and viva-voce examination at the end of the semester carrying -20 marks
 - B. Written examination at the end of the semester - 80 marks

3. Candidate has to obtain for passing in this paper minimum of 7 marks in part A and 28 marks in Part B.
4. Division of marks for written examination:
 - (I) Professional Ethics - 35 marks
 - (II) Bar-bench relations - 15 marks
 - (III) Accountancy for lawyers - 30 marks

(I) Professional Ethics

(II) Bar-Bench relations

With reference to the following as affecting the legal profession and with relevant cases

1. The Constitution of India
2. The Advocates Act 1961
3. The Contempt of Court Act 1973

(III) Accountancy for lawyers

1. Theoretical information about the Cash Books, Ledger, Purchase register, Clients register, Capital amount
2. Writing of Ledger, Sub-ledgers including that of Accounts receivables
3. Bank Book
4. Bank Reconciliation Statements
5. Rectification of errors
6. Preparation of Trial Balance
7. Preparation of Income and Expenditure Accounts
8. Preparation for Balance Sheet
9. Information about Tally or Trio or any other Accounting Packages

Cases prescribed for study

1. P D Khandekar v Bar Council of Maharashtra (1984) 2 SCC 556
2. M Veerabhadra Rao v Bar Tek Chand (1984) Supp SCC 571
3. Prahlad Saran Gupta v Bar Council of India (1997) 3 SCC 585
4. V P Kumaravelu v bar Council of India (1997) 4 SCC 266
5. Brajendra Nath Bhargav v Ramchandra Kaslival (1998) 9 SCC 169
6. Ramon Services Pvt. Ltd v Subhash Kapoor (2001) I SCC 119
7. Shambhu Ram Yadav v Hanumandas Khattri AIR 2001 SC 2509
8. D P Chdha v T N Mishra AIR 2001 SC 457
9. Harish Chandra Tiwari v Baiju AIR 2002 SC 548
10. Prem Surana v Additional Munsif and Judicial Magistrate AIR 2002 SC 2956

Recommended books and readings

1. Krishnamurty Iyer, Advocacy
2. Rao Sanjeev, Advocates Act, 1961
3. Iyer K J, Law of Contempt of Court, Legislature and Public Servants
4. J. R. Batliboi, Book Keeping and Accountancy
5. Skukla and Grewal, Advanced Accountancy
6. Rules framed by Bar Council of India.

SECOND LL.B

Semester III (June-October)

- Paper No.10. Law of Evidence - 100 marks
- Paper No.11. Environmental Law (including laws for protection of wild life and other living creatures and animals welfare) - 100 marks
- Paper No.12. Human Rights and International Law-100 marks
- Paper No.13. Arbitration Conciliation and Alternative disputes Resolution System - 100 marks

Semester IV (November-April)

- Paper No.14. Jurisprudence - 100 marks
- Paper No.15. property Law including Transfer of Property Act and Easement Act - 100 marks
- Paper No.16. Practical Training IV (Public Interest Lawyering, Legal Aid and Para-Legal Services) - 100 marks
- Paper No.17. Optional Papers (any one) - 100 marks
- a. Comparative Law
 - b. Law of Insurance
 - c. Conflict of Laws
 - d. Intellectual Property Law
- Paper No.18. Law of Contract - II - 100 marks

Semester III (June-October)

Paper 10 - Law of Evidence

100 marks

The Indian Evidence Act 1872 (with latest amendments and up-to-date case-law)

1. Preliminary (Sec. 1 to 4)
(Objects, Application and Definitions)
2. Evidence of facts in issue and relevant facts only (Sec. 5)
3. What facts are relevant (Sec. 6 to 16)
4. Admissions (Sec. 17 to 31) (Confession)
5. Statement by persons who cannot be called as witnesses (Sec. 32 & 33)
6. Statements made under special circumstances (Sec. 34 to 39)
7. Relevancy of Judgments (Sec. 40 to 44)
8. Relevancy of opinions of third persons (Sec. 45 to 51)
9. Relevancy of Character (Sec. 52 to 55)
10. Facts which need not be proved (Sec. 56 to 58)
11. Oral evidence (Sec. 59 to 60)
12. Documentary Evidence (Sec. 61 to 73 A)
13. Public Documents (Sec. 74 to 78)
14. Presumptions as to Documents (Sec. 79 to 90-A)
15. Exclusion of oral by documentary evidence (Sec. 91 to 100)
16. Burden of Proof (Sec. 101 to 114-A)

17. Estoppel (Sec. 115 to 117)
18. Competency of witnesses (Sec. 118 to 134)
19. Examination of witnesses (Sec. 135 to 166)
20. Improper admission and rejection of Evidence (Sec. 167)

Recommended books and readings

1. Ratanlal and Dhirajlal, The Law of Evidence
2. Batuk Lal, The Law of Evidence
3. Avtar Singh, Principles of The Law of Evidence
4. Vepan Sarathy, The Law of Evidence
5. Dr. Satish Chandra, Indian Evidence Act.

Semester III (June-October)

Paper 11 - Environmental Law (Including laws for protection of wild life and other living creatures and animal welfare)

100 marks

1. Introduction

- i. Nature, scope, need and application of Environmental law
- ii. Environmental pollution - causes and effects

2. Constitutional Provisions

- i. Right to life, right to Wholesome environment, right to development
Directive principles of State policy, Fundamental duties, Constitution and environmental legislations
- ii. Environment Protection and Public Interest Litigation

3. International Environmental Law and Environment Protection
 - i. Sustainable development, polluter-pays-principle, Precautionary principle
 - ii. Salient features and critical study of Stockholm Conference on Human Environment, 1972
 - iii. Nairobi Declarations, 1982
 - iv. Rio, Conference on Environment and Development, 1992 (Earth Summit)
 - Rio Declaration
 - Convention on Biological Diversity, The Indian Biological Diversity Act 2002
 - Convention on Climate Change 1992
4. Environment Pollution and Laws in India
 - i. Framework and analysis of anti-pollution Acts and Rules
 - ii. Authorities under the Acts
 - iii. Penalties and Liabilities under the Acts
- iv. Rules
 - i. Noise Pollution (regulation and Control) Rules 2000
 - ii. Hazardous Wastes (Management and Handling) Rules 1989
 - iii. Manufacture, Storage and Import of Hazardous Chemical Rules 1989
 - iv. Municipal Solid Wastes (Management and Handling) Rules, 2000
 - v. Coastal Regulation Zone (CRZ) Notification of 1991

5. Environment and Development
 - i. Important environmental issues involved in the development projects like big dams
 - The Silent Valley Project
 - The Tehri Dam Project
 - The Narmada Valley Project
 - ii. Environmental Clearance
 - Environment Impact Assessment
 - National Environment Appellate Authority Act 1997
6. Environmental Policies in India
 - i. Pre-independence policy on environment
 - ii. Post-independence policy on environment
7. Liability to pay compensation-no-fault liability
 - i. The Public Liability Insurance Act 1991
 - ii. The National Environment Tribunal Act 1995
8. Protection of Wild Life and Forests
 - i. The Wild Life (Protection) Act 1972
 - ii. The Indian Forest Act 1927
 - iii. The Forest (Conservation) Act 1980

Recommended books and reading

1. Ball and Bell, Environmental Law
2. Shyam Divan : Armin Rosencranz Environmental Laws and Policy in India - Cases, Materials and Statutes
Environmental Law and Policy in India
3. Baxi Upendra, The Bhopal Case

4. Aggarwal Anil, The State of India's Environment
5. Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
6. Pal Chandra, Environmental Pollution and Development, ed 1999
7. Iyer V R Krishna, Environment Pollution and the Law
8. Malaviya, Environment Pollution and its Control under International Law
9. Leelakrishnan, Environmental Law in India 1986
10. The Environment (Protection) Act 1986 and Rules 1986

Semester III (June-October)

Paper 12 - Human Rights and International Law

100 marks

Division of marks :

A. Human Rights - 40 marks

B. International Law - 60 marks

A. Human Rights (40 marks)

1. Human Rights, nature, concept, origin and development, importance, classification.
2. Civil and Political rights, International instruments - UN Charter, UDHR International Covenant on Civil and Political Rights, Part III of the Constitution of India
3. Socical and economic Rights, International instruments including International Covenant on Economic, Social and Cultural Rights, Part IV of the Constitution of India

4. Human Rights and Vulnerable groups, rights of women, Children, disabled, tribals, aged and minorities, National and international legal developments, Part IV A of the Constitution of India (Fundamental duties)
5. Enforcement of human rights, international regional and national mechanism (Legislative, executive and judicial) NHRC - Role of legal profession, NGOs and media

B. International Law (60 marks)

1. Introductory -
 - a History of International law
 - b. Theories of International Law as to its basis
 - c. Codification in international law
 - d. Nature scope and present day position of international law
2. Sources of International Law
 - a Treaties
 - b. Customs
 - c. General principles of international law
 - d. United Nations General Assembly resolutions as a source of international law
 - e. Non-statute, other sources of international law.
3. Relationship between international law and municipal law (internal law)
 - a. Theories
 - b. State Practice, with special reference to Indian Practice

4. Subjects of International Law
 - a. State including recognition of states and governments and State succession
 - b. Individuals
 - c. International Organisations and non-State entities
 - d. Multinational companies and other private entities
5. Jurisdiction of states
 - a. Territorial jurisdiction
 - b. Personal jurisdiction
 - c. Protective jurisdiction
 - d. Universal jurisdiction (terrorism, hijacking, narcotics, war-crimes and crimes against peace)
 - e. Diplomatic immunities and privileges
 - f. State immunity
6. Law of State responsibility
 - a. Responsibility arising out of
 - i. Acts of State (Direct responsibility)
 - ii. Acts of individuals (indirect responsibility)
 - iii. Act of corporations
 - iv. state responsibility for other subjects of international law
 - b. Consequences of state responsibility
 - c. Calvo clause - exhaustion of local remedies
7. Settlement of International disputes
 - a. Peaceful settlement of International disputes
 - b. Coercive settlement of International disputes (with reference to provisions of the UN charter)
 - c. War and UN charter

8. International Transactions - Treaties
 - a. Significance of Vienna Convention on law of treaties
 - b. Creation of treaty - steps involved
 - c. Termination, suspension and invalidation of treaties
 - d. Interpretation of treaties
 - e. Retro-active effect of treaties
9. Individuals and International law
 - a. Extradition
 - b. Asylum
 - c. Nationality
10. International Institutions
 - a. Basic purposes. Principles and membership of United Nations
 - b. Organs of United Nations - with special reference General Assembly, Security Council and International Court of Justice.
11. Legal Control of International Conflicts
 - a. Prohibition of use of force
 - b. Weapons of mass destruction and International law
 - c. International Humanitarian law

Recommended books and reading

1. Kapoor S K, Human Rights and Indian Laws International Law
2. Agarwal H O, International Law and Human Rights
3. Tondon M.P, International Law

4. Gurdip singh, International Law
5. Starke J.G, Introduction to International Law
6. Shaw Malcohm N, International Law
7. VR Krishna, Iyer Human Rights in India
8. Chandra Upendra, Human Rights
9. Diwan paras, Human Rights and Law
10. Brownlie Ian, Principles of Pubic International Law
11. O'Connell, International Law
12. Oppenheiml, International Law (Vols 1 & 2)
13. Hamis, cases and Material on International Law
14. Green L.C., Cases and Materials on International Law
15. Indian Journal of International Law

Semester III (June-October)

**Paper 13 : Arbitration, Conciliation and Alternative
Disputes Resolution Systems**

Division of Marks : 100 Total

1. Arbitration and Conciliation : 50 Marks
2. Alternative Dispute Resolution System : 50 Marks

**(A) SYLLABUS OF Arbitration and Conciliation Act
1996.**

Preliminary : Section 1 Short Title, Extent and
Commencement

PART-I : ARBITRATION

Chapter-I : Sections 2 to 6 General Provisions

Chapter-II : Sections 7 and 8 Arbitration Agreement

Sections 9 Interim measures by Court.

Chapter-III : Sections 10 to 15 Composition of Arbitral Tribunal

Chapter-IV : Sections 16 to 17 Jurisdiction of Arbitral Tribunals

Chapter-V : Sections 18 to 27 Conduct of Arbitral Tribunals

Chapter-VI : Sections 28 to 33 Making of Arbitral Award and termination of proceedings.

Chapter-VII : Sections 34 Recourse against Arbitral Award

Chapter-VIII : Sections 35 and 36 Finality and Enforcement of Arbitral award

Chapter-IX : Section 37 Appeals

Chapter-X : Section 38 to 43 Miscellaneous Provisions.

PART-II : CONCILIATIONS : Sections 61 to 81.

(B) ALTERNATIVE MODELS OF DISPUTE SETTLEMENT

1. Models of Dispute Settlement, Litigation versus Arbitration Models of Alternative Dispute Resolutions. Negotiation, Conciliation, Mediation, Mini-trial, Fast Track Arbitration. Nature, Scope, Limitations and necessity of alternative models of disputes resolution.
2. Administrative tribunals - Article 323 A and B
3. Family Court under the Family Court Act, 1984.
4. Consumer Council and forums under the Consumer Protection Act, 1986.

5. Settlement of Dispute through Lok Adalat and Lok Nyayalayas. Grassroots Justice and Panchayat System for Resolution of dispute.

LIST OF BOOKS IN ARBITRATION AND CONCILIATION ACT

1. Avtar Singh : Law of Arbitration and Conciliation (E.B.C. Lucknow)
2. Basu N.D. : Arbitration and Conciliation Act (UBT)
3. Johari : Commentary on Arbitration and Conciliation Act (UBT)
4. Krishnamurthys : Law of Arbitration and Conciliation (E.B.C. lunknow)
5. Kwatra G.K. : New Arbitration and Conciliation Law of India Comparative Study of old and new.(Indian Council of Arbitration, Federation House, Tansen Marg, New Delhi)
6. Mathur G.C. : Arbitration and Conciliation Act, 1996
7. Roy P.C. : Arbitration and Conciliation Act (UBT)
8. Roy Chaudhari : Arbitration and Conciliation Act
9. Narayana P.S. : Arbitration and Conciliation Act
10. Tewari O.P. : Arbitration and Conciliation Act (ALA Allahabad)
11. Rao P.C. : Alternative Dispute Resolution What it is and How it is (UBT)
12. Upendra Baxi : Crisis of the Indian Legal System, (1982)
13. B.S.Patil : The Law of Arbitration and Conciliation
14. S.D.Singh : The Law Arbitration (EBC)

Semester IV (November-April)

Paper 14- Jurisprudence

100 marks

A. Jurisprudence and Legal Theory

1. Nature, scope and utility of jurisprudence.
2. Nature of law - general.
3. Administration of justice, necessity, criminal Justice and its pupose, Civil Justice & primary and sanctioning rights.
4. Sources of law - General.
 - a. Legislation -a source of law, nature, supreme legislation, subordinate legislation, its relation with other sources.
 - b. Precedent - a source of law, meaning, theories, doctrine of stare decisis in India, Power of the Supreme Court under Art 141 of the Constitution Circumstances destroying or weakening the binding force of precedent, ratio decidendi and obiter dicta with relevant Indian case-law.
 - c. Custom - a source of law, definition, characteristics of customs.
5. Natural law theory
6. Positive theory of law
 - a. Analytical school and imperative theory
 - b. Pure theory of law
 - c. Law as set of rules - H.L.A. Hart

7. Legal realism-
 - a. American
 - b. Scandinavian
8. Historical school of law
9. Sociological school of law

B. Concepts

1. Persons, the concept of legal personality, legal status of lower animals, dead men, unborn persons, corporation and the state
2. Legal definition -wrongs, duties, rights, characteristics of legal rights, Legal Rights in wider sense (Hohfeldian analysis of legal rights), kinds of legal rights
3. Ownership, definition, characteristic of ownership, subject-matter, kinds of ownership
4. Possession, idea, kinds, modes of acquiring possession and ownership, possessory remedies
5. Property, meaning, kinds, theories, modes of acquisition property
6. Liability. nature and kinds, theory of remedial liability, theory of penal liability, negligence. theory of strict liability, vicarious liability, measures of civil and criminal liability

Recommended books and reading

1. Fitzgerald P J, Salmond on Jurisprudence
2. Dias, Jurisprudence
3. Sethna M J. Jurisprudence
4. Mahajan V.D. Jurisprudence and Legal Theory
5. Tandon M P, Jurisprudence
6. Dhyani S N, Fundamentals of Jurisprudence
7. Paranjpe N V, Jurisprudence and Legal Theory

Semester IV (November-April)

**Paper 15- Property Law Including Transfer of Property
Act and Easement Act**

100 Marks

(with latest amendments and up-to-date case-law)

A. The Transfer of Property Act 1882 -80 marks

B. The Indian Easements Act 1882 -20 marks

A. The Transfer of Property Act 1882

1. Preliminary - object, application, definitions and doctrine of notice (Ss 1-4, 102-104)
2. Transfer of property by act of parties(Ss 5-53A)
3. Sale of immovable porperty(Ss 54-57)
4. Mortgages of immovable property (Ss 58-98)
5. Charges(Ss 100-101)
6. Leases of immovable property (Ss 105-117)
7. Exchanges (Ss 118-121)
8. Gifts (Ss 122-129)
9. Transfer of actionable claims (Ss 130-137)

B. The Indian Easements Act 1882

1. Easements (Ss 1-51)
2. Licenses (Ss 52-64)

Recommended books and reading

1. Sarathi V.P. Law of Transfer of Property
2. Shah S.M. Principles of the Law of Transfer
3. Mulla on Transfer of Property Act
4. Lahiri M.M. Transfer of Property Act
5. Mitra B.B. Transfer of Property Act
6. Shukla S.N. Transfer of Property Act

Semester IV (November-April)

**Paper16- Practical Training (Public Interest Law
Lawyering, Legal Aid and Para-Legal Services)**

100 marks

Division of Marks

- A. Class lectures and practicals written in journal on topics mentioned below and assessed by the teacher- 50 marks**
- B. Viva-voce examination about above work-50 marks**
Important : Candidate has to obtain for passing in this subject minimum 18 marks in Part A and 17 marks in Part B.

Part A

(50 marks)

- 1. Public Interest Lawyering (15 Marks)
 - a. Conducting a project through research/legal survey and writing report of the project in the journal, all the working material must be submitted with the journal
 - b. Writing essays on any aspects of each of the following topics (not exceeding 2000 words each)
 - i. Public Interest Litigation, concept, development through decided cases, limitation
 - ii. Lok Adalat
 - iii. Role of Advocates in implementation of legal aid schemes
 - iv. Amicus curiae

2. Legal Aid (15 marks)
 - (a) Provisions Regarding Legal Aid in
 - i. The Constitution of India
 - ii. Legal Services Authorities Act 1987 (with latest amendments)
 - iii. Maharashtra State Legal Services Authorities Rules 1998
 - iv. Criminal Procedure Code 1973
 - b. Clinical Legal Education
 - i. Lessons in negotiations skills, counselling, office management, use of computer in legal work etc.
 - ii. Practical exercises should be conducted about dealing with clients at the legal Aid Centre or by simulation exercises in respect of negotiations, counselling, Visit to lawyer's offices.

Reports to be written in the journal

3. Para Legal Services (10 Marks)

Participating in legal literacy camps or parelle training courses to NGOs. Public servants, or other students. Report to be written in the journal.
4. Case Comment or Critical article for a law journal on current legal issues (10 marks)

Semester IV (November-April)

Paper 17- Law of Contract-II

100 marks

(With latest amendments and case-law)

1. Indemnity and Guarantee
Contract of indemnity, contract of guarantee, distinction between contracts of indemnity and guarantee, revocation of guarantee.
2. Bailment and Pledge
 - a. Bailment- Definition, kinds of bailment, distinction between bailment and license, bailment and sale, rights and duties of a bailee, rights and duties of a bailor, rights of a bailee against wrong doer, termination of bailment, finder of lost goods, rights of finder of goods.
 - b. Pledge : Definition, bailment and pledge, essentials of pledge, rights and duties of pawnor and pawnee.
3. Agency
 - a. Appointment and authority of agent, sub-agents, kinds of agency, creation of agency, renunciation of agency and revocation of authority.
 - b. Duties of principal and agent towards each other, effect of agency on contracts with third persons.
 - c. Rights and duties of agent, rights and duties of principal, principal's liability for acts of the agent, liability of undisclosed principal, liability of pretended agent personal liability of agent to third parties, termination of agency.

4. Partnership

a. Nature of Partnership-

Definition of partnership firm mode of determining existence of partnership, distinction between partnership and co-ownership, partnership and joint Hindu family business, partnership and company.

b. Relations of partners to one another

Rights of partner, duties and liabilities of partner, property of firm and its application

c. Relations of partners to third parties

Authority of the partner, liability of firm for partner's acts liability by holding-out rights of a transferee of a partner's interest, law relating to minors admitted to the benefits of partnership.

d. Incoming and outgoing partners

New partner, retirement of the partner, rights and liabilities of an outgoing partner, expulsion of a partner, deceased partner

e. Dissolution of a partnership firm

Mode of dissolution, grounds of dissolution consequences of dissolution, rights and liabilities of partners after dissolution, rules of settlement of accounts after dissolution.

f. Registration of a firm

General provisions of registration, effect of registration, effect of non-registration.

5. Sale of goods
 - a. Contract of Sale, of Goods
Essentials of contract of sale, distinction between sale and agreement to sell, formalities of the contract of sale
 - b. Condition and Warranties
Definition of condition and warranty, express and implied condition and warranty, doctrine of caveat emptor
 - c. Effect of Contract
Transfer of property as between seller and buyer, transfer of title on sale.
 - d. Performance of the contract of sale
Duties of the seller and buyer, mode of delivery and rules as to delivery of goods.
 - e. Rights of unpaid seller against the goods,
Definition of unpaid seller, unpaid sellers' right sellers lien, stoppage-in-transit, transfer by buyer and seller.
 - f. Suits for breach of contract
Remedies for breach of contract, repudiation of contract of sale.
 - g. Sale by Auction
6. Hire-purchase agreement
Hire-purchase agreement, concept, nature, scope
Statutes
 1. Indian Contract Act, 1872
 2. Indian Partnership Act, 1932
 3. The Sale of Goods Act, 1930

Recommended books and readings

1. Avtar Singh, Law of Contract
2. Mulla, Indian Contract Act
3. Mulla, Sale of Goods Act and Partnership Act
4. Bangia R K, Indian Contract Act
5. Desai P R, Principles of Law of Contract
6. Pollock and Mulla, Indian Contract Act and specific Relief
7. W. R Ason, Principles of English Law of Contract
8. Pollock and Mulla, Sale of Goods Act and partnership Act
9. Agarwal, sale of Goods Act, 1930 and Partnership Act. 1932
10. Avtar Singh, Law of Partnership
11. Kapoor S.K, Law of Contract.

Semester IV (November-April)

Paper 18-Optional paper (a)

Comparative Law

100 Marks

1. Comparative Law
Its Character definition its object
Different phases used to explain this method of study
2. Origin and development of comparative law
3. Distinction between comparative law and
private International Law
Public International Law
Legal History
Sociology of Law

4. Functions, value and aim of comparative law

Law as a science cannot limit within territorial Limits
(Natural and medical science are international and not remain domestic)

Practical benefits of comparative law

- a. As an aid to the legislator
- b. as a tool of construction (Interpretation of domestic law)
- c. as a Component of legal education by adopting in curriculum in the universities
- d. as a tool for unification of law

5. Types of legal systems

Different grouping by different jurists

1. (a) Romanistic family
- (b) Germanic family
- (c) Nordic family
- (d) Common law family
2. (a) Civil Law system/continental system
- (b) Common law system

Factors decisive for classification

Historical development

Mode of legal thinking

Distinctive characters of legal institutions

Choice of sources of law

Ideology of each legal system

6. Method of studying comparative law
 - Comparative law as it is practised today (process of comparison)
 - Its functionality
 - Imagination and discipline
 - Comparativist must look outside the law
 - Choice of legal system for comparison (depends on the topic research)
 - Build a system
 - Critical evaluation of what has been discovered
7. Reference of Comparison between different legal systems
 - Value of judicial decision in civil law system and common law system
 - Statute law and its importance under different legal systems
 - Legal system having mixed features
 - Difference in legal terminology in various legal systems.
8. Comparative dimensions of
 - a. Contract- Formation of contracts, offer and acceptance formal requirements, illegality and immorality
 - b. Torts, in general, vicarious liability, strict liability
 - c. Invasions against right of personality
 - d. Judges and courts, training and recruitment of judges

- e. Method of deciding cases
- f. Manner of writing opinions and decisions, jury trial

Recommended books and reading

1. Zweigart and kotz, Introduction to Comparative Law
2. Gutteridge, Comparative Law
3. Rene David, Major Legal systems in the world Today
an Introduction to the Comparative study of Law
4. Baxi and Markensinis, foreign Law and Comparative
Methodology - A subject and a Thesis

Semester IV (November - April)

Paper 18 - Optional Paper (b)

Law of Insurance

100 marks

Division of marks :

1. General Principles of Insurance - (40 marks)
2. The Insurance Act 1938, public Liability Insurance
Act 1991, Personal Injuries (Compensation Insurance)
Act 1963, Insurance Regulatory and Development
Authorty Act 1999, Life Insurance Corporation
Act 1956 and General Insurance Business
(Nationalisation) Act 1972 - (45 marks)
3. Insurance under the motor Vehicles Act 1988-
(15 marks)
(with latest amendments and upto date Case Law)

1. General Principles of Insurance- (40 marks)
 - a. Insurance : What is insurance : Functions and benefits of insurance : Double Insurance (See also 34 of the Marine Insurance Act 1963) : Re-insurance; Under-insurance: Classes of insurance - Voluntary, commercial, compulsory, Social
 - b. Risks : Insurable and other risks; handling risks, spreading risks; mathematical value risk; rating of risk. Extent of risk, loss caused by insured's own Act, commencement or duration of risk, termination of risk, period of Risk and time of loss; peril and proximate cause.
 - c. Insurance Contracts :
 - i. What is a contract of insurance?
 - ii. Subject matter of insurance- physical object chose-in-action, liability,
 - iii. Types- Life, property, marine, fidelity, employer's liability, motor accident railway accident miscellaneous
 - iv. Formation of an insurance contract : S 23 to 26 of the marine Insurance Act 1963. S 64VB of the Insurance Act
 - v. Representations and warranties.
 - vi. Duty of disclosure, material facts, duty of insured and of insurer, breach of duty, remedy Ss 19 to 22 of the Marine Insurance Act 1963, S 45 of Insurance Act 1938

- vii. Documents- proposal, policy, slip- cover note certificate of insurance
- viii. Conditions of policy- conditions implied in a contract of insurance, conditions precedent and subsequent to validity of policy, condition precedent to liability of insurer effect of breach, waiver of breach
- ix. Indemnity extent
- x. Assignment of policy and its effect, S 38 of Insurance Act 1938 S 52, 53 of the Marine Insurance Act 1963
- xi. Premium, calculation return : S 33, 54 of the Marine Insurance Act 1963
- xii. Insurable interest, contractual and statutory, time when it must exist, insurance and wagering agreement; Ss 6 to 9, 16, 17 of the Marine Insurance Act 1963
- d. Doctrine of subrogation, limits on the doctrine : rights and remedies of insured exercise of the right, subrogation and abandonment
- e. Contribution, conditions for exercise of right, methods of contribution
- 2. The Insurance Act 1938. The Public Liability Insurance Act 1991. The personal Injuries (Compensation Insurance) Act 1963, The Insurance Regulatory and Development Authority Act 1999, The Life Insurance Corporation Act 1956 and The General Insurance Business (Nationalisation) Act 1972 - (45 marks)
 - a. Insurance Act 1938
 - i Terms and definitions-

1. Policy-holder, insurer, Authority
2. Chief agent, insurance agent, principal agent , special agent
3. Insurance company, Indian insurance company, insurance co-operative society.
4. Life insurance business, fire insurance business, general insurance business, marine insurance business, miscellaneous insurance business,
- ii. Provisions applicable to insurers- Section 2c,3, 3B,4,5,6,6A,6AA,10,29
- iii. Assignment or transfer of policies, nominations-Sections 38-39
- iv. Licensing of agents, commission and rebates- Ss 40,40A,42,42A,42B,42C,43, 44.
- v. Special Provisions- Ss45, 46, 47,47A,
- vi. Tariff Advisory Committee and Control of Tariff Rates-Ss 64U, 64UA, 64UC, 64UE, 64UM.
- vii. Provident Societies-Ss 65,65A 66,67,69
- b. Public liability Insurance Act 1991
 - i. Objects and Reasons for the statute
 - ii. Sections 2-18. Schedule
- c. Personal Injuries (Compensation Insurance) Act 1963
 - i. Objects and Reasons for the statute

- ii. Section 2- employer, partial disablement, total disablement, wages, workman
 - iii. Compensation payable under the Act - Ss 3,4,7,
- d. Insurance Regulatory and Development Authority Act 1999
 - i. Composition of Authority- Ss 4,5,8,10
 - ii. Duties, powers and functions of the Authority - S 14.
 - iii. Powers of the Authority under the Insurance Act 1938
- e. Life Insurance Corporation Act 1956
 - i. Functions of the Corporation S6
 - ii. Exclusive privilege of life insurance business - Ss30,30A; opening of life- insurance sector to private participants
 - iii. Application of Insurance Act - Section 43(1)
- f. General Insurance Business (Nationalisation) Act 1972
 - i. Transfor of shares of Indian insurance companies - Section 4
 - ii. General Insurance Corporation of India - Sections 9, 10. 10A,
 - iii. Functions of the General Insurance Corporation - Section 18
 - iv. Exclusive privilege of carrying on general insurance business- Ss24, 24A; opening of insurance sector to private participants

3. Insurance under the Motor Vehicles Act 1988 - (15 marks)
- a. Compulsory Insurance of Motor-vehicles under the Motor Vehicles Act 1988, public places 146
 - b. Requirement of policy and limits of liability - Section 147,
 - c. Duty of insurer to satisfy judgment and settlement with insured-Section 149, 152, 155,
 - d. Information about insurance-Sections 151, 158, 159, 160
 - e. Certificate of insurance-Sections 156, 157.
 - f. Liability of insurer in the case of 'no-fault liability', hit and run motor accidents and for payment of compensation on structured formula basis-Ss 140-142, 161, 163, 163A.

Recommended books and readings.

Srinivasan MN, Principles of Insurance Law (7th ed 2002, ed Avatar Singh)

Ivamy, General Principles of Insurance Law

IIInd year of LLB. (Three-year LLB Course)

Paper 18 Conflict of Laws(Optional) (c)

Semester IV (November-April)

100 marks

Part I General Details

1. Introductory Details-

71

- What is Pr. LL ? Its function, bases
 - Development and history
 - Unification Efforts
 - Modern Theories
 - Stages in a Conflict of Law's Case
 - Choice of Law
 - Choice of Jurisdiction
 - Recognition and Enforcement of
 - Foreign Judgments/Awards
 - 2. Choice of Jurisdiction (First Stage)
 - Meaning Bases of Jurisdiction, Limitations
 - Kinds of Jurisdiction
 - In personam
 - Inrem
 - Admiralty Action
 - Stay of Proceedings/Actions
 - Assumed Jurisdictions
 - 3. Classification / Characterisation
 - Necessity for classifications
 - Various theories
 - Leading case illustrative of theories
(Re Cohn Apt V. Apt, Shehnaz V. Rizwan, Ogden
V. Odgen, De Nicols V. Curlier, Re Berehrold.
Re. Maldonade)
- Choice of law - Lex Causes

(Two parts of this stage)

(i) Connecting Factor (First Part)

- Why Connecting factor
- Selection of lex Causes (applicable law)

(ii) Application of lex causes (Second Part)

Three meanings of I.C.

Renvoi- Partial

Renvoi-Total, Foreign Court Theory

Critical Analysis of Renvoi

(iii) Leading Cases

Collier V. Rivaz. Re Duke of Wellington.

Bremer V. Freeman, Re. Aske. Re Annesly.

Re Ross. Forege's Case

Limitations on application or exclusion on foreign law

Incidental Question and Time Factor

Concept of Domicile

General Principles

Elements of Domicile : Intention & Residence

Winavas V. Att. Gen, Ramsay V. Liverpool

Royal infirmary

Kinds of Domicile

Domicile of Origin

Domicile of Choice

Domicile of Dependent
Domicile of Corporation.

8. Status and Universality of Status

Part II - Family Law (Law of Persons)

1. Marriage

Kinds - Monogamous Hyde V. Hyde Polygamous

Questions of formal and essential validity. All other relevant details- details regarding matrimonial jurisdiction in India and Marriage Laws

2. Matrimonial Causes :-

In England and in India Divorce. Nullity Judicial separation and restitution of Conjugal rights. Choice of jurisdiction and choice of Law positions.

3. Legitimacy - Legitimation and adoption

Legitimacy What is legitimacy - Recognition of status of Legitimacy -

What Law governs legitimacy- Legitimacy and succession

4. Legitimation - How it is different from legitimacy. Recognition of this Status - Different methods where by legitimation may take place, legitimation and succession.

5. Adoption

Purpose of Adoption - Adoption at Common law and in Indian Law.

Recognition of Foreign Adoption

Adoption and succession.

Part III Law of Property :-

1. Distinction between Movable and Immovable
 - Immovables-Let Situs rule- Movable Rule- exception
 - The transfer of tangible movable- theories
 - Lex domicile, lex situs, lex actus, proper law
 - Lex situs prefer *Cammell v. Bewell*
2. Assignments of Intangible Movable
 - Kinds of assignments
 - Theories
 - Normal and essential Validity Lex domicile, lex situs, lex actus, proper law
3. Negotiable Instrument
 - Negotiability
 - What law governs
4. Succession -
 - Testate and Intestate
 - Intestate succession - of movable
 - General Rule- lex domicile governs in exceptional circumstances lex situs.
 - Intestate succession to immovable- general rule lex situs governs
 - Testate succession- wills-capacity-lex domicile in case of succession to immovable by will, generally lex situs governs
5. Formal Validity.
 - Lex domicile in case movable and lex situs in case of immovable.

6 Essential validity

Same as formal validity

Part-IV Law of Obligation

a Contracts-

- Validity of Contracts
- Capacity to contract
- Formal validity
- Essential Validity
- Proper Law of contract- Subjective and objective theory

Torts

- Various theories
- Lex fori ex loci, proper law etc.
- philips v. Eyre, Boys v. Chaplin

Part V - Recognition and Enforcement of foreign Judgements theories

- Limitation

Book recommended for this has been R.H. Graveson

Now following books may be prescribed -

The Con of Law - R.H. Graveson

The Conflict of law - Morris J. C.

Indian Private Int. Law- S.S.Chavan

Parivate International Law - G. C. Cheshire

Paras Diwan - Indian Private International Law

Note : The Syllabus should be taught with necessary reference to
 Indian Law and Judicial decisions.
 Conflict of Laws within Indian Personal Laws with reference to
 (1) Marriage (2) Property

Semester IV (November - April)
Paper 18 - Optional Paper (d)
Intellectual Property Laws
100 Marks

Division of Mark

- | | | |
|----|--|------------|
| A. | The Patents Act 1970 | 25 Marks |
| B. | The Copyright Act 1957 | 25 Marks |
| C. | The Trade and Merchandise Marks Act 1958/The Trade Marks Act 1999 | 25 Marks |
| D. | The Designs Act 2000 | } 25 marks |
| E. | Other types of intellectual property | |
| F. | Intellectual Property in general | |
| | (all laws with latest amendments and up-to-date case-law) | |
| A. | The Patents Act-1970 | |
| 1. | Object of the statute, definitions, invention patentable inventions, inventor and his rights, | |
| 2. | Procedure for grant of patent from its application to the grant of patent, including who may apply for a patent, specification, opposition to grant of patent, Patent of | |

addition, Product patent and process patent, Effect of grant of patent, Term of patent, Renewal of patent, Lapse of patent and its restoration.

3. Patentee, his rights and obligations; Limitations on patentee's rights-government use; Compulsory licences; Government use of Invention and its acquisition, Assignment and licence of patent, and avoidance of restrictive conditions,
 4. Revocation and surrender of patents
 5. Infringement of patents, and remedies, Threat of Infringement Proceeding
 6. Exclusive Marketing Rights, Patent Agents, International Arrangements
- B. The Copyright Act 1957
1. Nature and purpose of copyright, Works in which copyright subsist, Author and first owner of copyright, Owner of Copyright, Broadcast reproduction right and performer's rights, Term of Copyright, Registration of copyright and its effect.
 2. Rights conferred by copyright Broadcast Reproduction right, Assignment, transmission and relinquishment of copyright, -Voluntary and compulsory.
 3. Infringement of copyright, Remedies for infringement, Offences and criminal proceeding, Acts not constituting infringement, Groundless threat of legal proceedings.
 4. Copyright Societies, International copyright
- C. The Trade and Merchandise Marks Act 1958/ The Trade Marks Act 1999

(The Act of 1999 will be taught after it has come into force, but it shall not be part of an examination unless it is brought into force at least three months before the examination).

1. Object and purpose of the Act, Definitions, Mark; Trade mark Certification Mark; Associated Trade Marks, Collective Marks, Deceptive similarity, Well-known marks
 2. Procedure and duration of registration including classification of goods, refusal of registration, limitations, Which marks can be registered, Registration of trade marks, Certification marks and Associated marks and its effect and advantages, Rights conferred by registration, Consequences of non-registration Renewal, removal and restoration of registration Effect of non-use.
 3. Rights of a proprietor of a trade mark; Assignment and Transmission of Various types of trade marks, Restrictions of assignment, Use of trade marks and Registered Users
 4. Rectification and correction of register.
 5. Infringement and passing off, jurisdiction of Courts Groundless threat of legal proceedings, Remedies, Appellate Board, its jurisdiction and procedure (under the Act of 1999), Offences and penalties, Marking of goods.
- D. The Designs Act 2000
1. Object and purpose of the Act, Definition
 2. Design, Registrable design

3. Procedure for resgistration of design, Copyright in design, Term of a registered design, Marking of goods and its effect,
 4. Rights of a proprietor of a registered design, Assignment and transmission and avoidance of restrictive conditions.
 5. Piracy of registered design, remedies and procedure, groundless threat of legal proceedings.
- E. Other types of intellectual property
(These will be taught after the respective statutes concerning them have come into force, but these shall not be part of an examination unless the relevant statute is brought into force at least three months before the Examination)
- Concept, delinition, nature of there rights, including when these are registrable and when they can not be registered in respect of the following types of intellectual property
- (a) Geographical indications
 - (b) Semi Conductor intigrated Circuits layout design
 - (c) Plants Varieties.
- F. Intellectual Property in general :
A special type of property, its nature and charactenistics; comparison of intellectual property. The object and purpose of protection of each of them. International nature of intellectual property.

Text Books :

- (1) Intellectual Property Law - P Narayanan
- (2) Patents, Trade Marks Copyright, Designs and Geographical Indications - B L Wadhera
- (3) Management of Intellectual Property - Satyawrat Ponkshe

Reference books :

- (1) Patent Law - P Narayanan
 - (2) Copyright and Industrial Designs - P Narayanan
 - (3) Trade Marks and Passing off - P Narayanan
 - (4) Iyengar's Copyright Act- R G Chaturvedi
 - (5) Intellectual Property - W R Cornish
 - (6) Cases and Materials on Intellectual property - W R Cornish
 - (7) Intellectual Property Rights - Unleashing the knowledge Economy - Prabuddha Ganguli
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SAVITRIBAI PHULE PUNE UNIVERSITY

**(FORMERLY UNIVERSITY OF PUNE)
GANESHKHIND PUNE 411007**

FACULTY OF LAW

INTRODUCTION OF B.B.A. LL.B.

REVISED CURRICULUM (2017-18)

**Courses of Law, Eligibility for Admission, Course Component, Curriculum,
Examination Pattern and Standard of Passing**

for

B.A. LL.B. (Bachelor of Arts and Bachelor of Laws)

B.B.A. LL.B. (Bachelor of Business Administration and Bachelor of Laws)

LL.B. (Bachelor of Laws)

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	7. Course Component of Fifth Year B.A. LL.B., Fifth Year B.B.A. LL.B. and Third Year LL.B.	
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	3. Eligibility for Award of Degree	
	4. Allowed to Keep Terms (ATKT) for B.A.LL.B. Course	

	5. Allowed to Keep Terms (ATKT) for B.B.A.LL.B. Course	
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	Third Year LL.B. - Semester VI	

Part I

Under Graduate Courses of Law

1. Under Graduate Courses of Law:

There shall be three under graduate courses of law leading to Bachelors Degree in Law as hereunder:

1) B.A. LL.B. (Bachelor of Arts and Bachelor of Laws) :

It shall be Integrated Double Degree Five Academic Years Course in Arts and Law. The course shall be divided into ten semesters.

2) B.B.A. LL.B. (Bachelor of Business Administration and Bachelor of Laws) :

It shall be Integrated Double Degree Five Academic Years Course in Management and Law. The course shall be divided into ten semesters.

3) LL.B. (Bachelor of Laws) :

It shall be three Academic Years Degree Course in Law. The course shall be divided into six semesters.

Note : The affiliated college can choose either of B.A. LL.B. and B.B.A. LL.B. courses. The college may also offer both B.A. LL.B. and B.B.A. LL.B. courses simultaneously on the basis of approved divisions. It is the choice of each college to offer any single or both the courses. For starting B.B.A. LL.B. course the college needs to follow norms of the Bar Council India, University, Government and University Grants Commission. However there is no need to obtain permission from All India Council for Technical Education or any other authority.

2. Objectives of Revised Curriculum:

The objectives of revised curriculum of courses of law are :

- 1) To reorient legal education by making provision for sufficient opportunity to the students for extensive as well as intensive study of law.
- 2) To equip the students with (a) knowledge of law, (b) practical application of law, (c) analytical thinking and logical reasoning, (d) effective communication skill.
- 3) To meet the needs of contemporary requirements of Bar, Bench and Industry in the globalised economic era.
- 4) To educate them of diverse backgrounds to become effective, ethical and expert personage who are employable in a variety of legal settings.

3. Extent and Application:

The rules as to eligibility for admission, course component, curriculum, examination pattern and standard of passing for B.A. LL.B., B.B.A. LL.B. and LL.B. given herein shall be applicable initially for the first year of B.A. LL.B., B.B.A. LL.B. and LL.B. and will come into force w.e.f. the academic year 2017-2018. The entire programme will be introduced in a phased manner as shown below :

B.A. LL.B.:

S.N.	Year / Class of Course	Academic Year of Application
1.	First Year of B.A. LL.B	2017-2018
2.	Second Year of B.A. LL.B	2018-2019
3.	Third Year of B.A. LL.B	2019-2020
4.	Fourth Year of B.A. LL.B.	2020-2021
5.	Fifth Year of B.A. LL.B.	2021-2022

B.B.A. LL.B. :

S.N.	Year / Class of Course	Academic Year of Application
1.	First Year of B.B.A. LL.B.	2017-2018
2.	Second Year of B.B.A. LL.B.	2018-2019
3.	Third Year of B.B.A. LL.B.	2019-2020
4.	Fourth Year of B.B.A. LL.B.	2020-2021
5.	Fifth Year of B.B.A. LL.B.	2021-2022

LL.B. :

S.N.	Year / Class of Course	Academic Year of Application
1.	First Year of LL.B.	2017-2018
2.	Second Year LL.B.	2018-2019
3.	Third Year of LL.B.	2019-2020

Part II

Eligibility for Admission for B.A. LL.B., B.B.A. LL.B. and LL.B. Courses

1. Qualifying Examination for Admission:

1) B.A. LL.B. and B.B.A. LL.B. (Integrated Double Degree Programme) :

An applicant who has successfully completed Senior Secondary School course ('+2') or equivalent (such as 11+1, 'A' level in Senior School I Leaving certificate course) from a recognized University of India or outside or from a Senior Secondary Board or equivalent, constituted or recognized by the Union or by a State Government or from any equivalent institution from a foreign country recognized by the government of that country for the purpose of issue of qualifying certificate on successful completion of the course, may apply for and be admitted into the programme of the Centres of Legal Education to obtain the integrated degree in law with a degree in any other subject as the first degree from the University whose such a degree in law is recognized by the Bar Council of India for the purpose of enrolment.

(2) LL.B. (Three Year Law Degree Course):

An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State legislature or an equivalent national institution recognized as a Deemed to be University or foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years' degree program in law leading to conferment of LL.B. degree on successful completion of the regular program conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

Provided that applicants who have obtained + 2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the Integrated Five Years course or three years' LL.B. course, as the case may be.

Explanation: The applicants who have obtained 10 + 2 or graduation / post graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law courses.

2. Minimum Marks in Qualifying Examination for Admission:

A candidate passing Higher Secondary School Certificate Examination (10+2) or its equivalent, as prescribed by the Bar Council of India or the University, with minimum 45 % marks shall be eligible to apply for admission to (i) First Year of B.A. LL.B. or (ii) First Year of B.B.A. LL.B. There shall be relaxation of 5 % marks in case of scheduled caste and scheduled tribe candidates.

A candidate passing Bachelor's degree examination or its equivalent in any faculty of this University or any other recognised University, as prescribed by the Bar Council of India or

the University, with minimum 45 % marks shall be eligible to apply for admission to First Year of LL.B. There shall be relaxation of 5 % marks in case of scheduled caste and scheduled tribe candidates.

If the candidate has obtained 44.5 % marks or more in qualifying examination for admission is permitted to be rounded off as 45 % marks for the purpose of admission to (i) First Year of B.A. LL.B., or (ii) First Year of B.B.A. LL.B., or (iii) First Year of LL.B., as the case may be.

Similarly, if the candidate belonging to scheduled caste or scheduled tribe category has obtained 39.5 % marks or more in qualifying examination for admission is permitted to be rounded off as 40 % marks for the purposes of admission to (i) First Year of B.A. LL.B., or (ii) First Year of B.B.A. LL.B., or (iii) First Year of LL.B., as the case may be.

Such a minimum qualifying marks shall not automatically entitle a person to get admission into an institution or college but only shall entitle the person concerned to fulfill other criteria notified by the institution / college concerned or by the University or by the Bar Council of India or by the government concerned from time to time to apply for admission.

Explanation: Candidates for Scheduled Caste and Scheduled Tribes categories should be those declared as Scheduled Caste and Scheduled Tribes for the State of Maharashtra.

3. Prohibition to Register for two Regular Courses of Study:

No student shall be allowed to simultaneously register for a law degree programme with any other graduate or postgraduate course run by the same or any other University or an Institute for academic or professional learning except in the integrated degree program of the same institution.

4. Prohibition against Lateral Entry and Exit :

There shall be no lateral entry on the plea of graduation in any subject or exit by way of awarding a degree splitting the integrated double degree course, at any intermediary stage of integrated double degree course.

The term “lateral entry” means an admission given to graduate applicants at the beginning of third year in an integrated five year course.

The term “lateral exit” means opting out at the end of three year after successfully completing the courses up to the third year, from an integrated five year course on being awarded a bachelor degree.

5. Miscellaneous Rules of Eligibility for Admission:

The rules given herein are for the general understanding of the candidates. However, the admission to (i) First Year of B.A. LL.B., (ii) First Year of B.B.A. LL.B. and (iii) First Year of LL.B. shall be subject to the rules made and conditions prescribed, from time to time, by the University, Central Government, State Government, Bar Council of India, University Grants Commission, or any other authority empowered.

Part III
Course Component of
B.A. LL.B., B.B.A. LL.B. and LL.B.

1. Course Component of First Year B.A. LL.B. :

Subject Code	Semester I
CE 0101	General English
BA 0102	General Principles of Political Science
BA 0103	General Principles of Economics
BA 0104	General Principles of Sociology

Subject Code	Semester II
CE 0201	English for Law
BA 0202	Political Theories
BA 0203	Macro Economics, Policies and Practice
BA 0204	Theoretical Perspectives of Sociology

2. Course Component of First Year B.B.A. LL.B. :

Subject Code	Semester I
CE 0101	General English
BB 0102	Managerial Accounting
BB 0103	Principles of Management
BB 0104	Business Communications

Subject Code	Semester II
CE 0201	English for Law
BB 0202	Organisational Behaviours
BB 0203	Management Information System
BB 0204	Principles of Marketing

3. Course Component of Second Year B.A. LL.B. :

Subject Code	Semester III
CE 0301	Legal Language and Legal Reasoning
BA 0302	Public Policy and Public Administration
BA 0303	Theories of Development and Indian Economy
BA 0304	Society in India

Subject Code	Semester IV
CE 0401	Law and Literature
BA 0402	International Relations
BA 0403	Law and Economics
BA 0404	Social Research Methods

4. Course Component of Second Year B.B.A. LL.B. :

Subject Code	Semester III
CE 0301	Legal Language and Legal Reasoning
BB 0302	Basics of Finance
BB 0303	Managerial Economics
BB 0304	Business Ethics and Corporate Governance

Subject Code	Semester IV
CE 0401	Law and Literature
BB 0402	Human Resource Management
BB 0403	Case Studies in Business Environment
BB 0404	Business Research Methods

Course Component of Third Year B.A. LL.B., Third Year B.B.A. LL.B. and First Year LL.B. :

Subject Code	Third Year B.A. LL.B. - Semester V Third Year B.B.A. LL.B. - Semester V First Year LL.B. - Semester I
LC 0501	Legal and Constitutional History
LC 0502	Family Law I
LC 0503	Law of Contract I
LC 0504	Law of Crimes
	Optional Subject 1 (Any one from the following)
LO 0505	(a) Health and Food Law
LO 0506	(b) Equity and Trust Law
LO 0507	(c) Criminal Psychology and Criminal Sociology
LO 0508	(d) Agricultural Marketing Law
LO 0509	(e) Intellectual Property Rights I

Subject Code	Third Year B.A. LL.B. - Semester VI Third Year B.B.A. LL.B. - Semester VI First Year LL.B. - Semester II
LC 0601	Constitutional Law I
LC 0602	Family Law II

LC 0603	Law of Contract II
LC 0604	Tort and Consumer Protection Law
	Optional Subject 2 (Any one from the following)
LO 0605	(a) Media and Law
LO 0606	(b) Banking and Insurance Law
LO 0607	(c) Penology and Victimology
LO 0608	(d) Land Acquisition Law
LO 0609	(e) Intellectual Property Rights II

Course Component of Fourth Year B.A. LL.B., Fourth Year B.B.A. LL.B. and Second Year LL.B. :

Subject Code	Fourth Year B.A. LL.B. - Semester VII Fourth Year B.B.A. LL.B. - Semester VII Second Year LL.B. - Semester III
LC 0701	Constitutional Law II
LC 0702	Property Law and Easement
LC 0703	Public International Law
LP 0704	Practical Training Paper I - Professional Ethics and Contempt of Court Law
	Optional Subject 3 (Any one from the following)
LO 0705	(a) Comparative Constitutions
LO 0706	(b) Investment and Securities Law
LO 0707	(c) Criminal Minor Acts
LO 0708	(d) Cooperative Law
LO 0709	(e) Private International Law
Subject Code	Fourth Year B.A. LL.B. - Semester VIII Fourth Year B.B.A. LL.B. - Semester VIII Second Year LL.B. - Semester IV
LC 0801	Labour and Industrial Law
LC 0802	Jurisprudence
LC 0803	Law of Evidence
LP 0804	Practical Training Paper II - Alternate Dispute Resolution System
	Optional Subject 4 (Any one from the following)
LO 0805	(a) Human Rights Law and Practice
LO 0806	(b) Competition Law
LO 0807	(c) Vulnerable and Disadvantaged Groups and Criminal Law
LO 0808	(d) Civil Minor Acts
LO 0809	(e) International Economic Law

Course Component of Fifth Year B.A. LL.B., Fifth Year B.B.A. LL.B. and Third Year LL.B. :

Subject Code	Fifth Year B.A. LL.B. - Semester IX Fifth Year B.B.A. LL.B. - Semester IX Third Year LL.B. - Semester V
LC 0901	Civil Procedure Code
LC 0902	Interpretation of Statutes
LC 0903	Environmental Law
LP 0904	Practical Training Paper III - Drafting, Pleading and Conveyance
	Optional Subject 5 (Any one from the following)
LO 0905	(a) Law on Education
LO 0906	(b) Principles of Taxation Law
LO 0907	(c) Law of Forensic Science
LO 0908	(d) Land Laws I
LO 0909	(e) International Law on Air, Space and Sea

Subject Code	Fifth Year B.A. LL.B. - Semester X Fifth Year B.B.A. LL.B. - Semester X Third Year LL.B. - Semester VI
LC 1001	Criminal Procedure Code
LC 1002	Administrative Law
LC 1003	Company Law
LP 1004	Practical Training Paper IV - Moot Court Exercise and Internship
	Optional Subject 6 (Any one from the following)
LO 1005	(a) Election Law
LO 1006	(b) Bankruptcy and Insolvency Law
LO 1007	(c) Comparative Criminal Justice System
LO 1008	(d) Land Laws II
LO 1009	(e) Humanitarian and Refugee Law

8. Choosing Optional Law Subjects for B.A. LL.B., B.B.A. LL.B and LL.B :

The arrangement of optional subjects in law for B.A. LL.B., B.B.A. LL.B and LL.B courses allows the student to have specialization, to some extent, in (a) Constitutional Law Group, or Business Law Group, or (c) Crime and Criminology Group, or (d) Law and Agriculture Group, or (e) Intellectual Property Rights and International Law Group by choosing the optional subjects from given list in each semester.

Explanation 1 :

A student willing to have specialization in Constitutional Law Group can choose optional papers at serial no. (a) in each semester. A student willing to have specialization in Business Law Group can choose optional papers at serial no. (b) in each semester.

A student willing to have specialization in Crime and Criminology Group can choose optional papers at serial no. (c) in each semester.

A student willing to have specialization in Law and Agriculture Group can choose optional papers at serial no. (d) in each semester.

A student willing to have specialization in Intellectual Property Rights and International Law Group can choose optional papers at serial no. (e) in each semester. Explanation 2 :

This arrangement of optional subjects in law is made to allow the student to have specialization, to some extent, in a specified group. It will be mandatory for the student to choose subjects as given in explanation 1.

Explanation 3 :

The college may offer all or any of the groups of optional subjects of specialization at its discretion.

9. Abbreviations used in Subject Codes :

The abbreviations used in the subject codes in the course component of B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall have meaning as under :

CE means Compulsory English subject for B.A. LL.B. and B.B.A. LL.B. courses.

BA means subject from discipline of Arts for B.A. LL.B. course.

BB means subject from discipline of Business Administration for B.B.A. LL.B. course.

LC means Compulsory Law subject for law courses.

LP means Compulsory Practical Training subject for law courses.

LO means Optional Law subject for law courses.

Part IV

Examination Pattern for B.A. LL.B., B.B.A. LL.B. and LL.B. Courses

1. Attendance of Lectures, Internals and Moot Court :

A student of B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall not be allowed to take the end semester examination in a subject if the student concerned has not attended minimum of 75 % of the classes held in the subject concerned as per University rules.

If a student for any exceptional reasons fails to attend 75 % of the classes held in any subject, a student may be allowed to take the end semester examination in a subject by the University as per rules.

2. Duration of Studies :

The curriculum of study for the B.A. LL.B. and B.B.A. LL.B. shall be spread over five academic years and shall be divided into ten semesters for the examination purposes.

The course leading to B.A. LL.B. and B.B.A. LL.B. degree shall not have less than 30 class hours per week including tutorials, moot court exercises, guest lectures and seminars. There shall be at least 24 lecture hours per week.

The curriculum of study for the LL.B. shall be spread over three academic years, and shall be divided into six semesters for the examination purposes.

The course leading to LL.B. degree shall not have less than 30 class hours per week including tutorials, moot court exercises, guest lectures and seminars. There shall be at least 24 lecture hours per week.

3. Medium of Instruction and Division of Marks :

The medium for instruction and for examination of all subjects in B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall be English.

Each subject of B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall be of 100 marks.

The division of 100 marks for all the subjects, except for practical training subjects, shall be as under :

University Written Examination	: 80 marks.
Internal Assessment by College	: 20 marks.

4. Division of Marks in Practical Training Subjects :

The compulsory practical training subjects of B.A. LL.B., B.B.A. LL.B. and LL.B. shall carry the division of marks as under:

- | | |
|---|----------|
| (1) Practical Training Paper I - Professional Ethics and Contempt of Court Law: | |
| (a) University Written Examination | |
| (b) Written submissions and viva voce examination | 20 Marks |
| (2) Practical Training Paper II - Alternate Dispute Resolution System : | |
| (a) University Written Examination | 80 Marks |
| (b) Written submissions and viva voce examination | 20 Marks |
| (3) Practical Training Paper III - Drafting, Pleading and Conveyance : | |
| (a) University Written Examination | 80 Marks |
| (b) Written submissions and viva voce examination | 20 Marks |
| (4) Practical Training Paper IV - Moot Court Exercise and Internship : | |
| (a) Moot court exercises (30 Marks), Observance of trials (30 Marks) and Pre-trial preparations (30 Marks) activities | 90 Marks |
| (b) Written submissions and Viva voce examination | 10 Marks |

5. University Written Examination (80 Marks) :

There shall be University written examination of 80 marks for each subject at the end of each semester of B.A. LL.B., B.B.A. LL.B. and LL.B. courses.

There shall not be University written examination for Practical Training Paper IV - Moot Court Exercise and Internship.

6. Question Paper Pattern for University Written Examination (80 Marks) :

The question paper for University written examination of each subject, except for Practical Training Paper IV - Moot Court Exercise and Internship, shall consists of three parts :

- (1) Part A Questions (40 marks) :

Part A of the question paper may consist of essay questions and hypothetical problems. The candidate has to write an essay question with critical evaluation. The candidate is expected to substantiate his answer with support of relevant legal perspectives. For questions on problems, the candidate needs to substantiate the answer with legal arguments along with support of decided case law. In non- law papers, candidates need to answer the question with a critical perspective along with contemporary developments of the respective areas in the respective paper. There shall be four questions and the student has to answer any two questions. Each question shall be for 20 marks.

- (2) Part B Questions (30 marks):

The Part B of question paper shall consists short essay type questions, critical comments on a decided case, etc., depending on the nature of subject. A student has to answer the question with critical evaluation. There shall be four questions and the student has to answer any two questions. Each question shall be for 15 marks.

- (3) Part C Questions (10 marks) :

The Part C of question paper shall consists of short answer questions. There shall be four questions and the student has to answer any two questions. Each question shall be for 5 marks. The question paper pattern given herein may be changed or altered by the University at any time without prior information to the students. The question paper pattern given herein may also be changed or altered by the University depending on the nature of subject.

7. Internal Assessment by College (20 Marks)*:

A schedule of mid-term written examination in each term or semester shall be prepared by the college.

There shall be a mid-term written examination in each term or semester of B.A. LL.B., B.B.A. LL.B. and LL.B. courses

The internal written test to be conducted by the college in the middle of the semester for 20 marks. The internal test shall comprise of two components. Component one shall have an essay question for 15 Marks. The other component shall be of a short answer question of 05 Marks. All colleges need to adopt this pattern without any deviation. After the examination the internal marks need to be displayed within 20 working days.

The college, for failed or absent students, shall conduct re-examination for internal assessment (mid-term written examination) of a subject as per University rules.

The internal assessment marks may be withheld or withdrawn by the college on the ground of non-fulfillment of attendance requirement by the student as prescribed by the University rules

8. Conduct of Viva Voce Examination :

The viva voce examination for the practical training subjects shall be conducted in accordance with the schedule prepared by the University.

The viva voce examination for all practical training subjects shall be conducted by the committee of examiners appointed by the University.

The committee of examiners shall not take viva voce examination of a student unless he / she submits a duly assessed written submissions at the time of viva voce examination. Explanation : The written submissions by the student, as required under any of the practical training subjects, means handwritten submissions.

*As amended by the Academic Council vide resolution no B 18 PA /18/ 2017 its meeting on13/07/2017.

Part V

Standard of Passing for B.A. LL.B., B.B.A. LL.B. and LL.B.

1. Standard of Passing for First and Second Year B.A. LL.B. and B.B.A. LL.B.:

In case of any subject of First and Second Year B.A. LL.B. and B.B.A. LL.B. courses a student must obtain not less than 40 marks to pass a subject.

The total marks of a subject shall be computed by adding marks of University written examination and internal assessment.

There shall be separate passing for University written examination and internal assessment. A student must obtain not less than 32 marks to pass University written examination of a subject. A student must obtain not less than 8 marks to pass internal examination of a subject.

A student shall be declared as passed in a particular year or class if he / she have passed in all the subjects of two terms or semesters of a year or class taken together. There shall not be a separate passing for a single semester or term examination.

The class shall be awarded to the student if he / she have passed in all the subjects of two terms or semesters of a year or class taken together.

A student shall be entitled to the benefit of grace marks or additional marks for extra-curricular activities as per University rules.

The difference between the percentage of University written examination marks and percentage of internal assessment marks of a student for any subject shall not be more than 15%. If the percentage of marks obtained by a student for any subject in internal assessment exceed the percentage of marks obtained by him / her in University written examination by more than 15% the marks obtained by him / her in internal assessment shall be brought down to that extent.

The class shall be awarded to the student for that year or class as under :

S.N.	Percentage of Marks	Class
(i)	Aggregate 40 % and more but less than 50 %	Pass Class**
(ii)	Aggregate 50 % and more but less than 55 %	Second Class
(iii)	Aggregate 55 % and more but less than 60 %	Higher Second Class
(iv)	Aggregate 60 % and above but less than 70 %	First Class
(V)	Aggregate 70 % and above	First Class with Distinction

Standard of Passing for (a) Third, Fourth and Fifth Year of B.A. LL.B., (b) Third, Fourth and Fifth Year of B.B.A. LL.B., and (c) First, Second and Third Year of LL.B.:

In case of any subject of (a) Third, Fourth and Fifth Year of B.A. LL.B., (b) Third, Fourth and Fifth Year of B.B.A. LL.B. and (c) First, Second and Third Year of LL.B., a student must obtain not less than 40 marks to pass a subject.

**** The aggregate for passing shall be 40% for all years of B .A. LL.B., B.B.A. LL.B. and LL.B. from the academic year 2018-19 as per circular Ref. No. C.B.L./46 dated 15-01-2018.**

The total marks of a subject, except for practical training subjects, shall be computed by adding marks of University written examination and internal assessment.

There shall be separate passing for University written examination and internal assessment. A student must obtain not less than 32 marks to pass University written examination of a subject. A student must obtain not less than 8 marks to pass internal examination of a subject.

The total marks of practical training subjects, except for Practical Training Paper IV - Moot Court Exercise and Internship, shall be computed by adding marks for two components - (a) University written examination and (b) written submissions and viva voce examination. There shall be separate passing for these two components of a subject. A student must obtain not less than 32 marks to pass a University written examination of a subject. A student must obtain not less than 8 marks to pass a written submissions and viva voce examination of a subject.

The total marks of Practical Training Paper IV - Moot Court Exercise and Internship shall be computed by adding marks for two components - (a) moot court exercises, observance of trials, pre-trial preparations and (b) written submissions and viva voce examination. There shall be separate passing for these two components. A student must obtain not less than 36 marks to pass in a moot court exercises, observance of trials, pre-trial preparations of a subject. A student must obtain not less than 4 marks to pass a written submissions and viva voce examination of a subject. A student shall be declared as passed in an examination of particular year or class if :
he / she has passed in all the subjects of two terms or semesters of a year or class; and
he / she has obtained not less than 50% of aggregate marks in all the subjects of two terms or semesters of a year or class taken together.

(7) There shall not be a separate passing for a single semester or term examination.

(8) A student failed in a particular year or class examination or a student allowed to keep terms (ATKT) shall be required to register and appear for the University written examination of the subject or subjects in which he / she has obtained less than 50 % marks in University written examination. Similarly, he / she shall be required to register and appear for the internal examination of the subject or subjects in which he / she has obtained less than 50 % marks in internal examination.

(9) A student failed in a particular year or class examination or a student allowed to keep terms (ATKT) shall be exempted from registering and appearing for the examination of the subject or subjects in which he / she has obtained not less than 50marks.

(10) The class shall be awarded to the student if he / she is declared as passed in a particular year or class.

(11) A student shall be entitled to the benefit of grace marks or additional marks for extra curricular activities as per University rules.

(12) The difference between the percentage of University written examination marks and percentage of internal assessment marks of a student for any subject shall not be more than 15%. If the percentage of marks obtained by a student for any subject in internal assessment exceed the percentage of marks obtained by him / her in University written examination by more than 15% the marks obtained by him / her in internal assessment shall be brought down to that extent.

(13) The class shall be awarded to the student for that year or class as under :

S.N.	Percentage of Marks	Class
(i)	Aggregate 50 % and more but less than 55 %	Second Class
(ii)	Aggregate 55 % and more but less than 60 %	Higher Second Class
(iii)	Aggregate 60 % and above but less than 70 %	First Class
(iv)	Aggregate 70 % and above	First Class with Distinction

Note :- As per circular Ref. No. C.B.L./46 dated 15-01-2018 there shall be a pass class from academic year 2018-19 below 50% of marks.

3. Eligibility for Award of Degree :

A student of B.A. LL.B. course passed in examination of all the years or classes shall be eligible to obtain the B.A. LL.B. degree.

A student of B.B.A. LL.B. course passed in examination of all the years or classes shall be eligible to obtain the B.B.A. LL.B. degree.

A student of LL.B. course passed in examination of all years or classes shall be eligible to obtain the LL.B. degree.

If any add-on papers introduced either by the University, Government, UGC from time to time as compulsory courses, students need to undergo and pass such papers apart from prescribed syllabi for each law programme as per norms. The marks scored in those papers will have no effect on the class of the student of their regular course of study. The marks earned in the add-on papers will reflect separately in the statement of mark of each student. Such add-on courses will not affect the ATKT Rules.

4. Allowed to Keep Terms* (ATKT) for B.A.LL.B. Course :

A student of First Year B.A. LL.B. shall be eligible for admission to Second Year B.A. LL.B. if he / she has passed in at least five subjects of First Year B.A. LL.B. in first and second semester examinations taken together.

A student of Second Year B.A. LL.B. shall be eligible for admission to Third Year B.A. LL.B. if he / she has passed in at least five subjects of Second Year B.A. LL.B. in third and fourth semester examinations taken together.

A student of Second Year B.A. LL.B. shall not be eligible for admission to Third Year B.A. LL.B. unless he has passed First Year B.A. LL.B. examination.

A student of Third Year B.A. LL.B. shall be eligible for admission to Fourth Year B.A. LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Third Year B.A. LL.B. in fifth and sixth semester examinations taken together.

A student of Third Year B.A. LL.B. shall not be eligible for admission to Fourth Year B.A. LL.B. unless he has passed Second Year B.A. LL.B. examination.

A student of Fourth Year B.A. LL.B. shall be eligible for admission to Fifth Year B.A. LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Fourth Year B.A. LL.B. in seventh and eighth semester examinations taken together.

A student of Fourth Year B.A. LL.B. shall not be eligible for admission to Fifth Year B.A. LL.B. unless he has passed Third Year B.A. LL.B. examination.

5. Allowed to Keep Terms* (ATKT) for B.B.A.LL.B. Course :

A student of First Year B.B.A. LL.B. shall be eligible for admission to Second Year B.B.A. LL.B. if he / she has passed in at least five subjects of First Year B.B.A. LL.B. in first and second semester examinations taken together.

A student of Second Year B.B.A. LL.B. shall be eligible for admission to Third Year B.B.A. LL.B. if he / she has passed in at least five subjects of Second Year B.B.A. LL.B. in third and fourth semester examinations taken together.

A student of Second Year B.B.A. LL.B. shall not be eligible for admission to Third Year B.B.A. LL.B. unless he has passed First Year B.B.A. LL.B. examination.

A student of Third Year B.B.A. LL.B. shall be eligible for admission to Fourth Year B.B.A. LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Third Year B.B.A. LL.B. in fifth and sixth semester examinations taken together.

A student of Third Year B.B.A. LL.B. shall not be eligible for admission to Fourth Year B.B.A. LL.B. unless he has passed Second Year B.B.A. LL.B. examination.

A student of Fourth Year B.B.A. LL.B. shall be eligible for admission to Fifth Year B.B.A. LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Fourth Year B.B.A. LL.B. in seventh and eighth semester examinations taken together.

A student of Fourth Year B.B.A. LL.B. shall not be eligible for admission to Fifth Year B.B.A. LL.B. unless he has passed Third Year B.B.A. LL.B. examination.

6. Allowed to Keep Terms* (ATKT) for LL.B. Course :

A student of First Year LL.B. shall be eligible for admission to Second Year LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of First Year LL.B. in first and second semester examinations taken together.

A student of Second Year LL.B. shall be eligible for admission to Third Year LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Second Year LL.B. in third and fourth semester examinations taken together.

A student of Second Year LL.B. shall not be eligible for admission to Third Year LL.B. unless he has passed First Year LL.B. examination.

*If a student passes in not less than 2/3 of total subjects, his result status will be ATKT. Thus if there are total eight subjects to pass, minimum number of passing subjects allowed to avail ATKT status is $8 \times \frac{2}{3} = 5$. It means a student should pass in minimum five out of eight subjects.

7. Duration to Complete Entire Course :

A student of B.A. LL.B. course, in order to become eligible for award of the degree, must pass in all the subjects, divided in ten semesters, within a span period of ten academic years including academic year in which he / she was admitted to first year of the course. No student shall be admitted as a candidate for any examination of the said course after the said period of ten academic years unless he / she is readmitted to the course.

A student of B.B.A. LL.B. course, in order to become eligible for award of the degree, must pass in all the subjects, divided in ten semesters, within a span period of ten academic years including academic year in which he / she was admitted to first year of the course. No student shall be admitted as a candidate for any examination of the said course after the said period of ten academic years unless he / she is readmitted to the course.

A student of LL.B. course, in order to become eligible for award of the degree, must pass in all the subjects, divided in six semesters, within a span period of six academic years including academic year in which he / she was admitted to first year of the course. No student shall be admitted as a candidate for any examination of the said course after the said period of six academic years unless he / she is readmitted to the course.

8. Removal of Doubts and Difficulties:

Notwithstanding anything stated in the rules herein or any issue stated hereinabove, for any unforeseen issues arising, and not covered by the rules herein, or in the event of differences of interpretation, the Vice-Chancellor of the University may take a decision and the said decision of the Vice-Chancellor shall be binding.

Part VI
Syllabus of First Year of B.A. LL.B.
First Year B.A. LL.B. - Semester I

CE 0101 General English

Objectives of the Course : The purpose of the course is to acquaint the students with the nature of English language and its grammatical concepts. This paper focuses on strengthening the students' syntactical competence so as to bring quality and correct grammatical constructions in their writing and it is also meant to train them on how to study for various purposes.

Module 01 Language and Grammar :

Defining Language
Nature of Language
Syntactical Competence (Introductory)
Grammar and Usage -
 Sentence Structure- Subject and Predicate
 Concord
 Tenses
 Use of Articles
 Accurate Use of Prepositions
 Making Questions (Why- and yes-no questions and question tags)
Use of Modal Auxiliary Verbs (making requests, suggestions, seeking permission etc.)
Some Common Errors

Module 02 Sentence Transformation :

Active and Passive Voice
Types of Sentences (Statements, interrogative, exclamatory and imperative)
Simple, Complex and Compound Sentences
Reported Speech
Syntactic Ambiguity

Module 03 Vocabulary Skills :

Idioms and Phrases
One Word Substitution

Module 04 Communication Skills :

Communication - Verbal, Non-verbal and Written
Significance of Communication Skills for Lawyers- Listening, Speaking,
Reading and Writing (Introductory)
 Electronic Communication and its Types (Telephone, Facsimile, E-mail,
 Voice mail, Teleconferencing, Video-conferencing, Word processor, Internet,
 Social Media)
Formal Correspondence

Resume Writing

Module 05 Study Skills for Law Students :

SQ3R (Survey Question Read Recite and Review)

Reading - Types- intensive and extensive; techniques- scanning, skimming and critical

Note making

Writing (Correct grammar, spelling, punctuation and clarity)

Paragraph Writing

Recommended Readings:

- 1) *Cambridge Idioms Dictionary*. Singapore: Cambridge University Press, 2006.
- 2) Donald, Sydney G. and Pauline E Kneale. *Study Skills for Language Students*. New York: OUP, 2001.
- 3) Green, David. *Contemporary English Grammar Structures and Composition*. Chennai: Macmillan, 1999.
- 4) Gupta, Shweta. *General English & Legal Language*, Allahabad: CLP, 2016.
- 5) Hansen, Randall S and Katherine Hansen. *The Complete Idiot's Guide to Study Skills*. New Delhi: Penguin Books, 2008.
- 6) Sanjay Kumar & Pushp Lata. *Communication Skills*. India: OUP, 2011.
- 7) Thomson and Martinet. *A Practical English Grammar*. Mumbai: OUP, 1970.
- 8) Tripathi, S C. *Legal Language, Legal Writing & General English*. Allahabad: CLP, 2014.
- 9) Whitmore, Tracey. *How to write an Impressive CV & Cover Letter*. Rupa & Co. 2011.
- 10) Yadugiri, M. A. and Geeta Bhaskar. *English for Law*. New Delhi: Foundation Books, 2005.

BA 0102 General Principles of Political Science

Objectives of the Course : This paper focuses on understanding the basic concepts, theories and functioning of State. It tries to enable students to understand the entire gamut of Political Science and its inter-relationship with other disciplines. This paper focuses on creating an understanding of theories of State, its basic concepts and functioning of State and Government. As a final point, the course attempts to make the students aware about the structure, organization and principles of political Parties as a vital element of democratic machinery.

Module 01 Introduction :

Definition and Nature of Political Science
Concept of Political Science
Methods of studying Politics -Traditional Methods -Philosophical Method -
Historical Method - Institutional Method-Legal Method - Modern Methods -
Behavioural Method - Post Behavioural Method
Significance of Political Science
Relationship of Political Science with other allied subjects - Sociology,
Economics and Law

Module 02 Origin and Development of State :

Historical Evolution of State from Individual to State
Meaning and definition of State
Essential elements of State - Population-Territory- Government and
Sovereignty
Theories of origin of State–Divine origin Theory - Historical Theory -Genetic
Theory- Social Contract Theories of Hobbes, Locke and Rousseau
Types of State- Unitary- Federal-Micro-Macro and City-State. /Development
of State from City State - Plato's ideal State -Nation State-Welfare State -
Micro and Macro - Cosmopolitan State

Module 03 Sovereignty of State :

Meaning and definition of Sovereignty
Characteristics of Sovereignty
Sovereignty and Constitutional law
Austin's Interpretation and Pluralistic Interpretation of Sovereignty

Module 04 Theory of Separation of Powers :

Origin and Development of the concept
Significance of Theory of Separation of Powers
Interrelation between Legislature, Executive and Judiciary

Module 05 Political Obligation :

Meaning and Nature of Political Obligation
Significance of Political Obligation
Individual and Political Obligation
Theories of Political Obligation – Liberal Theory-Force Theory-Consent
Theory Idealist Theory- Marxist Theory- Utilitarian Theory

Political Obligation and Unjust Laws
 Concept of Punishment and its need
 Theories of Punishment – Deterrent Theory- Retributive Theory- Preventive Theory- Reformatory Theory - Expiatory Theory

Module 06 Government and its Forms :

Difference between State and Government
 Classification of Government – Classical view - Plato and Aristotle
 Modern Forms of Government – Monarchy- Aristocracy- Democracy- Dictatorship-Parliamentary-Presidential- Unitary and Federal- Local Self Government – An overview

Module 07 Political Parties and Pressure Groups :

Origin and evolution of Political Parties
 Meaning and nature of Political Parties
 Structure, Power and functions of Political Parties
 Types of Political Party System– Single Party System-Bi-Party System-Multi-Party System
 Types of Political Parties – Indian Scenario- Umbrella Party- National Parties-State Parties-Regional Parties
 Pressure Groups – Meaning and significance and functions
 Election process – Understanding basic concepts- Electoral - Constituency- Universal Adult Franchise- Representation and its types Commission
 Role of Election Commission in regulating Political Parties

Recommended Readings :

- 1) Asirvatham Addi, *Political Theory* (New Delhi, S. Chand and Co. 1988).
- 2) Barker, E. *Principles of Social and Political Theory*, (Calcutta, Oxford University Press, 1976).
- 3) Colin Hay (2002) *Political Analysis: A Critical Introduction*. Basingstoke: Palgrave Macmillan.
- 4) David Collier and John Gerring (eds.) (2009) *Concepts and Method in Social Science: The Tradition of Giovanni Sartori*. London: Routledge.
- 5) Gauba, O.P., *An Introduction to Political Theory* (New Delhi, Macmillan 2005).
- 6) Heywood, Andrew, *Politics* (New York, Palgrave, 2002).
- 7) Hobbes, T *Leviathan* (ed) R-Tuck, Cambridge, (Cambridge University Press, 1991).
- 8) Jain, P.V. *Political Science I (Political Theory)* Allahabad: Central Law Publication, 2016.
- 9) Johari, J.C. *Principles of Modern Political Science* (New Delhi, Sterling Publisher, 2005).
- 10) Kapur, A.C., *Principles of Political Science* (New Delhi, S. Chand and Co. 2005).
- 11) Leftwich, Adrian, *What is Politics* (Cambridge, Polity Press, 2005).
- 12) MacIver, R.M, *The Modern State* (Oxford, Oxford University Press, 1926).
- 13) Marx, K.H, *The Communist Manifesto* C Moscow, Progress Publishers, 1975).
- 14) Ramaswamy, Sushila, *Political Theory: Ideas and Concepts* (Delhi, Macmillan, 2003).
- 15) Tansey, S.D., *Politics : The Basics* (London, Routledge, 2000).

Recommended Articles :

- 1) Jackson, John H (2003). *Sovereignty - Modern: A New Approach to an Outdated Concept*, Georgetown Law Faculty Publications and Other Works. (110.scholarship.law.georgetown.edu/facpub/110/).
- 2) Khushi Pandya (April 22, 2013), *Separation of Powers - An Indian Perspective*,

- 3) University of Westminster - School of Law, (https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2254941).
- 4) Eoin Carolan (Jan 1, 2009). *The Problems with the Theory of the Separation of Powers*.
- 5) University College Dublin (UCD) - School of Law. (https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=1889304).
- 6) Danny Gittings (2015). *Conflict Over Montesquieu's Doctrine' on Separation of Powers*. (https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=2617094).
- 7) Jose Cheibub- *Systems of Government: Parliamentarism and Presidentialism*. (https://www.hks.harvard.edu/fs/pnorris/.../Cheibub_Pres_Parlt.pdf).
- 8) Wilhelm Hofmeister and Karsten Grabow. (2011) *Political parties : functions and organisation in democratic societies* –Konrad Adenauer Stiftung. (www.kas.de/wf/doc/kas_7671-1442-2-30.pdf?120920114650).
- 9) Kamal Rana (2014). *Role of Pressure Groups in Indian Democracy*. (www.importantindia.com/.../role-of-pressure-groups-in-indian-democracy/).
- 10) Mukulika Banerjee (2014). *Working of Indian Electoral Democracy -Why India Votes*, Routledge Publishers. (www.mainstreamweekly.net/article6494.html).
- 11) Pratap Bhanu Mehta, *Is electoral and institutional reform the answer?* (www.india-seminar.com/.../506%20pratap%20bhanu%20mehta.htm).
- 12) Anup Shah - *Democracy - Global Issues*. (www.globalissues.org/article/761/democracy).
- 13) Ashutosh Varshney (1998) *India Defies the Odds: Why Democracy Survives* | Journal of Democracy, Volume 9, pp 36-50. (www.journalofdemocracy.org/.../india-defies-odds-why-democracy-survives).
- 14) T. N. Srivastava (2002). *Local Self Government and the Constitution*. Economic and Political Weekly, Vol. 37, No. 30, pp. 3190-3198.

Recommended Journals :

- 1) American Journal of Political Science - (<https://ajps.org/>).
- 2) British Journal of Political Science | Cambridge Core. (<https://www.cambridge.org/core/journals/british-journal-of-political-science>).
- 3) American Political Science Review. (www.apsanet.org/apsr).
- 4) Canadian Journal of Political Science/Revue canadienne de science (<https://www.cambridge.org/.../journals/canadian-journal-of-political-science-revue>).
- 5) Indian Journal of Political Science. (<http://www.ijps.net.in/>).

BA 0103 General Principles of Economics

Objectives of the Course : The objectives of the course are : (1) To study the basic concepts of economics; (2) To apply the economic reasoning to problems of society; (3) To become conversant with fundamental principles of economics; (4) To expose students of Law to economics.

Module 01 Introduction to Economics :

Meaning and Definition of Economics
Scope and Importance of Economics
Branches of Economics – Micro, Macro, Positive, Normative, Developmental and Welfare Economics
Interrelationship of Economics with Political Science, Management and Governance

Module 02 Basic Concepts and Definitions :

Utility, commodity, services, consumption, production, income, wealth and equilibrium
Difference between economic and non - economic goods, economic and non – economic wants
Significance of resources and their scarcity

Module 03 Demand and Supply :

Law of Demand and Supply
Elasticity of Demand – Price, Income and Cross Elasticity of Demand
Law of Diminishing Marginal Utility
Law of Equity - Marginal Utility
Indifference Curve Analysis – Consumer Surplus

Module 04 Theory of Production and Cost :

Factors of Production - Land, Labour, Capital and Organisation
Production Function - Law of Variable Proportions and Returns to Scale
Economies and Diseconomies of Scale – Internal and External
Concepts of Cost - Money vs Real Cost, Explicit and Implicit Cost, Fixed and Variable Cost, Private and Social Cost, Opportunity Cost, Total Cost, Average Cost and Marginal Cost

Module 05 Market Structure and Price Determination :

Classification of Market - Perfect Competition, Monopoly, Monopolistic Competition, Oligopoly and Duopoly
An overview of Price Determination in different market structures
Understanding about Cartel, Trust, Company, Merger and Amalgamation

Module 06 Factor Pricing :

Functional and Personal Distribution of Income
Marginal Productivity Theory of Distribution
An overview of theories of Determination of Rent, Wages, Interest and Profit

Recommended Readings :

- 1) Samuelson, Paul and Nordhaus, *Economics*, Tata McGraw Hill Publishing Company Ltd., New Delhi, 2007.
- 2) Ahuja, H. L., *Advanced Economic Theory: Micro Economic Analysis*, S. Chand and Company Ltd., New Delhi, 2007.
- 3) Chopra, P. N., *Principles of Economics*, Kalyani Publishers, Ludhiyana, 2006.
- 4) Seth, M. L., *Principles of Economics*, Lakshmi Narain Agarwal Educational Publishers, Agra, 2001.
- 5) Bhutani, P. J., *Principles of Economics*, Taxman Publication, New Delhi, 2000.
- 6) Agarwala, S. K., *Economic Systems and Micro Economic Theory*, Galgotia Publishing Company, New Delhi, 1997.
- 7) Sivagnanam, K. Jothi and Srinivasan R., *Business Economics*, Tata McGraw Hill Education Private Ltd., New Delhi, 2010.
- 8) Dwivedi, D. N., *Managerial Economics*, Vikas Publishing House Pvt. Ltd., New Delhi, 2002.
- 9) Reddy, Raghunatha R. and Chary Narasimha M. V., *Managerial Economics and Financial Analysis*, Scitech Publications (India) Pvt. Ltd., Chennai & Hyderabad, 2005.

BA 0104 General Principles of Sociology

Objectives of the Course : Sociology is a significant area to study and observe the various ethical, moral and cultural standards and the significant role played by social institutions in regulating the behavioural patterns of individuals in every society. Law also contemplates the same in a different perspective; this introductory paper is intended to acquaint the students with sociology as a social science and the distinctiveness of its approach among the social science. It is organized in such a way that to give an idea to the students of law the Significance of sociology in the society and its impact and relationship on law and the importance of social aspects in law making.

Module 01 Introduction:

Origin and Development of Sociology
Meaning and Definition of Sociology
Scope and Concept of Sociology – significance of sociology
Relationship of sociology with other Sciences - Economics - Politics - Law - Psychology - Science and Technology

Module 02 Basic Concepts of Sociology:

Values - Ethics and Norms
Social and social system-Community - Individual-Culture
Institutions - Family - Marriage - Kinship - Religion - Education - Polity

Module 03 Social Anthropology:

Meaning and scope of social anthropology
Relationship between sociology and social anthropology
Development of social anthropology
Social differentiation
Differences between societies

Module 04 Social Processes:

Socialization: Process, Stages, Agencies
Social Mobility: Meaning, Forms, Factors
Social Control: Forms, Agencies

Module 05 Social Stratification:

Meaning - Forms and Theories
Nature of Social Classes - Family - Class - Endogamy
Social Stratification - Functions and dysfunctions of Social Stratification

Module 06 Relationship between Sociology and Law :

Law as an Instrument of social Change
Role of Social movements and its impact on law
Religious and Cultural aspects and their significance in Law
Family and its importance in Social Legislations

Recommended Readings :

- 1) Ishwar Bhatt: 2009, *Law and Social Transformation*, Easter Book Company.
- 2) Bottomore, T.B. 1972. : *Sociology: A guide to Problems and literature*, Blackie & Son (India). Ltd.

- 3) Harlambos, M. 1998. : *Sociology: Themes and Perspectives*, New Delhi: Oxford University Press.
- 4) Inkeles, Alex. 1987. : *What is Sociology?* New Delhi: Prentice Hall of India.
- 5) Johnson, Harry M. 1995. : *Sociology: A Systematic Introduction*. New Delhi Allied Publishers.
- 6) MacIver, R.M. and 1996 : *Society: An Introductory Analysis Page*, Charles H. Macmillan India Limited.
- 7) Oommen, T.K. Venugopal, C.N and 2002 : *Sociology for Law Students*. Lucknow, Eastern Book Company.
- 8) Lexis Nexis: *Sociology for Law Students* 2016.
- 9) N. S. Timasheff: *Basic Concepts of Sociology*, American Journal of Sociology, Vol. 58, No. 2 (Sep., 1952),pp. 176-186 available at JSTOR gateway.
- 10) Lucy Mair, 1997, *An Introduction to Social Anthropology*, Oxford, New Delhi.

Recommended Journals:

- 1) American journal of Sociology.
- 2) Indian Journal of Sociology.
- 3) British Journal of Sociology.
- 4) Social Currents.
- 5) Social Action.
- 6) Social Change.
- 7) South India Journal of Sociology.

First Year B.A. LL.B. - Semester II

CE 0201 English for Law

Objectives of the Course : The main objective of this course is to familiarize the students with the correct pronunciations of words and to acquaint them with the role of meanings of words and their interpretation in law. This paper also intends to make the students familiar with the basic idea of law and its nature.

Module 01 Phonology and Morphology :

Use of English and its Significance for Communication in Indian Legal Context (in the Supreme Court, High Courts and various tribunals)
Correct Pronunciation - Speech Sounds, Word Stress and Intonation.
Structure of Words
Processes of Word Formation(examples from law)

Module 02 Semantics and Role of Meaning in Law :

Concept of Meaning
Types of Meaning (Denotative, Connotative, Social, Emotive, Reflected, Collocative and Thematic)
Semantic Ambiguity
Components and Contrasts of Meaning-Synonyms, Antonyms and Hyponym and their Significance in Legal Language (focus on examples)
Lexical Relations-Homographs, Homophones and Polysemy and their Significance in Legal Language(focus on examples)

Module 03 Composition Skills :

Report Writing
Précis Writing
Notices of General Nature
Essay Writing on Legal Topics
Translation :
Definition of 'Translation' and its Nature
Techniques of Translation
The Significance of Translation in Law

Module 04 Understanding the Law :

Defining Law
Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedent, Rule, Statute
Nature of Law
Classification of Laws- Municipal Law and International Law, Public and Private Laws, Civil and Criminal laws

Interpreting Law and Role of Language in Interpretation (Use of definitions, meanings of words, literal meaning and contextual meaning (Refer to Porritts and Spencer (Asia) Ltd v. State of Haryana 1979 SCC (1) 82 and Dupont Steels v. Sirs, (1980) 1 All ER 529, (1980) ICR 161)

Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws-Legal Terms (75)

Module 05 Foreign Terminology in Law :

Use of Foreign Terms in Legal English- the Origin of Law and Reasons for their Use

Foreign Words (30)

Legal Maxims (15)

List of Legal Terms (Module 4.6):

Abduction	Deponent	Parole
Abetment	Detention	Partition
Abscond	Discharge	Perjury
Accomplice	Encumbrance	Petition
Accused	Eviction	Plaintiff
Acquittal	Evidence	Pleadings
Adoption	Extortion	Precedent
Admission	Fraud	Prosecute
Affidavit	Heir	Probation
Alibi	Homicide	Proviso
Alimony	Intellectual Property,	Rebuttal
Amendment	Intestate	Restitution
Appeal	Investigation	Remand
Approver	Judgment	Respondent
Bail	Jurisdiction	Self defence
Bankrupt	Justice	Succession
Charge sheet	Juvenile	Summons
Claimant	Legacy	Testator
Confession	Liability	Testimony
Conviction	Misappropriation	Trial
Damages	Mortgage	Trespass
Decree	Negligence	Verdict
Deed	Oath	Voluntarily
Defamation	Overrule	Warrant
Defendant	Ownership	Will

List of Foreign Words (30) (Module 5.2) :

Ab initio - From the beginning.

Ad hoc - Established for a particular purpose.

Ad valorem - According to value.

Amicus curiae - An impartial Advisor.

Bona vacantia - Ownerless property.

Compos mentis - of sound mind.

De facto - In actual fact.

De jure - In law, By legal right.
Ex parte - One side only.
Fauxpas - Blunder.
In limine - At the outset.
In memorium - In memory of.
In personam - Personally.
Inter alia - Among other things.
Inter se - Among themselves.
Lis pendens - During the pendency in any court.
Locus standi - Right to speak or intervene in a matter.
Mala fide - In bad faith.
Mens rea - Criminal intention or guilty mind.
Modus operandi - Mode or Method of working.
Nudum pactum - A bare promise.
Onus probandi - The burden of proof.
Par excellence - Without comparison.
Prima facie - At first sight.
Ratio decidendi - The reasons for decisions.
Sine die - To a date not at the moment fixed.
Sub judice - Under judicial consideration.
Suo moto - By itself.
Ultra vires - Beyond powers.
Vox populi - The voice of people.

List of Legal Maxims (15) (Module 5.3) :

Actus curiae neminem gravabit - An act of the court shall prejudice no one.
Actus non facit reum, nisi mens sit rea - An act does not make a person guilty unless the mind is guilty.
Audi alteram partem - Let the other side be heard as well.
Delegatus non potest delegare - A delegate cannot delegate.
Ex nudo pacto non oritur actio - No action arises from a contract without consideration.
Expressio unius est exclusio alterius - Express mention of one thing excludes all others.
Ignorantia facti excusat, ignorantia juris non excusat - Ignorance of facts excuses but ignorance of law excuses no one.
Nemo dat quod non habet - No one gives what he does not have.
Noscitur a sociis - The meaning of a doubtful word can be derived from its association with other words.
Qui facit per alium facit per se - He who acts through another does the act himself.
Respondeat superior - Let the master answer.

Recommended Readings:

1) Bansal, R. K. and J. B. Harrison. *Spoken English for India: A Manual of Speech and Phonetics*. Hyderabad: Orient Longman, 1983.

- 2) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011
- 3) Gandhi, B.M. *Legal Language, Legal Writing and General English*. Lucknow: Eastern Book Com., 2009.
- 4) Garner, Bryan A. ed. *Black's Law Dictionary* . 10th Edition.
- 5) Law Commission of India. *Non-feasibility of Introduction of Hindi as Compulsory Language in the Supreme Court of India*. Report No 216, December 2008.
- 6) Leech, Geoffrey. *Semantics- The Study of Meaning*. Great Britain: Penguin Books, 1981.
- 7) *Lexpedia*, The Law Students' Companion Guide (Legal Words, Phrases & Maxims) Gurgaon, LexisNexis, 2014.
- 8) Mohan, Krishna and Meenakshi Raman. *Advanced Communicative English*. New Delhi: Tata McGraw Hill, 2010.
- 9) Narayanswami, V. R. *Strengthen Your Writing*. Hyderabad: Orient Longman, 2000.
- 10) *P. Ramanatha Aiyer's Law Lexicon* . Lexis Nexis, 2012.
- 11) Wright, Chrissie, ed. *Handbook of Practical Communication Skills*. Mumbai: JaicoPublishing, 2006.
- 12) Yadugiri, M. A. and Geeta Bhaskar. *English for Law*. New Delhi: Foundation Books, 2005.

BA 0202 Political Theories

Objectives of the Course : This is an introductory paper for the concepts, ideas and ideologies in political theory. It seeks to explain the evolution and usage of these concepts, ideas and theories with reference to individual thinkers both historically and analytically. The different ideological standpoints with regard to various concepts and theories are to be critically explained with the purpose of highlighting the differences in their perspectives and in order to understand their continuity and change. Furthermore, there is a need to emphasize the continuing relevance of these concepts today and explain how ideas and theory of yester years gains prominence in contemporary political theory.

Module 01 Introduction :

Meaning and definition of Political Theory

Significance of Political Theory

Impact of Political Theory on Society and Law

Module 02 Approaches to the study of Political Theory :

Traditional Approaches – Philosophical- Historical- Legal- Institutional

Contemporary Approaches – Positivism, Constructive and Communitarian

Module 03 Theories of Power and Authority :

Nature and Significance of Power and Authority

Max Webber's View on Authority and Robert Dahl's views on Influence

Different forms of Power and Authority

Theories of Power – Elite Theory and Group Theory

Difference between Power and Authority and Legitimacy

Module 04 Overview of Political Theory :

Liberalism - Meaning- Main currents of liberalism- J. S. Mill's views- Decline of Liberalism

Socialism and its variants - Fabian – Guild - Syndicalism – An overview

Marxism- Contemporary relevance

Utilitarianism - Jeremy Bentham and Contribution of J.S. Mill

Nationalism and its facets – Fascism and Nazism, Challenges before

Nationalism – Sub-nationalism - Regionalism

Gandhism and Sarvodaya

Social Justice Theory of Dr. B.R. Ambedkar

Module 05 Contemporary Political Theories and Viewpoints :

Theories of Environment, Feminism

Realism and Cultural-relativism

Human Rights

Current State of Political Theory - Pluralism and Reconciliation

Recommended Readings :

1) Arneil, Barbara, *Politics and Feminism*, Oxford, Blackwell, 1999.

2) Bealey, Frank, *The Blackwell Dictionary of Political Science*, Oxford, Blackwell, 1999.

3) Beetham, David, *The Legitimation of Power*, Houndmills, Macmillan, 1991.

- 4) Rajeev Bhargava & Ashok Acharaya, *Political theory: An Introduction*, Pearson Longman, Delhi, 2008.
- 5) Cohen, J. and Arato, A., *Civil Society and Political Theory*, Cambridge, MIT Press, 1992.
- 6) David Boucher and Paul Kelly (2009) *Political Thinkers: From Socrates to the Present*. Oxford University Press.
- 7) De Crespigny, Anthony, et.al. (Eds.) *Contemporary Political Theory*, London, Nelson, 1970.
- 8) Dodson, Andrew, *Green Political Thought*, London, Routledge, 2000, reprint.
- 9) Dunn, John, *The History of Political Theory and Other Essays*, Cambridge, Cambridge University Press, 1996.
- 10) Jain, P.V. *Political Science I (Political Theory)*, Allahabad: Central Law Publication, 2016.
- 11) Varma S. P. *Modern Political Theory*, New Delhi, Vikas, 1983.
- 12) Sir E. Barker, *Principles of Social and Political Theory*, Calcutta, Oxford University Press, 1976.
- 13) S. Ramaswamy, *Political Theory: Ideas and Concepts*, Delhi, Macmillan, 2002.
- 14) Mukherjee and S. Ramaswamy, *A History of Political Thought: Plato to Marx*, New Delhi, Prentice Hall, 1999.

Recommended Articles :

- 1) Guyora Binder (1999) *Cultural Relativism and Cultural Imperialism in Human Rights Law*, Buffalo Human Rights Law Review, Vol. 5, pp. 211-221.
- 2) Pradeep Nair and Sandeep Sharma (2016) *Gandhi and Governance: Relooking Development at Grassroot Level*, Mainstream, VOL LIV No 41, New Delhi.
- 3) Jonathan Haidt (July 2016). *When and Why Nationalism Beats Globalism*, The American Interest: Volume 12, Number 1.
- 4) Robert J. Delahunty (March 2012) *Nationalism, Statism and Cosmopolitanism*, Northwestern Interdisciplinary Law Review, U of St. Thomas Legal Studies, Research Paper No. 12-08.
- 5) Yogendra Yadav, *Rethinking social justice*. (www.india-seminar.com/2009/601/601_yogendra_yadav.htm).
- 6) Neer Varshney (Feb 2014), *Equality and Social Justice: Is Affirmative Action in India Justified?* OIDA International Journal of Sustainable Development, Vol. 06, No. 11, pp. 81-90.
- 7) Marc F. Plattner (2010) *Populism, Pluralism, and Liberal Democracy*, Journal of Democracy, Volume 21, Issue 1, 2010, pp. 81-92.
- 8) Sunita Narain, *Changing environmentalism* (www.india-seminar.com/2002/516/516%20sunita%20narain.htm).
- 9) Jyh-An Lee (2011), *The Greenpeace of Cultural Environmentalism*, Wider Law Review, Vol. 16, No. 1, 2010
- 10) R. Claire Snyder (2008) *What Is Third - Wave Feminism? A New Directions Essay*- The University of Chicago Press Journals, Vol. 34, No. 1 (Autumn 2008), pp. 175-196. Stable. (<http://www.jstor.org/stable/10.1086/588436>).
- 11) S. Narayanswami *Sarvodaya Movement – A Critical Analysis* - (2001) Journal of Extension and Research, Volume III, Nos. 1 & 2, pp. 54-59.

- 12) Chela Sandoval, *"US Third World Feminism"; "Feminist Theory under Postmodern Conditions: Toward a Theory of Oppositional Consciousness"*.
- 13) Joan Scott, *"The Evidence of Experience; Gender and the Politics of History"; her essay in Contesting Feminisms*; ed, Feminism and History.

Recommended Journals :

- 1) Journal of International Political Theory. (www.st-andrews.ac.uk/intrel/publications/journalofinternationalpoliticaltheory)
- 2) American Journal of Political Science. (www.ajps.org).
- 3) Political Theory. (<http://journals.sagepub.com/home/ptx>).
- 4) Canadian Journal of Political Science(CJPS). (<https://www.cpsa-acsp.ca/cjps.php>).
- 5) International Political Science Review (IPSR). (<http://journals.sagepub.com/home/ips>).

BA 0203 Macro Economics, Policies and Practice

Objectives of the Course : The objectives of the course are : (1) To understand the basic concepts of Macro Economics; (2) To study the behaviour of the economy; (3) To know the macroeconomic policies to solve economic problems.

Module 01 Introduction to Macro Economics :

Meaning and Definition of Macro Economics

Scope and Importance of Macro Economics

Interdependence between Micro economics and Macro economics

Meaning and relation between economic variables – aggregate demand, aggregate supply, general price level, level of output, full employment, unemployment, saving, investment, income, consumption, rate of interest, etc.

Module 02 National Income :

Meaning and Definition of National Income

Concepts related to National Income – GDP, GNP, NNP, Personal Income, Disposable Income, Per Capita Income, etc

An overview of measurement methods of National income

GDP as a measure of welfare

Green Accounting concept

Union Budget – Deficit Finance

Module 03 Business Cycle and Inflation :

Meaning of Business Cycle, Inflation, Deflation, Stagflation, Demand pull and Cost push inflation, multiplier, accelerator, etc.

Phases of business cycle – prosperity, recession, depression and recovery

Policies for control of business cycle – monetary and fiscal policy

Module 04 Output and Employment :

Classical theory of employment

Keynesian theory of employment

Module 05 Economic Growth :

Concept of economic growth

Growth vs. Development

Indicators of economic growth

Economic growth in India

Problem of poverty and unemployment

Government policies for combating poverty and unemployment

Module 06 International Trade:

Meaning and definition of International Trade

Domestic trade vs. foreign trade

Advantageous and disadvantageous of international trade

Concept of Terms of Trade, Balance of Trade and Balance of Payments

Foreign Trade Policy

Recommended Readings :

- 1) Dwivedi, D. N., *Macro Economics*, Tata McGraw Hill Publishing Company Limited, New Delhi, 2006.
- 2) Ahuja, H. L., *Macroeconomics Theory and Practice*, S. Chand & Company Ltd., New Delhi, 2008.
- 3) Dornbusch R., Fischer S. and Startz R., *Macroeconomics*, Tata McGraw-Hill Publishing Company Limited, New Delhi, 2002.
- 4) Shapiro, Edward, *Macro Economic Analysis*, Galgotia Publications Private Limited, New Delhi, 2007.
- 5) Rana, K. C. and Verma K. N., *Macro Economic Analysis*, Vishal Publishing Company, Jalandhar, 2006.
- 6) Samuelson, P. A. and Nordhaus, W. D., *Economics*, Tata McGraw Hill Publishing Company Limited, New Delhi, 2002.
- 7) Jhingan, M. L., *Macro Economic Theory*, Vrinda Publications (P) Ltd, New Delhi, 2010.
- 8) Dwivedi, D. N., *International Economics*, Vikas Publishing House Pvt Ltd, Noida, 2013.

BA 0204 Theoretical Perspectives of Sociology

Objectives of the Course : This paper is intended to familiarize the students with the social, political, economic and intellectual contexts in which sociology emerged as a distinctive discipline and has had a significant influence on the legislative frame work law. Its objective is to help students gain an understanding of some of the classical contributions in sociology, and their continuing relevance to its contemporary concerns.

Module 01 Introduction:

Significance and Importance of Theory
Enlightenment - The social, economic and political forces
The French and Industrial Revolutions in the development of sociological thought
Indian Movements and their contribution for the development of sociology in India

Module 02 Schools of Sociological Theory and Content of Theories - an Overview :

Significance of Theories and their relationship to Law
Schools of sociological theories- Functionalism, Conflict School, Social Action Perspective

Module 03 Significant Western Sociological Thinkers:

August Comte - Positivism-Impact of Science on Society
Herbert Spencer - Social Darwinism; Super - organic evolution
Emile Durkheim- Social solidarity - Social Structure and Individuals actions - social relations
Karl Marx - Dialectic and Historical Materialism - Class and Class Conflict - Importance of Labour in Production
Max Weber - Power - Authority and Legitimacy and the concept of Ideal Type - connection between culture and economy

Module 04 Significant Indian Sociological Thinkers:

Andre Beteille - Religion and Secularism - Caste - Class - Links between Poverty and inequality - Role of Institutions
M.N. Srinivas - Caste and Caste Systems - Social Stratification
Gail Omvedt - anti-caste movements - environmental movements - farmer's and women's movements
Ashish Nandey - Culture of Knowledge - Psychology of violence

Module 05 Social Dominance Theory :

Psychology of Dominance - Circulation of Oppression - Oppression and cooperation
Theoretical and practical issues of Psychological Dominance in Indian Context

Recommended Readings :

- 1) Aron, Ramond. 1967 (1982 reprint). *Main Currents in Sociological Thoughts* (2 volumes). Harmondsworth, Middlesex : Penguin Books.
- 2) Barnes, H.E. 1959. *Introduction to the history to the sociology*. Chicago The University of Chicago press.
- 3) Coser, Lewis A. 1979. *Masters of Sociological Thought*. New York: Harcourt Brance Jovanovich.
- 4) Fletcher, Ronald. 1994. *The Making of Sociology* (2 volumes) Jaipur, Rawat.
- 5) Morrison, Ken. 1995 *Marx, Durkheim, Weber: Formation of Modern Social Thought*. London; sage.
- 6) Ritzer, George. 1996. *Sociological Theory*. New Delhi. Tata-McGraw Hill.
- 7) Singh, Yogendra. 1986 *Indian Sociology: Social Conditioning and Emerging Trends*. New Delhi: Vistaar.
- 8) Zeitlin, Irving. 1998 (Indian Edition). *Re-thinking sociology: A critique of Contemporary Theory*. Jaipur: Rawat.
- 9) Paramjit S Judge: *Foundations of Classical Sociological Theory*, 2012, New Delhi Pearson.

Part VII
Syllabus of First Year of B.B.A. LL.B.

First Year B.B.A. LL.B. - Semester I

CE 0101 General English

Objectives of the Course: The purpose of the course is to acquaint the students with the nature of English language and its grammatical concepts. This paper focuses on strengthening the students' syntactical competence so as to bring quality and correct grammatical constructions in their writing and it is also meant to train them on how to study for various purposes.

Module 01 Language and Grammar :

- Defining Language
- Nature of Language
- Syntactical Competence (Introductory)
- Grammar and Usage -
- Sentence Structure- Subject and Predicate
- Concord
- Tenses
- Use of Articles
- Accurate Use of Prepositions
- Making Questions (Why- and yes-no questions and question tags)
- Use of Modal Auxiliary Verbs (making requests, suggestions, seeking permission etc.)
- Some Common Errors

Module 02 Sentence Transformation :

- Active and Passive Voice
- Types of Sentences (Statements, interrogative, exclamatory and imperative)
- Simple, Complex and Compound Sentences
- Reported Speech
- Syntactic Ambiguity

Module 03 Vocabulary Skills :

- Idioms and Phrases
- One Word Substitution

Module 04 Communication Skills :

- Communication - Verbal, Non-verbal and Written
 - Significance of Communication Skills for Lawyers- Listening, Speaking, Reading and Writing (Introductory)
 - Electronic Communication and its Types (Telephone, Facsimile, E-mail, Voice mail, Teleconferencing, Video-conferencing, Word processor, Internet, Social Media)
- Formal Correspondence

Resume Writing

Module 05 Study Skills for Law Students :

SQ3R (Survey Question Read Recite and Review)

Reading - Types- intensive and extensive; techniques- scanning, skimming and critical

Note making

Writing (Correct grammar, spelling, punctuation and clarity)

Paragraph Writing

Recommended Readings:

- 1) *Cambridge Idioms Dictionary*. Singapore: Cambridge University Press, 2006.
- 2) Donald, Sydney G. and Pauline E Kneale. *Study Skills for Language Students*. New York: OUP, 2001.
- 3) Green, David. *Contemporary English Grammar Structures and Composition*. Chennai: Macmillan, 1999.
- 4) Gupta, Shweta. *General English & Legal Language*, Allahabad: CLP, 2016.
- 5) Hansen, Randall S and Katherine Hansen. *The Complete Idiot's Guide to Study Skills*. New Delhi: Penguin Books, 2008.
- 6) Sanjay Kumar & Pushp Lata. *Communication Skills*. India: OUP, 2011.
- 7) Thomson and Martinet. *A Practical English Grammar*. Mumbai: OUP, 1970.
- 8) Tripathi, S C. *Legal Language, Legal Writing & General English*. Allahabad: CLP, 2014.
- 9) Whitmore, Tracey. *How to write an Impressive CV & Cover Letter*. Rupa & Co. 2011.
- 10) Yadugiri, M. A. and Geeta Bhaskar. *English for Law*. New Delhi: Foundation Books, 2005.

BB 0102 Managerial Accounting

Objectives of the Course : The objectives of the course are :(1) To enable the students to acquire sound knowledge of basic concepts of accounting; (2) To impart knowledge about recording of transaction; (3) To impart the knowledge about preparation of Final Account of Proprietorship and Company accounts; (4) To acquaint the student about accounting software and packages.

Module 01 Introduction to Accounting:

Financial Accounting - Definition and Scope, Objectives, Advantages and Limitation
Branches of Accounting
Users of Accounting Information
Basic Financial Accounting Terminologies

Module 02 Conceptual Framework:

Role of Accountant
Book keeping and Accounting, Accounting Principles
Concepts and Conventions, Accounting Policies
Double Entry System, Accounts, Classification of Accounts, Rules of Debit and Credit
Accounting Equation

Module 03 Recording of Transactions:

Voucher system
Accounting cycle
Journal, Ledger, Subsidiary Books of Accounts, Cash Book
Trial Balance

Module 04 Bank Reconciliation Statement

Module 05 Accounting for Depreciation:

Written Down Value Method (WDVM)
Straight Line Method (SLM)

Module 06 Preparation of Final Accounts:

Preparation of Trading Account of Sole Proprietary Business
Preparation of Profit and Loss Account of Sole Proprietary Business
Preparation of Balance Sheet of Sole Proprietary Business

Module 07 Introduction to Company Final Accounts :

Important provisions of the Companies Act, 2013 in respect of preparation of Final Accounts
Understanding the final accounts of company

Module 08 Accounting in Computerized Environment :

Computer and Financial Application
Introduction to Accounting Software Package- Tally 9.0
An overview of Computerized Accounting System- Salient features and significance, Generating Accounting Reports

Recommended Readings :

- 1) P.C. Tulsian: *Financial Accounting*, McGraw Hill Education (India) Ltd.
- 2) Anil Chowdhry: *Fundamentals of Accounting and Financial Analysis*. (Pearson Education).
- 3) Mahesh Abale and Prakash Soni, *Accounting for Business Decision*, Himalaya Publication House.
- 4) M.C. Shukla and S.P Grewal: *Advanced Accounts*. (S. Chand and Co. New Delhi).
- 5) Dr. S.N. Maheshwari: *Financial Accounting for Management* (Vikas Publications).
- 6) Amrish Gupta: *Financial Accounting for Management* (Pearson Education).

Recommended Journals :

- 1) The Journal of Finance (Wiley-Blackwell and American Finance Association).
- 2) Journal of Business Finance & Accounting (Wiley-Blackwell).
- 3) The Review of Financial Studies (Oxford University Press).

BB 0103 Principles of Management

Objectives of the Course : Management plays a vital role in the progress and prosperity of a business enterprise. The main intention of management is to run the enterprise smoothly. The profit making objective of business is also to be taken care while undertaking various functions. In this subject students will be exposed to basic concepts and ideas of management. It will help students to understand fundamental knowledge about working of business organization, management process, functions and principals. And it will make students familiar with recent trends in management.

Module 01 Nature of Management :

Definitions and Meaning, Nature and objectives
Concept of management, organization, and administration
Social and Ethical Issues in Management
Relationship between Law and management

Module 02 Evolution of Management Thoughts :

Contribution of F.W. Taylor, Henry Fayol Elton Mayo and C.K. Pralhad to the Management Thoughts

Module 03 Management and Environment:

Concept of Environment
Environmental Factors- Internal and External
Impact of Environment on Business

Module 04 Functions of Management :

Planning- Definitions, Meaning, Policies and procedures
Methods of planning
Decision making – Types - Process of rational decision making and techniques of decision making
Organizing- Process, Principles of Organization, Types of organizations, Delegation of Authority, Decentralization

Module 05 Functions of Management :

Staffing - meaning and importance
Nature and functions of personnel management
Selection, Training and development, Performance appraisal
Leadership - meaning - styles, Qualities and functions of leaders
Controlling- concepts and basic control process, Essential of a good control system, Traditional and non-traditional control devices

Module 06 Functions of Management :

Direction - Nature – Principles
Communication – Types and Importance
Motivation - Importance – Need hierarchy theory of Motivation

Module 07 Conflict, Coordination and Corporate Social Responsibility :

Concept of Conflict, Conflict Management
Definitions, Meaning, Internal and External Coordination
Corporate Social Responsibility

Module 08 Strategic Management :

Concept of Strategy, Role Strategic management, Strategic Planning
Top level business Strategies formulation and implementation, Competitive
advantage and core competence

Recommended Readings :

- 1) Prasad, L. M.(2008). *Principles and Practice of Management*. New Delhi: Sultan Chand and Sons.
- 2) Drucker, P. F. (1991). *The Practice of Management*. Ahamadabad: Allied Publishers.
- 3) Kazmi, A. (2008). *Strategic Management and Business Policy*. New Delhi: Tata McGraw-Hill.
- 4) Tripathi, P. C., and Reddy, P. N. (1992). *Principles of Mnagement*. New Delhi: Tata McGraw - Hill.

Recommended Journals :

- 1) Harward Business Review.
- 2) Journal of Commerce and Management Thought.
- 3) Indian Journal of Commerce and Management Studies.
- 4) Indian management.

BB 0104 Business Communications

Objectives of the Course : The objective of this paper is to make the students understand the concept, need, process and importance of communication and to acquaint them with various methods and media and recent trends in business communication. It aims to develop an integrative approach where reading, writing, oral and nonverbal components are used together to enhance students' ability to communicate effectively. It will inculcate business communication skills through application and exercises.

Module 01 Introduction to Business Communication :

Meaning, Definition, Objectives, Features, Process and importance
Importance of Communication Skills for legal professionals, Principles of good communication
Barriers to communication and remedies

Module 02 Methods, Types and Channels of Communication :

Written Communication, Oral Communication, Silent Communication (Body language
Proximity, Touch, Signs and Symbols, Paralanguage with their Merits and Demerits)-Its relevance in Court Proceedings
Channels of communication in organisation and their types, merits and demerits

Module 03 Soft Skills:

Meaning, Definition and Importance, Elements of Soft Skills
Grooming manners and Etiquettes
Effective Speaking, Interview skills, Negotiation skills, Listening skills, Group Discussion, Presentation skills

Module 04 Business Correspondence :

Need, Functions, Components and layout of Business letter, Drafting Letter - Enquiry letter and replies
Placing order, Complaints and follow up letters, Sales letter, Circulars, Credit and status enquiries
Application for employment and writing Bio-data / resume / Curriculum Vitae, 4. Office Memo, Orders, Notices, Agenda, Press releases, Email Etiquettes

Module 05 New Technologies and Media of Communication :

Internet – email, Websites, Blogs
Introduction, Advantages and Disadvantages of – Fax , Voice mail, Teleconferencing, Videoconferencing, Cellular phones, SMS, MMS, Social media network
Use of new technologies in legal profession

Recommended Readings :

- 1) *'Essentials of Business Communication'* - Rajendra Pal and J.S. Korlhalli, S. Chand and Co. New Delhi.

- 2) '*Media and Communication Management*' – C.S. Raydu, Himalaya Publishing House, Mumbai.
- 3) '*Professional Communication*' – Aruna Koneru, Tata McGraw - Hill Publishing Co. Ltd., New Delhi.
- 4) '*Effective Documentation and Presentation*' – Urmila Raiand, S.M. Rai, Himalaya Publishing House, Mumbai.
- 5) '*Principles and Practices of Business Communication*' – Aspi Doctor and Rhoda Doctor, Sheth Publishers Pvt. Ltd.
- 6) '*Business Communication – Concepts, Cases and Applications*' – P. D. Chautrvedi and Mukesh Chaturvedi, Pearson, Delhi.
- 7) '*Business Communication*' – Asha Kaul, Prentice Hall of India, New Delhi.
- 8) '*Business Communication*' – Madhukar R.K. – Vilas Publishing House Pvt. Ltd. , New Delhi.
- 9) '*Business Communication*' – Nawal Mallika, Cengage Learning, Delhi.
- 10) '*Business Correspondence and Report Writing*' – R.C. Sharmaand Krishna Mohan, Tata McGraw-Hill Publishing Co. Ltd., New Delhi.

Recommended Journals:

- 1) International Journal of Business Communication.
- 2) Journal of Business Communication.
- 3) Journal of Communication Management.
- 4) Business and Professional Communication Quarterly.

First Year B.B.A. LL.B. - Semester II

CE 0201 English for Law

Objectives of the Course: The main objective of this course is to familiarize the students with the correct pronunciations of words and to acquaint them with the role of meanings of words and their interpretation in law. This paper also intends to make the students familiar with the basic idea of law and its nature.

Module 01 Phonology and Morphology :

Use of English and its Significance for Communication in Indian Legal Context (in the Supreme Court, High Courts and various tribunals)
Correct Pronunciation - Speech Sounds, Word Stress and Intonation.
Structure of Words
Processes of Word Formation(examples from law)

Module 02 Semantics and Role of Meaning in Law :

Concept of Meaning
Types of Meaning (Denotative, Connotative, Social, Emotive, Reflected, Collocative and Thematic)
Semantic Ambiguity
Components and Contrasts of Meaning-Synonyms, Antonyms and Hyponym and their Significance in Legal Language (focus on examples)
Lexical Relations-Homographs, Homophones and Polysemy and their Significance in Legal Language(focus on examples)

Module 03 Composition Skills :

Report Writing
Précis Writing
Notices of General Nature
Essay Writing on Legal Topics
Translation :

Definition of 'Translation' and its Nature
Techniques of Translation
The Significance of Translation in Law

Module 04 Understanding the Law :

Defining Law
Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedent, Rule, Statute
Nature of Law
Classification of Laws- Municipal Law and International Law, Public and Private Laws, Civil and Criminal laws
Interpreting Law and Role of Language in Interpretation (Use of definitions, meanings of words, literal meaning and contextual meaning (Refer to Porritts and Spencer (Asia) Ltd v. State of Haryana 1979 SCC (1) 82 and Duport Steels v. Sirs, (1980) 1 All ER 529, (1980) ICR 161)

Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws-Legal Terms (75)

Module 05 Foreign Terminology in Law :

Use of Foreign Terms in Legal English- the Origin of Law and Reasons for their Use

Foreign Words (30)

Legal Maxims (15)

List of Legal Terms (Module 4.6):

Abduction	Deponent	Parole
Abetment	Detention	Partition
Abscond	Discharge	Perjury
Accomplice	Encumbrance	Petition
Accused	Eviction	Plaintiff
Acquittal	Evidence	Pleadings
Adoption	Extortion	Precedent
Admission	Fraud	Prosecute
Affidavit	Heir	Probation
Alibi	Homicide	Proviso
Alimony	Intellectual Property,	Rebuttal
Amendment	Intestate	Restitution
Appeal	Investigation	Remand
Approver	Judgment	Respondent
Bail	Jurisdiction	Self defence
Bankrupt	Justice	Succession
Chargesheet	Juvenile	Summons
Claimant	Legacy	Testator
Confession	Liability	Testimony
Conviction	Misappropriation	Trial
Damages	Mortgage	Trespass
Decree	Negligence	Verdict
Deed	Oath	Voluntarily
Defamation	Overrule	Warrant
Defendant	Ownership	Will

List of Foreign Words (30) (Module 5.2) :

Ab initio - From the beginning.

Ad hoc - Established for a particular purpose.

Ad valorem - According to value.

Amicus curiae - An impartial Advisor.

Bona vacantia - Ownerless property.

Compos mentis - of sound mind.

De facto - In actual fact.

De jure - In law, By legal right.

Ex parte - One side only.
Fauxpas - Blunder.
In limine - At the outset.
In memorium - In memory of.
In personam - Personally.
Inter alia - Among other things.
Inter se - Among themselves.
Lis pendens - During the pendency in any court.
Locus standi - Right to speak or intervene in a matter.
Mala fide - In bad faith.
Mens rea - Criminal intention or guilty mind.
Modus operandi - Mode or Method of working.
Nudum pactum - A bare promise.
Onus probandi - The burden of proof.
Par excellence - Without comparison.
Prima facie - At first sight.
Ratio decidendi - The reasons for decisions.
Sine die - To a date not at the moment fixed.
Sub judice - Under judicial consideration.
Suo moto - By itself.
Ultra vires - Beyond powers.
Vox populi - The voice of people.

List of Legal Maxims (15) (Module 5.3) :

Actus curiae neminem gravabit - An act of the court shall prejudice no one.
Actus non facit reum, nisi mens sit rea - An act does not make a person guilty unless the mind is guilty.
Audi alteram partem - Let the other side be heard as well.
Delegatus non potest delegare - A delegate cannot delegate.
Ex nudo pacto non oritur actio - No action arises from a contract without consideration.
Expressio unius est exclusio alterius - Express mention of one thing excludes all others.
Ignorantia facti excusat, ignorantia juris non excusat - Ignorance of facts excuses but ignorance of law excuses no one.
Nemo dat quod non habet - No one gives what he does not have.
Noscitur a sociis - The meaning of a doubtful word can be derived from its association with other words.
Qui facit per alium facit per se - He who acts through another does the act himself.
Respondeat superior - Let the master answer.
Res ipsa loquitur - The thing speaks for itself.
Ubi jus ibi remedium - Where there is a right there is a remedy.
Vigilantibus non dormientibus jura subveniunt - The law assists those that are vigilant with their rights and not those that sleep thereupon.
Volenti non fit injuria - To a willing person, injury is not done.

Recommended Readings:

- 1) Bansal, R. K. and J. B. Harrison. *Spoken English for India: A Manual of Speech and Phonetics*. Hyderabad: Orient Longman, 1983.
- 2) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011
- 3) Gandhi, B.M. *Legal Language, Legal Writing and General English*. Lucknow: Eastern Book Com., 2009.
- 4) Garner, Bryan A. ed. *Black's Law Dictionary* . 10th Edition.
- 5) Law Commission of India. *Non-feasibility of Introduction of Hindi as Compulsory Language in the Supreme Court of India*. Report No 216, December 2008.
- 6) Leech, Geoffrey. *Semantics- The Study of Meaning*. Great Britain: Penguin Books, 1981.
- 7) *Lexpedia*, The Law Students' Companion Guide (Legal Words, Phrases & Maxims) Gurgaon, LexisNexis, 2014.
- 8) Mohan, Krishna and Meenakshi Raman. *Advanced Communicative English*. New Delhi: Tata McGraw Hill, 2010.
- 9) Narayanswami, V. R. *Strengthen Your Writing*. Hyderabad: Orient Longman, 2000.
- 10) *P. Ramanatha Aiyer's Law Lexicon* . Lexis Nexis, 2012.
- 11) Wright, Chrissie, ed. *Handbook of Practical Communication Skills*. Mumbai: JaicoPublishing, 2006.
- 12) Yadugiri, M. A. and Geeta Bhaskar. *English for Law*. New Delhi: Foundation Books, 2005.

BB 0202 Organisational Behaviors

Objectives of the Course : Organizational Behavior is the study of the way people interact within groups. The central idea of the study of organizational behavior is that a scientific approach can be applied to the management of workers. In this subject student will learn basic concepts of organizational behavior, its fundamentals, scope and importance. They will obtain frameworks and tools to effectively analyze various organizational situations. It will help them to understand the impact that individual, group and structures have on their behavior within the organizations.

Module 01 Fundamentals of Organizational Behavior :

Definition, Nature, Scope, and Goals of Organizational Behavior,
Fundamental Concepts of Organizational Behavior
Models of Organizational Behavior
Relevance of OB in legal profession

Module 02 Attitude, Values and Motivation :

Effects of employee attitudes, Personal and Organizational Values
Nature and Importance of Motivation, Motivation Process
Theories of Work Motivation: Maslow's Need Hierarchy Theory, McGregor's Theory 'X' and Theory 'Y', Herzberg's two factor theory of Motivation

Module 03 Personality :

Definition of Personality, Determinants of Personality
Theories of Personality: The Big Five Personality Model, Myers- Briggs Type Personality, Locus of Control

Module 04 Stress Management :

Meaning and definition of Stress, Sources of Stress: Individual Level, Organizational Level, Causes of stress in organization
Effect of Stress - Physiological Effect, Psychological Effect, Behavioral Impact
Stress Management – Individual Strategies, Organizational Strategies, Stress management in legal profession

Module 05 Conflict in Organizations :

Concept of Conflict, Process of Conflict, Types of Conflict: Intra-personal, Interpersonal, Intergroup, Organizational
Effects of Conflict, Conflict Management Strategies

Module 06 Group Behavior and Change in Organization :

Nature of Group, Types of Groups
Goals of Organizational Change, Resistance to change, Overcoming resistance to change

Module 07 Team and Leadership Development :

Team Building, Team Effectiveness
Concept of Leadership, Qualities of a Leader

Module 08 Emerging aspects of Organizational Behavior :
TQM,
Managing Cultural Diversity, Quality Circles
Total Employee involvement, Organizational Change

Recommended Readings :

- 1) Ashwathappa, K. (2009). *Organizational Behaviour*. Mumbai: Himalaya Publishing House.
- 2) Hema, B. *Organizational Behaviour*. New Delhi : Scitech Publisher.
- 3) Kotler, P., & Keller, K. L. (2016). *Marketing Management*. Noida : Pearson.
- 4) Nair, S. R. (2008). *Orhanizational Behaviour* . New Delhi: Himalaya Publishing House .
- 5) Prasad, L.M. (2007). *Organizational Behaviour*. New Delhi: S. Chand & Company.
- 6) Prasad, L. M.(2008). *Principles and Practice of Management*. New Delhi: Sultan Chand & Sons.

Recommended Journals:

- 1) Journal of Organizational Behaviour.
- 2) Indian Journal of Industrial Relations.
- 3) Harvard Business Review.
- 4) Journal of Commerce and Management.

BB 0203 Management Information System

Objectives of the Course : The objective of this paper is to provide student with a comprehensive understanding of the concepts of Information System. The students will study the concepts of system analysis and design and learn the various issues in MIS. The students will be able to learn in depth how today's business firms use information technologies and systems to achieve corporate objectives.

Module 01 Introduction to Information Systems :

Introduction to System and its classification, System Approach, Information System
Role of Information systems in business today, Contemporary Approaches to Information System

Module 02 Information Systems Concept :

Types of Information systems
Information system impact on Organizations and Business Firms
Using Information Systems to Achieve Competitive Advantage

Module 03 Information Technology Infrastructure :

IT Infrastructure, Components, Data communication channels
Types of Networks, Network topologies

Module 04 Databases and Information Management :

Organizing Data in a Traditional File Environment, Problems with the Traditional File Environment
Database Management Systems, Capabilities of Database Management Systems, Designing Databases
Challenge of Big Data, Business Intelligence Infrastructure, Analytical Tools: Relationships, Patterns, Trends

Module 05 Systems Analysis and Design :

Systems Development Process, Structured and Object-Oriented Methodologies, Alternative Systems-Building Approaches- Prototyping, End-User Development
Application Software Packages and Outsourcing, Rapid Application Development (RAD)

Module 06 Decision Making and Information Systems :

The Decision-Making Process, Herbert Simon Model, Business Intelligence and Analytics
Decision Support for Operational and Middle Management, Group Decision-Support Systems, Knowledge systems, Expert systems and Artificial Intelligence, ERP

Module 07 Securing Information Systems :

System Vulnerability and Abuse

Malicious Software: Viruses, Worms, Trojan Horses, and Spyware, Hackers and Computer Crime Internal Threats: Employees, Software Vulnerability, Firewalls, Intrusion Detection Systems, and Antivirus Software, Securing Wireless Networks, Relevant Provisions of Information Technology Act, 2000

Module 08 Ethical and Social Issues in Information Systems :

Understanding Ethical and Social Issues Related to Systems

Key Technology Trends that Raise Ethical Issues, Professional Codes of Conduct

Module 09 Moral and Legal Dimensions of Information Systems :

Information Rights: Privacy and Freedom in the Internet Age, Internet challenges to privacy, Technical solutions

Property Rights: Intellectual Property, Trade Secrets, Copyright, Patents, Challenges to Intellectual Property rights

Module 10 E- Commerce :

E-commerce and E –commerce Business models, M-commerce

Recommended Readings :

- 1) Laudon and Laudon, *Management Information Systems*, Pearson Education Asia.
- 2) Jawadekar, *Management Information Systems*, Tata McGraw Hill.
- 3) Davis and Olson, *Management Information Systems*, Tata McGraw Hill.
- 4) Turban and Aronson, *Decision Support Systems and Intelligent Systems*, Pearson Education Asia.
- 5) Jayant Oke, *Management Information Systems*.

Recommended Journals:

- 1) MIS Quarterly, University of Minnesota.
- 2) CSI Communications, Computer Society of India, Mumbai.
- 3) Journal of Management Information Systems.

BB 0204 Principles of Marketing

Objectives of the Course : Marketing is a key part of any successful business, and a good theoretical and practical knowledge of the subject will be of immense benefit to an aspiring manager or entrepreneur. In this subject students will be exposed to concepts and ideas of marketing, its general nature scope importance and functions. This subject will help student to gain knowledge of basic skills and their various application, all in the context of the competitive business environment.

Module 01 Introduction of Marketing :

Marketing – Definition, Concepts, Significance

Approaches to the study of Marketing, Relevance of Marketing in developing economy, Role and functions of Marketing Manager

Regulatory Environment of Marketing

Module 02 Functions of Marketing:

On the basis of exchange, On the basis of physical supply and facilitating functions

Module 03 Classification and Types of Markets :

Traditional classification of marketing, Service Marketing: 7P's of services marketing, importance of services marketing, importance of service sectors

Rural Marketing: Meaning, feature and importance of rural marketing, Difficulties in rural marketing and suggestions for improvement of rural marketing

Module 04 Recent Trends in Marketing :

Rural Marketing: Meaning, Features, Importance and Difficulties in Rural Marketing

Retail Marketing: Meaning, Types and Role of Retail Marketing

Tele marketing: Meaning, Definition, Applications

E-Marketing: Meaning, Definition, Tools, and Importance

Digital marketing: meaning, importance of digital marketing

Green Marketing: Meaning Importance

Module 05 Marketing Environment and Market Segmentation :

Marketing Environment – Definition, Meaning, Internal and external factors influencing Marketing environment

Market Segmentation: Meaning, Definition, Essentials of effective Market Segmentation, and types of segmentation

Module 06 Marketing Mix (Product and Price) :

Product mix: concept of a product, product characteristics: intrinsic and extrinsic, PLC, Product simplification, product elimination, product diversification, new product development

Price mix: meaning, element, importance of price mix, factors influencing pricing, pricing methods and recent trends in pricing

Module 07 Marketing Mix (Place and Promotion) :

Place mix: meaning and concepts of channel of distribution, types of channel of distribution or intermediaries, Factors influencing selection of channels, types of distribution strategies: intensive, selective and extensive

Promotion mix: meaning, elements of promotion mix, types of media: outdoor, indoor, print, press, transit - merits and demerits, concept of media mix, recent trends in promotion

Recommended Readings :

- 1) Druker, P. F. (1954). *The Practice of Management*. New York: Happer & Row.
- 2) Kotler, P., & Keller, K. L. (2016). *Marketing Management*. Noida: Pearson.
- 3) Ramaswami, V., & Namakumari, S. (2003). *Marketing Management*. New Delhi: Macmillian India Ltd.
- 4) Stanton, W. (1978). *Fundamentals of Marketing*. New York: McGraw-Hill Book Company.

Recommended Journals:

- 1) Indian Journal of Marketing.
- 2) Harvard Business Review.
- 3) International Journals of Marketing.
- 4) IUP Journal of Marketing Management.
- 5) Journal of Retailing.

Part VIII
Syllabus of Second Year of B.A. LL.B.

Second Year B.A. LL.B. - Semester III

CE 0301 Legal Language and Legal Reasoning

Objectives of the Course : This paper is designed to give the students more exposure to the nature of legal language and the issues related to it in drafting legislations and legal documents. It intends to acquaint the students with advocacy skills so much so to bridge the gap between theoretical and practical knowledge and to strengthen and enhance their critical thinking. It also introduces the students to logical reasoning and its use in law to set up good arguments.

Module 01 Legal Language and its Nature :

Law and Language

Meaning of Legal Language

Scope and Domain of Legal Language

Module 02 Problems of Legal Language and Remedies :

Problems of Legal Language

Problems of Legal Language in Drafting Statutes and Writing Judgments

Principles of Legal Writing

Simplicity, Clarity and Precision

Plain English and Plain Language Vocabulary

Eliminating the Jargon “Legalese”

Avoid Repetitions

Slash Unnecessary Words

Breaking up Long and Complex Sentences

Connecting Sentences

Linking Paragraphs

Use of Passive Voice

Use of Symbols and Abbreviations

Module 03 Use of Language in Drafting :

Use of Legal Language and its Significance in Drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)

Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

Module 04 Advocacy Skills :

Meaning of Advocacy

Advocacy as an Art

Qualities of Lawyers (Good voice, command of words, confidence, practical wisdom, etc.)

Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)

Etiquettes and Manners for Law Professionals

Client Counseling and Interviewing

Module 05 Legal Reasoning and Skills of Arguments :

Logic and its Scope

Meaning of Logic and its Nature

Some Major Sources of Knowledge- a priori, evidence, memory, observation, perception, reasoning and testimony

Structure of Argument-Statements/Premises and Conclusion

Methods of Reasoning- Deductive, Inductive and Reasoning by analogy

Fact and Opinion

Truth and Validity

Syllogism.

Meaning of Syllogism

Rules of Syllogism

Types of Syllogism-Categorical, Conditional and Disjunctive

Fallacy

Meaning and Reasons of Fallacy

Types of Fallacies-Faulty Cause, Sweeping Generalization, Faulty Analogy, Anecdotal Fallacy, Bifurcation (False Dilemma), Equivocation, Tautology, Appeal to Popular Opinion and Association Fallacy

Application of Reasoning to Law - Facts of a Case and provisions /Case Laws(Refer to *Dahyabhai Chhaganbhai Thakker v. State of Gujarat*, AIR 1964 SC 1563 for legal reasoning)

Recommended Readings:

- 1) Agarwal, S P. *Drafting and Conveyancing*. Delhi: Lexis Nexis, 2005.
- 2) Asprey, Michele M. *Plain Language for Lawyers*. New Delhi: Universal Law Publishing Co., 2011. (Module 1-2 (a)- Ch.-2,3,13).
- 3) Anirudh, Prasad. *Outlines of Legal language in India*. Allahabad: Central Law Publications, 2009.
- 4) Basantani, K T. *Elementary Logic for LLB*. Sheth Publishers, 2013.
- 5) Howell, Tracey and Gary Kemp. *Critical Thinking A Concise Guide*. New York: Routledge, 2005.
- 6) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011.
- 7) Copi, Irving M and et al. *Introduction to Logic*. London: Pearson Education Ltd. 2014.
- 8) Garner, Bryan A. ed. *Black's Law Dictionary* . 9th Edition.
- 9) Garner, Bryan A. *The Winning Brief*, New York: Oxford University Press, 2014. (Module 2.3, Ch. 19, 21, 22, 27, 29, 30, 32, 34, 56).
- 10) Jayakumar, Srividya. *Client Counseling for Tomorrow's Lawyers*. All India Court Cases, January 2007. PP 13-17.
- 11) Selby, Hugh. *Advocacy Preparation and Performance*, New Delhi: Universal Law Publishing Co., 2009.
- 12) Sridhar, Madabhushi. *Legal Language*. Hyderabad: Asia Law House, 2004.
- 13) P. Ramanatha Aiyer's *Law Lexicon*. LexisNexis, 2012.

- 14) Tiersma Peter M. “*What is Language and Law? And does anyone care?*” Legal Studies. Paper No. 2009-11, March 2009.
- 15) Webb, Julia. *Lawyers’ Skills* , United Kingdom: Oxford University Press, 2011.
- 16) Williams, Glanville. *Learning the Law*. New Delhi: Universal Law Publications, 2000.

BA 0302 Public Policy and Public Administration

Objectives of the Course : Public Administration as a discipline of study is basically known as the science of ruling and the study of the rulers and the ruled. Traditionally, it covered the study of man in the process of governing himself. Today it is seen as an encyclopedia of governing the people. The main objective of this course is to enable students to understand the basic concepts of administration. It tries to make the students understand the evolution of this subject and its need. It also tries to focus on different approaches to study Public Administration and its various basic concepts.

Module 01 Introduction :

Meaning and nature of Public Administration

Evolution of Public Administration as a discipline

Scope of Public Administration- POSDCORB (Planning, Organising, Staffing, Directing, Coordinating, Reporting and Budgeting) view versus People's expectations from the government

Relation of Public Administration with Political Science and Law

Module 02 Introduction to Public Policy :

Meaning and Objectives of Public Policy

Difference between Policy and Rules

Impact of Executive decisions and Public Policy on Traditional Practices and Law

Impact of Policy formulation on Law and Justice

Module 03 Approaches to Public Administration :

Traditional Approaches –Woodrow Wilson and Max Weber- An Overview

Recent Approaches - Public Choice, Good Governance, New Public Management

Post 1990's Approach - Development Administration – Concept- Characteristics and Scope

State versus Market Debate

Module 04 Accountability and Control :

Concepts of Accountability and Control

Mechanisms of Accountability and control – Executive, Media, Interest groups, Right to Information, Social Audit, Civil Society and People's Participation

Module 05 Importance of Judicial Administration in Modern Era :

Ethical and moral values in Judicial Administration

Role of State in Judicial Administration

Importance of Financial Autonomy in Judicial Administration

E-Governance in Judicial Administration

Recommended Readings :

- 1) Avasthi and Maheshwari, *Public Administration*, Laxmi - Narain Aggarwal, Agra, 2010.
- 2) Mohit Bhattacharya: *New Horizons of Public Administration*, Jawahar Publishers, New Delhi, 2010.

- 3) Rumki Basu, *Public Administration-Concepts and Theories*, Sterling Publishers, New Delhi, 2007.
- 4) H. George Frederickson and Kevin B. Smith, *Public Administration Theory Primer*, Rawat Publications, Jaipur, 2008.
- 5) H. George Frederickson, *New Public Administration*, The University of Alabama Press, Alabama, 1980.
- 6) Raymond W. Cox III, Susan J. Buck and Betty N. Morgan, *Public Administration in Theory and Practice*, Pearson Education, New Delhi, 2005.
- 7) Hoshiar Singh & Pardeep Sachdeva, *Administrative Theory*, Kitab Mahal, New Delhi, 2005.
- 8) M.P. Sharma and B. L. Sadana, *Public Administration in Theory and Practice*, Kitab Mahal, Allahabad, 1988.
- 9) P.B. Mehta, Oxford Publication (Student Edition), 2015.
- 10) J.D. Strausman, *Public Administration*, Holt, Rinehart and Winslow, New York, 1985.
- 11) A.R. Tyagi, *Public Administration - Principles and Practices*, Atma Ram & Sons, Delhi, 1992.
- 12) S.L. Goel, *Public Administration - Theory & Practice*, Deep & Deep Publications, New Delhi, 2003.
- 13) Dr. B. L. Fadia, *Public Administration*, Sahitya Bhawan Publications, Agra, 2010.

Recommended Articles :

- 1) John M. Gaus. 1950. *Trends in the Theory of Public Administration*. Public Administration Review 10(3): 161-168.
- 2) Stephen K. Bailey, 1964, *Ethics and the Public Service*, Public Administration Review 24(4), 234-243.
- 3) Yehezkel Dror, 1967, *Policy Analysts, A New Professional Role in Government Service*, Public Administration Review 27(3): 197-203.
- 4) Nicholas Henry, 1975, *Paradigms of Public Administration*. Public Administration Review 35(4): 378-386.
- 5) Hal G. Rainey, Robert W. Backoff, and Charles H. Levine, 1976, *Comparing Public and Private Organizations*, Public Administration Review 36(2): 233-244.
- 6) Caroline J. Tolbert, and Karen Mossberger, 2006, *The Effects of E-Government on Trust and Confidence in Government*. Public Administration Review 66(3): 354-369.

Recommended Journals :

- 1) Indian Journal of Public Administration. (www.iipa.org.in).
- 2) International Review of Administrative Sciences, SAGE Journals. (journals.sagepub.com/home/ras).
- 3) Journal of Public Administration Research and Theory, Oxford. (<https://academic.oup.com/jpart>).
- 4) Educational Administration Quarterly - SC Imago. (www.scimagojr.com/).
- 5) Public Administration Review. (<https://publicadministrationreview.org/>).

BA 0303 Theories of Development and Indian Economy

Objectives of the Course : The objectives of the course are : (1) To understand the theories of economic growth; (2) To know the important sectors of the Indian Economy; (3) To analyse the various issues of the Indian Economy.

Module 01 Economic Development and Growth :

Concept of Development, Economic Development and Economic Growth
Human Right Dimension in Economic Development and Economic Growth
Features and Indicators of Economic Development
Vicious Cycle of Poverty
Determination of Poverty Line

Module 02 Strategies of Economic Growth :

An overview of Theories of Development
Balanced and Unbalanced Growth
Big Push Theory
Relation between Population Growth and Per Capita Income
Concept of Sustainable Development – Sustainable Development Goals
Concept of Human Development – Determination of HDI and PQLI

Module 03 Agrarian Economy in India :

Features of Indian Agriculture
Subdivision and Fragmentation of Land
Pattern of Land Holding In India
Agricultural Credit - Institutional and Non- Institutional Credit
Issues of Agricultural Labours
Contractual Farming
Issues of Corporatisation of Farming

Module 04 Industrial Economy in India :

Features of Indian Industry
Concept of SME, MSME, PSU and MNC
Controversy over land acquisition for Industry
Issues of Industrial Labour and Labour Legislation
Capital – Sources of Domestic Capital and Foreign Capital

Module 05 Other Areas of Indian Economy :

Inflation – Trends in Prices and Money Supply
Black Money and Corruption – Reasons and Measures
Food Security – Problem of Hunger and Malnutrition – PDS
Issue of Employment – Skill Development, Make in India Programme
Issue of Special Economic Zones
Trends in Revenue and Expenditure of Central and State Government

Recommended Readings :

- 1) Agarwal A. N., *Indian Economy: Problems of Development and Planning*, New Age International Publishers, New Delhi, 2015.

- 2) Dutt R. and K. P. M. Sundharam, *Indian Economy*, S. Chand and Company Limited, New Delhi, 2016.
- 3) Jhingan, M. L., *The Economics of Development and Planning*, Vrinda Publication Private Limited, New Delhi, 2010.
- 4) Prakash, B. A., *The Indian Economy Since 1991 Economic Reforms and Performance*, Pearson Publication, Delhi, 2008.

BA 0304 Society in India

Objectives of the Course : This course aims to make students understand the plural Indian society. Indian society has regional; religious and linguistic diversity. Social stratification in India is also different than remaining world. To understand the process of social change, social movements and Act and Law; it is essential to know social structure in Indian society. The continuity between the present and the past is an evident feature of Indian society. The sociological perspective on Indian society will help students to gain a better understanding of their own society and the continuity and change in Indian society.

Module 01 Indian Social Structure – India as Plural Society:

Religious diversity - Hinduism, Islam, Buddhism and Christianity

Primitive Tribes and Nomadic tribes in India

Linguistic and regional diversity

Module 02 Social Stratification and Social Institutions :

Social stratification- Caste, class, tribe and gender

Social Institutions - Family, Kinship, and Marriage

Module 03 Social Movements in pre and post-Independent India :

Dalit movement, Linguistic movements and Tribal movements

Peasant movement, Women's movement, Student's movements and

Environment movements

Module 04 Segments of India Society and its Characteristics :

Tribal Society

Rural society

Urban society

Module 05 Continuity and Change :

Major process of Change - Sanskritisation, Westernization and Modernization

Factors of change - Economy, Education and Constitutional provisions

Recommended Readings :

- 1) Ahuja, Ram: *Society in India: Concepts, Theories and Social Change*, Rawat, New Delhi, 2005.
- 2) Ahuja, Ram: *Indian Social System*, Rawat, New Delhi, 2002.
- 3) Aparna Rao and Michael J. Casimir (ed.), *Nomadism in South Asia*, Oxford University Press, New Delhi, 2003
- 4) Atal, Yogesh: *Changing Indian Society*, Rawat, Jaipur, 2006.
- 5) Atal, Yogesh (Ed.): *Understanding Indian Society*, Her Anand Publication, Delhi, 1992.
- 6) David, Mandelbaum: *Society in India*, Popular, Bombay, 1972.
- 7) Dube, S.C. *Indian Society*, Popular, Bombay, 2000.
- 8) Ramchandra, R.: *Urbanization and Urban System in India*, Oxford, New Delhi, 1991.
- 9) Shah Ghanshyam, *Social Movements and the State*, Sage, New Delhi, 2002.
- 10) Sharma, K.L. *Caste, Class and Tribe*, Rawat, New Delhi.
- 11) Sharma, K.L. *Essays on Social Stratification*, Rawat, New Delhi.
- 12) ICSSR *A Survey in Sociology and Social Anthropology*, 1999.
- 13) Singh, K. S. *The People of India*, Seagull, Calcutta, 1992.

- 14) Singh, Yogendra: *Modernization of Indian Tradition*, Thomson, 1973.
- 15) Srinivas, M. N.: *Social Change in Modern India*, University of California Press, Berkeley, California, 1963.
- 16) T.K. Oommen, *Social Movements in Independent India*, Vol. I and II, Oxford, New Delhi, 2010.
- 17) Uberoi, Patricia: *Family, Kinship and Marriage in India*, Oxford, New Delhi, 1993.

Second Year B.A. LL.B. - Semester IV

CE 0401 Law and Literature

Objectives of the Course : The knowledge of English literature is important for everyone to develop new ideas and ethical standpoints. Therefore, the main object of this paper is to instill human values and concern among students of law through exposure to literary texts. This paper also intends to strengthen the students' listening, speaking, reading and writing skills by using literature and to enable the students to analyze the case laws from the perspective of language.

Module 01 Drama with Legal Themes :

The Significance of Literature in Understanding the Law

The Merchant of Venice (focus on Act IV) - William Shakespeare

Justice (focus on Act II) - John Galsworthy

Module 02 Short Stories with Legal Themes :

Before the Law - Franz Kafka

Justice Is Blind - Thomas Wolfe

The Benefit of Doubt - Jack London

The Web of Circumstance - Charles W Chesnutt

The Case for Defense - Graham Greene

Module 03 Prose Works :

Of Judicature-Francis Bacon

Some Reminiscences of the Bar - M. K. Gandhi

Why the Indian Labor is Determined to Win the War - B.R. Ambedkar

Joy of Reading - APJ Abdul Kalam

M.C. Chagla - The Centenary of a Judicial Statesman - V. R. Krishna Iyer

Module 04 Poetry :

Ode: Intimations of Immortality - William Wordsworth

Stopping by Woods on a Snowy Evening - Robert Frost

Where the Mind is without Fear - Rabindranath Tagore

Law like Love - W. H. Auden

Freedom, Justice and Equality - Lonnie Hicks

Module 05 Legal Text as Literature for Analytical Study :

Balaji Raghvan v. Union of India (AIR 1996 SC 770)

S Gopal Reddy v. State of Andhra Pradesh (1996 SCC (4) 596)

(Case laws are to be analyzed with focus on narrative and argumentative skills)

Recommended Readings:

- 1) Ambedkar, B R. *"Why the Indian Labour is determined to win the war ."* Dr. Babasaheb Ambedkar: Writings and Speeches. Vol. 10. New Delhi: Govt. of India, 2014.
- 2) Auden, W H. *Law Like Love* (<https://www.poemhunter.com/poem/law-like-love/>).

- 3) Frost, Robert. *Stopping by Woods on a Snowy Evening* (<https://www.poemhunter.com/poem/stopping-by-woods-on-a-snowy-evening-2/>).
- 4) Galsworthy, John. *Justice*. Ed. A. Shanmugakani. Chennai: Macmillan, 1981
- 5) Gandhi, M K. "Some Reminiscences of the Bar." *The Law and the Lawyers*. Ed. S B Kher. Ahmedabad: Navjivan Trust, 2004.
- 6) Hicks, Lonnie. *Freedom, Justice and Equality* (<https://www.poemhunter.com/poem/freedom-justice-and-equality/>).
- 7) Kalam, A P J Abdul. "Joy of Reading." *The Very Best of A P J Abdul Kalam - The Righteous Life*. New Delhi: Rupa Publications, 2014.
- 8) Krishna Iyer, V R. "M C Chagla - The Centenary of a Judicial Statesman." *Off the Bench*. New Delhi: Universal Law Publishing, 2001.
- 9) Ledwon, Lenora. *Law and Literature: Text and Theory*. London: Garland Publishing, 1996.
- 10) Oltman, Gretchen, et al. *Law Meets Literature A Novel Approach for the English Classroom*. London: Rowman and Littlefield, 2016.
- 11) Shakespeare, William. *The Merchant of Venice*. Ed. John Fletcher. OUP, 1998.
- 12) Tagore, Rabindranath. (XXXV) from *Gitanjali*. Rupa, 2002.
- 13) Takahav, N S. *Bacon Essays*. Mumbai: Karnatak Publishing House.
- 14) Wishingrad, Jay. *Legal Fictions: Short Stories about Lawyers and Law*. New York: Overlook Press, 1992.
- 15) Wordsworth, William. *Ode: Intimations of Immortality*. (<http://mural.uv.es/horpla/wordsworth.html>).

BA 0402 International Relations

Objectives of the Course : This paper deals with concepts and dimensions of international relations. It attempts an analysis of the different theories with a view to highlighting the major debates and differences within the different theoretical paradigms. The dominant theories of power and the question of equity and justice, the different aspects of balance of power leading to the present situation of a unipolar world are included. It focuses on the various aspects of conflict and conflict resolution through collective security and the role of United Nations.

Module 01 Introducing International Relations :

Historical Origins of International Relations - Overview

Meaning and Definition of International Relations

Scope of International Relations

Significance of Behavioral Actors, State and Non-State factors

Module 02 Approaches to the study of International Relations :

Idealistic Theory

Realist Theory

Marxist Theory

Impact of John Rawls on International Relations

Module 03 Peace and Conflict Studies :

Significance of International Peace and security

Causes of war

Arm Race-Disarmament

Methods of Conflict Resolution

End of war – Francis Fukuyama's views

Module 04 Foreign Policy and Diplomacy :

Evolution of Foreign Policy and Diplomacy

Meaning and Scope of Foreign Policy and Diplomacy

Impact of Diplomacy on Foreign Policy

Role of Multinational Companies and impact of pressure politics on Foreign Policy and Diplomacy

Module 05 International Organizations :

Emergence and growth of International Organizations

League of Nations - An Overview

United Nations - Objectives - Principles of United Nations

Structure and Organs of United Nations (General Assembly, Security Council, Secretariat, Economic and Social Council and International Court of Justice)

Specialized Agencies - Meaning and significance

Relevance of United Nations in present context

Module 06 Regional Organizations :

Historical evolution of Regional Organizations

Structural and functions of EU, OAU, OAS, SAARC, BRIICS and IBSA

Role of Regional Organizations in developing peace (UNO Charter Art 52 to

54)

Difference between International Organizations and Regional Organizations

Recommended Readings :

- 1) Bull, Hedley: *The Anarchical Society: A Study of Order in World Politics*, Columbia University press, New York, 1977.
- 2) Camilleri, Joseph A. and Falk, Jim: *The End of Sovereignty the Politics of a Shrinking and Fragmenting World*, Edward Elgar Publishing Ltd., 1992.
- 3) Chomsky, N.: *Pirates and Emperors International Terrorism in the Real World*, revised edition, Black Rose Books, Montreal, 1995.
- 4) Claude, I.: *Power and International Relations: Power and Justice*, Prentice Hall, Englewood Cliffs, New Jersey, 1986.
- 5) Geiger, Theodore: *The Future of the International System*, Unwin Hyman, Boston, 1988.
- 6) Gilpin, Theodore: *The Political Economy of International Relations*, Princeton University Press, Princeton, 1987.
- 7) Griffiths, Martin: *Realism, Idealism and International Politics*, Routledge, London, 1993.
- 8) Hughes, Barry: *Continuity and Change in World Politics*, Prentice Hall, Englewood Cliffs, New Jersey, 1991.
- 9) Luard, Evan: *Types of International Society*, The Free Press, New York, 1976.
- 10) Pettman, Ralph: *International Politics*, Longman, 1991.
- 11) Spero, Joan Edelm : *The Politics of International Economic Relations*, Routledge, London, 4th Edition, 1990.
- 12) Waltz, Kenneth Neal: *Theory of International Politics*, Addison Wesley, Reading, Massachusetts, 1979.
- 13) Yarborough, B. V.: *Co-operation and Governance in World Trade*, Princeton University Press, Princeton, 1992.
- 14) John Rawls, *The Law of Peoples and International Political Theory*.

Recommended Articles :

- 1) Joseph, Jonathan (2007) *Philosophy in International Relations: A Scientific Realist Approach*. Millennium: Journal of International Studies, 35 (2), pp. 345-359.
- 2) Rynning, S. & Ringsmose (2008) *Why Are Revisionist States Revisionist? Reviving Classical Realism as an Approach to Understanding International Change*, Journal of International Politics, Volume 45, Issue 1, pp 19–39.
- 3) Kenneth W. Abbott & Duncan Snidal (1998) *Why States Act Through Formal International Organizations*, Journal of Conflict Resolution, Vol. 42, 1998.
- 4) Timothy M. Shaw (2015) From Post - BRICS' Decade to Post - 2015: *Insights from Global Governance and Comparative Regionalisms*, Palgrave Communications, Vol. 1, pp. 14004.
- 5) Tamar Meshel (2014) 'Commercial Peacemaking' - *The New Role of the International Commercial Arbitration Legal Order*, Cardozo Journal of Conflict Resolution 395 (2015).
- 6) W. M. Reisman (1993), *Peacemaking*, 18 Yale Journal of International Law, Vol. 18, Issue 1. (<http://digitalcommons.law.yale.edu/yjil/vol18/iss1/17>).
- 7) Nicholas Sambanis (2007) *Short-Term and Long - Term Effects of United Nations Peace Operations*, World Bank Policy Research Working Paper No. 4207.

- 8) John Rawls, First published Tue Mar 25, 2008; *Substantive Revision* Mon Jan 9, 2017.
(<https://plato.stanford.edu/entries/rawls/>).

Recommended Journals :

- 1) Journal of International Relations & Foreign Policy (JIRFP). (www.jirfp.com/).
- 2) Political Science and International Relations Journal. (www.en.journals.sid.ir).
- 3) European Journal of International Affairs. (www.european-journal.org).
- 4) BJPIR | The Political Studies Association (PSA). (<https://www.psa.ac.uk/members/>).
- 5) Conflict Management and Peace Science Journal Impact. (<https://www.researchgate.net/>).

BA 0403 Law and Economics

Objectives of the Course : The Objectives of the Course are : (1) To study the relationship between Law and Economics; (2) To know the significance of Economics in Law; (3) To understand the impact of Economics on Law.

Module 01 Introduction :

Interrelationship between Law and Economics
Origin and Development of Law and Economics
Economic Analysis of Law
Why lawyers should study Economics

Module 02 Fundamentals of Economic Analysis of Law :

Positive and Welfare Economics and Its Impact on Law
Economic Factors of Pricing – Theories of Wages – Exploitation of Labour
Economic Implications on Agrarian Reforms
Significance of Economics in Land Regulation
Significance of Economic Legislation - An overview of FEMA, Banking Regulation Act

Module 03 Impact of Economic Theories on Law and Development :

Pareto and Hicks Theory of Economic Efficiency on Law and Development
The Coase Theorem on Property and Liability
Welfare Economics - Impact on Law and Development

Module 04 Interrelationship between Economics and Property :

Economic Perspective of Property
Types of Property - Public and Private Property - Intellectual Property
Bargaining Theory
Economic Theory of Property with reference to Marx and Locke
Economic Theories of Distribution of Property

Module 05 Impact of Economic Policies on Law :

Significance of Planning – Role of Niti Aayog
Impact of Globalisation on Law – An Overview
Impact of Liberalisation and Privatisation on Law and Legislation
Impact of Market Economy on Law
International relations between Economics and Law

Recommended Readings :

(Note - Students are advised to refer latest editions of the books)

- 1) Shukla, M. B., *Indian Economy*, Taxmann Publication (P) Ltd., New Delhi, (2012).
- 2) Bhutani, Prem J., *Principles of Economics*, Taxmann Allied Services Pvt Ltd, New Delhi, (2008).
- 3) Misra, S. K. and Puri, V. K., *Indian Economy – Its Development Experience*, Himalaya Publishing House, Mumbai (2012).
- 4) Robert Cooter: *Law and Economics* (6th Edition) (2012) Pearson Publishers.
- 5) Polinsky, Mitchell A., *An Introduction to Law and Economics* (1983).
- 6) Harrison, Jeffrey, *Law and Economics in a Nutshell* (1995).
- 7) Calabresi, Guido, *The Future of Law and Economics: Essays in Reform and Recollection* (2016).
- 8) Leitzel, Jim, *Concepts in Law and Economics: A Guide for the Curious* (2015).

BA 0404 Social Research Methods

Objectives of the Course : This course aims to introduce basic Sociological approaches to research. It is an attempt to provide an understanding of the research process and techniques of data collection in social research. There are different perspectives and methods of understanding social phenomena. It aims to acquaint the students with the quantitative and qualitative strategies of research. Overall this course aims to introduce scientific method to understand social reality and social phenomena.

Module 01 Introduction to Social Research - Philosophy of Social Research :

Social research - meaning and significance
Types of social research - pure and applied research
Values and ethics in social research

Module 02 Research Process :

Steps in social research
Selection and formulation of research problem
Hypothesis - meaning, characteristics and types
Data collection - primary and secondary sources
Sampling - meaning and techniques

Module 03 Techniques of Data Collections :

Observation - nature, types, advantages and limitations
Interview - nature, advantages and limitations
Questionnaire - nature, types, advantages and limitations

Module 04 Quantitative and Qualitative Research :

Difference between Quantitative and Qualitative research
Quantitative research methods
Survey - Meaning, nature, advantages and disadvantages
Qualitative research methods
Case study - meaning, nature, advantages and disadvantage
Recent strategies - combining the quantitative and qualitative methods in research

Module 05 Computer in Social Research :

E-research: using the internet as object and method of data collection
Use of computer in data analysis

Module 06 Report Writing:

Importance of report writing
Writing qualitative and quantitative research - presentation and interpretation
Qualities of good research report

Recommended Readings :

- 1) Ahuja, Ram. 2007. *Research Methods*. Rawat Publication. Jaipur.
- 2) Bhandarkar, P. L. and Wilkinson. 2007. *Methodology and Techniques of Social Research*, Himalaya Publishing House, New Delhi.
- 3) Bryman, Alan. 2008. *Social Research Methods*, Oxford University Press.
- 4) Goode and Hatt. 2006. *Methods in Social Research*. Surjeet Publication, New Delhi.
- 5) Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.
- 6) Newman, Lawrence. 2011. *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education.
- 7) Beteille A and T.N. Madan 1975 *Encounter and Experience Personal Accounts of Fieldwork*, New Delhi: Vikas Publishing House.

- 8) Garrett Henry 1981 *Statistics in Psychology and Education* David McKay Indian Publication.
- 9) Mrs. A.F. Sheikh for Vakils, Bombay, Tenth Reprint.
- 10) Jayaram. N. 1989, *Sociology Methods and Theory*, Madras : MacMillian.
- 11) Kothari C.R.1989, *Research Methodology : Methods and Techniques*, Bangalore, Wiley Eastern.
- 12) Punch, Keith 1996. *Introduction to Social Research*, London: Sage.
- 13) Shipman Martin 1988. *The Limitations of Social Research*, London: Sage.
- 14) Srinivas, M.N. and A.M. Shah, 1979, *Fieldworker and The Field*, Delhi : Oxford.
- 15) Young. P.V. 1988, *Scientific Social Surveys and Research*, New Delhi: Prentice Hall.

Part IX

Syllabus of Second Year of B.B.A. LL.B.

Second Year B.B.A. LL.B. - Semester III

CE 0301 Legal Language and Legal Reasoning

Objectives of the Course : This paper is designed to give the students more exposure to the nature of legal language and the issues related to it in drafting legislations and legal documents. It intends to acquaint the students with advocacy skills so much so to bridge the gap between theoretical and practical knowledge and to strengthen and enhance their critical thinking. It also introduces the students to logical reasoning and its use in law to set up good arguments.

Module 01 Legal Language and its Nature :

- Law and Language
- Meaning of Legal Language
- Scope and Domain of Legal Language

Module 02 Problems of Legal Language and Remedies :

- Problems of Legal Language
- Problems of Legal Language in Drafting Statutes and Writing Judgments
- Principles of Legal Writing:
 - Simplicity, Clarity and Precision
 - Plain English and Plain Language Vocabulary
 - Eliminating the Jargon “Legalese”
 - Avoid Repetitions
 - Slash Unnecessary Words
 - Breaking up Long and Complex Sentences
 - Connecting Sentences
 - Linking Paragraphs
 - Use of Passive Voice
 - Use of Symbols and Abbreviations

Module 03 Use of Language in Drafting :

- Use of Legal Language and its Significance in Drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)
- Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

Module 04 Advocacy Skills :

- Meaning of Advocacy
- Advocacy as an Art
- Qualities of Lawyers (Good voice, command of words, confidence, practical wisdom, etc.)
- Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)
- Etiquettes and Manners for Law Professionals
- Client Counseling and Interviewing

Module 05 Legal Reasoning and Skills of Arguments :

Logic and its Scope:

Meaning of Logic and its Nature

Some Major Sources of Knowledge- a priori, evidence, memory, observation, perception, reasoning and testimony

Structure of Argument-Statements/Premises and Conclusion

Methods of Reasoning- Deductive, Inductive and Reasoning by analogy

Fact and Opinion

Truth and Validity

Syllogism:

Meaning of Syllogism

Rules of Syllogism

Types of Syllogism-Categorical, Conditional and Disjunctive

Fallacy:

Meaning and Reasons of Fallacy

Types of Fallacies-Faulty Cause, Sweeping Generalization, Faulty Analogy, Anecdotal Fallacy, Bifurcation (False Dilemma), Equivocation, Tautology, Appeal to Popular Opinion and Association Fallacy

Application of Reasoning to Law - Facts of a Case and provisions /Case Laws(Refer to *Dahyabhai Chhaganbhai Thakker v. State of Gujarat*, AIR 1964 SC 1563 for legal reasoning)

Recommended Readings:

- 1) Agarwal, S P. *Drafting and Conveyancing*. Delhi: Lexis Nexis, 2005.
- 2) Asprey, Michele M. *Plain Language for Lawyers*. New Delhi: Universal Law Publishing Co., 2011. (Module 1-2 (a)- Ch.-2,3,13).
- 3) Anirudh, Prasad. *Outlines of Legal language in India*. Allahabad: Central Law Publications, 2009.
- 4) Basantani, K T. *Elementary Logic for LLB*. Sheth Publishers, 2013.
- 5) Howell, Tracey and Gary Kemp. *Critical Thinking A Concise Guide*. New York: Routledge, 2005.
- 6) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011.
- 7) Copi, Irving M and et al. *Introduction to Logic*. London: Pearson Education Ltd. 2014
- 8) Garner, Bryan A. ed. *Black's Law Dictionary* . 9th Edition.
- 9) Garner, Bryan A. *The Winning Brief*, New York: Oxford University Press, 2014. (Module 2.3, Ch. 19, 21, 22, 27, 29, 30, 32, 34, 56).
- 10) Jayakumar, Srividya. *Client Counseling for Tomorrow's Lawyers*. All India Court Cases, January 2007. PP 13-17.
- 11) Selby, Hugh. *Advocacy Preparation and Performance*, New Delhi: Universal Law Publishing Co., 2009.
- 12) Sridhar, Madabhushi. *Legal Language*. Hyderabad: Asia Law House, 2004.
- 13) P. Ramanatha Aiyer's *Law Lexicon*. LexisNexis, 2012.
- 14) Tiersma Peter M. "What is Language and Law? And does anyone care?" Legal Studies. Paper No. 2009-11, March 2009.
- 15) Webb, Julia. *Lawyers' Skills* , United Kingdom: Oxford University Press, 2011.
- 16) Williams, Glanville. *Learning the Law*. New Delhi: Universal Law Publications, 2000.

BA 0302 Public Policy and Public Administration

Objectives of the Course : Public Administration as a discipline of study is basically known as the science of ruling and the study of the rulers and the ruled. Traditionally, it covered the study of man in the process of governing himself. Today it is seen as an encyclopedia of governing the people. The main objective of this course is to enable students to understand the basic concepts of administration. It tries to make the students understand the evolution of this subject and its need. It also tries to focus on different approaches to study Public Administration and its various basic concepts.

Module 01 Introduction :

- Meaning and nature of Public Administration
- Evolution of Public Administration as a discipline
- Scope of Public Administration- POSDCORB (Planning, Organising, Staffing, Directing, Coordinating, Reporting and Budgeting) view versus People's expectations from the government
- Relation of Public Administration with Political Science and Law

Module 02 Introduction to Public Policy :

- Meaning and Objectives of Public Policy
- Difference between Policy and Rules
- Impact of Executive decisions and Public Policy on Traditional Practices and Law
- Impact of Policy formulation on Law and Justice

Module 03 Approaches to Public Administration :

- Traditional Approaches –Woodrow Wilson and Max Weber- An Overview
- Recent Approaches - Public Choice, Good Governance, New Public Management
- Post 1990's Approach - Development Administration – Concept- Characteristics and Scope
- State versus Market Debate

Module 04 Accountability and Control :

- Concepts of Accountability and Control
- Mechanisms of Accountability and control – Executive, Media, Interest groups, Right to Information, Social Audit, Civil Society and People's Participation

Module 05 Importance of Judicial Administration in Modern Era :

- Ethical and moral values in Judicial Administration
- Role of State in Judicial Administration
- Importance of Financial Autonomy in Judicial Administration
- E-Governance in Judicial Administration

Recommended Readings :

- 1) Avasthi and Maheshwari, *Public Administration*, Laxmi - Narain Aggarwal, Agra, 2010.

- 2) Mohit Bhattacharya: *New Horizons of Public Administration*, Jawahar Publishers, New Delhi, 2010.
- 3) Rumki Basu, *Public Administration-Concepts and Theories*, Sterling Publishers, New Delhi, 2007.
- 4) H. George Frederickson and Kevin B. Smith, *Public Administration Theory Primer*, Rawat Publications, Jaipur, 2008.
- 5) H. George Frederickson, *New Public Administration*, The University of Alabama Press, Alabama, 1980.
- 6) Raymond W. Cox III, Susan J. Buck and Betty N. Morgan, *Public Administration in Theory and Practice*, Pearson Education, New Delhi, 2005.
- 7) Hoshier Singh & Pardeep Sachdeva, *Administrative Theory*, Kitab Mahal, New Delhi, 2005.
- 8) M.P. Sharma and B. L. Sadana, *Public Administration in Theory and Practice*, Kitab Mahal, Allahabad, 1988.
- 9) P.B. Mehta, Oxford Publication (Student Edition), 2015.
- 10) J.D. Straussman, *Public Administration*, Holt, Rinehart and Winslow, New York, 1985.
- 11) A.R. Tyagi, *Public Administration - Principles and Practices*, Atma Ram & Sons, Delhi, 1992.
- 12) S.L. Goel, *Public Administration - Theory & Practice*, Deep & Deep Publications, New Delhi, 2003.
- 13) Dr. B. L. Fadia, *Public Administration*, Sahitya Bhawan Publications, Agra, 2010.

Recommended Articles :

- 1) John M. Gaus. 1950. *Trends in the Theory of Public Administration*. Public Administration Review 10(3): 161-168.
- 2) Stephen K. Bailey, 1964, *Ethics and the Public Service*, Public Administration Review 24(4), 234-243.
- 3) Yehezkel Dror, 1967, *Policy Analysts, A New Professional Role in Government Service*, Public Administration Review 27(3): 197-203.
- 4) Nicholas Henry, 1975, *Paradigms of Public Administration*. Public Administration Review 35(4): 378-386.
- 5) Hal G. Rainey, Robert W. Backoff, and Charles H. Levine, 1976, *Comparing Public and Private Organizations*, Public Administration Review 36(2): 233-244.
- 6) Caroline J. Tolbert, and Karen Mossberger, 2006, *The Effects of E-Government on Trust and Confidence in Government*. Public Administration Review 66(3): 354-369.

Recommended Journals :

- 1) Indian Journal of Public Administration. (www.iipa.org.in).
- 2) International Review of Administrative Sciences, SAGE Journals. (journals.sagepub.com/home/ras).
- 3) Journal of Public Administration Research and Theory, Oxford. (<https://academic.oup.com/jpart>).
- 4) Educational Administration Quarterly - SC Imago. (www.scimagojr.com/).
- 5) Public Administration Review. (<https://publicadministrationreview.org/>).

BA 0303 Theories of Development and Indian Economy

Objectives of the Course : The objectives of the course are : (1) To understand the theories of economic growth; (2) To know the important sectors of the Indian Economy; (3) To analyse the various issues of the Indian Economy.

Module 01 Economic Development and Growth :

Concept of Development, Economic Development and Economic Growth
Human Right Dimension in Economic Development and Economic Growth
Features and Indicators of Economic Development
Vicious Cycle of Poverty
Determination of Poverty Line

Module 02 Strategies of Economic Growth :

An overview of Theories of Development
Balanced and Unbalanced Growth
Big Push Theory
Relation between Population Growth and Per Capita Income
Concept of Sustainable Development – Sustainable Development Goals
Concept of Human Development – Determination of HDI and PQLI

Module 03 Agrarian Economy in India :

Features of Indian Agriculture
Subdivision and Fragmentation of Land
Pattern of Land Holding In India
Agricultural Credit - Institutional and Non- Institutional Credit
Issues of Agricultural Labours
Contractual Farming
Issues of Corporatisation of Farming

Module 04 Industrial Economy in India :

Features of Indian Industry
Concept of SME, MSME, PSU and MNC
Controversy over land acquisition for Industry
Issues of Industrial Labour and Labour Legislation
Capital – Sources of Domestic Capital and Foreign Capital

Module 05 Other Areas of Indian Economy :

Inflation – Trends in Prices and Money Supply
Black Money and Corruption – Reasons and Measures
Food Security – Problem of Hunger and Malnutrition – PDS
Issue of Employment – Skill Development, Make in India Programme
Issue of Special Economic Zones
Trends in Revenue and Expenditure of Central and State Government

Recommended Readings :

- 1) Agarwal A. N., *Indian Economy: Problems of Development and Planning*, New Age International Publishers, New Delhi, 2015.

- 2) Dutt R. and K. P. M. Sundharam, *Indian Economy*, S. Chand and Company Limited, New Delhi, 2016.
- 3) Jhingan, M. L., *The Economics of Development and Planning*, Vrinda Publication Private Limited, New Delhi, 2010.
- 4) Prakash, B. A., *The Indian Economy Since 1991 Economic Reforms and Performance*, Pearson Publication, Delhi, 2008.

BA 0304 Society in India

Objectives of the Course : This course aims to make students understand the plural Indian society. Indian society has regional; religious and linguistic diversity. Social stratification in India is also different than remaining world. To understand the process of social change, social movements and Act and Law; it is essential to know social structure in Indian society. The continuity between the present and the past is an evident feature of Indian society. The sociological perspective on Indian society will help students to gain a better understanding of their own society and the continuity and change in Indian society.

Module 01 Indian Social Structure – India as Plural Society:

Religious diversity - Hinduism, Islam, Buddhism and Christianity

Primitive Tribes and Nomadic tribes in India

Linguistic and regional diversity

Module 02 Social Stratification and Social Institutions :

Social stratification- Caste, class, tribe and gender

Social Institutions - Family, Kinship, and Marriage

Module 03 Social Movements in pre and post-Independent India :

Dalit movement, Linguistic movements and Tribal movements

Peasant movement, Women's movement, Student's movements and Environment movements

Module 04 Segments of India Society and its Characteristics :

Tribal Society

Rural society

Urban society

Module 05 Continuity and Change :

Major process of Change - Sanskritisation, Westernization and Modernization

Factors of change - Economy, Education and Constitutional provisions

Recommended Readings :

- 1) Ahuja, Ram: *Society in India: Concepts, Theories and Social Change*, Rawat, New Delhi, 2005.
- 2) Ahuja, Ram: *Indian Social System*, Rawat, New Delhi, 2002.
- 3) Aparna Rao and Michael J. Casimir (ed.), *Nomadism in South Asia*, Oxford University Press, New Delhi, 2003
- 4) Atal, Yogesh: *Changing Indian Society*, Rawat, Jaipur, 2006.
- 5) Atal, Yogesh (Ed.): *Understanding Indian Society*, Her Anand Publication, Delhi, 1992.
- 6) David, Mandelbaum: *Society in India*, Popular, Bombay, 1972.
- 7) Dube, S.C. *Indian Society*, Popular, Bombay, 2000.
- 8) Ramchandra, R.: *Urbanization and Urban System in India*, Oxford, New Delhi, 1991.
- 9) Shah Ghanshyam, *Social Movements and the State*, Sage, New Delhi, 2002.
- 10) Sharma, K.L. *Caste, Class and Tribe*, Rawat, New Delhi.
- 11) Sharma, K.L. *Essays on Social Stratification*, Rawat, New Delhi.
- 12) ICSSR *A Survey in Sociology and Social Anthropology*, 1999.
- 13) Singh, K. S. *The People of India*, Seagull, Calcutta, 1992.

- 14) Singh, Yogendra: *Modernization of Indian Tradition*, Thomson, 1973.
- 15) Srinivas, M. N.: *Social Change in Modern India*, University of California Press, Berkeley, California, 1963.
- 16) T.K. Oommen, *Social Movements in Independent India*, Vol. I and II, Oxford, New Delhi, 2010.
- 17) Uberoi, Patricia: *Family, Kinship and Marriage in India*, Oxford, New Delhi, 1993

Second Year B.A. LL.B. - Semester IV

CE 0401 Law and Literature

Objectives of the Course : The knowledge of English literature is important for everyone to develop new ideas and ethical standpoints. Therefore, the main object of this paper is to instill human values and concern among students of law through exposure to literary texts. This paper also intends to strengthen the students' listening, speaking, reading and writing skills by using literature and to enable the students to analyze the case laws from the perspective of language.

Module 01 Drama with Legal Themes :

The Significance of Literature in Understanding the Law
The Merchant of Venice (focus on Act IV) - William Shakespeare
Justice (focus on Act II) - John Galsworthy

Module 02 Short Stories with Legal Themes :

Before the Law - Franz Kafka
Justice Is Blind - Thomas Wolfe
The Benefit of Doubt - Jack London
The Web of Circumstance - Charles W Chesnutt
The Case for Defense - Graham Greene

Module 03 Prose Works :

Of Judicature - Francis Bacon
Some Reminiscences of the Bar - M. K. Gandhi
Why the Indian Labor is Determined to Win the War - B.R. Ambedkar
Joy of Reading - APJ Abdul Kalam
M.C. Chagla - The Centenary of a Judicial Statesman - V. R. Krishna Iyer

Module 04 Poetry :

Ode: Intimations of Immortality - William Wordsworth
Stopping by Woods on a Snowy Evening - Robert Frost
Where the Mind is without Fear - Rabindranath Tagore
Law like Love - W. H. Auden
Freedom, Justice and Equality - Lonnie Hicks

Module 05 Legal Text as Literature for Analytical Study :

Balaji Raghvan v. Union of India (AIR 1996 SC 770)
S Gopal Reddy v. State of Andhra Pradesh (1996 SCC (4) 596)
(Case laws are to be analyzed with focus on narrative and argumentative skills)

Recommended Readings:

- 1) Ambedkar, B R. "*Why the Indian Labour is determined to win the war .*" Dr. Babasaheb Ambedkar: Writings and Speeches. Vol. 10. New Delhi: Govt. of India, 2014.
- 2) Auden, W H. *Law Like Love* (<https://www.poemhunter.com/poem/law-like-love/>).

- 3) Frost, Robert. *Stopping by Woods on a Snowy Evening* (<https://www.poemhunter.com/poem/stopping-by-woods-on-a-snowy-evening-2/>).
- 4) Galsworthy, John. *Justice*. Ed. A. Shanmugakani. Chennai: Macmillan, 1981.
- 5) Gandhi, M K. "Some Reminiscences of the Bar." *The Law and the Lawyers*. Ed. S B Kher. Ahmedabad: Navjivan Trust, 2004.
- 6) Hicks, Lonnie. *Freedom, Justice and Equality* (<https://www.poemhunter.com/poem/freedom-justice-and-equality/>).
- 7) Kalam, A P J Abdul. "Joy of Reading." *The Very Best of A P J Abdul Kalam - The Righteous Life*. New Delhi: Rupa Publications, 2014.
- 8) Krishna Iyer, V R. "M C Chagla - The Centenary of a Judicial Statesman." *Off the Bench*. New Delhi: Universal Law Publishing, 2001.
- 9) Ledwon, Lenora. *Law and Literature: Text and Theory*. London: Garland Publishing, 1996.
- 10) Oltman, Gretchen, et al. *Law Meets Literature A Novel Approach for the English Classroom*. London: Rowman and Littlefield, 2016.
- 11) Shakespeare, William. *The Merchant of Venice*. Ed. John Fletcher. OUP, 1998
- 12) Tagore, Rabindranath. (XXXV) from *Gitanjali*. Rupa, 2002.
- 13) Takahav, N S. *Bacon Essays*. Mumbai: Karnatak Publishing House.
- 14) Wishingrad, Jay. *Legal Fictions: Short Stories about Lawyers and Law*. New York: Overlook Press, 1992.
- 15) Wordsworth, William. *Ode: Intimations of Immortality*. (<http://mural.uv.es/horpla/wordsworth.html>).

BA 0402 International Relations

Objectives of the Course : This paper deals with concepts and dimensions of international relations. It attempts an analysis of the different theories with a view to highlighting the major debates and differences within the different theoretical paradigms. The dominant theories of power and the question of equity and justice, the different aspects of balance of power leading to the present situation of a unipolar world are included. It focuses on the various aspects of conflict and conflict resolution through collective security and the role of United Nations.

Module 01 Introducing International Relations :

- Historical Origins of International Relations - Overview
- Meaning and Definition of International Relations
- Scope of International Relations
- Significance of Behavioral Actors, State and Non-State factors

Module 02 Approaches to the study of International Relations :

- Idealistic Theory
- Realist Theory
- Marxist Theory
- Impact of John Rawls on International Relations

Module 03 Peace and Conflict Studies :

- Significance of International Peace and security
- Causes of war
- Arm Race-Disarmament
- Methods of Conflict Resolution
- End of war – Francis Fukuyama's views

Module 04 Foreign Policy and Diplomacy :

- Evolution of Foreign Policy and Diplomacy
- Meaning and Scope of Foreign Policy and Diplomacy
- Impact of Diplomacy on Foreign Policy
- Role of Multinational Companies and impact of pressure politics on Foreign Policy and Diplomacy

Module 05 International Organizations :

- Emergence and growth of International Organizations
- League of Nations - An Overview
- United Nations - Objectives - Principles of United Nations
- Structure and Organs of United Nations (General Assembly, Security Council, Secretariat, Economic and Social Council and International Court of Justice)
- Specialized Agencies - Meaning and significance

Relevance of United Nations in present context

Module 06 Regional Organizations :

- Historical evolution of Regional Organizations
- Structural and functions of EU, OAU, OAS, SAARC, BRIICS and IBSA

Role of Regional Organizations in developing peace (UNO Charter Art 52 to 54)

Difference between International Organizations and Regional Organizations

Recommended Readings :

- 1) Bull, Hedley: *The Anarchical Society: A Study of Order in World Politics*, Columbia University press, New York, 1977.
- 2) Camilleri, Joseph A. and Falk, Jim: *The End of Sovereignty the Politics of a Shrinking and Fragmenting World*, Edward Elgar Publishing Ltd., 1992.
- 3) Chomsky, N.: *Pirates and Emperors International Terrorism in the Real World*, revised edition, Black Rose Books, Montreal, 1995.
- 4) Claude, I.: *Power and International Relations: Power and Justice*, Prentice Hall, Englewood Cliffs, New Jersey, 1986.
- 5) Geiger, Theodore: *The Future of the International System*, Unwin Hyman, Boston, 1988.
- 6) Gilpin, Theodore: *The Political Economy of International Relations*, Princeton University Press, Princeton, 1987.
- 7) Griffiths, Martin: *Realism, Idealism and International Politics*, Routledge, London, 1993.
- 8) Hughes, Barry: *Continuity and Change in World Politics*, Prentice Hall, Englewood Cliffs, New Jersey, 1991.
- 9) Luard, Evan: *Types of International Society*, The Free Press, New York, 1976.
- 10) Pettman, Ralph: *International Politics*, Longman, 1991.
- 11) Spero, Joan Edelm : *The Politics of International Economic Relations*, Routledge, London, 4th Edition, 1990.
- 12) Waltz, Kenneth Neal: *Theory of International Politics*, Addition Wesley, Rending, Massachusetts, 1979.
- 13) Yarborough, B. V.: *Co-operation and Governance in World Trade*, Princeton University Press, Princeton, 1992.
- 14) John Rawls, *The Law of Peoples and International Political Theory*.

Recommended Articles :

- 1) Joseph, Jonathan (2007) *Philosophy in International Relations: A Scientific Realist Approach*. Millennium: Journal of International Studies, 35 (2), pp. 345-359.
- 2) Rynning, S. & Ringsmose (2008) *Why Are Revisionist States Revisionist? Reviving Classical Realism as an Approach to Understanding International Change*, Journal of International Politics, Volume 45, Issue 1, pp 19–39.
- 3) Kenneth W. Abbott & Duncan Snidal (1998) *Why States Act Through Formal International Organizations*, Journal of Conflict Resolution, Vol. 42, 1998.
- 4) Timothy M. Shaw (2015) *From Post - BRICS' Decade to Post - 2015: Insights from Global Governance and Comparative Regionalisms*, Palgrave Communications, Vol. 1, pp. 14004.
- 5) Tamar Meshel (2014) *'Commercial Peacemaking' - The New Role of the International Commercial Arbitration Legal Order*, Cardozo Journal of Conflict Resolution 395 (2015).
- 6) W. M. Reisman (1993), *Peacemaking*, 18 Yale Journal of International Law, Vol. 18, Issue 1. (<http://digitalcommons.law.yale.edu/yjil/vol18/iss1/17>).
- 7) Nicholas Sambanis (2007) *Short-Term and Long - Term Effects of United Nations Peace Operations*, World Bank Policy Research Working Paper No. 4207
- 8) John Rawls, First published Tue Mar 25, 2008; *Substantive Revision* Mon Jan 9, 2017. (<https://plato.stanford.edu/entries/rawls/>).

Recommended Journals:

- 1) Journal of International Relations & Foreign Policy (JIRFP). (www.jirfp.com/).
- 2) Political Science and International Relations Journal. (www.en.journals.sid.ir).
- 3) European Journal of International Affairs. (www.european-journal.org).
- 4) BJPIR | The Political Studies Association (PSA). (<https://www.psa.ac.uk/members/>).
- 5) Conflict Management and Peace Science Journal Impact. (<https://www.researchgate.net/>).

BA 0403 Law and Economics

Objectives of the Course : The Objectives of the Course are : (1) To study the relationship between Law and Economics; (2) To know the significance of Economics in Law; (3) To understand the impact of Economics on Law.

Module 01 Introduction:

Interrelationship between Law and Economics
Origin and Development of Law and Economics
Economic Analysis of Law
Why lawyers should study Economics

Module 02 Fundamentals of Economic Analysis of Law:

Positive and Welfare Economics and Its Impact on Law
Economic Factors of Pricing – Theories of Wages – Exploitation of Labour
Economic Implications on Agrarian Reforms
Significance of Economics in Land Regulation
Significance of Economic Legislation - An overview of FEMA, Banking Regulation Act

Module 03 Impact of Economic Theories on Law and Development:

Pareto and Hicks Theory of Economic Efficiency on Law and Development
The Coase Theorem on Property and Liability
Welfare Economics - Impact on Law and Development

Module 04 Interrelationship between Economics and Property :

Economic Perspective of Property
Types of Property - Public and Private Property - Intellectual Property
Bargaining Theory
Economic Theory of Property with reference to Marx and Locke
Economic Theories of Distribution of Property

Module 05 Impact of Economic Policies on Law:

Significance of Planning – Role of Niti Aayog
Impact of Globalisation on Law – An Overview
Impact of Liberalisation and Privatisation on Law and Legislation
Impact of Market Economy on Law
International relations between Economics and Law

Recommended Readings :

(Note - Students are advised to refer latest editions of the books)

- 1) Shukla, M. B., *Indian Economy*, Taxmann Publication (P) Ltd., New Delhi, (2012).
- 2) Bhutani, Prem J., *Principles of Economics*, Taxmann Allied Services Pvt Ltd, New Delhi, (2008).
- 3) Misra, S. K. and Puri, V. K., *Indian Economy – Its Development Experience*, Himalaya Publishing House, Mumbai (2012).
- 4) Robert Cooter: *Law and Economics* (6th Edition) (2012) Pearson Publishers.
- 5) Polinsky, Mitchell A., *An Introduction to Law and Economics* (1983).
- 6) Harrison, Jeffrey, *Law and Economics in a Nutshell* (1995).
- 7) Calabresi, Guido, *The Future of Law and Economics: Essays in Reform and Recollection* (2016).
- 8) Leitzel, Jim, *Concepts in Law and Economics: A Guide for the Curious* (2015).

BA 0404 Social Research Methods

Objectives of the Course : This course aims to introduce basic Sociological approaches to research. It is an attempt to provide an understanding of the research process and techniques of data collection in social research. There are different perspectives and methods of understanding social phenomena. It aims to acquaint the students with the quantitative and qualitative strategies of research. Overall this course aims to introduce scientific method to understand social reality and social phenomena.

Module 01 Introduction to Social Research - Philosophy of Social Research :

- Social research - meaning and significance
- Types of social research - pure and applied research
- Values and ethics in social research

Module 02 Research Process :

- Steps in social research
- Selection and formulation of research problem
- Hypothesis - meaning, characteristics and types
- Data collection - primary and secondary sources
- Sampling - meaning and techniques

Module 03 Techniques of Data Collections :

- Observation - nature, types, advantages and limitations
- Interview - nature, advantages and limitations
- Questionnaire - nature, types, advantages and limitations

Module 04 Quantitative and Qualitative Research :

- Difference between Quantitative and Qualitative research
- Quantitative research methods
- Survey - Meaning, nature, advantages and disadvantages
- Qualitative research methods
- Case study - meaning, nature, advantages and disadvantage
- Recent strategies - combining the quantitative and qualitative methods in research

Module 05 Computer in Social Research :

- E-research: using the internet as object and method of data collection
- Use of compute in data analysis

Module 06 Report Writing:

- Importance of report writing
- Writing qualitative and quantitative research - presentation and interpretation
- Qualities of good research report

Recommended Readings :

1. Ahuja, Ram. 2007. *Research Methods*. Rawat Publication. Jaipur.

- 1) Bhandarkar, P. L. and Wilkinson. 2007. *Methodology and Techniques of Social Research*, Himalaya Publishing House, New Delhi.
- 2) Bryman, Alan. 2008. *Social Research Methods*, Oxford University Press.
- 3) Goode and Hatt. 2006. *Methods in Social Research*. Surjeet Publication, New Delhi.
- 4) Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.
- 5) Newman, Lawrence. 2011. *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education.
- 6) Beteille A and T.N. Madan 1975 *Encounter and Experience Personal Accounts of Fieldwork*, New Delhi: Vikas Publishing House.
- 7) Garrett Henry 1981 *Statistics in Psychology and Education* David McKay Indian Publication.
- 8) Mrs. A.F. Sheikh for Vakils, Bombay, Tenth Reprint.
- 9) Jayaram. N. 1989, *Sociology Methods and Theory*, Madras : MacMillan.
- 10) Kothari C.R. 1989, *Research Methodology : Methods and Techniques*, Bangalore, Wiley Eastern.
- 11) Punch, Keith 1996. *Introduction to Social Research*, London: Sage.
- 12) Shipman Martin 1988. *The Limitations of Social Research*, London: Sage.
- 13) Srinivas, M.N. and A.M. Shah, 1979, *Fieldworker and The Field*, Delhi : Oxford.
- 14) Young. P.V. 1988, *Scientific Social Surveys and Research*, New Delhi: Prentice Hall.

Part IX

Syllabus of Second Year of B.B.A. LL.B.

Second Year B.B.A. LL.B. - Semester III

CE 0301 Legal Language and Legal Reasoning

Objectives of the Course : This paper is designed to give the students more exposure to the nature of legal language and the issues related to it in drafting legislations and legal documents. It intends to acquaint the students with advocacy skills so much so to bridge the gap between theoretical and practical knowledge and to strengthen and enhance their critical thinking. It also introduces the students to logical reasoning and its use in law to set up good arguments.

Module 01 Legal Language and its Nature :

- Law and Language
- Meaning of Legal Language
- Scope and Domain of Legal Language

Module 02 Problems of Legal Language and Remedies :

- Problems of Legal Language
- Problems of Legal Language in Drafting Statutes and Writing Judgments
- Principles of Legal Writing
- Simplicity, Clarity and Precision
- Plain English and Plain Language Vocabulary
- Eliminating the Jargon “Legalese”
- Avoid Repetitions
- Slash Unnecessary Words
- Breaking up Long and Complex Sentences
- Connecting Sentences
- Linking Paragraphs
- Use of Passive Voice
- Use of Symbols and Abbreviations

Module 03 Use of Language in Drafting :

- Use of Legal Language and its Significance in Drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)
- Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

Module 04 Advocacy Skills :

- Meaning of Advocacy
- Advocacy as an Art
- Qualities of Lawyers (Good voice, command of words, confidence, practical wisdom, etc.)
- Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)

Etiquettes and Manners for Law Professionals
Client Counseling and Interviewing

Module 05 Legal Reasoning and Skills of Arguments :

Logic and its Scope:

Meaning of Logic and its Nature

Some Major Sources of Knowledge- a priori, evidence, memory, observation, perception, reasoning and testimony

Structure of Argument-Statements/Premises and Conclusion

Methods of Reasoning- Deductive, Inductive and Reasoning by analogy

Fact and Opinion

Truth and Validity

Syllogism:

Meaning of Syllogism

Rules of Syllogism

Types of Syllogism-Categorical, Conditional and Disjunctive

Fallacy:

Meaning and Reasons of Fallacy

Types of Fallacies-Faulty Cause, Sweeping Generalization, Faulty Analogy, Anecdotal Fallacy, Bifurcation (False Dilemma), Equivocation, Tautology, Appeal to Popular Opinion and Association Fallacy

Application of Reasoning to Law - Facts of a Case and provisions /Case Laws(Refer to *Dahyabhai Chhaganbhai Thakker v. State of Gujarat*, AIR 1964 SC 1563 for legal reasoning)

Recommended Readings:

- 1) Agarwal, S P. *Drafting and Conveyancing*. Delhi: Lexis Nexis, 2005.
- 2) Asprey, Michele M. *Plain Language for Lawyers*. New Delhi: Universal Law Publishing Co., 2011. (Module 1-2 (a)- Ch.-2,3,13).
- 3) Anirudh, Prasad. *Outlines of Legal language in India*. Allahabad: Central Law Publications, 2009.
- 4) Basantani, K T. *Elementary Logic for LLB*. Sheth Publishers, 2013.
- 5) Bowell, Tracey and Gary Kemp. *Critical Thinking A Concise Guide*. New York: Routledge, 2005.
- 6) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011
- 7) Copi, Irving M and et al. *Introduction to Logic*. London: Pearson Education Ltd. 2014
- 8) Garner, Bryan A. ed. *Black's Law Dictionary* . 9th Edition.
- 9) Garner, Bryan A. *The Winning Brief*, New York: Oxford University Press, 2014. (Module 2.3, Ch. 19, 21, 22, 27, 29, 30, 32, 34, 56).
- 10) Jayakumar, Srividya. *Client Counseling for Tomorrow's Lawyers*. All India Court Cases, January 2007. PP 13-17.
- 11) Selby, Hugh. *Advocacy Preparation and Performance*, New Delhi: Universal Law Publishing Co., 2009.
- 12) Sridhar, Madabhushi. *Legal Language*. Hyderabad: Asia Law House, 2004.
- 13) P. Ramanatha Aiyer's *Law Lexicon*. LexisNexis, 2012.
- 14) Tiersma Peter M. "What is Language and Law? And does anyone care?" Legal Studies. Paper No. 2009-11, March 2009.
- 15) Webb, Julia. *Lawyers' Skills* , United Kingdom: Oxford University Press, 2011.
- 16) Williams, Glanville. *Learning the Law*. New Delhi: Universal Law Publications, 2000.

BB 0302 Basics of Finance

Objectives of the Course : The objectives of the course are : (1) To learn and apply concepts and techniques of Basics of Finance. (2) To apply Finance concepts and techniques in day to day decision making process and capital expenditure decisions by a manager.(3) To get familiar with legal aspects of Finance. (4)Apply financial concepts and tools to the financing decisions and dividend decisions faced by the firm.(5)Appraise the risk profile of firms; specifically, estimate the costs of capital, including debt and equity capital, using financial data.

Module 01 Introduction :

Finance function, Broad areas under finance- Scope and Significance
Role of a finance executive
Financial and legal implications of various forms of business organizations.
Sources of Finance
Financial system – Meaning and significance, Player s in the financial system and their role
Financial Institutions and their role
Types of securities, Legal aspects of Issue and redemption of securities

Module 02 Important Concepts:

Time Value of Money, Discounting and Compounding
Cost of Capital, meaning cost of capital, cost of Equity, Cost of Debt
WACC

Module 03 Capital Budgeting :

Nature and Significance
Basic Methods for evaluating capital expenditure proposals (Traditional And Modern methods)

Module 04 Preparation of Financial Statements of Companies :

Module 05 Analysis and Interpretation of Financial Statements using the Techniques like:

Ratio Analysis
Fund flow Analysis (Basic Problems)

Module 06 Management of Profits :

Introduction to procedural and legal formalities involved in the payment of dividend, Bonus Shares

Module 07 Capital Structure :

Optimum capital structure
Factors influencing capital structure

Module 08 Capitalisation :

Over capitalisation - meaning, causes, consequences, remedies
Under Capitalisation - meaning, causes - consequences, remedies

Note : Problems should be covered at least on the following topics :

Simple problems on Ratio Analysis.

Simple problems on Cash Flow Analysis.

Time value of money, Calculation of cost of capital and problems on capital structure.
Methods for evaluation of Capital Expenditure.

Recommended Readings :

- 1) *Financial Management* - I.M. Pandey published by Vikas Publishing House
- 2) *Finance* – Viva Books Pvt. Ltd, published in arrangement with BPP Learning Media London
- 3) *Financial Management* - Khan & Jain published by Tata McGraw Hill
- 4) *Principles of Managerial Finance* - Lawrence J. Gitman, published by Pearson Education
- 5) *Financial Management* - Prasanna Chandra published by Tata McGraw Hill
- 6) *Financial Management* –Rustagi published by Taxmann
- 7) *Financial Management* - Dr. Mahesh Abale and Dr. Shri Prakash Soni, published by Himalaya Publication House.

Recommended Journals :

- 1) Journal of Business Finance & Accounting (Wiley-Blackwell)
- 2) The Review of Financial Studies (Oxford University Press).
- 3) Accounting, Auditing & Accountability Journal (Emerald Group Publishing).

BB 0303 Managerial Economics

Objectives of the Course : The objectives of the course are: (1) To expose students to basic micro economic concepts; (2) To apply economic analysis in the formulation of business policies; (3) To use economic reasoning to problems of business.

Module 01 Introduction :

Meaning, Nature and Scope of Business Economics, Micro and Macro
Basic Economic Problems
Market forces in solving economic problems
Circular Flow of Income and Expenditure

Module 02 Demand Analysis :

Concept of Demand, Elasticity of Demand and their types
Revenue Concepts - Total Revenue, Marginal Revenue, Average Revenue and their relationship

Module 03 Supply Analysis :

Concept and Law of Supply
Factors Affecting Supply

Module 04 Cost Analysis :

Accounting Costs and Economic Costs
Short Run Cost Analysis: Fixed, Variable and Total Cost Curves, Average and Marginal Costs
Long Run Cost Analysis: Economies and Diseconomies of Scale and Long Run Average and Marginal Cost Curves

Module 05 Pricing under Various Market Conditions :

Perfect Competition - Equilibrium of Firm and Industry under Perfect Competition
Monopoly - Price Determination under Monopoly
Monopolistic Competition - Price and Output Determination under Monopolistic Competition

Module 06 Distribution :

Marginal Productivity Theory of Distribution
Rent: Modern Theory of Rent
Wages : Wage Determination under Imperfect Competition - Role of Trade Union and Collective Bargaining in Wage Determination Interest
Liquidity, Preference Theory of Interest Profits: Dynamic, Innovation, Risk - Bearing and Uncertainty Bearing Theories of Profits

Recommended Readings :

- 1) *Textbook of Economic Theory* - Stonier and Hague; Longman Green and Co., London.
- 2) *Introduction to Positive Economics* - Richard G. Lipsey.
- 3) *Business Economics (Micro)* - Dr. Girijashankar; Atharva Prakashan, Pune.
- 4) *Micro Economics* - M. L. Seth.
- 5) *Micro Economics* - M. L. Jhingan; Vrinda Publications, New Delhi.
- 6) *Managerial Economics* - Theory and Application - D. M. Mithani.

Recommended Journals :

- 1) Journal of Economics & Management Strategy published by Wiley.

- 2) Computational Economics published by Springer.
- 3) Managerial and Decision Economics published by Wiley.

BB 0304 Business Ethics and Corporate Governance

Objectives of the Course : The objective of this paper is to equip the students with the concept and relevance of Business Ethics in the modern era. The students will be able to apply general ethical principles to particular cases or practices in business.

Module 01 Introduction to Business Ethics :

Concept, Characteristics, Importance and Need for business ethics
Indian Ethos, Ethics and Values, Work Ethos

Module 02 Importance of Ethics in Business :

Ethical Theories: Met ethics, Normative Theory-Market system-Impact of unethical behavior in the market system: Bribery, Coercion, Deception, Theft, Discrimination
Trust and Ethics: Supplier Relations, Customers, Employees- Integrative social contract theory: Hyper norms, Macro Social Contract, Micro Social Contract

Module 03 Ethical Principles in Business :

1.Role of Board of Directors, Organization Climate and Structure and Ethics
Addressing Ethical Dilemmas, Code of Ethics; Ethics Committee; Ethics Training; Integrity Pact

Module 04 Corporate Governance :

Corporate Governance: Concept, Importance, Evolution of Corporate Governance, Principles of Corporate Governance
Regulatory Framework of Corporate Governance in India, SEBI Guidelines and clause 49
Elements of Good Corporate Governance, Failure of Corporate Governance and its consequences

Module 05 Legislative Framework of Corporate Governance in India :

Under Listing Agreement, SEBI Guidelines, Companies Act, Corporate Governance in PSUs, Banks, Insurance Companies

Module 06 Business Ethics and Corporate Governance :

Introduction, Importance and Need for Business Ethics in Indian Context, Roots of Unethical Behavior and Issues
Corporate Governance Ethics; How Ethics can Make Corporate Governance more meaningful

Module 07 Corporate Governance and Other Stakeholders :

Employees, Customers, Lenders, Vendors, Government, Society

Module 08 Application of Ethics in Functional Areas of Business :

Ethics in the Areas of Production, Marketing, Finance and Human

Module 09 Corporate Social Responsibility :

Meaning and Definition; Objectives; Drivers and Catalysts of CSR; Importance and Benefits of CSR; Attributes of an effective CSR; CSR under Companies Act, 2013, Arguments for and against CSR, Future Changes of CSR

Module 10 Ethical Issues in Global Business :

Multinational organization -An Overview, Why companies go global, Ethical issues in MNC's, Political activities, Sales Marketing and Advertising, Technology, Economic activities

Regulatory actions in acquisitions of global business, Social obligations in global business

Recommended Readings :

- 1) Andrew Crane & Dirk Matten, *Business Ethics: Indian Edition*,: OUP.
- 2) A.C. Fernando: *Business Ethics and Corporate Governance* - Pearson.
- 3) M.G. Velasquez: *Business Ethics: Concepts & Cases* - Pearson.
- 4) S.K. Chakraborty: *Management by Values* - OUP India.
- 5) S. Sing *Corporate Governance – Global Concept* , Excel Books.P.S. Bajaj, Raj Agarwal - *Business Ethics an Indian perspective*, Biztantra.

Recommended Journals:

- 1)International Journal of Business Governance and Ethics.
- 2)Business & Professional Ethics Journal.
- 3)Journal of Business Ethics.
- 4)Journal of Business Systems, Governance and Ethics (JBSGE).
- 5)International Journal of Trade, Economics and Finance.
- 6)Indian Journal of Corporate Governance.

Second Year B.B.A. LL.B. - Semester IV

CE 0401 Law and Literature

Objectives of the Course : The knowledge of English literature is important for everyone to develop new ideas and ethical standpoints. Therefore, the main object of this paper is to instill human values and concern among students of law through exposure to literary texts. This paper also intends to strengthen the students' listening, speaking, reading and writing skills by using literature and to enable the students to analyze the case laws from the perspective of language.

Module 01 Drama with Legal Themes :

The Significance of Literature in Understanding the Law
The Merchant of Venice (focus on Act IV) - William Shakespeare
Justice (focus on Act II) - John Galsworthy

Module 02 Short Stories with Legal Themes :

Before the Law - Franz Kafka
Justice Is Blind - Thomas Wolfe
The Benefit of Doubt - Jack London
The Web of Circumstance - Charles W Chesnutt
The Case for Defense - Graham Greene

Module 03 Prose Works :

Of Judicature-Francis Bacon
Some Reminiscences of the Bar - M. K. Gandhi
Why the Indian Labor is Determined to Win the War - B.R. Ambedkar
Joy of Reading - APJ Abdul Kalam
M.C. Chagla - The Centenary of a Judicial Statesman - V. R. Krishna Iyer

Module 04 Poetry :

Ode: Intimations of Immortality - William Wordsworth
Stopping by Woods on a Snowy Evening - Robert Frost
Where the Mind is without Fear - Rabindranath Tagore
Law like Love - W. H. Auden
Freedom, Justice and Equality - Lonnie Hicks

Module 05 Legal Text as Literature for Analytical Study :

Balaji Raghvan v. Union of India (AIR 1996 SC 770)
S Gopal Reddy v. State of Andhra Pradesh (1996 SCC (4) 596)
(Case laws are to be analyzed with focus on narrative and argumentative skills)

Recommended Readings:

- 1) Ambedkar, B R. "*Why the Indian Labour is determined to win the war .*" Dr. Babasaheb Ambedkar: Writings and Speeches. Vol. 10.New Delhi: Govt. of India, 2014.
- 2) Auden, W H. *Law Like Love* (<https://www.poemhunter.com/poem/law-like-love/>).
Frost, Robert. *Stopping by Woods on a Snowy Evening*
(<https://www.poemhunter.com/poem/stopping-by-woods-on-a-snowy-evening-2/>).
- 3) Galsworthy, John. *Justice*. Ed. A. Shanmugakani. Chennai: Macmillan, 1981.

- 4) Gandhi, M K. "Some Reminiscences of the Bar." *The Law and the Lawyers*. Ed. S B Kher. Ahmedabad: Navjivan Trust, 2004.
- 5) Hicks, Lonnie. *Freedom, Justice and Equality* (<https://www.poemhunter.com/poem/freedom-justice-and-equality/>).
- 6) Kalam, A P J Abdul. "Joy of Reading." *The Very Best of A P J Abdul Kalam - The Righteous Life*. New Delhi: Rupa Publications, 2014.
- 7) Krishna Iyer, V R. "M C Chagla - The Centenary of a Judicial Statesman." *Off the Bench*. New Delhi: Universal Law Publishing, 2001.
- 8) Ledwon, Lenora. *Law and Literature: Text and Theory*. London: Garland Publishing, 1996.
- 9) Oltman, Gretchen, et al. *Law Meets Literature A Novel Approach for the English Classroom*. London: Rowman and Littlefield, 2016.
- 10) Shakespeare, William. *The Merchant of Venice*. Ed. John Fletcher. OUP, 1998.
- 11) Tagore, Rabindranath. (XXXV) from *Gitanjali*. Rupa, 2002.
- 12) Takahav, N S. *Bacon Essays*. Mumbai: Karnatak Publishing House.
- 13) Wishingrad, Jay. *Legal Fictions: Short Stories about Lawyers and Law*. New York: Overlook Press, 1992.
- 14) Wordsworth, William. *Ode: Intimations of Immortality*. (<http://mural.uv.es/horpla/wordsworth.html>).

BB 0402 Human Resource Management

Objectives of the Course : Business environment today is highly competitive. Organisations can create unique competitive advantage if quality of their employees, their engagement and productivity helps them deliver superior business value. This paper on Human Resource Management will help the students understand the functioning of Human Resource Management in an organizational setting. The paper also equips the students with the knowledge of the legal framework of Human Resource. The failure to appreciate the legal implications can be disastrous for organization.

Module 01 Introduction to Human Resource Management :

Concept, Nature, Scope, Objectives and Importance and Evolution of HRM
Difference between Personnel Management and HRM, Role, Duties and responsibilities of HR Manager, Structure of HR Department, Challenges of HRM

Strategic HRM: Meaning objectives and challenges, HR in International Context: Global competency and Global Dimensions, Developing Cross Cultural Sensitivity

Module 02 Human Resource Planning and Related Laws :

HR Planning - Meaning and Definition, Strategic Planning and Human Resource Planning

Job Analysis - Job Description and Job Specification Estimating Human Resource requirement

Recruitment- Meaning and Definition Recruitment Source- Internal vs. External, Factors affecting Recruitment. Selection- Meaning and Process, Promotion and Transfers - Policy and Procedures

Exit Policy - Meaning and Procedure, Challenges in implementing Exit Policy
Voluntary Retirement Schemes - Meaning, Merits and Demerits

Labor Turnover - Meaning, Measurement of Labor Turnover, Causes and Control measures

Role and Significance of Industrial Employment (Standing Orders) Act, 1946

Module 03 Training and Development :

Concept and Importance of Training, Types and methods of Training, Design and Evaluation of Training Programme

Module 04 Performance Management and Appraisal :

Performance Appraisal - Concept and Objectives, Job Description and Analysis and Performance Appraisal

Methods of Performance Appraisal. Appraisal Forms, Formats and Measurements, Appraisal Communication and Counseling, Performance Management, Legal and ethical perspectives in Performance Appraisal

Module 05 Compensation and Maintenance :

Job Evaluation: Concept, Process and Significance

Components of Employee Remuneration: Base and Supplementary, Maintenance

Overview of Employee Welfare, Health and Safety, Social Security, Grievance Redressal Procedure, Employee Participation, Flexi time, ESOPs, Relevant Provisions of Payment of Bonus Act, 1965, Employees Provident Funds Act, 1952., Workmen's Compensation Act, 1923., Employees' State Insurance Act, 1948, Payment of Gratuity Act, 1972

Module 06 Personnel Records Reports and Audit :

Meaning and Significance of Records and Reports, Essentials of a good Record and good Report

Personnel Audit - Objective, Scope and Importance, Methods of Analysis, Audit Report - Meaning and Importance

Module 07 Fundamentals of Industrial Relations :

Introduction to IR, Various participants in IR- Trade Unions, the State, Employers / Management

Collective Bargaining, Collective Bargaining and the Indian Industrial Relations System. Role of HRM in Industrial Relations

An Overview of Management Perspective towards Regulatory Compliances under Labour welfare Legislations

Recommended Readings :

- 1) K. Asawathapa, *International Human Resource Management*, TMH, 2007.
- 2) Bohlander, *Human Resource Management*, 14th edition Cengage Learning, India, 2009.
- 3) Dessler, Verkey, *Human Resource Management*, Pearson Education, 2009.
- 4) Monir H. Tayeb, *International Human Resource Management*, Oxford, 2009.
- 5) Patnaik, *Human Resource Management*, 3rd edition, PHI, 2009.
- 6) Subba Rao, *International Human Resource Management*, 2009, Himalaya Publishing House..
- 7) Jeffery Mello, *Human Resource Management*, Cengage Learning, India, 2008.
- 8) Subba Rao, *Essential of HRM and Industrial Relation*, 2008, Himalaya Pub. House.
- 9) Methis & Jackson, *Human Resource Management*, 12th edition, 2008 Cengage Learning.

Recommended Journals :

- 1) Journal of Human Resources.
- 2) Journal of Human Values.
- 3) Indian Journal of Industrial relations.
- 4) Indian Journal of Management Science.

BB 0403 Case Studies in Business Environment

Objectives of the Course : The objective of this paper is to familiarize the students with the business environment conditions prevailing in India and international and understand its implications to business. Case method is instruction that utilizes descriptions of actual situations to develop a discussion among students and teacher. These case descriptions are usually written. The case method is an effective tool of teaching learning process, where students develop their ability to take decisions in actual professional situations. The intent of the case method is to narrow the gap between theories and practice by giving certain situations. Situations given in case are expected to be analyzed by students through their creative thinking so as to get the conclusion. Conclusion is about findings and suggestions for the improvement and providing alternative solutions to the existing problems in given situation.

Through case studies, students can develop their own problem-solving and decision-making skills. In this exercise students develop new ways of thinking. Comprehensive, multi-departmental, and multi-industrial cases that present real life situations place the student in the role of an analyst.

In case studies, students read a written case in advance. The case may or may not be accompanied by theoretical or an analytical framework. Sometimes the theory is given in lectures before, during, or after the case discussion. Students are expected to read the case in advance, analyze it, reach a conclusion, and then come to class prepared to join with their classmates.

Guidelines for Case Study Analysis and Discussion :

Step 1: Identify Problems(in a given case/situation).

Step 2 : Analyse the problem (with the help of different functional areas of business environment such as Marketing, finance/accounting, organizational/people, productions/operations, Policies, economical, legal technological environment, human resources, etc on the basis of SWOT- if necessary).

Step 3: Developing alternative solutions (Students can think critically and provide the best possible creative or original solutions to the existing problems).

Step 4 : Selecting the best alternative solution (while selecting best alternative student can think of risk involved, legal /economical / financial/ social aspect, resources and feasibility.

Step 5: Justify the solution: Students will have to justify their choice of rejecting or accepting particular alternative solution.

Steps 6: Probable outcome of your solution :(Students can explore the probable consequences of their choice of 'solution'. They can consider possible contingency plans, in the event that their 'solutions' do not work out satisfactorily, if implemented in practice.)

The above systematic format ensures that all possible problem areas are taken into account in your final recommended solutions, or future courses of action.

Topics for Case Studies

Module 01 Cases Studies:

Meaning, Objectives, Contents, Structure, Importance and Characteristics of Case Studies, analysis techniques like SWOT, PESTEL, etc.

Module 02 Introduction to Business Environment :

Concept, Significance, Components of Business environment (national and global)

Factors affecting Business Environment, Types of Environment (Internal and External)

Emerging Trends in Indian Business Environment, Sustainable Business Development

Module 03 Business Functions :

Strategic: Planning, Budgetary Control, Location of Business, Decision Making, and Government Policies

Finance: Nature and Significance of Financial Management, Financial Planning- Sources of Funds, Investment of Funds, Distribution of Profit

Marketing : Concept of Marketing and Selling , Marketing Mix, Functions of Marketing

Human Resources : Nature, Objectives and significance, Training and Development, Performance Appraisal

Module 04 Government and Business environment :

Role of Government in Regulating, Promoting, Planning and Development of Business

Monetary and Fiscal Policy; Role EXIM Policy, FEMA

Module 05 Socio-Cultural Environment in India :

Nature and impact of culture on business, Culture and Globalization

Social Responsibilities of business. Business and Society, Social Environment

Poverty and Poverty Alleviation Programs, Labor and Employment, Women in the Workforce, Child Labour, Education, Health, Population and Family Welfare

Module 06 Economic Environment :

Nature of Economic Environment. Economic factors-growth strategy, Economic planning, Kinds Economic Systems and their impact on Business.

Module 07 Legal Environment :

Introduction, Legal Environment, Laws Impacting Industry in India, Intellectual Property Rights, Major Regulations Pertaining to Business and various forms of business organizations

Module 08 Technological Environment :

Role of Technology in Business, Innovations, Research and Technological Development, Transfer of Technology, Management of technology

Technology and infrastructural development including roads, ports, airports, hospitals, education, healthcare, communication, etc. Automation in Business

Module 09 Political Environment :

Political System, Functions of States, Political stability and its impact on business environment

Module 10 International Business Environment :

Globalization: Reasons for Globalization; Features and Stages of Globalization; Drawbacks of Globalization; Impact of Globalization on Indian Economy, International Economic Integration, WTO and India

Privatization: Objects and Benefits, Conditions for Success, Privatization Policy, Privatization in India, Advantages and Drawbacks of Privatization

Recommended Readings :

- 1) Justin Paul, *Business Environment : Text and Cases*, Tata McGraw Hill, New Delhi.
- 2) Cross & Miller, *the Legal Environment of Business: Text and Cases*, Cengage Learning.
- 3) M.B. Shukla, *Business Environment : Text and Cases*, Taxman.
- 4) Chidambaram, *Indian Business Environment*, Vikas, New Delhi.
- 5) Sundaram & Black, *International Business Environment – The Text and Cases*, Prentice Hall of India.
- 6) Pandey G.N., *Environmental Management*, Vikas Publishing House.
- 7) Saleem, *Business Environment*, Pearson, New Delhi.
- 8) Cherunilam, Francis; *Business Environment - Text and Cases*, Himalaya Publishing House, 2002, 12th revised edition.
- 9) Aswathappa, K.; *Essentials of Business Environment*, Himalaya Publishing House, 2000, 7th edition.
- 10) Barat, Nikhil, *Emerging Issues in Management, A Collection of Selected Case Studies*, Excel Books, New Delhi, 1998.
- 11) Sherlekar S. A. and Sherlekar V. S., *Case Studies in Marketing*, Himalaya Publishing House, Bombay, 1983.
- 12) Sandford C. T. / Bradbury, *Case Studies in Economics*, Economic Policy.
- 13) Chopra B. K., *Case Studies in Corporate Planning*, Times Research Foundation, Pune, 1989.
- 14) Bhasin M. L., *Human Resource Management : Case Studies*, Anmol Publications, 1992.
- 15) K. S. Aanandaram, *Case Studies in Personnel Management, Industrial Relations and Trade Unions*, Everest Publishing House, 2012.
- 16) Vrat Prem, *Case Studies in Management*, Vikas Publishing House Pvt. Ltd, Delhi, 2011.
- 17) Kulkarni Vilas, Achuthan Sarla, *Case Studies in Management*, Himalaya Publishing House, Bombay, 2016.
- 18) Jain Vandana, *Management Theory and Practice (with Case Studies)*, International Book House, New Delhi.
- 19) Ian Worthington and Chris Britton, *The Business Environment* (fifth edition), Pearson Education Limited, UK, (2006).

Recommended Journals:

- 1) Asian Journal of Management cases.
- 2) International Journal of Case studies.
- 3) Journal of Case Studies.
- 4) Indian Journal of International Business and Finances.
- 5) Asian Journal of Management Cases.
- 6) Global Journal of International Business Research.
- 7) Harvard Business Review.
- 8) Journal of International Business.

BB 0404 Business Research Methods

Objectives of the Cours : The objective of this paper is to equip the students with the process of Business Research, its importance and relevance to organizations and introduce the latest developments and progress in the field. The students will be able to plan, design and carry out business research using scientific methods and prepare research report (s)/ paper (s).

Module 01 Introduction to Business Research :

Meaning, Objectives and Motivation in research - Types of research - Legal Research - Research Approaches - Research Process - Validity and Reliability in research. Applications of Research

Module 02 Research Design :

Features of a good design - Types of Research Design, Basic principles of Experimental Design

Module 03 Literature Review :

Role and importance sources, methods, etc., Referencing styles - APA, MLA, Cambridge, Harvard, etc., Software Tools for Literature Review

Module 04 Sampling :

Meaning, Advantages, and disadvantages, Sampling Design, Different types of sampling designs used for social research

Module 05 Measurement in Research :

Identifying variables, Levels of variable measurement, types of variables, Possible sources of error in measurement, Issues in measurement - reliability and validity of measures, Scaling – Techniques used in social research

Module 06 Sources of Data :

Primary data - advantages and disadvantages-sources of primary data
Secondary data – advantages and disadvantages- sources of secondary data
Schedule and questionnaire Meaning, Types of schedule, Evaluation of schedule, questionnaire – advantages and limitations, construction of questionnaire, layout of questionnaire, essentials of a good questionnaire
Observation – meaning and characteristics, types, advantages and disadvantages, 5. Interview - Meaning and role, Objectives, Types, The process, Advantages and Disadvantages

Module 07 Processing and Analysis of Data :

Editing, coding, classification, tabulation, parts and types of the table , graphics and diagrammatic presentation of data types of diagrams – Histogram, Polygon, Bar and pie charts, Pictographs
Uni-variate analysis – Use of appropriate statistical measures, Bi-variate analysis – Use of appropriate statistical measures Multi-variate analysis – Use of appropriate statistical measures, Non-parametric tests – Use of appropriate statistical measures
Hypothesis testing – Use of appropriate statistical measures

Module 08 Report Writing :

Layout of report, Steps, Use of computers in research, Essential qualities of research report, Data protection and research ethics

Recommended Readings :

- 1) William G. Zikmund, *Business Research Methods*, 7th edn. Cengage Learning, India.
- 2) K.N. Krishnaswamy, Appalyer Sivakumar, M. Mathirajan, *Management Research*.
- 3) *Methodology: Integration of Principles, Methods and Techniques*, Pearson Education 2008.
- 4) J. K. Sachdeva, *Business Research Methodology*, 2008, Himalaya Pub. House.
- 5) Paul E. Green, Donald S. Tull, *Research for Marketing Decisions*, PHI. 5th edition 2008.
- 6) Donald S. Tull, Del I. Hawkins, *Marketing Research, Measurement and Methods*, 6th edition, PHI Learning, 2009.
- 7) Naresh Malhotra and Satya Bhushan Das, *Marketing Research: An applied Orientation*, Pearson Education, 2008.
- 8) Donald Cooper & Pamela Schindler: “ *Business Research Methods*” Tata McGraw Hill (9th Edition).

Recommended Journals:

- 1) Journal of Service Research.
- 2) Research World – Journal of Arts, Science & Commerce e.
- 3) Harvard Business Review.
- 4) Management Science.

Part X
Syllabus of Third Year B.A. LL.B., Third Year B.B.A. LL.B.
and First Year LL.B.

Third Year B.A. LL.B.	- Semester V
Third Year B.B.A. LL.B. - Semester V	
First Year LL.B.	- Semester I

LC 0501 Legal and Constitutional History

Objectives of the Course : The advent of British rule in India has introduced a completely new form of law, legal institutions and administration system in India. The traces of colonial rules are still present in Independent India. To understand the present legal system it is pertinent to study the Legal and Constitutional History of the colonial period. This course is designed with an objective to introduce students with the growth of Administrative, Judicial and Legislative institutions in Colonial India. This will help students to get an appropriate insight of the present institutions.

Module 01 Historiography :

- The meaning of Historiography
- Ancient Indian Historiography
- Historiography in the courts of Muslim and Hindu Rulers in Medieval India
- Modern Indian Historiography
- The development of the Modern European idea of History
- Humanism and Substantialism
- The Christian idea of History
- The Renaissance and Reformation
- Historical method and the lawyer

Module 02 Early Administration of Justice in Bombay, Madras and Calcutta :

- European Settlement in India
- The East India Company: Development of authority
- Organisational setup of the English Company's Factories or settlements in India
- Madras Settlement and Administration of Justice
- Administration of Justice in Bombay
- Administration of Justice in Calcutta

Module 03 The Mayor's Courts and the Courts of Requests :

- Early Mayor's Court in Madras
- Provisions of the Charter of 1726
- Consequences of the Charter of 1726
- Critical estimate of the working of the Mayor's Court from 1726 to 1753
- Charter of 1753: Reforms introduced
- Criticism of the Charter
- Abolition of the Mayor's Court

Appraisal of the Mayor's Court under the Charter of 1726 and 1753
The Courts of Request (Small Cause Courts)

Module 04 Adalat System in Bengal :

Courts in Bengal under the Mughals
Dual Government in Bengal and its consequences
The Company as Diwan
Warren Hasting's plan of 1772
Defect of the Plan
New Plan of 1774
Reorganisation of Adalats in 1780
Defects of the reorganization Plan
Reforms of 1781: Initiative of Impey and Warren Hastings
Reforms in the Administration of Criminal Justice

Module 05 The Regulating Act of 1773 :

Circumstances prior to Act of 1773
Salient features of the Regulating, 1773
Legislative power under the Act of 1773
Charter of 1774 and the Supreme Court of Clacutta
Critical estimate of the Provisions of the Regulating Act, 1773 and the Charter of 1774
Trial of Raja Nand Kumar (1775)
"Kamaluddin" Case (1775)
"Patna" Case (1777-1779)
"Cossijurah" Case (1779-1780)
Salient features of Act of Settlement 1781
Major defects of the Act of Settlement, 1781
Supreme Court at Calcutta
Supreme Court at Madras and Bombay
Laws administered in the Supreme Court

Module 06 Judicial Measures of Cornwallis :

Company's Government before Cornwallis
Important provisions of the Pitt's Act 1784
Judicial reform of Cornwallis
 Judicial Plan of 1787
 Re-organisation of the Criminal Judicature
 Scheme of Criminal Judicature, 1790
Judicial Plan of 1793
Cornwallis v. Hastings
Appraisal of the System of 1793

Module 07 Judicial Reforms from 1793-1833

Reforms of Sir John Shore
Reforms of Lord Wellesley
Reforms of Lord Cornwallis (1805)
Reforms of Lord Minto (1807)

Lord Hastings and the administration of Justice (1813)
Reforms of Lord Amherst (1823)
Judicial Reforms of Lord Bentinck (1828)
Charter Act, 1833
Dual system of courts (1834-1861)

Module 08 Establishment of High Courts :

The Indian High Courts Act, 1861
Letters patent establishing High Courts
Indian High Courts Act of 1865 and 1911
The Government of India Act, 1915
The Government of India Act, 1935
High Courts established during 1947 to 1950

Module 09 The Privy Council: Highest Court of Appeal :

The Origin of Privy Council
Appeal to the Privy Council (1726-1860)
Appeal to the Privy Council (1861-1949)
Precedential value of the Privy Council decisions

Module 10 The Federal Court of India :

Foundation of the Federal Court
Jurisdiction of the Federal Court::
 Original Jurisdiction
 Appellate Jurisdiction
 Advisory Jurisdiction
Authority of law laid down by Federal Court
Abolition of Federal Court

Module 11 Evolution of Law in Colonial Period :

Codification in England
Development of Muslim criminal Law in India
Salient features of Muslim criminal law
Evolution of Law through legislation and Judicial Decisions in colonial period
Land Laws :-
 The Land revenue Settlement, 1793
 The Bengal Rent Act (Act X of 1859)
Legislation and Hindu Society :-
 The Sati Regulation Act of 1829
 The Caste Disabilities Removal Act, 1850
Case 1. Charlotte Abraham v. Francis Abraham, (1861-1864) 9 MIA 199 (PC)

Case 2. Miter Sen Singh v. Maqbul Hasan Khan, (1929-1930) 57 IA 313

The Hindu Widows Remarriage Act, 1856

Case 1. Bhagwandeem Doobey v. Myna Bae, (1866-1867) 11 MIA 487
Case 2. Debi Mangal Prasad Singh v. Mahadeo Prasad Singh, (1911-1912) 39 IA 121
Case 3. Venayeck Arundrow v. Luxumeebae, (1861-1864) 9 MIA 520

Restitution of conjugal rights -

Muslim Law and restitution of conjugal rights

Case 1. Mooshee Buzloor Ruheem v. Shumsoonnissa Begum, (1866-1867) 11 IA 551

Parsi Law and restitution of conjugal rights

Case 1. Ardaseer Cursetjee v. Perozeboye, (1854-1857) 6 MIA 348

Hindu Law and restitution of conjugal rights

Case 1. Dadaji Bhikaji v. Rukmabai, ILA (1885-1886) 10 Bom 301

Justice equity and good conscience -

Case 1. Manzur Hasan v. Muhammad Zaman, (1924- 1925) 52 IA 61

Case 2. Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam, (1909-1910) 37 IA 152

Case 3. Gopeekrist Gosain v. Gungapersaud Gosain, (1854-1857) 6 MIA 53

Case 4. Gokul Chand v. Hukum Chand Nath Mal, (1920-1921) 48 IA 162

Module 12 Constitutional History :

Government of India Act 1858

Indian Council Act, 1861

Indian Council Act 1892

Morley-Minto reforms and the Indian Council Act, 1909

Montagu-Chelmsford Report and the Government of India Act 1919:-

Main features of the system introduced by the Act of 1919

Shortcomings of the Act of 1919

The Simon Commission Report

The Nehru Report, 1928

Rejection of Nehru Report and Fourteen Points Report by the Muslim League

Communal Award and Poona Pact

The Civil Disobedience Movement

The Government of India Act 1935:-

Main features of the Government of India Act 1935

Opposition to the Government of India Act 1935

Defects of Government of India Act 1935

Module 13 Making of the Constitution :

Demand for a Constitution framed by a Constituent Assembly

Cripps' offer of 1942

Quit India Movement

The Wavell Plan of 1945

The Proposals of TejBahadur Committee

B.N. Rau scheme of January 1946

The Cabinet Mission Plan, 1946

Mountbatten Plan, 1947

Indian Independence Act, 1947

Constituent Assembly in India and framing of the Constitution: -

Formation of the Constituent Assembly of India

The issues before the Constituent Assembly

Passing of the Constitution

Dr. Ambedkar's warning and anxiety about the working of the Constitution

Date of Commencement of the Constitution

Recommended Readings :

- M.P. Jain, *Outline of Indian Legal and Constitutional History*, Lexis Nexis (2014).
Sumeet Malik, *V.D. Kulshreshtha's Landmarks in Indian Legal and Constitutional History*, Eastern Book Company (2012).
Nilakshi Jatar & Laxmi Paranjape, *Legal History- Evolution of the Indian Legal System*, Eastern Book Company, (2012).
Rama Jois, *Legal and Constitutional History of India*, Universal Law Publishing, (2016)
S.B. Shiva Rao, *The Framing of the Indian Constitution*, Vols. I & V, the Indian Institute of Public Administration, New Delhi (1966).
Granville Austin, *The Indian Constitution- Cornerstone of a Nation*, 5th Edition, Oxford University Press, New Delhi, (2002).
E.J. Rapson, *Cambridge History of India*, 1992, (Vol I – VI)
Arvind S. Avhad, *The Indian Legal History* (Hind Law House, Pune)

LC 0502 Family Law I

Objectives of the Course : The personal law applicable to Hindus, Muslims, Christians, Parsis and other denominations is not fully codified. While these personal laws are similar in their essential broad underlying principles, they are much different in their details. Personal law is applicable not only to aspects of family relations, viz. marriage and divorce, support and maintenance, children and their custody and guardianship, adoption and the like, but also to law relating to property, viz. joint family systems, devolution to property upon death of a person. The differences in the provisions applicable to different denominations arise from the history and growth of these laws over centuries. All these are covered in the two courses of Family Law I and Family Law II.

This course (Family Law I) covers the history and development of the principles and provisions of different personal laws, and the sources from which these laws are derived. It primarily comprises the laws applicable to family relations: marriage and divorce, maintenance, alimony, adoption and guardianship. It also lays emphasis on the general law applicable to all persons: the Special Marriage Act 1963 and the Foreign Marriages Act 1969. The course familiarises the students to the differences in the various systems, and to understand the reasons, merits and demerits of the various provisions. Study of this subject should enable him to view family law not merely as a separate system of personal laws based upon religious beliefs, but as one cutting across religious lines, eventually enabling fulfillment of the Constitutional directive of Uniform Civil Code.

Module 01 Introduction to Hindu and Muslim Law :

Nature of Hindu law, Application of Hindu law

Sources of Hindu law - Ancient to Modern

Schools of Hindu law

Development and nature of Muslim law, Application of Muslim law

Sources of Muslim law

Schools of Muslim law

Module 02 Marriage and Matrimonial Reliefs under Hindu law :

Evolution and concept of the institution of marriage, nature and forms of marriage under ancient Hindu law

Essentials of a valid marriage under the Hindu Marriage Act, 1955; ceremonies of marriage; valid, void and voidable marriages; importance of custom; marriage with a non-Hindu; registration of marriage; effect on legitimacy of children.

Divorce, theories of divorce, grounds of divorce, customary divorce, effect of divorce, emerging trends; Bar to remarriage after a divorce

Other matrimonial reliefs: Nullity of marriage; Judicial separation; Repudiation of marriage; Restitution of conjugal rights; Other reliefs granted by a court in matrimonial proceedings (other than maintenance); Bar to matrimonial reliefs

Jurisdiction of courts: under the Hindu Marriage Act 1955 and the Family Courts Act 1984

Module 03 Marriage and Matrimonial Reliefs under Muslim law :

Muslim marriage : pre-Qura'nic background, definition of nikah, nature and classification of marriages

Essentials and formalities of a valid marriage, legal effects of a valid marriage, mut'a marriage, stipulation in marriage contract; guardianship in marriage with reference to Shias and Sunnis

Mehr / dower, nature and kinds of dower, rights of wife in case of unpaid dower

Nullity of marriage; restitution of conjugal rights; option of puberty (khair-ul-bulugh)

Talaq, kinds of talaq, divorce under Dissolution of Muslim Marriage Act, 1939

Remarriage; iddat: its rationale, utility and periods; prohibition to marry in certain cases

Module 04 Marriage and Matrimonial Reliefs among Parsis, Christians and under the Special Marriage Act 1954

Marriage under the Parsi Marriage and Divorce Act, 1936: Essentials of a valid marriage; Solemnization of marriage and its registration; Dissolution of marriage, divorce, nullity, judicial separation, restitution of conjugal rights; Remarriage; Parsi Matrimonial Courts and procedures

Marriage under the Indian Christian Marriage Act, 1872; Essentials of a valid marriage; Solemnization of marriage and its registration; Marriage of Indian Christians; Provisions under the Indian Divorce Act, 1869: relating to dissolution of marriage, judicial separation, nullity, restitution of conjugal rights; Remarriage; Jurisdiction of courts and procedures

Marriage under the Special Marriage Act 1954: Essentials of a valid marriage, Solemnisation of marriage and procedure, its registration and certificate; Registration of existing marriages, procedure and registration; Effect and consequences of such marriages; Void and voidable marriages; Remedies of divorce, judicial separation, restitution of conjugal rights; Remarriage; Jurisdiction of courts and procedures

Marriages of citizens outside India under the Foreign Marriages Act 1969: Essentials, solemnisation of marriage, procedure and certificate; Effect of such marriage; Divorce of foreign marriages

Comparative analysis of marriage and matrimonial reliefs in different laws.

Relationship in the nature of marriage: live-in relationship, same-sex relationships

Module 05 Alimony and Maintenance :

Maintenance *pendent lite* and permanent maintenance; Maintenance of wives, children and parents under the Hindu law, Muslim law, Christian law and Parsi law; Maintenance in matrimonial proceedings under these laws and maintenance under the Special Marriage Act 1954, the Protection of Women Alimony from Domestic Violence Act 2005, the Code of Criminal Procedure 1973, and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007

Module 06 Law on Adoption and Guardianship :

Adoption: Essentials of valid adoption with reference to the person adopted, the person adopting and other conditions; Procedure; When adoption is complete; Effect of adoption; Right of adoptive parents to dispose of their property

Inter-country adoption, CARA guidelines; Recognition of foreign adoptions; Adoption by foreign parents

Guardianship under the Hindu and Muslim law, and under the Guardian and Wards Act 1890: Kinds of Guardians; Procedure for appointment of a guardian; Guardian's powers over the person and property of children; Rights, obligations, duties, liabilities, disqualifications and disabilities of guardians

Powers of Court

Custody of Minor and Minor's property; Powers of courts in matrimonial proceedings to pass orders about custody and well-being of children

Recommended Readings:

- 1) Kusum, *Family Law Lectures : Family Law I*, LexisNexis, New Delhi
- 2) Satyajeet A Desai, *Mulla's, Hindu Law*, LexisNexis, New Delhi.
- 3) Justice Ranganath Mishra, *Mayne's Hindu Law and Usage*, Bharat Law House, New Delhi.
- 4) H. K. Saharay, *Family Law in India*, Eastern Law House, New Delhi.
- 5) Flavia Agnis, *Family Law Vol I and II*, Oxford University Press, New Delhi.
- 6) Tahir Mahmood, *Principles of Hindu Law*, Universal Law Publishing, New Delhi.
Mulla, *Principles of Mohammedan Law*, Lexis Nexis, Nagpur.
- 7) Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
- 8) Amer Ali, *Mohammedan Law*, Vol. I and II, EBC.
- 9) Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.
- 10) Derrett, *Introduction to Modern Hindu Law*, Universal.

LC 0503 Law of Contract - I

Objectives of the Course: Individuals, organisations, institutions, governments make countless contracts for effecting their transactions. They enjoy considerable freedom in devising the terms of their transactions, which they will decide through negotiations. The general principles that affect these contracts, and that allow their enforcement in case of breach, are given in sections 1 – 75 of the Indian Contract Act, 1872 (ICA). Contract remedies are also provided in the Specific Relief Act 1963 (SRA). These two laws form the main course for this paper.

This course is designed to acquaint a student with the general conceptual and practical principles of contract, rules for formation of contract, performance, and enforcement of contract remedies.

Module 01 Introduction to Contract Law :

The nature of contractual obligations

Introduction to certain types of contracts and discussion about their parties, parties' relative position, terms, remedies : for example: Bank loan, Purchase of goods, Construction or works contract, Warehousing contract, Guarantee, Sale of vehicle, Engaging cleaning or canteen services, Hiring a bank locker, Terms of use of online sale platform, Confidentiality agreement, Agreement for purchase land for a factory, etc.

Enforcement - Primary purpose of contract law

Module 02 Formation of Contract :

Agreement and Contract

Proposal and Acceptance:

Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, options

Acceptance - essential elements, forms, the requirement of communication, silence as acceptance

Revocation of proposal and acceptance

E-contracts with reference to provisions of the Information Technology Act, 2000

Express and implied terms, express and implied contracts

Standard form contracts - their advantages and vices, and strategies to handle the vices

Formalities - writing, signatures, attestation, registration, notarisation, stamp duty. Formalities of a contract with the government - Article 299 of the Constitution of India

Module 03 Competency of Parties - Sections 10 – 12 of ICA :

Age of majority under the Indian Majority Act 1875, contracts with minors, effect of contracting with a minor, the purpose of the law, liability for supply of necessities: section 68 of ICA

Soundness of mind for the purpose of making contracts, effect of unsoundness of mind on the contract

Legal disqualification – examples: Section 75 of the Patents Act 1970, section 75 of the Indian Forests Act 1927, section 130 of the Transfer of Property Act 1882

Competency of prisoners in jail, married women, aliens, insolvents

Competency of companies, statutory bodies, central and state governments

Module 04 Free Consent - Sections 13 to 22, 64, 65, 67 of ICA :

Consent and free consent

Coercion and its effect on the contract : sections 15 and 19 of Indian Contract Act, 1872

Undue Influence and its effect on the contract, *pardanashin* women

unconscionable bargains : sections 16 and 19A of Indian Contract Act, 1872

Misrepresentation and its effect on the contract: sections 18 and 19 of Indian Contract Act, 1872

Fraud and its effect on the contract: sections 17 and 19 of Indian Contract Act, 1872

Mistake, mutual and common mistake, unilateral mistake, mistake of law and fact, effect on the contract: sections 20 - 22 of ICA, section 26 of SRA

Remedies available to the party whose consent is not free: rescission, restoration. Sections 19, 19A, 67, 64, 65 of ICA. Loss of right of rescission. Sections 25 and 28 of SRA

Definitions, meaning and importance, essential elements

Act, forbearance and promise

Present, past and future consideration

Adequacy of consideration and effect of inadequacy

No consideration, no contract; and exceptions to the rule

Module 06 Void Agreements - Sections 23 – 30 of ICA :

Unlawful agreements, circumstances in which agreements enforced even if unlawful: sections 23-24, 57 – 58 of ICA, section 27 of SRA

Void agreements: Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers: sections 26 - 30 of ICA

Effect of void and of unlawful agreements

Module 07 Contingent Contracts and Quasi-Contracts :

Contingent contracts and their enforcement - sections 31 – 36 of ICA :

Definition of contingent contract, contingent and absolute obligations

Effect of non-happening of event

Enforcement of contingent contracts

Quasi-contracts - sections 68 – 71, 73 (para 3) of ICA :

Five kinds of quasi-contracts stated in the Act

Doctrine of restitution

Effect of breach of quasi-contractual obligation

Module 08 Performance of Contract :

Obligation to perform or offer to perform; who must perform, effect of death, personal contracts, rights and liabilities under a contract: sections 37 - 41 of ICA

Doctrine of privity, and exceptions to the doctrine

Joint rights and liabilities: sections 42-45 of ICA

Time of performance, right to terminate if time is of essence: sections 46-50, 55 of ICA

Liability to pay interest for delay: under contract terms, under the Interest Act 1978

Place of performance: sections 47-50 of ICA

Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises: sections 51 - 54 of ICA

Appropriation of payments: sections 59-61 of ICA

Module 09 Discharge of a Contract :

By performance; by offer of performance: sections 38 of the ICA

By non-performance by one party: 54 of ICA

By breach and rescission: sections 39, 53, 55 of ICA; anticipatory breach: section 39 of ICA

Doctrine of impossibility and effect : section 56 of ICA

By agreement: novation, alteration and rescission: section 62 of ICA

By act of promisee: dispensing, remission and waiver, extension of time, accord and satisfaction: section 63 of ICA

Termination or discharge under contract provisions

Module 10 Contract Remedies :

Remedies under contract law through court or arbitration :

Compensation (damages) section 73-74 of ICA:

General and special, substantial and nominal, aggravated and punitive, liquidated and unliquidated

Causation

Contemplation and Remoteness

Duty of mitigation

Assessment

Claim for the agreed sum: viz. suit for price, return of loan amount

Claim in *quantum meruit*

Remedies of Specific Relief through court or arbitration under SRA :

Specific performance :

Cases in which it can and cannot be granted- sections 10 and 14 of SRA

Personal bars to relief - section 16 of SRA

Discretionary relief - section 20 of SRA

Who can claim specific performance - section 15 of SRA

Against whom can specific performance be claimed - section 19 of SRA

Claim for compensation and other reliefs in a suit for specific performance - sections 21 – 24, 29 of SRA

Defences in suits of specific performance - section 9 of SRA

Rescission of a contract of which specific performance has been decreed - section 28 of SRA

Injunctions in suits relating to contract:

Discretionary relief - section 36 of SRA

Kinds - Temporary and perpetual, prohibitory and mandatory: section 36-37, 39 of SRA

When can injunction be granted? - section 38 (1) and (2) of the SRA

When will injunction not be granted? - section 41 clauses (a), (b), (e), (g), (i), (j) of SRA

Injunction to enforce negative covenants - section 42 of SRA

Claim for compensation in a suit for injunction. - section 40 of SRA:

Rescission - section 27, 30 of SRA

Rectification of instruments - section 26 of SRA

Cancellation of instruments - section 31, 33 of SRA

Module 11 Contractual Freedom, Role of Contract Law, Interpretation of Contracts :

Role of contract law in general, and applicability of the Indian Contract Act, 1872, Contract law as default rules

Remedies without intervention of court or arbitration - Introduction only of self-help remedies with examples- lien and retention, set-off, invoking bank guarantees, termination under contract provisions, right of sale without intervention of court

Laws affecting contracts- laws affecting special contracts, regulatory laws, laws for protection of disadvantaged party

Economic aspects of contract law, role and function of contract law in the growth of an economy and in the legal system

Introduction to the rules of interpretation of contracts

Recommended Readings :

- 1) Avtar Singh, *Law of Contract and Specific Relief*, 12th ed, 2017, Eastern Book Company.
- 2) V Kesava Rao, *Contract I: Cases and Materials*, 2nd ed, 2014, Lexis-Nexis
- 3) Ritu Gupta, *Law of Contract – includes the Specific Relief Act 1963*, 2015, Lexis-Nexis
- 4) Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15th ed., 2015, Lexis-Nexis
- 5) M. Krishnan Nair, *Law of Contracts*, 1998.
- 6) Garima Tiwari, *Understanding Laws – Contracts*, 2014, Lexis-Nexis.
- 7) Anson's *Law of Contract*, Beetsen and Burrows ed. 29th ed., 2010, Oxford University Press.
- 8) G.H. Treitel, *Outline of Law of Contract*, 6th rev ed, 2005, Oxford University Press.
- 9) Atiyah's *Introduction to the Law of Contract*, Stephen Smith ed., 2nd ed, 1997 Oxford University Press
- 10) Cheshire, Fifoot and Furmston's *Law of Contract*, Michael Furmston ed., 16th ed, 2012, Oxford University Press.
- 11) Pollock and Mulla's *Indian Contract Act*, Nilima Bhadbhade ed., 14th updated edition, 2014, Lexis Nexis
- 12) Nilima Bhadbhade, *Contract Law of India*, 2nd ed 2009, Kluwer, available free on google books.

- 13) Pollock and Mulla's *Specific Relief Act*, Nilima Bhadbhade ed., 14th updated edition, 2014, Lexis Nexis.
- 14) Nilima Bhadbhade, *Specific Performance of Contracts: the Tests of Inadequacy and Effective Enforcement*, 2014, Lexis-Nexis.
- 15) S C Banerjee, *Law of Specific Relief: Tagore Law Lectures*, 13th ed, 2015, Lexis-Nexis.
- 16) Sarkar on *Specific Relief*, Sudipto Sarkar and R Yasho Vardhan eds, 17th ed, 2016, Lexis Nexis
- 17) R K Singh, *Law Relating to Electronic Contracts*, 2nd ed, 2015, Lexis-Nexis.
- 18) Sachin Rastogi, *Insights into E-Contracts in India*, 2013, Lexis Nexis
- 19) Robert Cooter and Thomas Ulen, *Law and Economics*, 6th edition 2016, available for free download at <<http://scholarship.law.berkeley.edu/books>>, Chapters 1 and 9
- 20) Shubhashis Gangopadhyay and V Shantakumar, *Law and Economics* Vol I and II, 2013, Sage Publications, Chapter 5.

LC 0504 Law of Crimes

Objectives of the Course : Crime and Punishment has always been the most important aspect of Rule of Law. A proper understanding of crimes, methods of controlling them and the reasons for their existence is extremely important to build a just and humane society. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law along with relevant case laws. It is also meant to enable them to articulate informed opinion over important controversial issues in criminal law.

Module 01 Nature of Crime and Criminal Liability :

Historical Development of Indian Penal Code, 1860

Nature of Crime, Definition of Crime in social and legal context, Test of Criminality, Approaches to Crime, Distinction between Moral, Civil and Criminal wrongs, Criminal law and Morality, Crime and Tort, Crime and Sin, Aim and Function of the Criminal law

Criminal Liability – Theories - Subjective and Objective theories, Principles - *Actus non facit reum, nisi mens sit rea*, Origin and development of *mens rea*, Liability without *mens rea*, *mens rea* in Indian Penal Code. Facets of *mens rea* - Motive, Knowledge, Intention, Recklessness and Negligence, Malice

Elements of Crime - Human Conduct, Voluntary act, Guilty intention, Causal Connection, Prohibited Result

Module 02 General Principles of Criminal Law:

Nulla poena sine lege, nullum crimen sine lege.

Retroactivity of criminal law (ex post facto law), Narrow construction of criminal law, Rule against judicial creation of offences and vagueness of criminal statutes

Principles of *mala in se, mala prohibita*, Joint liability, Vicarious liability, Strict liability and Absolute liability

Stages in Commission of Crime, Intention - mere intention not punishable, Preparation, Attempt - Attempt when punishable, specific provisions of IPC, Tests for determining what constitute attempt, proximity, equivocality and social danger test, Impossible attempt, Commission of offence

Module 03 Introduction to Substantive Criminal Law :

Jurisdiction under Indian Penal Code, 1960

Crime and Punishment - Objectives of punishment, Kinds of Punishment

Discretion in awarding punishment and minimum punishment in respect of certain offences

General Explanations - Movable Property, Wrongful Loss and Wrongful gain, Dishonestly, Fraudulently, Common Intention, Common Object, Voluntarily, Good faith, Criminal Conspiracy

Module 04 General Defenses :

Excuses (Mental Incapacity) - Minority (Infancy), Involuntary Intoxication and Insanity as a Defense

Justifications – Necessity, Mistake of Fact, Acts done with Consent, Accident, Judicial acts, Triviality

Right of Private Defense of Body and Property - Justifications and Limits

Module 05 Offences against State, Public Tranquility, Administration of Justice, etc. :

Abetment, Abetment when punishable? Liability of Abettor, Abetment of offence punishable with death or imprisonment for life

Harboring Offender, Harboring Deserter

Waging war, Sedition, Conspiracy to Waging war

Unlawful Assembly, Rioting, Affray, Promoting enmity between different groups, Imputations/assertions prejudicial to national integration

Giving False Evidence, Fabricating false evidence

Module 06 Offences relating to Public Health, Religion, Decency and Morality:

Public Nuisance, Adulteration, Obscenity, Rash or Negligent driving, Causing danger or obstruction to any person in public way

Injuring or Defiling place of Worship with intent to insult the religion of any class, Deliberate and malicious acts intended to outrage religious feelings, Disturbing Religious Assembly, Uttering Words etc. with deliberate intent to wound the religious feelings

Module 07 Offences against Human Body :

Culpable Homicide, Murder, Ingredients, Exceptions and Distinction between Culpable Homicide and Murder, when culpable homicide is murder?

Attempt to commit Culpable Homicide, Attempt to Murder

Causing Death by Negligence, Causing Death with the consent of the deceased – Euthanasia and its Constitutionality

Suicide – abetment and attempt, its Constitutional validity

Hurt, Voluntarily causing hurt, etc.; Grievous Hurt, Voluntarily causing grievous hurt, etc., Wrongful Restraint, Wrongful Confinement

Criminal Force, Assault, Kidnapping and Abduction, distinction between them

Module 08 Offences relating to Woman :

Cruelty against Woman, Dowry death, Causing Miscarriage, Acid Attack

Outraging Modesty of woman, Sexual Harassment, Voyeurism, Stalking

Rape – its ingredients, developments in law along with relevant judicial decisions, Unnatural offences

Deceitful Cohabitation, Bigamy, Mock Marriages, Adultery

Module 09 Offences against Property and Person, etc. :

Theft, Extortion, Robbery and Dacoity, distinction between them, forms of Robbery and Dacoity

Criminal Misappropriation, Criminal Breach of Trust, Stolen property, Cheating, Mischief, Criminal Trespass, House Trespass, Lurking House Trespass, House Breaking, House Breaking by Night

Defamation, Criminal Intimidation and Insult

Forgery and Making of False document, Falsification of accounts

Recommended Readings :

- 1) *Common Law in India* (Chapter III, Criminal Law, p. 124-176) by Setelvad.
- 2) *History of English Law* Vol. III (Last chapter on Indian Penal Code) by Stephen.
- 3) *Law of Crimes in India*, Vol. I – Principles of Criminal Law by R C Nigam, Asia Publishing House, New York.
- 4) *Criminal Law* by Glanville Williams, Universal Law Publishing Co.
- 5) *Kenny's Outlines of Criminal Law* by J W Cecil Turner, Universal Law Publishing Co.
- 6) *Criminal Law* by Smith and Hogan, Oxford University Press.
- 7) *Principles of Criminal Law* by Andrew Ashworth, Clarendon Law Series.
- 8) R. A. Nelson's *Indian Penal Code* (4 Volumes), by S. K. Savaria, LexisNexis Delhi.
- 9) *Penal Law of India* (4 volumes) by Dr. Hari Singh Gaur.
- 10) *Indian Penal Code* (Ed. II 1901, p.242-249) by J. D. Mayne.
- 11) *Essay's on Indian Penal Code* by Prof. K. N. Chndranshekhar Pillai.
- 12) *Law Relating to Crime and Punishment* by R. C. Srivastava.
- 13) *A Text Book on Indian Penal Code* by Prof K. D. Gaur.
- 14) *Criminal Law Cases and Material* by Prof K. D. Gaur.
- 15) *The Indian Penal Code* by Ratanlal and Dhirajlal, Wadhwa and Company Nagpur.

Optional Subject 1 (Any one from the following)

LO 0505 Health and Food Law

Objectives of the Course : The objectives of the course are : (1) To enable the students to acquire knowledge of constitutional protections with respect to health; (2) To impart knowledge to the students of basic laws relating to protection of health; (3) To impart knowledge about need and nature of right to food and nutrition in India; (4) To expose students to need and nature of programme on food safety and standards in India; (5) To expose students to need and nature of programme of national food security in India; (6) To enable the students to acquire sound knowledge of health and food regulatory mechanism in India.

Module 01 Introduction :

Concept and Importance of Health
Public Health in India - Ancient, medieval and modern perspectives
Human Rights Perspectives of Health - Overview

Module 02 Health and Constitutional Protections :

Fundamental Rights - Right to Health – Right to Dec ent Environment –
Right to Shelter - Reproductive Rights of Women
Directive Principles of State Policy and Health

Module 03 Health and Legal Protection - Relevant Provisions under following Laws :

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse)
Act, 1994
The Factories Act, 1948
Law on Mental Health
The Maternity Benefit Act, 1961
The Infant Milk Substitutes, Feeding Bottles and Infant Foods Act, 1992
The Transplantation of Human Organs Act, 1994
The Indian Penal Code, 1860 - Chapter XIV (Sections 269 to 278)

Module 04 Right to Food and Nutrition in India :

Fundamental Rights - Right to Food and Nutrition
Directive Principle of State Policy on Food and Nutrition
Human Rights Perspectives of Food and Nutrition-Overview

Module 05 The Food Safety and Standards Act, 2006 :

Need, Objects and Basic Concepts
Food Safety and Standards Authority of India
General Principles of Food Safety
General Provisions as to Articles of Food
Provisions Relating to Import
Enforcement of the Act
Analysis of Food
Offences and Penalties
Adjudication and Food Safety Appellate Tribunal

Module 06 The National Food Security Act, 2013 :

Need, Objects and Basic Concepts
Provisions for Food Security and Food Security Allowance
Identification of Eligible Households
Reforms in Targeted Public Distribution System.
Women Empowerment
Grievance Redressal Mechanism
Obligations of Central Government for Food Security
Obligations of State Government for Food Security
Obligations of Local Authorities
Transparency and Accountability
Provisions for Advancing Food Security

Recommended Readings :

- 1) R.K. Nayak (ed.), The Indian Law Institute, *Global Health Law*, (1998), World Health Organization, Regional Office for South East Asia, New Delhi.
- 2) Pragya Kumar & Virendra Kumar, *Health as a Fundamental Human Right*, in Dilemmas in Health Policy, at C-1 C-8 (1986).
- 3) *Law of Food Safety & Standards Act, 2006* – by M.L. Bhargava, Kamal Publishers; 2017.
- 4) *A Practical Guide to Food Laws and Regulations* – by Kiron Prabhakar, Bloomsbury India, Sep 2016.
- 5) Bhatnagar, *Food Laws in India*, Ashoka Law House, 2011.
- 6) R.K. Gupta (Eds.), *Food Safety in 21st Century – Public health Perspectives*, Academic Press, 2016.
- 7) Law Commission of India, Report No. 264, On the Criminal Law (Amendment) Bill, 2017 (Provisions dealing with Food Adulteration), January, 2017

LO 0506 Equity and Trust Law

Objectives of the Course : Trust being an obligation connected with property, the law has to play a key role in protecting interests of persons for whose benefit trust is created and for balancing the rights and duties of persons connected with trust transactions. There are also instances where even in the absence of specific trust, law has to protect the beneficial interests of persons on equitable considerations. Trusts may also be created for public purposes of charitable and religious nature. The existing laws in respect of trusts, equitable and fiduciary relations connected with property are to be taught in detail. Students should also to be made aware of the emerging public trust doctrine of common property resources.

Module 01 The Indian Trusts Act, 1882 :

Objects and Basic Concepts, Kinds of Trusts
Comparison of Trust with other relationships - Trust and Ownership, Trust and Bailment, Trust and Agency, Trust and Contract, Trust and Equitable Charge, Trust and Mortgage, Trust and Administration

Module 02 The Indian Trusts Act, 1882 :

Creation of Trusts
Appointment of Trustees
Vacating the Office of Trustee
Extinction of Trusts

Module 03 The Indian Trusts Act, 1882 :

Duties and Liabilities of Trustees
Rights and Powers of Trustees
Disabilities of Trustees
Rights and Liabilities of the Beneficiary
Certain Obligations in the Nature of Trusts

Module 04 The Bombay Public Trusts Act, 1950 :

Objects and Basic Concepts
Establishment
Charitable Purposes and Validity of Certain Public Trusts

Module 05 The Bombay Public Trusts Act, 1950 :

Registration of Public Trust
Budget, Accounts and Audit
Powers and Duties and Restrictions on Trustee

Module 06 The Bombay Public Trusts Act, 1950 :

Control, Powers and Functions of Charity Commissioner
Other Functions and Powers of Charity Commissioner, Dharmada, Cypress

Module 07 The Bombay Public Trusts Act, 1950 :

Special Provision as Respects Religious and Charitable Institutions and Endowments
Public Trusts Administration Fund

Module 08 The Bombay Public Trusts Act, 1950 :

Module 09 Equity :

Concept of Common Law and Common Law Courts

Concept and Definition of Equity

Origin and Development of Equity

Maxims of Equity -

- a) Equity will not suffer a wrong to be without a remedy
- b) Equity follows the law
- c) He who seeks equity must do equity
- d) He who comes to equity must come with clean hands
- e) Delay defects equity
- f) Equality is equity
- g) Equity looks upon that as done which ought to have been done
- h) Equity looks to the intent rather to the form
- i) Equity imputes an intention to fulfill an obligation
- j) Equity acts in personam
- k) Where the equities are equal the first in time shall prevail
- l) Where there is equal equity, the law shall prevail

Recommended Readings :

- 1) S. Krishnamurthy Aiyar and Harbans Lal Swin, *Principles and Digest of Trusts Laws* (1998), University Book Agency, Allahabad.
- 2) R.E. Megarry and P.V. Baker, *Snell's principles of Equity* (1964) ELBS, Sneyd and Maxwell.
- 3) Iyer N., *Indian Trust Act* (1997), Delhi Law House, New Delhi.
- 4) Rajarathnam, Natarajan and Thankaraj, *Commentary on Charitable Trusts and Religious Institutions* (2000) Universal, Delhi.
- 5) Rao. C.R, *The Indian Trust Act and Allied Laws* (1999).
- 6) Rangacharya I V, *The Indian Trusts Act*.
- 7) Aggarwal O P, *The Indian Trusts Act*.
- 8) Tandon M P, *The Indian Trusts Act*.
- 9) Chaudhari D H, *The Bombay Public Trusts Act, 1950*.
- 10) Shah K N, *The Bombay Public Trusts Act, 1950*.
- 11) Apte M S, *The Bombay Public Trusts Act, 1950*.
- 12) Gupte and Dighe, *The Bombay Public Trusts Act, 1950*.
- 13) Philip H. Pettit, *Equity and Law of Trust* (1970).
- 14) Ahmad Aquil, *Equity, Trusts and Specific Relief*.
- 15) Basu Durga Das, *Equity, Trusts and Specific Relief*.

LO 0507 Criminal Psychology and Criminal Sociology

Objectives of the Course : The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behavior, particularly, deviant behavior. The objective of the course is to provide in-depth understanding of crime causation and its prevention. Advancement in the science of psychiatry and sociology has changed the understanding of criminology as a science. At the end of the course students would be able to understand the causation of crime in a better scientific and rational manner.

Module 01 Crime, Criminal and Criminology :

What is crime? Who is the criminal?

What is Criminology?

Schools of Criminology :-

The Pre-Classical School

The Classical School

Neo-Classical School

Positivist Approach - Radical Positivism and Liberal Positivism

Cesare Lombroso

Enrico Ferri

Raffaele Garofalo

Gabriel Tarde

Module 02 Psychology and Crime :

Meaning, purpose and scope of criminal psychology

Psychological vs. Psycho-analytical approach to crime

Behaviorist approach to crime

Definition of criminal behavior - Psychodynamics of criminal behavior.

Mental illness and crime

Human aggression and violence to crime

Module 03 Psychometric Test - Its use in Criminal behavior :

Measurement of criminal behavior - Psychological test to measure criminal behavior

Criminal profiling: Definition and process of profiling criminal personality

Factors underlying criminal profiling

Merit and demerit of criminal profiling

Module 04 Forensic Psychology - Concept and Importance :

Definition, meaning and scope of forensic psychology

Historical background of forensic psychology in India and abroad

Role of forensic psychology in the investigation of crime

Psychology and the police

Application of psychology in court

Application of psychology in prison

Module 05 Sociological Theories - Crime and Social Structure :

1) Social structure theory

- 2) Social disorganization theory
- 3) Merton, anomie and strain

Module 06 Subcultural Theories :

- 4) Cohen's theory of the delinquent subculture
- 5) Miller's lower class gang delinquency

Module 07 Crime and Social Process :

- 6) Socialization and Crime- Differential association theory
- 7) Differential reinforcement theory
- 8) Neutralization and rift theory
- 9) Hirschi's Social Control or Social Bond Theory
- 10) Becker's Labelling theory
- 11) Self-Control and Self Esteem as related to crime

Recommended Readings :

- 1) Akers, Ronald L. and Sellers, Christine, S. (2004) *Criminological Theories* (4th Edition) Rawat Publication, New Delhi.
- 2) Vold, George B., Bernard Thomas J., and Snipes, Jeffrey B. (2002), *Theoretical Criminology*, Oxford University Press, Oxford.
- 3) Siegel, L.J (2003) *Criminology*, (8th Edition) Wadsworth, USA.
- 4) Schmallegger Frank, *Criminology Today*, (1996) Prentice Hall, New Jersey.
- 5) Dennis Howitt, 2002, *Forensic and Criminal Psychology*, Prentice Hall
- 6) *Encyclopedia of Criminal and Deviant Behaviour*, 2001, Clifton D. Pryor, Editor-in Chief, Brunner Routledge Taylor & Frances Group
- 7) Bartal, Curt R, 1999, *Criminal Behaviour : A Psychosocial Approach*, 5th edition, Prentice Hall, New Delhi.
- 8) Hollin, Clive R Routledge & Kegan Paul, 1989, *Psychology and Crime: An introduction to Criminal Psychology*, London.
- 9) Dartmouth Aldershot, 1987, *Criminal Detection and Psychology of Crime*,
- 10) Harvard LPC *Forensic Psychology*, 1981, Professor of Clinical Psychology, University of Surrey, Batsford Academic & Educational Ltd. London.
- 11) Adman Raine, 1983, *The Psychopathology of Crime, Criminal Disorder*, Academic Press, Inc.
- 12) Navin Kumar, (2015), *Criminal Psychology*, Lexis Nexis, New Delhi.
- 13) Shukla Girjesh, (2013), *Criminology*, Lexis Nexis, New Delhi.
- 14) McLaughlin Eugene & Newburn Tim (Ed) (2010), *The Sage Handbook of Criminological Theory*, Sage Publication Ltd, New Delhi.
- 15) Prof. N.V. Paranjape, *Criminology And Penology With Victimology*, Central Law Publications.
- 16) S.M.A. Quadri, *Criminology And Penology*, Eastern Book Company
- 17) Dr. Krishna Pal Malik, *Penology , Victimology And Correctional Administration In India*, Allahabad Law Agency
- 18) J.P. Sirohi, *Criminology And Criminal Administration*, Allahabad Law Agency

LO 0508 Agricultural Marketing Law

Objectives of the Course : Agriculture is the most important sector of Indian economy. About 65 percent of the population depends upon the agriculture and 70 percent live in the villages. Indian agriculture contribution to the national gross domestic product (GDP) is important factor. With food being the crowning need of mankind, much emphasis has been on commercialising agricultural production. For this reason, adequate production and even distribution of food has of late become a high priority global concern. Agricultural marketing is mainly the buying and selling of agricultural products. In earlier days when the village economy was more or less self-sufficient the marketing of agricultural products presented no difficulty as the farmer sold his produce to the consumer on a cash or barter basis. The objective of the course is to provide student with a theoretical and empirical basis for valuating agricultural marketing organization and actors for market performance and public policy decision.

Module 01 Basic Concepts of Agricultural Marketing :

- Concept of Agricultural Marketing and Meaning
- Definition of Market and Agricultural Marketing
- Classification of Markets, Types of Marketing
- Functions and Services, Future Trading, Marketing Channels
- Different systems of agricultural marketing
- Marketing Justifications and Organizations
- Defects of Agricultural Marketing in India

Module 02 Legislative Perspectives of Agricultural Marketing - Overview:

- Salient Features of the Model Act of 2016 on Agricultural Marketing
- The Maharashtra State Agricultural Produce Marketing (Development and Regulation) Act, 2003
- Historical Background :
 - The Agricultural Produce (Grading and Marketing) Act, 1937
 - The Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963
- Improvements made by new Legislation over old Legislation

Module 03 Integrated Legal Developments for Agricultural Insurance by or on the basis of International Organizations / Covenants :

- Trade related aspects of Intellectual Property Rights (TRIPS) through World Health Organization, World Trade Organization and Government of India introduced various schemes as follows
 - Pradhan Mantri Fasal Bima Yojna (PMFBY)
 - Comprehensive Crop Insurance Scheme (CCIS),
 - Experimental Crop Insurance (ECI)
 - Farm Income Insurance Scheme (FIIS)
 - National Agriculture Insurance Scheme (NAIS)

Module 04 Procedure for getting Benefits of Agricultural Insurance, Food and Nutritional Security by or on the Basis of International Organizations/

Covenants :

Information about availability of application forms of schemes for getting Agricultural Insurance offline or online at State government and Central Government web sites

Information about availability of application forms of schemes for getting benefits of National Food Securities Act, 2013 at State government and Central Government web sites

Module 05 Protection of Plant Varieties and Farmers Rights Act, 2001 :

Objects of the Act

Definitions and Meaning

Protection of Plant Varieties and Farmers Rights

Authority and Registry

Compulsory License

Role of Plant Varieties Protection and Appellate Tribunal

Judicial Pronouncements on Farmers Rights, Varieties of Plants, etc.

Module 06 Provisions under the National Food Securities Act, 2013 :

Midday Meal Scheme (MMS)

Integrated Child Development Services (ICDS)

Public Distribution Systems (PDS), etc.

Recommended Readings:

- 1) Dr. C.S. Prasad: *Agriculture and Sustainable Development in India*, New Century Publications, New Delhi, India 2012
- 2) A.K. Thaur and M.K. Sinha (ed.): *Structural Reforms and Agriculture*, Deep and Deep Publications Pvt. Ltd. 2011
- 3) Rais Ahmad: *Co-operative and Rural Development in India*, New Century Publications, New Delhi, India 2013
- 4) *Law of Seeds* (Acts, Rules, Orders, Policy, Notifications, Varieties, Export and Import of Seeds etc), 16th ed., Asia New House, 2012
- 5) S.S China: *Agricultural Labour-Problems and Policy Implications*, Regal Publications, New Delhi
- 6) Sudip Chakraborty : *Food Security and Child Labour*, Deep and Deep Publications PVT LTD. 2011
- 7) Asian Development Bank : *Agriculture, Food Security and Rural Development*, Oxford University Press, 2010
- 8) D. Narasimha Reddy and Srijit Mishra(ed) : *Agrarian Crisis in India*, Oxford University Press, 2010
- 9) Dr. B.K Mohanty: *Agricultural Finance and Rural Development*, Regal Publications, New Delhi, 2010
- 10) R. Datt and K.P.M Sundharm : *Indian Economics*, S. Chand, New Delhi, 2009
- 11) Myneni : *Indian Economics* (For Law Course), Allahabad Law Agency, 2006 B.B
- 12) Mukharji : *Agricultural Marketing in India*, Thacker, Spink 1930

LO 0509 Intellectual Property Rights I

Objectives of the Course : The significant factors that contribute for the development of International Law of Intellectual Property Rights are expansion of voluminous trade; increasing interdependence of international commerce; the development of science and technology (otherwise known as cultural property) and the flow of communication. Further the development of human rights had resulted in expanding the horizons of states to expand their protection mechanism beyond their boundaries to protect the rights of nationals led the international community to develop the principles to prevent infringements to the rights of individuals. Accordingly due to the vastness of the subject it has been divided into two papers. Paper-I gives a subtle back ground to the international perspective in a nutshell to understand the practical application of it in the National Regime in paper –II in Subtle Perspective.

Module 01 Introduction to Intellectual Property Rights :

Definition, Concept and Nature of Property, Kinds of Property
Intellectual Property - Meaning, Nature, and Concept
Need for Protection of Intellectual Property- Policy Consideration
Origin and Development of Intellectual Property Rights
Principles of Reciprocity and Priority- Concept of Minimum Standards-
Concept of National Treatment-Concept of Most Favoured Nation (MFN)
with respect to Intellectual Property Rights

Module 02 Theories of Intellectual Property :

Theory of Natural Rights
Social Contract Theory
Incentive to Disclose Theory
Locke's Theory of Property
Utilitarian Theory
Theory of Cultural Relativism

Module 03 Law of Copyright and Neighboring Rights :

Historical Origins of Law of Copyright and Neighboring Rights
Development of International Law of Copyright and Neighboring Rights
Conventions- An Overview
Meaning and definition of Copyright and Secondary Rights under
International Law of IPR
Interrelationship between Copyright and Neighboring Rights
Copyright and New Technologies with reference to TRIPS- Computer
Programs and Protection of software - Internet Protection of the content-
database-infringement of database
Common law- Civil law Percepts of Copyright and Neighboring Rights -An
Overview

Module 04 Patent Law :

Origin and Development of Patent Law with respect to Paris Convention
Patent Cooperation Treaty- WTO- TRIPS- Harmonization of CBD and TRIPs

Meaning, definition and Scope of Patent Law
Rights and Liabilities of Patent Holders under IPR
Enforceability of Patent Rights- claim interpretation- Doctrine of Equivalents-
Public dedication Rule
Defenses and remedies for Patent Infringement –Patent exhaustion –Patent
Misuse- Monetary Damages and Equitable relief

Module 05 Trademarks and Geographical Indications :

Origin and Development of Trademarks and Geographical Indications from
Madrid Convention to TRIPS Convention- An Overview
Meaning and definition of Trademarks and Geographical Indications
Territoriality in Trade Marks; Well - Known Marks in International Law
Geographical Indications - International Protection under TRIPS
Conflict and Convergence of Trademarks and Geographical Indications

Module 06 Industrial Designs :

Origin and Development of Industrial Designs, Layout Designs and Integrated
Circuits- An Overview
Meaning and definition of Industrial Designs, Layout Designs and Integrated
Circuits
Protection of Industrial Designs from Paris Convention to TRIPS

Module 07 Contemporary Issues of IPR :

Inter-relationship between IPR and Human Rights - An Overview (Art 17 and
27 of UDHR; Art 15 (1) of ICESCR)
IPR and Protection of the rights of Indigenous people
Impact of Economic, Social, Cultural and Ethical Dimensions on IPR
Access to Genetic Resources and Benefit Sharing
IPR and Cultural Property – Folklore
Remedies for Infringement of IPRs: Role of State and Private International
Law-An overview

Recommended Readings :

- 1) Neeraj Pandey, Khushdeep Dharni, Intellectual Property Rights (Eastern Economy Edition) 2014
- 2) Jennifer Davis, Intellectual Property Law (Oxford) 2012
- 3) V.K. Ahuja, Law Relating to Intellectual Property Rights (Lexis Nexis) 2015
- 4) Jayashree Watal, Intellectual Property Rights (Oxford India Paperbacks) 2012
- 5) Helen Norman, Intellectual Property Law (2nd Edn. Oxford) 2014
- 6) Abbott, F., T. Cottier and F. Gurry (1999) The International Intellectual Property System: Commentary and Materials. The Hague, London and Boston, Kluwer Law International.
- 7) Lionel Bentley and Brad Sherman, Intellectual Property Law (Oxford University Press, New Delhi, 2003).
- 8) Dr. M. K. Bhandari, Law Relating to IPR (Central Law Publications) 2012
- 9) Daniel J. Gervais, International Intellectual Property A Handbook of Contemporary Research (Edward Elgar) 2015

- 10) Dr. Sreenivasasulu N.S., Intellectual Property Rights (Regal), 2011Philippe Cullet Human Rights and Intellectual Property Protection in the TRIPS Era, 2007. HUMAN RIGHTS QUARTERLY, Vol. 29 403-430
- 11) James J. Fawcett and Paul Torremans: Intellectual Property and Private International Law, 2012, (oxford)
- 12) Yo Takagi (Editor), Larry Allman (Editor), Mpazi A. Sinjela (Editor), Teaching of Intellectual Property: Principles and Methods, Cambridge University Press (2008).
- 13) Tamali Sen Gupta, Intellectual Property Law in India, Wolters Kluwer, Law & Business (2011)
- 14) Gopalkrishnan N S, & Agitha T G, Principles of Intellectual property. Lucknow: Eastern Book Company (2014)
- 15) Rao M. B. & Guru M, Understanding TRIPs managing knowledge in developing countries. New Delhi: Response Books (2003)
- 16) Graeme Austin: Private International Law and IPR Common Law : An Over View, WIPO 2001, available at http://webcache.googleusercontent.com/search?q=cache:jP2l70OIxS4J:www.wipo.int/edocs/mdocs/mdocs/en/wipo_pil_01/wipo_pil_01_5.doc+&cd=1&hl=en&ct=clnk&gl=in
17. ABC of Copy Right UNESCO Publication; available at http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf

Case Book :

LTC Harms: Enforcement of IPR: A case BOOK WIPO Publication (3rd edn) 2012 available at http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo_pub_791.pdf

Recommended Journals :

- 1) Journal of Intellectual Property Rights
- 2) Thomson Reuters' International Journal Of Intellectual Property Rights
- 3) Journal of intellectual Property Law and Practice – Oxford
- 4) The Journal of World Intellectual Property- Wiley Online Library
- 5) The WIPO Journal

Third Year B.A. LL.B.	- Semester VI
Third Year B.B.A. LL.B.	- Semester VI
First Year LL.B.	- Semester II

LC 0601 Constitutional Law I

Objectives of the Course : The Course is designed to acquaint students with the basic principles of Constitution and Constitutionalism. The reason and justification of the growth of Fundamental Rights. The operation of Fundamental Rights, Directive Principles in India and its effect is to be studied. The basic norm of the land is to be taught with the help of appropriate judicial decisions.

Module 01 Introduction :

Concepts of Constitution, Constitutional Law and Constitutionalism
Forms and character of various models of Constitution
Classification of Constitutions
Forms of Governments
Salient features of the Indian Constitution
Preamble:
Meaning of the Preamble
Object, Purpose and Scope of the Preamble
Utility of Preamble in interpretation of the Constitution
Whether Preamble is part of the Constitution
Contents of the Preamble
Union and its Territory

Module 02 Citizenship of India :

Constitutional Provisions -
Citizens by Domicile
Citizens by Migration
Citizens by Registration
Termination of Citizenship
Dual Citizenship
The Citizenship Act, 1955 -
Citizenship by Birth
Citizenship by Descent
Citizenship by Registration
Citizenship by Naturalisation
Citizenship by Incorporation of territory
Cessation of Citizenship
Deprivation of Citizenship
Expulsion of Foreigner

Module 03 Fundamental Rights

Concept of Fundamental Rights – Their Origin and Development

History of the demand for Fundamental Rights in India
Justiciability of Fundamental Rights -

- Laws inconsistent with fundamental rights
- Unconstitutionality of Statute
- Doctrine of Eclipse
- Doctrine of Severability
- Waiver of Fundamental Rights
- Concept of State and its Importance
- Concept of Law and Law in force
 - Personal Law
 - Custom
- Whether the Constitution Amendment Act is law under Article 13?

Module 04 Right to Equality :

- Equality before law and Equal protection of Law
- Article 14 permits 'Reasonable Classification' but prohibits 'Class legislation'
- Article 14 Strikes at Arbitrariness
- Prohibition of discrimination against citizens
- Right to Access to Public Places
- Special provisions for women and children
- Special provisions for Backward Classes
- Equality of Opportunity in Matters of Public Employment
- Requirement as to Residence in State
- Reservation of Posts for Backward Classes
- Reservations in Promotion
- Carry Forward of Reserved Vacancies
- Percentage of Reservation - Rule of rounding up
- Abolition of Untouchability
- Abolition of Titles

Module 05 Right to Freedom :

- Freedom of Speech and Expression and Reasonable Restrictions on it
- Freedom of Assembly and Reasonable Restrictions on it
- Freedom to form Association or Union and Reasonable Restrictions on it
- Freedom of Movement and Reasonable Restrictions on it
- Freedom of Residence and Settlement and Reasonable Restrictions on it
- Freedom of Profession, Occupation, Trade and Business and Reasonable Restrictions on it
- Right to Property -
 - Pre- 1978 Position - Article 19(f) and 19(5); Eminent Domain; Article 31; Inter-relation of Article 31, Article 14 and Article 19(1)(f)
 - Present Position - Article 31 A, Article 31 B, Article 31 C, Article 300 A

Module 06 Right to Freedom :

- Protection in Respect of Conviction for offences -
 - Protection against Ex-post Facto Law
 - Guarantee against Double Jeopardy
 - Privilege against Self-Incrimination
- Protection of Right to Life and Personal Liberty -
 - A. K. Gopalan to Maneka Gandhi
 - Relationship between Articles 19, 21 and 22
 - Due Process of Law
 - Extended view in post Maneka Gandhi period
- Right to Education - Evolution and Importance
- Protection against Arrest and Detention -
 - Protection against Arrest
 - Protection against Preventive Detention
 - Laws Authorising Preventive Detention

Module 07 Right against Exploitation :

- Traffic in Human Beings
- Begar and Similar forms of Forced Labours
- Compulsory Services for Public Purpose
- Prohibition of Employment of Children

Module 08 Right to Freedom of Religion :

- Concept of Secularism
- Freedom of Conscience and right to Profess or Practice and Propagate religion
- Freedom of Religion of Religious Denomination
- Freedom from Paying of Taxes for Promotion of any Religion
- Annual payment to certain Devaswam Funds (Article 290 A)
- Prohibition of Religious Instructions in Educational Institutions

Module 09 Cultural and Educational Rights :

- Concept of Minority
- Protection of Interest of Minorities
- Right of a Minority to Establish Educational Institution
- Regulation of Minority Educational Institution

Module 10 Right to Constitutional Remedies :

- Enforcement of Fundamental Rights
- Procedure in Enforcement of Fundamental Rights
- Power to issue Writs, Directions or Orders – Types of Writs
- Comparison between Article 32 and Article 226
- Public Interest Litigation
- Fundamental Rights during Emergency
- Power of Parliament to modify fundamental Rights with respect to some Forces
- Fundamental Rights during operation of Martial Law
- Legislation to give effect to Fundamental Rights

Module 11 Directive Principles of State Policy and Fundamental Duties

- Nature and Importance of Directive Principles

Inter-relationship between Fundamental Rights and Directive Principles.
Directive Principles from Article 38 to Article 51

Module 12 Amendment of the Constitution :

Power and Procedure of Amendment
Amendment / Change by Simple Majority
Amendment by Special Majority
Amendment by Special Majority with Ratification by Majority of States
Amendment of Fundamental Rights

Recommended Readings:

- 1) M. P. Jain, *Indian Constitutional Law*, Lexis Nexis (2015).
- 2) D.D. Basu, *Constitutional Law of India*, Lexis Nexis (2013).
- 3) Narendra Kumar, *Constitutional Law of India*, Allahabad Law Agency (2015).
- 4) H. M. Seervi, *Constitutional Law of India*, N.M. Tripathi.
- 5) Arvind Datar, *Commentary on Constitution of India* (3 Vols), Lexis Nexis (2010).
- 6) Sathya Narayan (Ed), *Selected Work of S.P. Sathe* (3 Vols), Oxford University Press (2015).
- 7) M.P. Singh, *V.N. Shukla's Constitution of India*, Eastern Book Company, (2013).
- 8) Sujit Chaudhry, Madhav Khosla & Pratap Bhanu Mehta, *The Oxford Handbook of the Indian Constitution*, Oxford University Press.
- 9) Granville Austin, *Working of a Democratic Constitution - The Indian Experience*, Oxford University Press.

LC 0602 Family Law II

Objectives of the Course : This course involves the student with the personal law as it affects property relations. It primarily covers the concept of Undivided Family of the Hindu law, the provisions relating to intestate and testamentary succession applicable to persons of all denominations, and provisions relating to wakf, and relating to gifts in Muslim law because these special provisions to which personal law is applicable.

The study of the course must expose to the similarities and differences across the personal law systems, and to appreciate these differences in the context of development of these laws. The other objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code.

Module 01 Hindu Joint Family System :

Evolution of joint family system in India

Institution of Hindu joint family and joint family property; Family arrangement; Separate or self-acquired property

Coparcenary, Mitakshara and Dayabhaga coparcenary; Women as coparceners; Rights and powers of coparceners, sole surviving coparcener; Effect of amendments to the Hindu Succession Act 1956.

Karta, his position, powers and duties; Father's powers of alienation;

Alienee's rights and remedies

Partition – under Dyabhaga and Mitakshara systems; Subject matter of partition; Persons entitled to claim partition and who get share on partition; Kinds of partition; Principle of survivorship and representation; Reopening and Reunion

Module 02 Intestate Succession :

1. Hindu Succession Act, 1956 – Application of Act; Succession to the property of a Hindu male; Succession to the property of a Hindu female, stridhana and women's estate; General provisions relating to succession; and disqualifications from inheritance; Escheat

General principles of inheritance under Muslim law, Law of inheritance applicable to Sunnis and Shias, and the distinction between the two, Disqualifications

Indian Succession Act 1925: Domicile, and its relevance in succession to property; Consanguinity; Provisions relating to intestate succession applicable to Parsis and persons other than Parsis; General principles of succession; Rules of devolution

Module 03 Testamentary Succession :

Indian Succession Act, 1925 : Wills and codicils; Competence of the testator; Execution of privileged and unprivileged will; Attestation; Revocation, alteration and revival of wills; Construction of wills

Indian Succession Act, 1925 : Vesting of legacies; Void, onerous, contingent and conditional bequests; Specific legacies and demonstrative legacies; Ademption of legacies, lapse of legacies; Election; Gifts in contemplation of death

Hindu Succession Act 1956: Testamentary succession

Will under Muslim law (wasiyat)

Module 04 Right of Pre-emption :

Pre-emption under Muslim law (shufa), meaning, nature, who can claim the right; Subject Matter of shufa; Formalities and legal effect; Legal devices of evading right of pre-emption: Loss of the right

Pre-emption under Hindu Law

Module 05 Gifts under Muslim Law (Hiba) :

Nature and characteristics of hiba, types of hiba, donor and donee, what may be given in gift

Essentials of valid gift, exceptions to general rule; Oral gift and its validity; Registration; Kinds of gifts; Gifts involving return; Marz-ul-mouth (death-bed gift)

Revocation and revival of gift

Module 06 Wakf :

Origin and Development of Wakf

Importance, Meaning and Definition, Characteristics

Essentials, Kinds, formalities for creation, the Wakif, Objects and Purposes of the Wakf

Administration of Wakf under the Wakf Act, Appointment, Removal, Powers and Duties of Mutawalli

Recommended Readings:

- 1) Poonam Pradhan Saxena, *Family Law Lectures: Family Law II*, LexisNexis, New Delhi.
- 2) Paruck, *Indian Succession Act, 1925*.
- 3) Row Sanjiva, *The Indian Succession Act*, Law Book Co.
- 4) Basu, *Indian Succession Act*, Eastern Book Publication.
- 5) Diwan, *Law of Intestate and Testamentary Succession*, Wadhwa.
- 6) Satyajeet A Desai, *Mulla's, Hindu Law*, LexisNexis, New Delhi.
- 7) Justice Ranganath Mishra, *Mayne's Hindu Law and Usage*, Bharat Law House, New Delhi.
- 8) H. K. Saharay, *Family Law in India*, Eastern Law House, New Delhi.
- 9) Flavia Agnis, *Family Law Vol I and II*, Oxford University Press, New Delhi.
- 10) Tahir Mahmood, *Principles of Hindu Law*, Universal Law Publishing, New Delhi.
- 11) Mulla, *Principles of Mohammedan Law*, Lexis Nexis, Nagpur.
- 12) Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
- 13) Amer Ali, *Mohammedan Law, Vol. I and II*, EBC.

- 14) Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.
- 15) Derrett, *Introduction to Modern Hindu Law*, Universal.

LC 0603 Law of Contract II

Objectives of the Course : Special provisions that apply to special contracts form this course. Provisions relating to contracts of indemnity and guarantee, of bailment and pledge, and of agency are contained in three chapters of the Indian Contract Act 1872 and in three other statutes: The Sale of Goods Act 1930, The Indian Partnership Act 1932 and the Negotiable Instruments Act 1881. These transactions play a very important role in commerce and trade. This course follows the course about the general principles that apply to all contracts. They deal with general principles that apply to each specific contractual relationship. The study of this course will enable a good understanding of the purposes with which each of these transactions is made, the features of each of these transactions, and the rights and liabilities of the parties to them. The course also emphasizes the study of remedies provided in these laws.

Module 01 Contracts of Indemnity - Sections 124-125 of the Indian Contract Act 1872 :

- Principle of indemnity in general
- Definition of the contract of indemnity
- Formation and essential features
- Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
- Nature and extent of liability of the indemnifier
- Commencement of liability of the indemnifier
- Examples: Indemnity for issuing duplicate share certificate, or bank deposit receipt; Indemnity by owner of a plot of land to a local authority as condition for grant of commencement certificate for construction; Indemnity clause in a contract between a publisher and the printer; Indemnity clause in a sale deed of land supporting assurance of title given by the seller
- Distinction between an indemnity, a warranty and a representation

Module 02 Contracts of Guarantee - Sections 126 to 147 of the Indian Contract Act 1872 :

- Definition of a contract of guarantee
- Formation and essentials features of a contract of guarantee. Parties to the contract; effect of minority of principal debtor
- Contract of guarantee as distinguished from a contract of indemnity
- Consideration for a contract of guarantee
- Continuing guarantee, and its revocation
- Nature and extent of surety's liability. Its commencement, duration and termination
- Surety's rights against the principal debtor
- Surety's rights against the creditor
- Special position of a surety: a privileged debtor
- Circumstances that discharge a surety. Contracting out of such discharge.
- Letters of credit and bank guarantees
- Co-surety and manner of sharing liabilities and rights

Module 03 Contracts of Bailment - Sections 71, 148-171, 180-181 of the Indian Contract Act 1872 :

Definition of a contract of bailment

Formation and essential features of a contract of bailment. Parties to the contract

Creation of a contract of bailment. Obligations of bailment despite contract
Gratuitous bailments

Examples of contracts of bailment: for benefit of bailor, for benefit of bailee

Kinds of bailees

Rights, duties, disabilities and liabilities:

of a bailor

of a bailee vis-à-vis the bailor

of a bailee vis-à-vis the third parties, and the true owner

Termination of bailment, and consequences of termination

Finder of goods as a bailee

Module 04 Contracts of Pledge - Sections 172 – 179 of the Indian Contract Act 1872 :

Definition of a contract of pledge

Essential features of a contract of pledge. Parties to the contract

Creation of a contract of pledge

Distinction between contracts of pledge, bailment, hypothecation

Rights, liabilities, duties and disabilities of the pawnor

Rights, liabilities, duties and disabilities of the pawnee; pawnee's right of sale

Pledge by certain specified persons : sections 178, 178A, 179 of ICA.

Module 05 Contracts of Agency : sections 182 – 238 of the Indian Contract Act 1872 :

Definition of a contract of agency

Essential features of a contract of agency. Parties involved. Kinds of agents and agencies

Creation of agency

Distinction between agent, servant or employee, and independent contractor

Agent's authority. Scope and extent. Express, implied, apparent or ostensible authority, and authority in an emergency. Restrictions or limitations on authority

Delegation of authority. Relationship between a principal, agent and sub-agent. Substituted agents.

Ratification

Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party

Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party

Personal liability of an agent

Pretended agent. Undisclosed principal

Revocation and other modes of termination of agency. Irrevocable agency

Effect of termination. Liability of the principal and agent before and after termination

Module 06 Contracts of Sale of Goods - The Sale of Goods Act 1930 :

Definition of a contract of sale of goods
Essential features of a contract of sale. Parties to the contract
Sale as a transfer of property. Sale and agreement to sell
Four elements: price, delivery, risk and property (ownership)
Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
Implied conditions and warranties. Express conditions and warranties
The rule '*caveat emptor*'. Principle, meaning, and exceptions to the rule
Other implied terms
Transfer of title. Transfer by non-owners
Passing of risk
Delivery of goods. Various modes of delivery and their effect. Inspection of goods. Rejecting goods
Rights and liabilities of the buyer and seller. Unpaid seller and his rights.
Remedies for price and for breach. Interest and taxes
Auction sales
An introduction to
CISG : the United Nations Convention on Contracts for the International Sale of Goods
INCOTERMS

Module 07 Contracts of Partnership - The Indian Partnership Act 1932 and The Limited Liability Partnership Act 2008 :

Definition of a contract of partnership
Essential features of a contract of partnership, the firm and the partners,
Parties to the contract, Minor as partner
Kinds of partnership
Relations of partners with one another: their rights, liabilities, duties, immunities and disabilities
Property of the firm, Firm name
Relations of partners to third parties, Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners
Change in constitution of a firm. Admission, retirement, expulsion, death and insolvency of any partner. Public notice. Effect of change in constitution of the firm
Dissolution of a firm, Modes of dissolution, Effect of dissolution, Agreements in restraint of trade
Registration of firms, Procedure of registration, Effect of non-registration, Limited Liability Partnership : Essential features, Distinction between LLP and ordinary partnership

Module 08 Negotiable Instruments - The Negotiable Instruments Act 1881 :

A negotiable instrument, types, definitions

Essential features of negotiable instruments, and each type of instrument.
Instruments payable to order or to bearer; payable at specified time or on demand

Maturity of an instrument

Parties to negotiable instruments. Their rights and liabilities

Negotiation – Meaning – Requirements - Types of endorsements - Modes of negotiation - Who can negotiate? - Effect of negotiation by various modes - Negotiation in particular cases (sections 57-59) - Period of negotiation (section 60)

Presentment, Purposes of presentment, Time for presentment, Place of presentment, Presented to whom? Effective presentment, Delay in presentment, When is presentment not necessary? Liability of banker for negligent dealing

Payment and Interest, Delivery of instrument, Immunity to bankers

Discharge from liability on negotiable instruments, Modes of discharge

Dishonour, Modes of dishonor, Notice of dishonor, Noting and protest

Acceptance and payment for honour and reference in case of need

Compensation

Rules of evidence, Presumptions and estoppel

Crossed cheques

Bills in sets

Penalties in case of dishonor, Criminal liability, Procedure

Recommended Readings:

- 1) Akhilesh Gupta, *Law Relating to Special Contracts—Contracts of Bailment, Pledge, Hypothecation, Indemnity and Guarantee*, 2013, Lexis-Nexis.
- 2) Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15th ed., 2015, Lexis-Nexis
- 3) Avtar Singh, *Law of Contract and Specific Relief*, 12th ed, 2017, Eastern Book Company.
- 4) M. Krishnan Nair, *Law of Contracts*, 1998.
- 5) *Pollock and Mulla's Indian Contract Act*, Nilima Bhadbhade ed., 14th updated edition, 2014, Lexis Nexis
- 6) Nilima Bhadbhade, *Contract Law of India*, 2nd ed 2009, Kluwer, available free on Google books.
- 7) *Pollock and Mulla's The Sale of Goods Act*, Akshay Sapre ed., 9th ed, 2014, Lexis-Nexis.
- 8) Akhileshwar Pathak, *Law of Sale of Goods*, 2013, Oxford University Press.
- 9) Avtar Singh, *Law of Sale of Goods*, 2011, Eastern Book Company.
- 10) P S Atiyah, *The Sale of Goods*, 12th ed, 2010, Longman
- 11) P S Ramanatha Aiyar, *Law of Sale of Goods*, Shriniwas Gupta ed., 10th ed, 2016, Universal Law Publishing.
- 12) *A Ramaiya's Commentary on the Sale of Goods*, K Shanmukham and H K Saharay eds, 5th ed, 2014, Universal Law Publishing.
- 13) *Benjamin's Sale of Goods*, Michael Bridge ed, 9th ed, 2016, Sweet and Maxwell
- 14) *Pollock and Mulla's The Indian Partnership Act*, G C Bharuka ed., 7th ed, 2007, Lexis-Nexis
- 15) *Mulla's The Sale of Goods Act and the Indian Partnership Act*, K Kannan ed., 10th ed, 2012, Lexis-Nexis.
- 16) Avtar Singh, *Introduction to Law of Partnership (including Limited Liability Partnership)* 10th ed., 2011, Eastern Book Company

- 17) *S T Desai's The Law of Partnership in India* , Satyajeet Desai ed., 7th ed, 2009, Lexis-Nexis
- 18) C L Gupta, *Law of Partnership including Limited Liability Partnership*, Palok Basu ed., 5th ed., 2016, Lexis-Nexis
- 19) P C Markanda, *The Law of Partnership in India*, 2010, Lexis-Nexis
- 20) *Khergamvala on the Negotiable Instruments Act as amended by Negotiable Instruments (Amendment) Act 2015*, S Abdul Khader Kunju ed., 22nd ed, 2017, Lexis-Nexis.
- 21) D S Chopra, *A Commentary on Sale of Goods, Partnership and Negotiable Instruments*, 2016, Thomson Reuters

LC 0604 Tort and Consumer Protection Law

Objectives of the Course : The Law of Tort is about civil wrongs. The liability for such wrongs is distinct from liability under criminal law and contract law: negligence, defamation, trespass, assault, conspiracy, deceit are examples of such wrongs.

Tort law provides various remedies : compensation for injury and injunction. It is not governed by any statute, but has developed over centuries through principles developed by courts. It is therefore developmental and the law responds to the needs of the times. Liability for new kinds of wrongs is recognised, or an existing wrong (tort) develops with contemporary needs.

The course enables study of the general principles of tortious liability and its difference from criminal and contractual liability. The course also covers specific torts, and remedies available for their redressal.

This course also covers the Consumer Protection Act 1986, and the principles of liability in case of accidents under the Motor Vehicles Act 1988

Module 01 Introduction and Principles of Liability in Tort :

- Development of tort actions in England and India
- Meaning and definition of tort
- Tort distinguished from contract, quasi-contract and crime
- Constituents of tort – wrongful act, damage and remedy
- Malfeasance, misfeasance and non-feasance
- Strict liability, absolute liability, no-fault liability; exceptions to these
- Doctrine of sovereign immunity

Module 02 Liability for the Wrong Committed by Other Person – Vicarious Liability:

- Principle of vicarious liability - nature, scope and justification
- Joint tort-feasors, joint and several liability

Module 03 General Defences / Justifications in an action for Tort :

- Volenti non fit injuria*, consent, voluntary assumption of risk, exclusion clauses
- Vis major* (act of God)
- Inevitable accident
- Act of third parties
- Novus actus interveniens*
- Plaintiff's wrong or default
- Self-defence and defence of property
- Necessity
- Statutory authority
- Judicial and quasi-judicial acts
- Parental and quasi-parental authorities
- Illegality
- Mistake

Module 04 Torts against Persons :

- Assault, Battery, Mayhem

Causing Emotional Distress
Malicious Prosecution and abuse of legal proceedings; False Imprisonment
Deceit and Conspiracy
Particular defences available in each of these types

Module 05 Torts against Reputation :

Defamation : Libel and slander; Freedom of speech and expression
Defamation in the civil and criminal law; different branches of Defamation
Libel, Slander; Cyber Defamation : Defamation in cyber space
Defences to defamation
Invasion of privacy and defences

Module 06 Torts against Property :

Trespass to land
Trespass to personal property
Detention and conversion
Passing off; Injury to trademark, patent and copyrights
Public and private nuisance
Particular defences available in each of these types

Module 07 Unintentional Torts :

Product Liability and defences
Negligence : Duty to take care and its breach; Foreseeability, causation
Contributory negligence and other defences to negligence; Occupier's liability; *res ipsa loquitur*
Liability of driver and owner under the Motor Vehicles Act 1988 for motor accidents : Liability on fault basis (negligence), no-fault basis (section 140-144), structured formula basis (section 163A, 163B and Schedule), compensation in hit-and-run cases (section 161 and 163); Powers and jurisdiction of a Motor Accidents Claims Tribunal; Introduction only to the scheme of compulsory insurance under the Act (sections 2 (30), 145(b), 146 (1) and (2), 147(1)(i) and (2), 149, 151(1), 158(1), 160, 196)

Module 08 Remedies in Tort law :

Judicial remedies :
Damages: Types : General and special, nominal, contemptuous, aggravated, exemplary; Compensatory damages: Principles of causation, foreseeability, certainty; assessment and calculation of damages: principles, personal injuries, death, loss of property, economic and non-economic losses
Injunction: permanent and temporary, *quia timet* action
Replevin
Ejectment
Extra-judicial remedies :
Self-defence, reentry on land, recapture of goods, abatement, distress damage feasant

Module 09 Consumer Protection Law :

Basic Concepts : Consumer, complaint, complainant, service, goods, defect, deficiency, trader, consumer dispute, restrictive trade practice, unfair trade practice

Authorities under the Act: Consumer Councils; Redressal agencies and their composition and jurisdiction: substantive, territorial and pecuniary; Appeals; Additional remedy

Remedies available under the COPRA

Procedure for filing a complaint and of the redressal agency, Limitation; Enforcement of orders, vexatious complaints

Origin and development of consumer law; Role of the UN Consumer Protection Guidelines 1985, 1999, 2006; Critical evaluation of consumer law

Recommended Readings:

- 1) Ramaswamy Iyers's *The Law of Torts*, A Lakshminath ed, 10th ed, 2007, Lexis-Nexis.
- 2) Avatar Singh, *Introduction to the Law of Torts*, 2nd ed., Delhi Law House
- 3) Ratanlal & Dhirajlal, *The Law of Torts*, Akshay Sapre ed., 27th ed., 2016, Lexis Nexis.
- 4) P.S. Achuthan Pillai, *The Law of Tort*, Abhinandan Malik ed., 9th ed (reprint 2017), Eastern Book Company
- 5) B M Gandhi, *Law of Torts*, 4th ed (rep 2016), Eastern Book Company
- 6) Sathya Narayan, *Tort Law in India*, Wolters Kluwer, Netherland, 2013.
- 7) Wienfield and Jolowicz on Tort, W V H Rogers ed, 18th ed, 2010, Sweet and Maxwell
- 8) Salmond and Heuston on the Law of Torts, R F V Heuston and R A Buckley Eds, 21st ed, Sweet and Maxwell
- 9) Tony Weir, *An Introduction to Tort Law*, 2nd ed, 2006, Oxford University Press.
- 10) John Murphy, *Street on Torts*, Eleventh Edi Oxford University Press 2006.
- 11) Avtar Singh and Harpreet Kaur, *Introduction to the Law of Torts and Consumer Protection*, 3rd ed, 2013, Lexis-Nexis.
- 12) Garima Tiwari, *Understanding laws – Consumer Rights* m 2014, Lexis-Nexis.
- 13) Anirban Chakraborty, *Law of Consumer Protection – A dvocacy and Practice*, 2014, Lexis-Nexis
- 14) Claire Andrews, *Enforcement of Consumer Rights and Protections*, 2016, Lexis Nexis.
- 15) Avtar Singh, *Consumer Protection: Law and Practice*, 5th ed, 2015, Eastern Book Co.

Optional Subject 2 (Any one from the following)

LO 0605 Media and Law

Objectives of the Course : Media is a social instrument which provides a platform to the people in the society to freely profess their right to freedom of speech and expression. The significance of media and its freedom can never be over emphasised in a participatory democratic setup like that of India, which regards 'Media' as the 'fourth estate' of democracy. The prima facie objective of this paper is to study and analyse the historical background, present position and future prospects of the various privileges, rights and freedoms guaranteed by the state to media through various laws and judicial interventions.

Module 01 History of Press and Theories of Press:

Historical Foundations of Media Laws in UK, USA and India (Pre and Post-Independence)

International Law and Freedom of Media(UDHR, ICCPR, ECOSOC etc.

Theories of Press -

Authoritarian Theory

Libertarian Theory

Communist Theory

Theory of Social Responsibility

Development Media Theory

Democratic Participant Media Theory

Module 02 Constitutional Framework of Freedom of Media in India :

Free Speech and Constituent Assembly Debates in India

Freedom of Speech and Expression in Indian Constitution

Facets of Freedom of Speech and Expression

Freedom of Speech and Expression includes Freedom of Press

Right to Circulation

Right to Receive Information

Right to Advertise

Right to Telecast/ Broadcast

Censorship

Law Commission of India: 101st Report on Freedom of Speech and Expression under Article 19 of the Constitution

Reasonable Restrictions

Legislative Privileges and Media

Right to Privacy and Media

Freedom of Media during emergency

Module 03 Legal Dimensions of Media :

Media and Criminal Law (Sedition, Obscenity and Defamation)

Media and Law of Torts (Civil Law of Defamation and Negligence)

Media and Judiciary (Contempt of Court)

Media and Executive (The Official Secrets Act, 1923, The Right to Information Act, 2005)

Media and Journalists (The Working Journalists (Conditions of Service) Act, 1955)

Module 04 Regulatory Framework of Media :

Methods of Regulation (Self Regulation and Statutory Regulation)

The Cinematograph Act, 1952

The Cable Television Networks (Regulation) Act, 1955

The Prasar Bharti Act, 1990

The Press Council of India Act, 1978

Telecom Regulatory Authority of India Act, 1997

Advertising Standards Council of India and its codes

The Indecent Representation of Women Act, 1986

Module 05 Issues in Media Laws :

Trial by Media (Law Commission of India: 200th Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973)

String Operation and Media

Broadcasting Rights

Taxation and Media

Media and Convergence

Infringement of Intellectual Property Rights

Internet and freedom of media

Violence against Media persons and Law

Role of media in electoral process (Press Council of India, Report on Paid News, 2010, Ministry of Law and Justice, Report of the Committee on Electoral Reforms, 2010)

Recommended Readings:

- 1) P.M. Bakshi - *“Press Law – An Introduction ”* BTRFI Publications, 1985.
- 2) D.D. Basu - *“Law of the Press”* , LexisNexis Butterworth’s Wadhwa, Nagpur.
- 3) Fred Seaton Siebert, Theodore Peterson and Wilbur Schramm, *“Four Theories of Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concepts of what the Press should be and Do”* , University of Illinois Press, 1963.
- 4) Madhavi Goradia-Divan - *“Facets of Media Law”* Eastern Book Company.
- 5) M.P. Jain *“Indian Constitutional Law”* Lexis Nexis, Butterworths, Wadhwa, Nagpur.
- 6) Ram Jethmalani and D. S. Chopra - *“Cases and Material on Media Law”*, Thomson Reuters, New Delhi.
- 7) P.M. Bakshi, *“Law of Defamation - Some Aspects”*, N.M. Tripathi, Bombay.
- 8) Ursula Smartt, *“Media and Entertainment Law”*, Routledge, First Edition.
- 9) Kiran Prasad, *Media Law in India*, Kluwer Law International.
- 10) Vidisha Barua, *Press & Media Law Manual*, Universal Law Publishing Co. Pvt. Ltd. New Delhi.
- 11) B. N. Ahuja, *“History of Press, Press Laws & Communications”* , Surjeet Publications, Delhi.
- 12) Gokhale, S. D., Sadhu, A., & Kuvalekar, V, (Eds). *“Press in India: On the Threshold of 21st Century”* , Sakal Paper Trust, Pune.
- 13) M. E. Price (Ed) *“Routledge Handbook of Media Law”*, Routledge, London.

LO 0606 Banking and Insurance Law

Objectives of the Course: The modern society functions, contrary to the old barter system, on monetary transactions. In a developing country like India, the banking system takes off and becomes quite common even among the common people. The services banks render to the general public do have a significant contribution to the development of the economy. Paripassu, the security to the assets money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the banks. The variety of assistance tended by the banks to the common people and business community cannot be overemphasized in this context. The process of the working of the banks and the legal control over them as well as the protection to the consumers of banking services are areas which a student of law is necessarily familiar with.

The insurance idea is an old-institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration, to other persons who made assurance, against loss of their goods, merchandise ships and things adventured. The rates of money consideration were mutually agreed upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures. The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters, of insurance law.

Module 01 Banking System in India :

- Kinds of Banks and their Functions
- History of Banking in India
- Bank Nationalization and Social Control over Banking
- Relationship between Banker and Customer:-
 - Legal Character
 - Contract between Banker and Customer
 - Bank's Duty to Customers
 - Liability under the Consumer Protection Act, 1986

Module 02 The Reserve Bank of India Act, 1934 :

- Object, Application and Definitions
- Incorporation, Capital, Management And Business
- Central Banking Functions
- Collection And Furnishing of Credit Information
- Provisions Relating to Non-Banking Institutions Receiving Deposits And Financial Institutions
- Prohibition of Acceptance of Deposits by Unincorporated Bodies
- General Provisions
- Penalties

Module 03 The Banking Regulation Act, 1949 :

- Object, Application and Definitions

- Business of Banking Companies
- Control over Management
- Prohibition of Certain Activities In Relation to Banking Companies
- Acquisition of the Undertakings of Banking Companies in Certain Cases
- Suspension of Business and Winding up of Banking Companies
- Special Provisions for Speedy Disposal of Winding up Proceedings
- Provisions Relating to Certain Operations of Banking Companies
- Application of the Act to Co-Operative Banks

Module 04 Lending, Securities and Recovery by Banks :

- Principles of Lending
- Position of Weaker Sections
- Nature of Securities and Risks Involved
- Default and Recovery
- Recovery of Debts with and without Intervention of Courts / Tribunal -
 - Recovery of Debts due to Banks and Financial Institutions Act, 1993
 - Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 (Definitions, Section 13, Section 17)

Module 05 Insurance Law :

- Nature of Insurance Contracts
- General principles of law of Insurance
- Kinds of Insurance -
 - Life Insurance - provisions applicable as per the Life Insurance Corporation Act, 1956
 - General Insurance - Types of General Insurance and relevant provisions as per -
 - The Marine Insurance Act, 1963
 - The Personal Injuries (Compensation Insurance) Act, 1963
 - The Public Liability Insurance Act, 1991

Module 06 The Insurance Act 1938 :

- Object Application and Definitions
- Prohibition of transaction of insurance business by certain person - Section 2C
- Assignment and transfer of insurance policies - Section 38
- Nomination by policy holder - Section 39
- Licensing of insurance agents - Section 42
- Registration of principal agents, chief agents and special agents - Section 42A
- Issue of license to intermediary or insurance intermediary - Section 42D
- Commission, brokerage or fee payable to intermediary or insurance intermediary - Section 42E
- Register of insurance agents - Section 43
- Policy not to be called in question on ground of mis-statement after two years Section 45

Module 07 The Insurance Regulatory and Development Authority Act, 1999 :
Constitution, Functions and Powers of Insurance Regulatory and Development Authority
Role of IRDAI under various Regulations issued by the Authority

Recommended Readings:

- 1) *Banking and Insurance Law and Practice*, Institute of Company Secretaries of India, Taxmann Publishers, 2010.
- 2) M.N. Mishra, *Law of Insurance*, Central Law Agency, 9th Edition, 2012.
- 3) K.C. Shekhar, & Lekshmi Shekhar, *Banking Theory and Practice*, Vikas Publishing House, 19th Edition, 2005.
- 4) M.L. Tannan, *Banking Law and Practice in India*, Lexis Nexis, 23rd Edition, 2010.
- 5) J N Jain & R K Jain, *Modern Banking and Insurance – Principles and Techniques*, Regal Publications, 2008.
- 6) Jyotsana Sethi & Nishwar Bhatia, *Elements of Banking and Insurance*, PHI Publishers, 2nd Edition, 2013.
- 7) Sreenivasan. M.N., *Principles of Insurance Law* (1997), Ramaniya Publishers, Bangalore.
- 8) Dr. B. R. Sharma and Dr. R. P. Nainta, *Banking Law & Negotiable Instruments Act*, 5th Edition.
- 9) S. K. Sarvaria, *Commentary on the Insurance Regulatory and Development Authority Act*, Universal Law Publication.

LO 0607 Penology and Victimology

Objectives of the Course : The objectives of the course is to acquaint students with the penal policies including theories of punishment, their supposed philosophical and sociological justifications. This course also offers a specialized understanding of the functioning of the penal institutions along with rehabilitation and protection of victims of crime.

Module 01 Penology - Introduction :

Definition, nature and scope of Penology

Crime Control Mechanism :-

Police

Court

Public Prosecutor

Jail Administration

Open Prison

Module 02 Punishment :

Concept of Punishment

Theories of Punishment -

Deterrent Theory

Retributive Theory

Preventive Theory

Reformative Theory

Forms of Punishment

Penal Policy in India

Module 03 Police System in India :

Origin of Police

Development of Police Organization

Police Force in India

Nature and Objectives of Indian Police System

Police organization under the State Government

Police organization under the Central Government

Principles of Policing

Legal functions of police

Law Relating to Police Administration

Police Reforms

Legislative Trends

Judicial Approaches

NHRC guideline on Police-Public Relations

Module 04 Prison System in India :

History of Prison System

Prison in British India

Role of Prison in Modern Penology

Types of Prisons and Prisoners

Problems of Prisons: -

- Over Crowding
- Basic Amenities
- Prison Discipline
- Prisoner's Health
- Criminality in Prison
- Problems of Under-trials

Prison Reforms -

- Commission on Prison Reforms
- Jurisprudence of Prison Reforms
- Legislative Trends
- Judicial Trends

Module 05 Open Prisons :

- Definition and Origin of Open Prison
- The Philosophy underlying the Open Prison
- Main Characteristics of Open Prisons
- Advantages of Open Prison
- Critical Appreciation of the working of Open Prison

Module 06 Parole :

- Meaning and Definition of Parole
- Concept of Parole
- Distinction between Parole and Indeterminate Sentence
- Distinction between Parole and Furlough
- Comparison between Parole and Probation
- Parole in India
- Structural setup of Parole Boards and their Functions
- Conditions of Parole
- Essentials of an Ideal Parole System
- Judicial Trend in India
- Parole Violation

Module 07 Victimology - Victim and Victimization :

- Victim – Meaning and Kinds
- Impact of Victimization - Physical, Economic and Psychological
- Double/Secondary victimization
- Victimology - Definition, Nature and Scope
- Theories of Victimology -
 - The Precipitation Theory
 - Life-style Theory
 - Deviant Place Theory
 - Routine Activity Theory

Module 08 Legal Perspectives of Victim Assistance :

- Victim Assistance Program:-
 - Victim's Rights - Approach at International and Municipal Jurisdiction.

The Declaration of Basic Principles of Justice for Victims of Crime
and Abuse of Power, 1985
Constitution of India and Rights of Victim
Statutory Provisions- Code of Criminal Procedure, Probation of Offenders Act
Access to Justice -
Compensation to victims of crime
Rights of victims during trial
Legal assistance to the victims
Role of victim at time of granting bail
Right of victim to appeal

Recommended Readings:

- 1) J.M.J. Sethna (1989), *Society and the Criminal*, N.M. Tripathi Private Limited.
- 2) Shukla Girjesh, (2013), *Criminology*, Lexis Nexsis, New Delhi.
- 3) N.V. Paranjpe (1998), *Criminology & Penology with Victimology*, Central Law Publication, Allahabad.
- 4) J.P.S. Sirohi, *Criminology and Penology*, Allahbad Law Agency.
- 5) Ahmad Siddique, *Criminology and Penology*, Eastern Book Company.
- 6) Davis Lurigo Herman, *Victims of Crime*, Sage Publications

LO 0608 Land Acquisition Law

Objectives of the Course : Land acquisition in India refers to the process by which the union or a state government in India acquires private land for the purpose of industrialisation, development of infrastructural facilities or urbanisation of the private land, and provides compensation to the affected land owners and their rehabilitation and resettlement.

The main aim or object of the Act is to provide a law, which will enable the State to acquire the land of others. However, the power of Government to acquire the land is not absolute. The cardinal rule is that there should be compensation for acquisition of land. The power of the sovereign to take private property for public use and the consequent rights of the owner to compensation are well established in the Act.

Therefore the present syllabus is aimed to make aware the students not only about the legal right to property but also to get detailed idea of policy of state on land laws emphasised on the basis of statutory provisions under national and local laws.

Module 01 Historical Perspectives of Land Acquisition in India :

- Pre-independence and Post-independence
- Meaning and definition of Land Acquisition
- Need for land acquisition in India
- Important judicial pronouncements on acquisition of land in context of Constitutional law of India

Module 02 Legislative Perspectives of Land Acquisition in India - Overview :

- Old Land Acquisition Act, 1894, Comparative analysis with New Act of 2013
- Importance of New Amended Act of 2013, object and purpose, Right to fair Compensation and Transparency in land acquisition, Rehabilitation and Resettlement Act, 2013
- Important provision of both old and new Act pertaining to Land Acquisition
- Important judicial pronouncement on land Acquisition in India

Module 03 Procedural Approach towards Land Acquisition :

- Stages in acquisition of Land and preliminary survey declaration of Acquisition, Enquiry and Award by collector and taking possession (Sec. 6 to 10, Sec. 11 to 15 A, 16, 17)
- Reference to court and procedure (Sec. 18 to 22), Matters to be considered and neglected in determining Compensation (Sec. 23, 24)
- Award by the Court (Sec. 25 to 28); Redetermination of amount of Award (Sec. 28 A),
- Apportionment and Payments of Compensation (Sec. 29 to 34), Acquisition of Land for complaints (Sec. 38 to 44B), Latest amendments

Module 04 Procedural Approach towards Land Acquisition :

- Requisitioning and Acquisition of immovable property
- Land Acquisition, inquiry notice and hearing – Examination of Ecological Moves

Salient features of transparency in Land Acquisition
Rehabilitation and Resettlement
Concept of Public Purpose and its wider Interpretation by judiciary

Recommended Readings:

- 1) Manoj Kumar Srivastava, *Agricultural Labour and the Law: Socio-Economic Problems and Legal Protection*: (Deep & Deep Publications, 1993).
- 2) Om Prakash Aggarwala, (2008), *Commentary on Land Acquisition Act*, Universal Law Publishing Co. P. Ltd, New Delhi.
- 3) L. M. Singhvi, *Land Reforms - Law and Poverty*, Pages 103-114, 116-121, 127-136.
- 4) Choudary, D R and Choudary, A N; *Land Laws in Maharashtra*, CTJ Publications.
- 5) Ramchandran, V G; *The law of Land Acquisition and Compensation*, Eastern Book Company.
- 6) Choudhari, *The Land Acquisition Act*, Orient Law Agency, Allahabad.
- 7) V.N. Shukla, *Constitution of India*, Eastern Book Agency, 2014.
- 8) N.K Acharya, *Commentary on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*, Asia Law House, 2014.
- 9) M.L. Upadhyaya, *Law, Poverty and Development*, Taxmann Allied Publishers Pvt. Ltd, 2000.

LO 0609 Intellectual Property Rights II

Objectives of the Course : This course is intended to introduce the student to acquaint with Intellectual Property Rights in the Indian context. This course also aims to give an overview knowledge to the student on the practical applicability of international conventions in Indian scenario.

Module 01 The Indian Copyright Act, 1957 :

Historical development of Law of Copyright and Neighboring Rights in India- with reference to Legislative and Judicial Perspectives
Meaning –Definition and Subject Matter of Copyright - Types and forms of works in Under Copyright Act
Rights and Liabilities of Copyright owners
Assignment of Copyright and Licenses
Role of Copyright Societies in administration of Copyright
Rights and Liabilities of Performer's Rights
Authorities under the Copyright Law
Remedial Mechanism for infringement of Copyright and Neighboring Rights

Module 02 The Indian Patent Act, 1970 :

Meaning and Definition of Patent- Patentable Subject Matter- Patentability Criteria
Procedure for Filing Patent Applications- Procedure for Granting Patents
Grant of Patent -Rights and Liabilities of Patentee-Restoration of lapsed Patents – Surrender and Revocation of Patents
Authorities under the Patent Act- Registrar of Patents- Controller General
5. Patent Infringement- Remedies

Module 03 The Trade Marks Act 1999 :

Legal Framework of Trademarks in India –An Over view
Meaning and Definition of Trade Marks -Types -Individual and Collective Trade Marks
Conditions and Procedure for Registration of Trade Marks
Rights and Liabilities of Trade Mark Owner- Content of Rights—Exhaustion of Rights—Protection Mechanism
Contemporary Developments - Domain Names and Effects of Information Technology

Module 04 The Designs Act 2000 :

Historical background of law of Designs in India
Meaning and Definition of Designs

Procedure for registration of Designs
Rights and Liabilities of registered Design owners
Copyright in Registered Designs
Piracy of Registered Design and Remedial mechanism

Module 05 The Geographical Indications of Goods (Registration and Protection) Act, 1999:

Historical background of law of Geographical Indications of India
Meaning and Definition of Geographical Indications Geographical Indications Act- An overview
Procedure for Registration - Duration of Protection –Penalties and Remedies
Distinction between Geographical Indications and Trade Marks
Powers of the Registrar of Geographical Indications

Module 06 The Protection of Plant Varieties and Farmers' Rights, 2001 :

Meaning and definition of Plant Varieties and Farmer's Rights
Registrable varieties –Procedure for registration-
Plant Varieties Protection Appellate Tribunal-Role and Functions
Infringement Offences and Penalties
5. Genetically Modified Varieties – Protection of Breeders and Farmers Rights-
Researcher's Rights

Recommended Readings:

- 1) V.K. Ahuja, Law of Copyright and Neighboring Rights: National and International Perspectives (2015)
- 2) V.K. Ahuja, Law relating to Intellectual Property Rights Lexis Nexis (2013)
- 3) B L Wadehra, Law Relating to Intellectual Property: Patents, Trademarks, Designs and Geographical Indications (2011)
- 4) MK Bhandari Law Relating to Intellectual Property Rights, Central Law Publications(Fourth Edition, 2015)
- 5) Rama Sarma, *Commentary on Intellectual property Laws, Vol.2.* Nagpur: Lexis Nexis Butterworths Wadhawa (2009)
- 6) P. Narayanan, Copyright and Industrial Designs, Eastern Law House (2007)
- 7) K C Kankanala, A. K. Narasani, and V. Radha Krishna, Indian Patent Law and Practice, Oxford University Press (2010)
- 8) Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008

Recommended Journals :

- 1)Journal of Intellectual Property Rights.
- 2)Thomson Reuters' International Journal of Intellectual Property Rights.
- 3)Journal of intellectual Property Law and Practice – Oxford.
- 4)The Journal of World Intellectual Property - Wiley Online Library.
- 5)The WIPO Journal.

Fourth Year B.B.A. LL.B. - Semester VII
Second Year LL.B. - Semester III

LC0701 Constitutional Law II

Objective of the Course: The Course is designed with an objective to acquaint the students with the Federal principles of Indian Constitution and the powers, functions & structures of various Constitutional bodies. The course is to be studied in the social, economic and political context in which the constitution operates

Module 01 Introduction to Federalism:

Essential characteristics of Indian Federalism
Indian Federalism distinguishes from American Federalism
Federalism and Basic Structure Doctrine

Module 02 Distribution of Legislative and Executive Powers:

The Scheme of Distribution of Legislative powers
Territorial extent of Union and State Legislature
Limitations to the territorial jurisdiction of the Parliament
Distribution of Legislative subjects
Residuary powers
Expansion of Legislative powers of the Union under different circumstances
Interpretation of Legislative lists
Distribution of Executive powers:
 Union – State Co-ordination
 Inter-Governmental Delegation of Powers
 Delegation by the Union
 Entrustment of State's Power to the Union
 Union's direction to the State
 All India Services
 Inter-State Council
Important commissions and committees on Union-State relations:
objectives and recommendations:-
 Administrative Reforms Commission (1966)
 Rajmannar Committee (1969)
 Sarkaria Commission (1983)
 Punchhi Commission (2007)

Module 03 Distribution of Financial Powers:

Part A Pre-G.S.T. Position

Allocation of Taxing Powers
Restriction of State's Power to levy Taxes
Distribution of Revenue between the Union & the States:-
 Assignment of Union Revenue to the State
 Compulsory Tax Sharing
 Permissive Sharing of Taxes
 Grant-in Aid

Part B Post- G.S.T. Position

Historical background of the Goods and Services Tax Act, 2016

The Goods and Services Tax Act, 2016:

Overview of important provisions:

The Goods and Services Tax Council

Composition of council

Powers and functions of council

Implications of G.S.T. on Financial autonomy of states

Module 04 Structure, Powers and Functions of Union Legislature (Parliament):

Bicameral Legislature

Constitution of Houses of Parliament

Qualification and Disqualification for Membership of Parliament

Officers of Parliament

Secretariats of Parliament

Meeting of Parliament

Termination of Parliament

Functions of Parliament:-

Legislation

Control of Public Finance

Deliberation and Discussion

Parliamentary Committees

Anti-Defection Law

Parliamentary Privileges

Module 05 Structure Powers and functions Union Executive:

The President of India:-

Election of the President

Powers of the President

Position of the President

The Vice-President of India:-

Qualifications for the Office of Vice- President

Election of the Vice-President

Term of Office of Vice-President, Resignation

Removal of Vice-President

Oath of Office and Conditions of Office

Council of Ministers:-

Appointment of Prime Minister

Appointment of Ministers

Non-Justiciability of Cabinet Advice

Module 7 Structure Powers Functions of State Executive:

Governor:-

Appointment of Governor

Term of Office

Removal of Governor

Powers of Governor

The Council of Ministers:-

Appointment of Chief Minister and Other Ministers.

Interaction between the Executives and the Legislature.
Conduct of Governments Business.

Module 8 The High Courts:

Composition of High Court
Jurisdiction and Powers of High Court:-
Court of Record
Writ Jurisdiction
Supervisory Jurisdiction
Independence of High Courts

Module 9 Freedom of Trade, Commerce and Intercourse:

Object and Scope of Article 301.
Restriction on Freedom of Trade under the Parliamentary Law.
Restriction on Freedom of Trade and Commerce under a State Law.
Saving of Existing Law.
Saving of Laws Providing for State Monopoly.
Authority for carrying out the Purposes of Articles 301-304.

Module 10 Emergency Provisions:

National Emergency.
Failure of Constitutional Machinery in a State.
Financial Emergency.

Module 11 Constitutional Position of Jammu and Kashmir:

Article 370 of the Constitution.
The Constitutional (Application to Jammu & Kashmir) Order 1954.
Status of Article 370.

Recommended Readings:

- 1) M. P. Jain, Indian Constitutional Law, Lexis Nexis (2015).
- 2) D.D. Basu, Constitutional Law of India, Lexis Nexis (2013).
- 3) Narendra Kumar, Constitutional Law of India, Allahabad Law Agency (2015).
- 4) H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- 5) Arvind Datar, Commentary on Constitution of India (3 Vols), Lexis Nexis (2010).
- 6) Sathya Narayan (Ed), Selected Work of S.P. Sathe (3 Vols), Oxford University Press (2015).
- 7) M.P.Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- 8) Sujit Chaudhry, MadhavKhosala&PratapBhanu Mehta, The Oxford Handbook of the Indian Constitution, Oxford University Press.
- 9) Granville Austin, Working of a Democratic Constitution- The Indian Experience, Oxford University Press.
- 10) Granville Austin, The Indian Constitution – Cornerstone of a Nation, Oxford University Press.

LC 0702 Property Law and Easement

Objectives of the Course: The subject is a basic and fundamental law that covers principles applicable to transfers of all kinds of property. A sound grasp of this subject is the foundation necessary for a better understanding of all special laws that affect property. The course will enable the student to appreciate the fundamental principles, features, rights and liabilities of parties and the consequences of specific transactions affecting immovable property. The topic of actionable claims is very relevant in the modern business environment and financing models. The course also covers law relating to easements and licenses.

Module 01 Concepts, meaning and types of property:

Meaning of property, the subject matter, the thing, property as rights, the bundle of rights

Historical perspectives of property and property law

Kinds of property: Movable and immovable; tangible and intangible; existing and future; real and personal. Common property

Possession, Meaning, Actual, symbolic and constructive possession; Possession, occupation and custody

Ownership, of subject matter and rights over subject matter, Modes of acquiring ownership, First ownership, Transfer and chain of title

Relationship between possession and ownership; Presumption of ownership;

Possession valid against all except person with better title; Title of finder of goods

Fundamental principles:-

Property must exist so that it can be owned

There cannot be property without an owner

Property must remain in the market

Role of property rights in social and economic development

Module 02 Transfer of property:

Meaning and Definition and types of Property-Transfer of movable and immovable property, Modes, Distinction

Essentials of a valid transfer of property; Types of transferrable property, capacity of parties to transfer property

Procedural perspective for transfer of property-Effect of non-payment of stamp duty and non-registration.

Doctrine of notice

Module 03 General principles relating to transfer of property:

Conditions restraining alienation, enjoyment, defeating insolvency or assignability

Transfers to unborn persons

Rule against perpetuity and accumulation of income

Vested and contingent interests

Conditions precedent and subsequent, conditional transfers

Doctrine of election- Apportionment

Module 04 General principles relating to transfer of immovable property:

Doctrine of priority

Transfers affecting rights of third persons; Transfer by ostensible owner, person without authority to transfer, and co-owner

- Co-ownership
 Right to insurance amount, Effect of rent paid bona fide, Reimbursement for improvements by bona-fide holders
 Doctrine of *lis pendens*-Fraudulent transfer-Doctrine of part performance.
- Module 05 Sales and Exchanges:**
 Meaning and definition of Sale and Exchange, distinction between sale and Exchange; Essentials of a valid sale, Parties to a sale, Formalities
 Distinction between Sale and contract for sale, Registration of a contract for sale and effect of non-registration Rights and liabilities of a buyer and seller
 Marshalling, Discharge for encumbrances on sale.
 Exchange, Rights and liabilities of parties to an exchange
- Module 06 Mortgages:**
 Definition of mortgage-Types of mortgages- Mortgagor, Mortgagee, Mortgage money; Essentials of a valid mortgage and Formalities
 Rights and liabilities of a mortgagor and mortgage
 Doctrine of substituted security
 Charge of immovable property
 Distinction between charge, mortgage, pledge, hypothecation and other security interests over property
 Mortgagee's and charge-holder's rights and remedies under Securitisation Act
- Module 07 Leases:**
 Definition of lease- Lessor- lessee- Kinds of leases -premium and rent, Essentials of a valid lease and Formalities
 Rights and liabilities of the lessee and Lessor
 Term and determination of a lease.
 Forfeiture and relief against forfeiture.
 Leases for agricultural purposes
 Broad distinction between leases under the Transfer of Property Act and the laws relating to rent control
- Module 08 Gift, and Transfers of Actionable Claims:**
 Definitions of Gift, Donor and Donee
 Essentials of a valid gift-Revocation of gifts
 Distinction between property and *donatio mortis causa* and gifts under Mohammedan law
 Actionable claims: Definition, Formalities, and their importance in commercial transactions
 Requirement of notice to debtor, and effect of notice
 Rights and liabilities of transferor and transferee
- Module 09 Easements:**
 Definition of Easement – types of easement -Formalities for creating an easement
 Creation and acquisition of Easements- Dominant and servient owners and heritages- grant-custom- necessity-Quasi-necessity, Prescription
 Rights, duties and liabilities of dominant and servant owners
 Remedies for disturbance of easements
 Extinction of easements, Suspension and revival of easements

Module 10 Licenses:

Definition of License- Essentials of a license- kind and Formalities
Transfer of license- Transfer of grantor's interest- Death of licensor or licensee
Rights and liabilities of licensee-revocable and Irrevocable license; Rights of licensee on revocation and eviction
Distinction between leases and licenses
Distinction between licenses under Easement Act with that of the Maharashtra Rent Control Act

Recommended Readings:

- 1) V P Sarathi's Law of Transfer of Property - Including Easements, Trusts and Wills, Malika Taly (ed), Eastern Book Company, 2017
- 2) Poonam Pradhan Saxena, Property Law, Lexis Nexis, 2017
- 3) Avatar Singh, Textbook on The Transfer of Property Act, Universal, 2016
- 4) Shriniwas Gupta, A Text Book on Transfer of Property Law, Thomson Reuters, 2016
- 5) A P Singh and Ashish Srivastava, Property Laws, Lexis Nexis, 2015
- 6) G P Tripathi, The Transfer of Property Act, 19th ed, , Central Law Publications, 2016
- 7) AP Singh and Ashish Kumar Srivastava, Property Laws, Lexis Nexis, 2015
- 8) Sanjiva Row, Transfer of Property Act (in 2 volumes), Universal, 2016
- 9) Shriniwas Gupta, Law Relating to Transfer of Property, Thomson Reuters, 2016
- 10) Darashaw Vakil, Commentaries on the Transfer of Property Act, Lexis Nexis, 2017
- 11) Mulla, The Transfer of Property Act, 12th ed, M R Hariharan (ed), Lexis Nexis, 2014
- 12) H S Gour, Commentary on Transfer of Property Act, Delhi Law House, 2014
- 13) B B Katiyar, Law of Easements and Licences, Universal, 2010

LC 0703 Public International Law

Objective of the Course: This course provides the student with an introduction to international law and its significance in the economically globalised world. In view of the vastness of the subject, only important chapters relating to peace have been covered here as an introductory perspective to prod and provoke the inquisitiveness of the students to grasp the key features of international law and their relevance in a subtle perspective and help for the preparation of various competitive examinations.

Module 01 Nature and Development of International Law:

Meaning and Definition of International Law
Theoretical Basis of International Law - Natural law Theory- Positive Law Theory- Grotius Theory- Consent theory
Historical perspective of International Law-Codification of International Law: work of International Law Commission
India's Contribution for the development of International Law-Ancient to Modern times

Module 02 Sources of International Law:

Statute of the International Court of Justice, 1945 (Article 38)
International Treaties and Conventions-International Custom-General Principles of Law Recognized by Civilized Nations-Judicial Decisions of International and National Courts-Juristic Opinion
Other Sources of International Law-Resolutions of General Assembly- Resolutions of Security Council

Module 03 Relationship between International Law and Municipal Law:

Theories - Monistic Theory; Dualistic Theory; Transformation theory; Delegation Theory- Specific Adoption theory
Practice of States: United Kingdom, United States of America and India

Module 04 Subjects of International Law:

Meaning and Definition of State
Kinds of Different States in International Law –Sovereign States-Semi-Sovereign States-Protectorate-Vassal –Trust Territories; Special type of States—Holy See—Neutralized States
Individuals as subjects and object of International Law
Role and Status MNC's

Module 05 Recognition of States:

Meaning and Significance of Recognition
Theories of Recognition - Constitutive Theory –Declarative Theory—Stimson Doctrine- Estrada Doctrine
Types of Recognition-Defacto –Dejure--Differences between Defacto and Dejure Recognition
Recognition of Insurgency and Belligerency

Module 06 State Territory and State Succession:

Meaning and Definition of State Territory
Types of Acquiring and Lo State Territory—Occupation-Prescription—Accretion—Cession—Session-Dismemberment—Retro-Cession (The Case of Hong Kong)

Meaning and Concept of State Succession-Difference between State Succession and Succession of Governments
States Succession to Treaties – Membership of International Organizations Recent Developments—State succession to Public Property-Torts-Debts and Archives
Theories of State Succession to Treaties- Theory of Universal Succession- Theory of Negativism- Contemporary Theories : Neo-Universalism- Neo-Negativism- Theory of Gestation or Nyerere Doctrine

Module 07

State Jurisdiction:

Territorial Jurisdiction- Civil and Criminal jurisdiction - Universal Jurisdiction- Extra territorial Jurisdiction of State
State jurisdiction and State Territory-Land Territory-National Waters-Territorial sea-Contiguous zone-Exclusive Economic Zone—Air and Outer Space – obligations of states under outer space Treaty 1966
Jurisdiction based on Nationality- Modes of Acquiring and losing Nationality- Double Nationality-nationality of Married Women and Indian position
Admission of Aliens- Rights and Duties of Aliens-Expropriation of Alien Property
Meaning and Significance of Statelessness- Role of UNHCR
Meaning and Definition of Extradition- Types of offenders and Process of Extradition
Extradition and Human Rights
Definition and significance of Asylum—Territorial and Extra-Territorial Asylum- Asylum and Extradition
Exceptions to State Jurisdiction: State Immunity— Absolute theory and Restrictive Theory of Immunity –views of the International Law Commission-- Waiver of Immunity
Significance and Importance of Diplomatic Agents and Classification of Diplomatic Agents
Functions and objectives of Diplomatic Agents
Immunities and Privileges of Diplomatic Agents-- Inviolability of Diplomatic Agents-Inviolability of Premises—Immunity from local, Civil, Administrative and Criminal Jurisdiction—Immunity from Taxes and Custom Duties—Freedom of Movement, Travel, Communication and worship

Module 08

Law of State Responsibility:

Nature and Basis of State Responsibility
Theories of State Responsibility—Fault or Subjective Theory—Risk or Objective theory—Eclectic Theories of Responsibility—Absolute Liability
Elements of State Responsibility—Act or Omission of international and international acts
Significance of Doctrine of Culpa
Defenses precluding State Responsibility

Module 09

Law of Treaties:

Meaning and Definition of a Treaty-Types of Treaties
Parties to a treaty—Formation of a Treaty- Significance of Pact Sunt Servanda
Significance of Jus Cogens
Role Rebus Sic Stantibus (Changed Circumstances) in Treaties
Procedure for Termination of Treaties

Module10 International Institutions :

Historical Origins of International Institutions
League of Nations- An Over View
United Nations- Purposes and Principles
Structure Powers and functions of Security Council-General Assembly- the Economic and Social Council- Trusteeship Council- Appointment, Powers and Functions of Secretary General
International Court of Justice-Historical Evolution- Composition of the Court
Types of Jurisdiction of the Court-Contentious—Advisory
Law Applied by the Court—Binding Nature of Judgment
Legal Status of International Organisations

Recommended Readings:

- 1) Robert Jennings and Arthur Watts (eds.), Oppenheim's *International Law* [Vol. I – Peace] (9th ed., 1996)
- 2) I. Brownlie, *Principles of Public International Law* (7th ed., 2008)
- 3) I.A. Shearer, *Starke's International Law* (1st Indian ed., 2007)
- 4) D.J. Harris, *Cases and Materials on International Law* (7th ed., 2010)
- 5) Malcolm N. Shaw, *International Law* (7th ed., 2015)
- 6) J.G. Strake: *Introduction to International Law*, (latest Edition)
- 7) D.w. Bowetts: *Law of International Institutions* (6th edn) 2011, (sweet and Maxwell)
- 8) S.K. Verma: *An introduction to Public International Law* (Prentice Hall 1998)
- 9) Gurdip Singh, *International Law* (2nd ed., 2011)
- 10) V.K. Ahuja, *Public International Law* (Lexis Nexus 2016)
- 11) Shilpa Jain: *Introduction to Public International Law* (EBC 2016)
- 12) T.S.N. Sastry, *State Succession in Indian context* (Dominant 2004) Chapters 1 & 2
- 13) Shilpa Jain : *Introduction to International Law* (2016) Eastern Book Compnay
- 14) Visit the Web Site of Dr tsnsastry.weebly.com for research papers on some of the areas.

Recommended Journals:

- 1) American Journal of International Law
- 2) Harvard International Law Review
- 3) International Legal Materials
- 4) International Law and Comparative Law
- 5) Indian Journal of International Law
- 6) Journal of Indian Law Institute
- 7) Heinlein On line Journals
- 8) British Year Book of International Law

LP 0704 Practical Training Paper I

Professional Ethics and Contempt of Court Law

Module 01 The Advocates Act, 1961:

- Historical Origins of Advocates Act.
- Structure powers and Functions of Bar Council of India
- Structure, Powers and Functions of State Bar Councils
- Admission Enrollment and Conduct of Advocates
 - Qualifications to be admitted as an advocate
 - Types of Advocates-Senior and other Advocates
 - Roll of Advocates
 - Right of Pre-audience
 - Disqualification
 - Right to practice
 - Conduct of an Advocate - Professional Misconduct
 - Punishment
 - Disciplinary proceeding (Authorities and Stages
 - Powers of the Disciplinary Committee
- Entry of foreign lawyers
- Need for Code of Ethics

Module 02 Advocates Relationship with Courts:

- Duty to the Court (Rules 1 to 10 of Chapter II of Bar Council of India Rules)
- Respect to the Court
- Addressing the Judge
- Conduct in the court room
- Avoid multiplicity of litigation

Module 03 Advocates Relationship with Clients:

- Duties to Client (Rules 11 to 33 of Chapter II of Bar Council of India Rules)
- Confidentiality, Implied Duty and Sections 126 to 129 of the Evidence Act
- Fees
- Avoiding conflict of interests.

Module 04 Relationship with others:

- (Rules 34 to 39 of Chapter II of Bar Council of India Rule)
- Towards opposite party
- Towards colleagues
- Advertisement by Advocates
 - Name-plates
 - News
 - Photographs
 - Sign boards
 - Web-site

Module 05 Cases relating to Advocates Act and Professional Ethics:

- Vishram Singh Raghubanshi v. State Of UP* AIR 2011 SC 2275
- Vijay Singh v. Murarilal* AIR 1979 SC 1719

SJ Chaudhary v. State Of Delhi AIR 1984 SC 618
Chandra Shekhar Soni v. Bar Council of Rajasthan AIR 1983 SC 1012
Ex-Capt Harish Uppal v. Union Of India AIR 2003 SC 739
John D'Souza v. Edward Ani AIR 1994 SC 975
Himalayan Cooperative Group Housing Society v. Balwan Singh AIR 2015 SC 170
Vishwanath Swami v. Bar Council of India AIR 2013 SC 3589
A S Mohammed Rafi v. State of Tamil Nadu AIR 2011 SC 308
D Saibaba v. Bar Council of India AIR 2003 SC2502

Module 06 Contempt of court:

Meaning and scope, Need for sparing use, Maintaining the dignity and respect for Courts and Judiciary
 Historical development of law of contempt of court in India
 Freedom of speech and contempt of court: The Constitutional perspectives
 Meaning of contempt
 Civil contempt
 Criminal contempt
 Implications of amendment in Contempt of Courts Act (2006 amendment)
 Defenses for contempt
 Punishment for contempt
 Procedure for initiating contempt proceeding
 Contempt by Judges, Magistrate, Lawyers, Companies and Others
 Remedies, Apology, Appeal and Review
 Contempt of Supreme Court, High Court and Subordinate Court
 Comparison with Order 39 Rule 2A of Civil Procedure Code

Module 07 Cases relating to Contempt of Court :

Arundhati Roy v. High court of Judicature at Bombay 2017 SC
Pushpaben v. Narandas V Badiani AIR 1979 SC 1536
LD Jaikwal v. State of UP AIR 1984 SC 1734
Charan Lal Sahu v. Union Of India AIR 1988 SC 107
PN Duda v. V P Shiv Shankar AIR 1988 SC 1202
Noorali Babul Thanewala v. KMM Shetty AIR1990 SC 464
Bal Kishan Giri v. State of UP AIR 2014 SC (Supp)469
High Court of Judicature of Bombay v. Manisha Koirala 2 003 CriLJ 1634 (Bombay HC)
Dr. Subramanian Swamy v. Arun Shourie AIR 2014 SC 3020
Re: S Mulgaokar AIR 1978 SC 717

Recommended Readings:

- 1) K.V. Krishnaswamy Iyer – Professional Conduct and Advocacy
- 2) Dr. Kailash Rai - Legal Ethics – Accountancy for Lawyers and Bench and Bar relations
- 3) B.R. Aggarwala – Supreme Court Practice and Procedure
- 4) P. Ramanath Iyer- Legal and Professional Ethics
- 5) Dr. S.P.Gupta - Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
- 6) M.P. Jain – Outline of Indian Legal History – Chapter : Development of Legal Profession

- 7) M.R. Mallick- The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship.
- 8) Dr B Malik : The Art of a Lawyer
- 9) Raju Ramachandran : Professional Ethics for Lawyers- Changing Profession, Changing Ethics
- 10) Saadiya Suleman : Professional Ethics & Advertising by Lawyers
- 11) Nilendra Kumar and Neha Chaturvedi : M.K. Gandhi's- The Law and the Lawyers

LP 0704 Practical Training Paper I

Professional Ethics and Contempt of Court Law

Module 01 The Advocates Act, 1961:

Historical Origins of Advocates Act.
Structure powers and Functions of Bar Council of India
Structure, Powers and Functions of State Bar Councils
Admission Enrollment and Conduct of Advocates :-
 Qualifications to be admitted as an advocate
 Types of Advocates-Senior and other Advocates
 Roll of Advocates
 Right of Pre-audience
 Disqualification
 Right to practice
 Conduct of an Advocate - Professional Misconduct
 Punishment
 Disciplinary proceeding (Authorities and Stages
 Powers of the Disciplinary Committee
Entry of foreign lawyers
Need for Code of Ethics

Module 02 Advocates Relationship with Courts:

Duty to the Court (Rules 1 to 10 of Chapter II of Bar Council of India Rules)
Respect to the Court
Addressing the Judge
Conduct in the court room
Avoid multiplicity of litigation

Module 03 Advocates Relationship with Clients:

Duties to Client (Rules 11 to 33 of Chapter II of Bar Council of India Rules)
Confidentiality, Implied Duty and Sections 126 to 129 of the Evidence Act
Fees
Avoiding conflict of interests.

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Towards opposite party
Towards colleagues
Advertisement by Advocates:-
 Name-plates
 News
 Photographs
 Sign boards
 Web-site

Module 05 Cases relating to Advocates Act and Professional Ethics:

Vishram Singh Raghubanshi v. State Of UP AIR 2011 SC 2275
Vijay Singh v. Murarilal AIR 1979 SC 1719
SJ Chaudhary v. State Of Delhi AIR 1984 SC 618
Chandra Shekhar Soni v. Bar Council of Rajasthan AIR 1983 SC 1012

Ex-Capt Harish Uppal v. Union Of India AIR 2003 SC 739
John D'Souza v. Edward Ani AIR 1994 SC 975
Himalayan Cooperative Group Housing Society v. Balwan Singh AIR 2015 SC 170
Vishwanath Swami v. Bar Council of India AIR 2013 SC 3589
A S Mohammed Rafi v. State of Tamil Nadu AIR 2011 SC 308
D Saibaba v. Bar Council of India AIR 2003 SC2502

Module 06 Contempt of court:

Meaning and scope, Need for sparing use, Maintaining the dignity and respect for Courts and Judiciary
 Historical development of law of contempt of court in India
 Freedom of speech and contempt of court: The Constitutional perspectives
 Meaning of contempt
 Civil contempt
 Criminal contempt
 Implications of amendment in Contempt of Courts Act (2006 amendment)
 Defenses for contempt
 Punishment for contempt
 Procedure for initiating contempt proceeding
 Contempt by Judges, Magistrate, Lawyers, Companies and Others
 Remedies, Apology, Appeal and Review
 Contempt of Supreme Court, High Court and Subordinate Court
 Comparison with Order 39 Rule 2A of Civil Procedure Code

Module 07 Cases relating to Contempt of Court :

Arundhati Roy v. High court of Judicature at Bombay 2017 SC
Pushpaben v. Narandas V Badiani AIR 1979 SC 1536
LD Jaikwal v. State of UP AIR 1984 SC 1734
Charan Lal Sahu v. Union Of India AIR 1988 SC 107
PN Duda v. V P Shiv Shankar AIR 1988 SC 1202
Noorali Babul Thanewala v. KMM Shetty AIR 1990 SC 464
Bal Kishan Giri v. State of UP AIR 2014 SC (Supp) 469
High Court of Judicature of Bombay v. Manisha Koirala 2003 CriLJ 1634 (Bombay HC)
Dr. Subramanian Swamy v. Arun Shourie AIR 2014 SC 3020
Re: S Mulgaokar AIR 1978 SC 717

Recommended Readings:

- 1) K.V. Krishnaswamy Iyer – Professional Conduct and Advocacy
- 2) Dr. Kailash Rai - Legal Ethics – Accountancy for Lawyers and Bench and Bar relations
- 3) B.R. Aggarwala – Supreme Court Practice and Procedure
- 4) P. Ramanath Iyer- Legal and Professional Ethics
- 5) Dr. S.P.Gupta - Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
- 6) M.P. Jain – Outline of Indian Legal History – Chapter : Development of Legal Profession
- 7) M.R. Mallick- The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship.
- 8) Dr B Malik : The Art of a Lawyer

- 9) Raju Ramachandran : Professional Ethics for Lawyers- Changing Profession, Changing Ethics
- 10) Saadiya Suleman : Professional Ethics & Advertising by Lawyers
- 11) Nilendra Kumar and Neha Chaturvedi : M.K. Gandhi's- The Law and the Lawyers

Optional Subject 1 (Any one from the following)

LO 0705 Comparative Constitutions

Objectives of the Course: This paper aims to acquaint the students with scope and significance of comparative study of the constitutional law from the point of view of it's making and it's contemporary working. It will help the students to appreciate the constitutional developments from the national and international perspectives. It takes in it's fold the basic principles of interpretation of Constitution. It will enhance the comprehension of Constitutional law as a branch of public law.

Module 01 Scope and Significance of Comparative Study of Constitutional Law:

Forms of government- Parliamentary-Presidential-Monarchial
Types of Constitutions
Scope and significance of comparative study of constitution in constitution making
Significance of comparative study of constitution in interpretation
Common law of England
American Constitution
The Common law heritage
Indian position

Module 02 History of Constitution Making and its Development In India:

Applicability of foreign precedents in interpretation of the Constitution of India
Fundamental Rights : Bill of Rights
Instances of application of foreign precedents
Instances of departures from foreign precedents
Forms of Government : Article 74 and 75

Module 03 Federalism- Comparative study:

Principles of federalism
Legal features of federalism
Co-operative federalism
Transition from comparative federalism to co-operative federalism
Distribution of legislative and financial power in a federal system
Federalism-Indo-U.S. comparative perspective
Separation of power : Checks and balance mechanism
Amending power in India, U.S. and Australia: comparative perspective

Module 04 Judicial Review:

Evolution and concept of judicial review
Meaning of judicial review
Characteristics of modern constitutions and their impact on Judicial Review
Constitutional growth in India under judicial review and its impact

Module 05 Justification and limitation of written constitution:

Incidents of written constitution - a legal instrument
Justiciability of written constitution
Written constitutions which are not justiciable : France, U.S.S.R., China
Indian Constitution : Justiciability and non-justiciability

Module 06 Interpretation of Constitution:

Interpretation as a legal instrument
Limitations of liberal interpretation
Spirit of constitution
Indian constitution and instances of interpretation

Module 07 The Constitution as higher law:

Higher law distinguished from 'Rule of Law'
Elements of Rule of Law
Parliamentary supremacy under the Indian Constitution
Distinction between Constitutional Law and Ordinary law

Module 08 Role of Judiciary And Doctrine of State Action

Court as guardian of the constitution
Exceptions to judicial review
Special functions of judiciary in federation
Constitutional Law as a branch of public law

Recommended Readings :

- 1) Dr. D.D. Basu, *Comparative Constitutional Law* (LexisNexis Butterwoths Wadhwa, Nagpur)
- 2) Dr. D.D. Basu, *Comparative Federalism* (Wadhwa and Company, Nagpur)
- 3) Dr. Chakradhar Jha, *Judicial Review of Legislative Acts*(LexisNexis Butterwoths Wadhwa, Nagpur)
- 4) M. V. Paylee, *Constitutions Of The World* (Universal Law Publishing Co.Pvt. Ltd., Delhi, Vol.1&2)
- 5) M.P.Jain, *Indian Constitutional Law* (Wadhva and Company Nagpur)
- 6) H.R.Khanna, *Making of India's Constitution* (Eastern Book Co., Lucknow)

LO 0706 Investment and Securities Law

Objectives of the Course:-The securities market plays a very important role in the growth and development of Indian market economies. Mature and well-regulated securities market supports corporate initiatives and also facilitate the management of financial risks. Also, retail investors are investing an increasing proportion of their money in mutual funds and other collective investments which places the securities markets at the central of individual wealth. This paper aims to introduce students to the various laws and regulations enacted by the competent legislative and regulating bodies governing the operation and movement of security market.

Module 01 Historical evolution of Investment and Securities Laws:

Meaning and Definition of Investment and Securities
Historical origins of Investment and Securities law –International and National Perspective
History of Capital Markets in India
Need for securities legislation and investor protection

Module 02 Regulatory Framework to Govern Securities in India:

Concept of Securities
Kinds of Securities -Ownership instruments, Shares, Stocks
Debt instruments -Debentures and Bonds
Offered Documents – Prospectus
Norms of disclosure under different laws- The Companies Act, 2013, The Securities Contracts (Regulation) Act, 1956 and The Securities Exchange Board of India Act, 1992 (only relevant provisions relating to the above)

Module 03 Concept of Securities Market:

Primary Market: Scheme of Primary Market, Advantages- Dis-advantages to companies and investors.
Players in Primary Market – Underwriters- Brokers to an issue- Managers to the issue- Bankers to the issue and Registrar to the issue
Secondary Market - Players in the Secondary Market- Brokers- Over the Country Exchange of India (OCTEL)

Module 04 Banks and Securities:

Role of Banks to Issue Securities
Changing Functions of Banks from Direct Lending to Modern System of Investment Banking.
The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002: Its Background and Importance
The Debt Recovery Tribunal

Module 05 Stock Exchange and Investor Protection:

Trading, Spot delivery contract, Badla Contract, Future contracts, Options, Derivatives, Listing of Shares
Investors Protection mechanism under various statutes:-
Role and functions of SEBI Tribunal,
Depositories Act, 1996 – Rights and Obligations of depositories, participants, issuers and beneficial owners, Penalties.
Dematerialisation of securities (Advantages and Dis-advantages)

The Companies Act, 2013 :- Acceptance of deposits, Misstatement in prospectus, fraudulently inducing person to invest money, non-payment of dividend, Right to demand financial statement, Investor Education and Protection Fund, class action suits.

The Securities Exchange Board of India Act, 1992:- Measures under Section 11(2) of SEBI Act, Investor awareness program

The Securities Contracts (Regulation) Act, 1956 :- Recognized stock exchanges, listing of securities, penalties and procedure.

Module 06 Foreign Investment Laws:

The Foreign Exchange Management Act, 1999:- Regulation and management of Foreign Exchange, Contravention and Penalties, Adjudication and Appeal, Directorate of enforcement

Difference from FERA, Administration of Exchange Control, Adjudicatory Powers

Joint ventures in India and Foreign Collaborations: Concept of Transnational Corporations and Multinational Corporations

Foreign Direct Investment- Foreign Institutional Investors- Regulatory Mechanism in India

Module 07 Insider Trading:

Meaning and Definition of Insider Trading

Position in UK- USA

Indian perspective of Insider trading -SEBI Guidelines-The Companies Act, 2013

Recommended Readings:

- 1) Sanjeev Agarwal, Guide to Indian Capital Market, Bharat Law House, 2009
- 2) Imaad A Moosa, Foreign Direct Investment: Theory Evidence and Practice, PalgraveMacMillan, 2010.
- 3) NitiBhasin, FDI In India, New Century Publication, 2008.
- 4) V.A. Avdhani, Investment and Securities Market in India, Himalaya Publishing House, 2011
- 5) Vishal Saraogi : Capital Markets and Securities Laws simplified, Lawpoint Publication
- 6) E. Gordon & K. Natarajan : Capital Market in India; Himalaya Publishing House, Ramdoot
- 7) V.L. Iyer : SEBI Practice Manual; Taxman Allied Service (P) Ltd
- 8) S. Suryanarayanan& : SEBI – Law, Practice & Procedure; Commercial Law Publishers (India)

LO 0707 Criminal Minor Acts

Objectives of the course: Indian Penal Code is not the only criminal law in India, though it is one of the major criminal law. Apart from IPC there are many other criminal legislations. Post-independence many more legislations were enacted by the State to control crime and criminal behavior. These special legislations redefined crime and the criminal procedure to be followed. These legislations are rampantly been used by police and courts in day to day life. The course is designed to acquaint students with few important minor criminal Laws which are essential for all criminal law lawyers.

Module 01 The Maharashtra Police Act 1951:

Scope and objects and historical perspectives of the Act
Important Definitions
Regulation of Public Acts and Police powers under chapter III
Special Measures for maintenance of Public Order and Safety of State. Executive Powers and Duties of the Polices
Offences and Punishment under the Maharashtra Police Act, 1951

Module 02 The Prevention of Corruption Act 1988:

Legislative History, Object and Scope of the Act- Public Duty and Public Servant Defined.
Appointment of Special Judges
Offences and Penalties
Investigation into cases under the Act
Sanction for Prosecution Special Procedure: Change in Rules of Evidence and Criminal Procedure (Secs. 20-24)

Module 03 The Maharashtra Control of organized Crime Act 1999:

Legislative History, Object and Scope of Maharashtra Control of organized Crime Act 1999
Organized Crime: Definition and Scope
Punishments
Courts and Public Prosecutor (Secs 6-12)
Interception of wire, electronic or oral communication (Secs 13-16)
Special Procedure: Change in Rules of Evidence and Criminal Procedure (Secs 17- 23)

Module 04 The Narcotic Drugs and Psychotropic Substances Act, 1985:

Legislative history, Object and intent of NDPS Act 1985
Authorities and officers under the NDPS Act 1985
Prohibition, Control and Regulation of narcotic Drugs and psychotropic substances
Offences and Punishments under the NDPS Act 1985
Procedure under NDPS Act 1985

Recommended Readings:

- 1) Sunil Dighe, The Maharashtra Police Act 1951, Snow White Publication (2016)
- 2) D.R. Chaudhary & A.N. Choudhary, The Maharashtra Control of organized Crime Act 1999, CTJ Publications

- 3) A.S. Ramachandra Rao, Commentary on the Prevention of Corruption Act, Universal Publication Co., New Delhi
- 4) R.P Kataria, Law Relating to Narcotic Drugs and Psychotropic Substances in India, Oriental Publication

LO 0708 Cooperative Law

Objectives of the Course: This course enables study of the form of organisation set up for mutual benefit. The first part of the course is about principles of cooperation, its history, growth and development and the characteristics of a cooperative society as a form of organisation in comparison with other forms. The other part of the course is a detailed study of the Cooperative Law in force in Maharashtra, that will enable a student to know about the process of formation, management and control of cooperative societies, their relations with third parties and its members, and settlement of disputes between the society and its members. This study will equip a student to understand this special law, and to specialize in this branch of law.

Part I: General Principles of Co-operation and Co-operative Societies

Module 01 Theory and Principles of Co-operation:

- Capitalist, socialist and co-operative forms of organisation
- Definition of co-operation
- Fundamental principles of co-operation
- Importance, advantages and limitations of co-operation
- Advantages of co-operative organization in the society and the economy
- Social, economic and moral benefits of co-operation

Module 02 History, Growth and Development:

- History, growth and development of co-operative movement in India, Growth and development through Five-Year Plans
- Role of the State in development of co-operation, State aid to societies.
- Role of National Co-operative Development Corporation, NABARD.
- Co-operative legislations, particularly the State cooperative laws and Multi State Cooperative law, with special reference to Maharashtra

Module 03 Co-operative Societies:

- Characteristics of a co-operative society
- Comparison with other forms of organization, viz, company, trust and partnership firms
- Role and functions of different kinds of co-operative societies: Credit, finance, banking; Producers, farmers, dairy; Consumers; Housing; Marketing.
- Salient features of the law relating to Multi-State Cooperative Societies Act

Part II: The Maharashtra Co-operative Societies Act 1960 and Rules

Module 04 Registration of Societies:

- Societies that can be registered, and limited liability, Classification of societies
- Conditions of registration, Name,
- Procedure for registration
- Bye-laws, important features of Model Bye-laws
- Cancellation of registration, De-registration
- Amalgamation, Transfer, Division or Conversion Societies

Module 05 Members of a Society:

Who is a member, types of members, open membership

Who can become a member

Procedure for admission, continuation and cessation of membership, Removal and expulsion of a member

Rights, privileges, duties, disabilities and liabilities of members, Voting power of a member

Module 06 Incorporation, Duties and Privileges of a Society:

Effect of incorporation

Register of members, and its inspection and copies

Rights, privileges and immunities of a Society

Duties, disabilities, liabilities of, and restrictions on a Society

Module 07 Elections and Management of a Society:

Final authority of General Body

Election of the Managing Committee, Procedure, Supervision over elections, Elections to specified and notified societies, No-confidence against officers of societies

The Managing Committee, Constitution, Who can be its members, Reservation of seats, its powers and functions, Liability of members of the managing committee

Appointment and nomination of members of committee, Disqualification of membership of the committee

Meetings of General Body and Managing Committee, Annual general meeting and special general meeting, Conduct of business at such meetings

Registrar's powers of supervision, inquiry, investigation and administration.

Module 08 Dispute Settlement:

Types of disputes, and forums for redressal, Cooperative Court, Registrar; Exclusive jurisdiction of the cooperative court, Jurisdiction, Limitation period

Powers of the Co-operative court, Its decision, Appeals against decisions, Contempt of Co-operative Court and Cooperative Appellate Court

Constitution and powers of the Maharashtra State Co-operative Appellate Court

Disputes for recovery of money, Recovery certificate and its effect,

Liquidation of Cooperative Societies, Procedure for liquidation and winding up.

Offences and Penalties, Cognizance of offences

Module 09 Finance, Accounts and Audit:

State aid to societies, Role of apex societies.

Funds and their utilization, Restrictions on utilization of funds, Reserve Fund, Restriction on dividends, Investment of funds

Maintenance of account books and registers,

Audit of cooperative societies, need for audit,

Rectification of defects in accounts

Registrar's powers of inspection and supervision

Recommended Readings:

- 1) B B Goel, Cooperative Legislation – Trends and Dimensions, Deep and Deep Publications, 2005
- 2) Rish Pal Nainta, Laws Relating to Cooperative Societies – A Commentary, 2004

- 3) Sunil Dighe.: Maharashtra Co-Operative Societies Act, 1960 and Rules, 1961. Snow White Publications, 2017
- 4) S Desai, Commentary on Co-operative Housing Societies. Snow White Publications, 2009.
- 5) V V Ghanekar, Co-Operative Movement in India, Institute of Rural Development & Education, 2004
- 6) A K Gupte and S D Dighe, Maharashtra Co-operative Societies Act 1960 with Rules 1961. Hind Law House, 2008.
- 7) M C Jain and H M Bhatt, Maharashtra Co-Operative Societies Act, 1960. Law Times, 2009.
- 8) A E Karmali, Maharashtra Co-operative Societies Act, 1960 and Rules, 1961, Snow White Publications, 1997.
- 9) H A Mehta, Guide to Co-Operative Housing Societies, 7th ed Reprint, Snow White Publications, 2012.
- 10) R K Pillai, Maharashtra Co-Operative Societies Act, 1960, Current Publications, 2014.
- 11) A M Shah, Maharashtra Co-Operative Societies Act, 1960, Snow White Publications, 2004.
- 12) Snow White Publications: Guide to Co-Operative Housing Societies, Snow White Publications, 2017.

LO0709 Private International Law

Objectives of the Course: In the contemporary economically packed globalised era, the relations between individuals and legal persons increased vastly compare to yester years. The interaction between individuals brings forth the legal regulations of various states to the forefront to address the problems that arise out of such relations. Conflict of laws or Private International law is another side of international law which regulates the disputes under different private laws that regulate the foreign elementary provisions between individuals and legal persons in their day to day transactions. The significance of private international law and its practice before the courts is rapidly increasing in which India lags behind in educating its pupil in a most important area of legal studies. The above course has been drafted to give a over view of the subject to the students which is highly helpful in further research and professional carrier.

Module 01 Introduction :

- Historical Development of Private International Law
- Meaning and Definition of Private International Law
- Sources of Private International Law
- Relationship between Public International Law and Private International Law

Module 02 Connecting Factors of Private International Law :

- Choice of Law Rules (Conflict of Law Rules)—Foreign element and foreign law characterization
- Nationality or citizenship-general significance-Constitutional Provisions (Art 5-11)
- Domicile of Origin—Choice—Dependent persons-Married women—Minor Children—Lunatics
- Residence—Habitual Residence—Temporary Residence
- Residence of Legal Persons

Module 03 Law of Contractual and Non-Contractual Obligations: An Over view :

- Law of Contract-Autonomy of Parties-Presumptions of Proper Law of Contract-Capacity to contract
- Validity and Formation of Contract –Formal and Material Validity
- Performance of contract-Illegal contracts by proper Law-Contracts in Which Performance is unlawful-illegal contracts by Lex Fori-Public Policy-Breach of contract-Remedies
- Non-Contractual Obligations-: Law of torts-Defenses-Damages –Unjust Enrichment

Module 04 Law of Property :

- General Rules-Lex Situs-Movable and Immovable Property-
- Transfer of Property –Debts-Mortgage-Pledge- Lex Loci fore – Choice of Law of Rules

Module 05 Family Law :

- Marriage—Dissolution of Marriage—Divorce—Judicial Separation – Maintenance-Choice of Law
- Legitimacy, Legitimization and Adoption –Choice of Law Rules

Module 06 Foreign Judgments :

1. Basis of Enforcement of Foreign Judgments
2. Recognition of Foreign Judgments- Jurisdictional and Legal Issues
3. Execution of Foreign Judgments by Indian Courts-Execution of Indian Judgments by Courts Out Side India-Clauses of reciprocity

Conventions to be referred:

- 1) Hague Codification convention on Private International Law
- 2) Convention of 15 June 1955 relating to the settlement of the conflicts between the law of nationality and the law of domicile
- 3) Convention of 1 June 1956 concerning the recognition of the legal personality of foreign companies, associations and institutions
- 4) Convention of 24 October 1956 on the law applicable to maintenance obligations towards children
- 5) Convention of 15 November 1965 on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions
- 6) Convention of 1 June 1970 on the Recognition of Divorces and Legal Separations
- 7) Convention of 14 March 1978 on Celebration and Recognition of the Validity of Marriages
- 8) Principles on Choice of Law in International Commercial Contracts 2015
- 9) Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters
- 10) Relevant Indian Legislative provisos of Contracts, CPC, Family Law; Law of Property

Recommended Readings:

- 1) Dicey, Morris & Collins on the Conflict of Laws (Sweet and Max well 15th edn 2016)
- 2) James Fawcett and Janeen M Carruthers, CHESHIRE, NORTH & FAWCETT: PRIVATE INTERNATIONAL LAW Oxford: Oxford University Press , 14th edn, 2008
- 3) Setalavad: Conflict of Laws, Lexis Nexis, 2014
- 4) Paras Diwan: Private International Law : Indian and English ; Deep & Deep 2008
- 5) K.B. Agraawal & Vandana Singh: Private International Law in India , 2010 (walters Kulwer Netherlands)
- 6) Universals Private International Law 2016
- 7) V. C Govindraj: Conflict of Law in India (oxford) 2011

Recommended Journals:

- 1) International Law and Comparative Law
- 2) Indian Journal of International Law
- 3) British Year Book of International Law
- 4) Indian Year Book of International Law

Part X
Syllabus of Fourth Year B.A. LL.B, Fourth Year B.B.A LL.B, and Second Year LL.B

Fourth Year B.A. LL.B. - Semester VIII
Fourth Year B.B.A. LL.B. - Semester VIII
Second Year LL.B. - Semester IV

LC 0801 Labour and Industrial Law

Objectives of the Course: The labour movement has been instrumental in the enacting of laws protecting labour rights in the 19th and 20th centuries. Labour rights have been integral to the social and economic development since the industrial revolution. After the Independence the government of India has enacted numerous legislations for the regulation of labour relations and their welfare. Labour and Industrial law mediates many aspects of the relationship between trade unions, employers and employees. It defines the rights and obligations of workers, union members and employers in the workplace. An understanding of Labour Laws is very essential for law students because of the fact that the scope and ambit of these laws is very wide and is touching the lives of millions of people in the country.

Module 01 Introduction:

Industrial Jurisprudence and Labour Policy in India
Labour Problems
Industrial Relations
Principles of labour legislations (Social welfare, justice, equity and security)
Labour legislations and Constitutional provisions (Fundamental Rights,
Directive Principles of State Policy and Distribution of legislative powers)

Module 02 Discipline in Industry:

The Industrial Disputes Act, 1947 :- Objectives, Definitions, Industry and Industrial Disputes, Settlement of Industrial Disputes - Authorities and Procedures, Strike, Lock-out, Lay off, Retrenchment and Unfair Labour Practices
The Factories Act, 1948 – Factory, Inspecting staff, Health, Safety and Welfare Measures, Working Hours of Adults and Employment of Young Persons
The Industrial Employment (Standing Orders) Act, 1946 – Definitions, Legal nature of standing orders (Submission, Conditions, Certification, Duration and Modification, Payment of Subsistence Allowance, Model Standing Orders, Penalties and Procedures)
Disciplinary Proceedings in Industries – Charge-sheet, Domestic Inquiry, Inquiry Officer, Rights of Employee during Inquiry Proceedings, Evidence in Inquiry, Inquiry Reports and Punishment

Module 03 Social Security Legislations:

Concept of Social Security, Its Characteristics and Constituents, Social Security system in India

The Employees' Compensation Act, 1923 – Objects and reasons, Definitions, Employer's Liability for Compensation, Amount of Compensation and Employee's Compensation Commissioner

The Employees' State Insurance Act, 1948 – Objects and Reasons, Employees' State Insurance Corporation, Contributions, Benefits, Adjudication of Disputes and Claims

The Contract Labour (Regulation and Abolition) Act, 1970- Objects, Registration of Establishments, Licensing of Contractors, Welfare and Health of Contract labour, Penalties and Procedure

Module 03

Concept of Wages and Unfair Labour Practices:

The Minimum Wages Act, 1948 – Objects, Definition of Wages, Fixation and Revision of Minimum Wages

The Payment of Wages Act, 1936 – Objects, Payment of wages, Deductions from Wages, Authorities

The Maharashtra Recognition of Trade Unions and Prevention of Unfair, Labour Practices Act, 1971- Definitions, Recognition of Unions, Obligations and Rights of Recognised Unions, Other Unions and Certain Employees, Illegal Strikes and Lock outs, Unfair Labour Practices, Powers of Labour and Industrial Court

Recommended Readings:

- 1) Avtar Singh and Harpreet Kaur, Introduction to Labour and Industrial Law, LexisNexis
- 2) G.M. Kothari, How to Conduct and Defend Disciplinary Inquiry and Cases, Eastern Book Company
- 3) H.L. Kumar, Law Relating to Disciplinary Proceedings in Industries, Universal Publishing Co. Pvt. Ltd
- 4) P.L. Malik, Handbook of Labour and Industrial Law, Eastern Book Company
- 5) S.D. Puri and Sandeep Puri, Treatise on the Contract Labour (Regulation and Abolition) Act, 1970, Snow White Publications.
- 6) S.K. Puri, Labour and Industrial Law, Allahabad Law Agency
- 7) S.N. Mishra, Labour and Industrial Laws, Central Law Publications
- 8) S.P. Jain, Industrial and Labour Laws, Dhanpat Rai & Co.
- 9) Taxmann's Labour Law
- 10) V.G. Goswami, Labour and Industrial Laws, Central Law Agency

LC 0802 Jurisprudence

Objectives Of The Course: The course aims at developing an analytical approach to understand the nature of law and the development and legal system. Jurisprudence seeks to answer fundamental questions about law. The concern of jurisprudence are an inescapable feature of the law and legal system. Jurisprudence has generous frontiers. It accommodates copious subjects of intellectual enquiry. This paper attempt to identify and elucidate several of the major preoccupations of legal theory. This paper also intent to create an understanding of basic legal concepts like Rights, Title, Possession, Ownership, Liability, Obligation which are basic to the study of Law.

Module 01 Introduction to Jurisprudence:

Jurisprudence – Meaning- definition- Significance.
Character of Law –Meaning and types of Law
Sources of Law and Legislation-Precedent-Custom –Juristic Writings
Relationship between Law – Morality and Ethics

Module 02 Schools of Jurisprudence:

Natural Law School-Classical and Modern
Positivist School
Sociological School
Historical School
Realist School
Feministic School-Liberal- Radical and Post Modern

Module 3 Marxist Theories of Law and State

Dialectics, Hegel and Marx
Marx and Hegel's Political Philosophy
The Materialist Conception of History
Marx and Ideology
The State and Law
Marx and Justice, Morality and Human Rights

Module 4 Concept of Property, Ownership and Possession.

Property, meaning, kinds, theories, modes of acquisition property.
Ownership, definition, characteristic of ownership, subject-matter, kinds of Ownership.
Possession, idea, kinds, modes of acquiring possession and possessory Remedies.
Difference between Ownership and Possession.

Module 5 Persons:

Legal Status of Persons- Natural and Legal
Lower Animals, Dead persons, Unborn Persons
Kinds of Legal Persons.
Theories of Legal Personality

Module 6 Rights and Duties:

Meaning of Legal Rights, Duties, Scope
Classification of Legal Rights and Duties
Theories of Legal Rights
Hohfeldian analysis of rights - Correlation of Rights and Duties.

Module 7 Title:
Definition and Nature of Title
Classification of Titles
Importance of Agreements
Kinds of Agreements
Validity of Agreements
Modes of Acquiring Possession
Modes of Acquiring Ownership

Module 8 Liability:
Definition and Nature
Kinds of Liability
General Conditions of Liability
Measure of Penal Liability
Measure of Civil Liability.

Module 9 The Law of Obligations:
Definition of Obligation
Solidary Obligations
Sources of Obligations

Recommended Books:

- 1) Bodenheimer *Jurisprudence – The Philosophy and Methods of Law* (1996), Universal Publication, Delhi.
- 2) Fitzgerald, (ed.) *Salmond on Jurisprudence* (1999).
- 3) W. Friedman, *Legal Theory* (1999) Universal Pub., Delhi.
- 4) V. D. Mahajan, *Jurisprudence and Legal Theory* (1996 re-print), Eastern Books, Lucknow.
- 5) M.D.A. Freeman (ed.), *Lloyd's Introduction to Jurisprudence*, (1994), Sweet and Maxwell.
- 6) Paton G. W. *Jurisprudence* (1972), Oxford, ELBS.
- 7) H.L.A. Hart, *The Concept of Law* (1970), Oxford, ELBS.
- 8) Roscoe Pound, *Introduction to the Philosophy of Law* (1998 Re-print), Universal Pub., Delhi.
- 9) N.V. Jayakumar, *Lectures in Jurisprudence*, 2nd Ed., Lexis-Nexis.
- 10) P.S. Atchthwepillai, *Jurisprudence and Legal Theory*, Eastern Book Company.
- 11) Raymond Wacks, *Understanding Jurisprudence*, Oxford University Press, (2012).
- 12) Suri Ratnapala, *Jurisprudence*, Cambridge University Press (2009)
- 13) HilaireMcCoubrey & Nigel D. White, *Textbook on Jurisprudence*, Oxford University Press (1999)

LC 0803 Law of Evidence

Objectives of the Course: The course equips the student with the fundamental principles of evidence law, and the strict application its rules in judicial proceedings. He will understand the role of evidence law and its principles in civil and criminal proceedings, the connection of this law with substantive law and other laws of procedure. He will also understand its relevance in non-litigation practice. The student will also be exposed to the trans-national initiatives in this field.

Module 01 Preliminary:

Importance and significance of law of evidence, and its role in civil and criminal proceedings.

Facts, Facts-in-issue, Relevant Facts

Evidence, Kinds of evidence: direct and substantial, direct and circumstantial, intrinsic and extrinsic, oral and documentary

Proof: Proved, not proved, disproved

Presumptions: Shall presume, may presume and conclusive proof

Applicability of the Evidence Act; affidavits, arbitration, commissions, tribunals, court-martials etc.

Three basic principles of evidence

Evidence must be confined to facts in issue

Best evidence must be given in all cases

Hearsay evidence must be excluded

Module 02 Relevancy - I:

Relevancy under the Act, Logical and legal relevancy, Purpose of theory of relevancy

Facts connected with other facts (sections 6 – 16), Res gestae, Conduct, Statements, State of mind, Motive and preparation, Identity of a thing, Identification parades, Existence of conspiracy, Compensation and damages, evidence of inconsistent and improbable facts, Alibi, State of mind and body, Past similar transactions, Usual course of business

Admissions and confessions, What are these concepts, Distinction between the two, Admissibility of confessions, judicial and extra-judicial confessions, Confessions to police officer, and in police custody, retracted confession, confession of co-accused, Discovery of fact, Admissibility, Reliability and Weight to different types of admissions and confessions

Module 03 Relevancy – II:

Statements of persons who cannot be called as witnesses, Dying declaration: its admissibility, reliability and weight, Books of accounts, other statements.

Statements under special circumstances

Judgments in other cases, Judgments in rem, Other judgments.

Opinions, Expert evidence: handwriting, forensic, ballistic, polygraphy, brain-mapping, Opinions of other persons.

Character: Meaning of character, Its relevancy in civil and criminal proceedings.

- Module 04 Proof of Facts – Documentary Evidence:**
Proof of handwriting and signature, proof of unsigned and of printed documents
Primary and secondary evidence
Proof of electronic record
Public and private documents
Certified copies, Bankers' Books Evidence Act
- Module 05 Proof of Facts and Oral Evidence:**
Facts that need not be proved
Oral evidence and contents of documents
Oral evidence must be direct
Witnesses
 Requirement of oath
 Competency and Compellability
 Number of witnesses
Relationship between oral and documentary evidence, Parol evidence rule.
Estoppel: meaning, Estoppel of tenant, licensee, acceptor, bailee, Promissory estoppel.
- Module 06 Burden of Proof:**
Meaning, burden and onus of proof, burden of proof of the case and of particular facts, Standard of proof in civil, criminal and other cases
Situations in which burden of proof cast on particular party
Presumptions
 Presumptions as to documents: as to genuineness, due procedure, formalities and contents.
 Presumptions of fact, Of life and death relationship of partners etc, ownership, good faith in transactions, legitimacy
 Special provisions of burden of proof and presumptions in criminal cases
 General presumption in section 114
- Module 07 Witnesses:**
Privileges and disabilities of witnesses, Judicial, Matrimonial, Official, Matters of affairs of state, Title-deeds, Other privileges and disabilities
Disability and privilege relating to legal practitioners
Privilege concerning incriminating answers
Evidence of an accomplice
- Module 08 Examination of Witnesses:**
Order of production and examination
Examination in chief, Cross examination, Re-examination, Meaning, purpose, scope and limits, Questions that can be asked.
Questioning credibility of a witness
Use of writing during examination and cross-examination
Compelling witness to answer
Hostile witness
Refreshing memory, use of earlier statements for corroboration
- Module 09 Control of the Judge, and International Conventions:**
Control of the Judge

to decide admissibility of evidence
to put questions and order production
effect of improper admission or rejection of evidence
International Conventions (Broad provisions only)

Hague Convention on the Taking of Evidence Abroad in Civil or
Commercial Matters

Hague Convention Abolishing the Requirement of Legalisation for
Foreign Public Documents (Apostille Convention)

Recommended Readings:

- 1) V P Sarathi's Law of Evidence, 7th ed, Abhinandan Malik (ed), Eastern Book Company, 2017.
- 2) M Monir, Textbook on The Law of Evidence, 10th ed (Reprint), Universal Law House, 2016
- 3) Ryan's Essential Evidence Outlines – Practitioner and Student Handbook, 2005.
- 4) Avtar Singh, Principles of the Law of Evidence, 22nd ed, Central Law Publications, 2016
- 5) Ratanlal and Dhirajlal, The Law of Evidence. 25th ed, B M Prasad and Monish Mohan (ed), LexisNexis, 2016.
- 6) Ram Jethmalani and D S Chopra, Law of Evidence : Concise Commentary, Thomson Reuters, 2015.
- 7) C D Field's Commentary on Law of Evidence, 13th ed, Delhi Law House, 2017
- 8) M Monir's Law of Evidence. 17th ed, Universal Law Publishing, 2016
- 9) V Nageshwar Rao, The Indian Evidence Act, 2nd ed, Lexis Nexis, 2015.
- 10) Woodroffe and Amir Ali's Law of Evidence, 20th ed, B M Prasad and Manish Mohan (ed), Lexis Nexis 2017
- 11) Sarkar's Law of Evidence, 19th ed, Sudipto Sarkar and H R Jhingta (eds), Lexis Nexis, 2016
- 12) Y H Rao and Y R Rao, Expert Evidence - Medical and Non-Medical, 4th ed (Reprint 2011) Lexis Nexis, 2010
- 13) Ram Jethmalani and D S Chopra, The Law of Evidence : Commentary on Evidence Act, 1872, 2nd ed, Thomson Reuters, 2016.
- 14) Peter Murphy and Richard Glover, Murphy on Evidence, 12th ed, 2011
- 15) Nayan Joshi, Electronic Evidence, Kamal Publishers, 2012
- 16) K D Gaur, Textbook on the Indian Evidence Act, Universal Law House, 2017
- 17) N V Paranjpe, Evidence in Criminal Trials, Thomson Reuters, 2017.
- 18) Stephen Mason, Electronic Evidence, 4th ed, 2017 free for download at http://humanities-digitalibrary.org/index.php/hdl/catalog/book/electronic_evidence
- 19) Stephen Mason, Electronic Signatures in Law, 4th ed, 2016, free for download at http://humanities-digital-library.org/index.php/hdl/catalog/book/electronic_signatures.

LP 0804 Practical Training Paper II – Alternative Dispute Resolution System

Objectives of the Course: The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason ADR is appreciated by many countries around the world. The course is designed in a way that it will give the students insightful knowledge about this emerging area. The goal of the course is to help the students to understand practically the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective, just and humane methods. The inability to resolve disputes in a timely manner eviscerates public and private rights obligations. To overcome this drastic situation ADR is highly recommended and accepted.

Marking scheme:

- (A) University written examination at end of term: 80 Marks
- (B) Written submissions: 10 Marks
- (C) Viva voce examination: 10 Marks

Part A: University Written Examination: 80 Marks

- | | |
|------------------|---|
| Module 01 | Alternate Dispute Resolution Mechanisms:
Alternate Dispute Resolution Mechanisms: Meaning--Defination—Concept--
History
Structure powers and Functions of National and State Legal Services
Authorities under the Legal Services Authority Act
Legislative and judicial sanction for ADR
Forms of ADR: Negotiation, Mediation, Conciliation, Arbitration
Structure Powers and functions Ombudsman
Lok-pal and Lokayukta, Lok-adalats.. |
| Module 02 | Negotiation and Mediation:
Meaning, features, theories, types of negotiation
Appointment, role and qualities of the negotiator, Process of negotiation
International negotiation
Meaning, features, theories and role of mediation
Appointment and role of mediator
Good offices |
| Module 03 | Conciliation:
Meaning, features and modes of conciliation
Conciliation under the Arbitration and Conciliation Act 1996
Appointment and role of conciliator,
Techniques of conciliation and Termination of conciliation proceedings
Contractual provisions about conciliation |
| Module 04 | Arbitration:
Meaning, features, theories and types of arbitration
Historical perspectives of arbitration as a dispute settlement mechanism, and
law of arbitration
Types of Arbitration --Domestic and International arbitration,
Institutional arbitration |

	Advantages and disadvantages of arbitration of arbitration
	Difference between Negotiation--Mediation--Conciliation--Arbitration.
Module 05	Arbitration agreement: The arbitration agreement, formation, its essentials Validity of arbitration agreement Rule of severability, Effect of death, insolvency etc on agreement Parties to arbitration agreement, Agreement as binding on third parties Power of court to refer parties to arbitration Jurisdiction of courts
Module 06	Structure, Powers and Functions of Arbitral Tribunal: Constitution of Arbitral Tribunal- qualifications to act as arbitrator Disclosures by arbitrator, Disqualification of arbitrators Grounds to challenge appointment and procedure of Arbitrators Powers of Courts to appoint Arbitrators Jurisdiction of arbitral tribunal - power to rule on its own jurisdiction Interim measures ordered by arbitral tribunal, interim measures by court.
Module 07	Arbitration proceedings and award: Conduct of arbitral proceedings, procedure, rules of procedure Language, impartiality of arbitrator, equal treatment of parties Procedure before arbitral tribunal, claim, defence, hearing, evidence, experts, confidentiality; Application of the law of evidence and limitation Court's assistance in taking evidence, Fast track procedure Arbitral award – Types of award- Form and CONTENT- Finality of award- Interpretation of award Correction in award--Stamp duty—Registration--Additional award Costs, Termination of proceedings Time limits for award, extension of time Recourse against award, Grounds of setting aside award, Court's role Enforcement of award
Module 08	International Perspectives and Enforcement of Foreign Awards: International perspectives: - UNCITRAL Model Law on International Commercial Arbitration The Geneva Protocol on Arbitration Clauses 1923 The Geneva Convention on the Execution of Foreign Arbitral Awards 1927 The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958 Foreign awards – meaning and definition (New York Convention Awards and Geneva Convention Awards) Referring parties to arbitration Binding nature of foreign awards, Enforcement of foreign award, Proof of award conditions for enforcement Jurisdictional issues

Part B: Written submissions: 10 marks

Students shall maintain a journal through the semester. The journal will be assessed by the teacher, and shall be presented at the time of viva voce examination. The journal shall contain the following drafts:

1. A domestic arbitration agreement after a commercial dispute has arisen between parties.
2. An arbitration clause in an international contract (having one Indian company as a party) for referring matter to institutional arbitration of an institution situated outside India
3. A conciliation clause in a commercial contract.
4. An invitation for conciliation proceedings.
5. A request by one party to the other party requesting that their commercial dispute be referred to arbitration.
6. A letter requesting an arbitrator to act as arbitrator in a case after disputes have arisen.
Assume that the contract has an arbitration clause with reference to one arbitrator.
7. An application to the appropriate court to appoint an arbitrator when parties have failed in their attempts to appoint one according to the arbitration agreement.
8. An application to the court seeking interim injunction or appointment of receiver before the arbitral proceedings have begun.
9. An application to the court for setting aside an award.
10. An application for enforcement of a foreign award.

Part C: Viva voce examination: 10 Marks

Viva voce examination shall be confined to the following:

- a) Drafts written in the journal, and
- b) The detail provisions of laws applicable to drafts written in the journal (including the substantive law involved in the dispute)

Recommended readings:

- 1) Madhusudan Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution, 4th ed, Universal Law Publishing, 2017
- 2) N V Paranjpe, Law Relating to Arbitration and Conciliation in India, 7th ed, Central Law Agency, 2016
- 3) Avtar Singh, Law of Arbitration and Conciliation, 10th ed, , Lucknow, 2013
- 4) Mallika Taly, Introduction to Arbitration, Eastern Book Company, 2015
- 5) Vishnu Warriar, Arbitration, Conciliation and Mediation, Lexis Nexis, 2015
- 6) K V Satyanarayana, Law of Arbitration and Conciliation in India, Asia Law House, 2017
- 7) Anirban Chakraborty, Law and Practice of Alternative Dispute Resolution in India – a Detailed Analysis, Lexis Nexis, 2016
- 8) Ashwinie Kumar Bansal, Arbitration and ADR, 5th ed, Universal Law Publication, 2016
- 9) Shriram Panchu, Mediation Practice and Law - The Path to Successful Dispute Resolution, 2nd ed, Lexis Nexis, 2015
- 10) Anuroom Omkar and Kritika Krishnamurthy, The Art of Negotiation and Mediation, Lexis Nexis, 2015
- 11) Ujwala Shinde, Alternative Dispute Resolution, Hind Law House
- 12) P C Rao and William Sheffield, ed, Alternative Disputes Resolution- What it is and how it works? Universal Law Publishing, New Delhi, 2015

- 13) S B Malik, Commentary on the Arbitration and Conciliation Act, 6th ed, Universal Law Publishing, 2013
- 14) N D Basu, Law of Arbitration and Conciliation, 13th ed, Orient, 2016
- 15) U Pattabhi Ramian, Arbitration & ADR Including Conciliation, Mediation & Negotiation, Asia Law House, 2011
- 16) R S Bachawat, The Law of Arbitration and Conciliation, 5th ed, Lexis Nexis, 2013
- 17) P C Markanda, Law Relating to Arbitration and Conciliation, 9th edn, LexisNexis, 2016
- 18) O P Malhotra, The Law and Practice of Arbitration and Conciliation, 2nd edn, LexisNexis Butterworths, New Delhi 2006.
- 19) N D Basu, Law of Arbitration and Conciliation, P K Majumdar (ed), Orient, 2016
- 20) G K Kwatra, The Arbitration and Conciliation Law of India, Universal Law Publishing Co Pvt Ltd, New Delhi, 2008

Optional Subject 4 (Anyone from the following)

LO 0805 Human Rights Law and Practice

Objectives of the course: The National Legal Systems recognized the rights of individuals from ancient periods and extended protection through various legal regulations. However, they could not provide an effective remedy for breaches outside the state and state violations. This scenario and other developments in the beginning of 20th century led the nation-states to bring the aspects of individuals rights under the purview of international law and appropriately titled them as Human Rights with the adoption of Charter of UN in 1945. In pursuance of the directions of the preamble and other provisions of Charter, a plethora of international instruments have been agreed upon by the States Parties to Protect and promote the Human Rights of Individuals both international and domestic levels. In view of the gaining significance of International Law of Human Rights, this paper presents subtly an over view of the International and Domestic perspectives of Human Rights along with the redress mechanism.

Module 01 Introduction:

Historical origins of Human Rights in International and National Scenario: An overview
Basic Components of Human rights –Value-dignity-Equality –Justice- Morals and Ethics
Perspectives on Rights and Duties—Relationship between Rights and Duties
Provisions Under the Charter of UN –Preamble-Art. 1 (3) –Art 13 (1) (b)—Arts 55-56

Module 02 Types of Generational Human Rights :

Civil and Political Rights (First Generational Rights):

Civil Rights: Freedom of opinion --Freedom of expression and press
--- The right to personal security in relation to justice and police ---
Equality before the law –Right to Life and Liberty—Right to Privacy—Right to Religion

Political Rights:Equal access to public --- Participation in Governance—Right to Vote –Good Governance

Economic , Social and Cultural Rights (Second Generational Rights):

Economic and Social Rights: Labour Rights—Right to Property –
Right to Education- freedom of association --Right to Social Security (Pension, Medical Services-the right to insurance for sickness, old age –Unemployment allowance etc).

Cultural Rights: Right to develop their languages—Right to follow customs, folkways, literatures, and traditions—Right to enjoy scientific and Technological benefits

Group Rights (Third Generational Rights): Right to Development—Right to Self-determination—Right to Peace and happiness—Right to safe and decent Environment—Right to Human Assistance—Right to Malnutrition –Right to water.

Right to Genetic Engineering(Fourth Generational Rights): Right to Protect from Human Genome—Right to Genetic Identity—Right to impose restrictions on medical-Scientific and Technology

interference—Right to Die in peace and Dignity—Right to infanticide—Right to fetus

Module 03 Human Rights of Vulnerable and Disadvantaged Groups:

Meaning and Definition of Vulnerable and Disadvantaged Groups
Social and Economic Status of Women and Children
Status of Socially and Economically Disadvantaged groups—Indigenous People—SC/STS—Aged and Disabled –Rights of Minorities
Vulnerable Groups—Sex Workers—Stateless Persons—Migrant Workers—HIV/AIDS patients—Third Gender

Module 04 Human Rights and Enforcement Mechanism:

International Mechanism:

Commission on Civil and Political Rights
Commission on Economic, Social and Cultural Rights
Commission on Women and Children and Disabled Person
Role of Human Rights Council and Office of the High Commissioner for Human Rights

National Mechanism:

National Human Rights Commission
National Commission for Women
National Commission for Protection of Child Rights
National Commissions for SC/STS, Minorities and other disadvantaged groups
Role of Judiciary

Module 05 Significance of Human Rights Education:

Meaning and Definition of Human Rights Education
Role of UN in the Promotion of Human Rights Education
Role of Govt of India in the Promotion of Human Rights Education – UGC and Universities

In this paper in every Unit the students need to be imparted a comparative approach of both international and national scenario with reference to the relevant International declarations, covenants, Conventions along with the Part III and Part IV of the Constitutional Perspective. While dealing with the units, appropriate international and national case laws has to be imparted basing on the significance of the topic and linkage of the cases that are relevant and more suited to the area with contemporary developments.

Recommended Reading:

- 1) T.S. N. Sastry, Introduction to Human Rights and Duties - Book I, (Savitribai Phule Pune University Press, Pune, 2015)
- 2) T.S. N., Human Rights of Vulnerable and Disadvantaged Group - Book II(Savitribai Phule Pune University Press, Pune, 2015)
- 3) T.S. N., Human Rights and Duties in India : Law, Policy, Society and Enforcement Mechanism - Book III(Savitribai Phule Pune University Press, Pune, 2015)
- 4) T.S. N., India and Human Rights (Concept Publishing Company, New Delhi 2005)
- 5) V.T. Patel and T.S.N. Sastry: Studies in Human Rights, (PR Publications New Delhi,2000)
- 6) V. K. Ahuja, Public International Law (Lexis Nexis, Noida, 2016)

- 7) Gurdip Singh, International Law (Eastern book company, Lucknow, 2016)
- 8) Economic social and Cultural Rights in International Law, ed Eibe Riedgal, Gilles Giacca, Christophe Golay (Oxford University Press, UK, 2014)
- 9) Walter Kailin and JorgKunzli, The Law of International Human Rights Protection (Oxford University Press, New York, 2010)
- 10) Peter N. Strarms, Human Rights in World History (Routledge, New york, 2010)
- 11) De Schutter, International Human rights Law, Cases, Materials Commentary (Cambridge University Press, New Delhi, 2010)

LO 0806 Competition Law

Objectives of the Course: There is aggressive competition in today's market. New start-ups and entrepreneurs are emerging almost every day. With opening of Indian markets in almost all sectors, the study of Competition law becomes inevitable. It is a rapidly growing area of law which reflects the free market economy and increasing world globalization. The course aims to give an overview on the basics of Competition Law in India through a comparison of the main jurisdictions (especially U.S. and UK) and thus provide a solid background for further studies of this subject. The course will examine and compare the application of competition law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms. Emphasis will be placed on the Competition Act, 2002 with discussion of laws from selected other jurisdictions such as US, UK and EU.

Module 01 Introduction:

Basic Concepts: Customer and Consumer , Market , Types of Market - Perfect Market, Monopoly, Oligopoly and Monopsony
Rationale behind Competition Law
Constitutional aspect of Competition Law with respect to Human Rights and Social Justice (Article 39 (b) and (c) of Constitution of India, 1950)
Relation between Competition Policy and Competition Law
Objectives of Competition Law
Economic analysis of Competition Law

Module 02 Historical Development of Competition Law:

History and Development of Competition Law/ Antitrust Law
Development of Competition Laws in USA, UK and EU
Sachar Committee, Raghavan Committee Report
Salient Features of MRTP Act, 1969
Competition Act 2002 – Salient Features
Difference between MRTP Act and Competition Act
Important Definitions under the Competition Act, 2002.
Brief overview of Competition Law in USA, UK and EU

Module 03 Anti-Competitive Agreements:

Anti- Competitive Agreements:- Meaning and Scope
Types of Anti-competitive agreements - Horizontal and Vertical agreement
Rule of Perse and Reason
Exemption from anti-competitive agreements
Prohibition of Anti-competitive agreement/ Cartel/bid rigging
Practices, decisions and agreements resulting into cartels
Pro-competitive and anti-competitive effects of joint ventures
Precompetitive and anticompetitive effects of vertical agreements
Procedure for inquiry by CCI
Prevention of Anti-competitive agreements in USA, UK and EU

Module 04 Regulation of Abuse of Dominant Position:

Economics of abuse of dominance
Types of Abuse by a Dominant Player: Exploitative Abuses: Vertical restraints and Excessive pricing; Exclusionary Abuses- Price discrimination, discounts and predation

Enterprise
 Relevant Market
 Dominance in Relevant Market
 relevance of sector specific competitive dynamics on dominant position
 Predatory Pricing
 Defenses against abuse of dominance
 The remedies in case of abuse of dominance
 Prevention of Abuse of Dominant Position in UK and USA

Module 05 Regulation of Combinations:

Combinations: Merger, Acquisition, Amalgamation and Takeover
 Jurisprudence of Horizontal, Vertical and Conglomerate Mergers
 Private Equity Investments
 Notification of combinations
 Jurisdictional test: Turn over, Asset, Domestic nexus, Exemptions
 Regulations and Penalties.
 Position in USA, UK and EU

Module 06 Enforcement Mechanisms:

Establishment and Constitution of Competition Commission of India, Powers and Functions
 Jurisdiction of the CCI
 Adjudication and appeals
 Competition Appellate Tribunal
 Director General of Investigation (DGI)- Penalties and Enforcement.
 Competition Advocacy in India and International Perspective

Module 07 Interface of Competition Law with other laws:

Intellectual Property Rights and Competition Law
 International Trade and Competition Law
 Consumer law and Competition Law

Recommended Readings:

- 1) Richard Whish & David Bailey, *Competition Law*, Oxford University Press.
- 2) Avtar Singh, *Competition Law*, Eastern Book Company.
- 3) Vinod Dhall, *Competition Law Today*, Oxford University Press.
- 4) Abir Roy, *Competition Law in India: A Practical Guide*, Kluwer Law International B. V., 2016
- 5) Srinivasan Parthasarathy, *Competition Law in India*, Kluwer Law International B.V., 2017
- 6) T. Ramappa, *Competition Law in India: Policy, Issues, and Developments*, Oxford University Press, 2014
- 7) Alison Jones, Brenda Sufrin, *EU Competition Law: Text, Cases, and Materials*, Oxford University Press.
- 8) Barry Rodger, Angus MacCulloch, *Competition Law and Policy in the EU and UK*, Routledge.
- 9) Kirsty Middleton, Barry Rodger, Angus MacCulloch, *Cases and Materials on UK and EC Competition Law*, Oxford University Press
- 10) Maher M. Dabbah, *International and Comparative Competition Law*, Cambridge University Press.

LO 0807 Vulnerable and Disadvantaged Groups and Criminal Law

Objectives of the course: In India there are multiple socio-economic disadvantages that members of particular groups experience. The task of identifying the vulnerable groups is not an easy one. Besides there are multiple and complex factors of vulnerability with different layers and more often than once it cannot be analyzed in isolation. In this course paper the vulnerable groups that face discrimination include- Women, Scheduled Castes (SC), Scheduled Tribes (ST) and Children. From the British era, Criminal law was used to eradicate social evils. The fear of punishment was a tool of social change. Post-Independence, the modern State has used criminal law to bring social change. This Course paper will help students to understand the role of Criminal Law in protecting the vulnerable and disadvantaged groups in India.

Module 01 Introduction to Vulnerable and Disadvantage groups:

- Meaning of Vulnerable and Disadvantaged groups
- Structural discrimination and vulnerable groups
- Role of law to overcome discrimination
- Criminal law as a tool of social change

Module 02 The Protection of Civil Rights Act 1955:

- Social menace of Untouchability
- Legislative history, objectives and scope of the Act
- Practices of untouchability and its Punishment
- Presumption of courts in some cases
- Power of court to impose collective fine
- Non application of Probation of offenders Act

Module 03 The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989:

- Legislative history, objectives and scope of the Act
- Defining Atrocity against Scheduled Caste and Scheduled Tribes
- Offences of Atrocities and punishment thereof
- Externment procedure
- Collective Fine
- Special Courts and Special Prosecutor
- Presumption by courts in certain cases
- Precautionary and Preventive measures under the Rules of 1995
- Non application Anticipatory Bail and Probation of Offenders Act
- Investigation and supervision.
- Personnel under the Act and their duties

Module 04 Dowry Prohibition Act 1961:

- Dowry a social menace
- Legislative history, objectives and scope of the Act
- Dowry Defined
- Penalty for giving and taking dowry.
- Dowry for benefit of wife or her heirs.
- Change in procedural law and Evidence Law.
- Dowry Prohibition officers.

Module 05 The Protection of Children from Sexual Offences (POCSO) Act 2012:

Legislative history, Objective and Scope of the Act
Sexual offences against children
Using child for pornographic purpose
Abetment of an attempt to commit an offence
Procedure for reporting of cases
Procedure for recording statement of the child
Special courts: Procedure and powers of special courts and recording of evidence
Punishments under the Act.

Module 06 The Immoral Traffic (Prevention) Act, 1956:

Legislative history, Object and reasons of the Act
Social Landscape of Prostitution.
Prostitute: Vaguely defined under the Act.
Protection of Morals and Places of Residence.
Ponce or Poncing under the Act.
Corrective Institutions and Protective Homes.
Personnel under the Act.

Note: The above Legislations are to be studied along with relevant rules framed under the Act by appropriate governments.

Recommended Reading:

- 1) Justice P.S. Narayana, Commentary on the Protection of Children from Sexual Offences Act, 2002 and Rules, Universal Law Publishing Co, New Delhi.
- 2) B. R. Beotra's Immoral Traffic (Prevention) Act, 1956 (With State Rules), The Law Book Company (p) Ltd, Allahabad.
- 3) LaitaDharParihar, Women & Law From Impoverishment to Empowerment- A Critique, Eastern Book Company, Lucknow.
- 4) SmitaNarula, Broken People: Caste violence against India's Untouchables, Human Rights Watch.
- 5) K.B Saxena, Report on Prevention of Atrocities against Scheduled Castes, National Human Rights Commission, 2002.

LO 0808 Civil Minor Acts

Objectives of the Course: This Course covers subjects that a civil practitioner, whether working in litigation or not, needs to address very often. While the law relating to interest is a substantive law, other laws in this course are procedural. Nevertheless their study is indispensable to each lawyer. The Specific Relief Act in this Course covers only those reliefs that were not covered in the course in contract law.

Module 01 The Interest Act 1978:

- When can a court allow interest
- Rate of interest
- Effect of provisions relating to interest in other statutes
- Date from which interest shall commence
- Section 34 of the Civil Procedure Code
- Powers of an arbitrator to award interest

Module 02 The Specific Relief Act 1963:

- Nature of specific relief, specific relief only for enforcing individual civil rights
- Possession, Nature of remedy, Recovery of specific movable and of immovable property, summary remedy for forcible dispossession, Liability to deliver to person entitled to immediate possession.
- Declaration, Claim for consequential relief
- Injunctions, Types of injunctions, Circumstances in which injunction is granted, When will injunction not be granted, Compensation in suits for injunction

Module 03 The Limitation Act 1963:

- Limitation bars the remedy but does not extinguish the right. The role of limitation law
- The bar of limitation, Prescribed period and the Schedule, Continuous running of time, Special period of limitation for the government, Application to arbitration proceedings
- Extension of period : court closed, for sufficient cause, legal disability; No bar in suits against trustees
- Computing period of limitation, Exclusion of time, Effect of death, defendant being out of India, fraud and mistake
- Effect of acknowledgment in writing and payment on account of debt
- Adverse possession: acquisition of ownership by possession

Module 04 The Registration Act 1908:

- Authorities under the Act
- Documents of which registration is compulsory, and is optional
- Provisions about contents of documents
- Time and place for registration
- Procedure of registration: Fees, Presentation, who can present, Enquiry, Admission or denial, procedure on denial of execution; Enforcing attendance, Endorsements on the document, Registration; Recording in books and indexes, Electronic indexes
- Inspection and copies of books and indexes

Registration of wills
Effect of registration and non-registration
Refusal to register, Grounds for refusal

Module 05 The Indian Stamp Act 1899 and the Maharashtra Stamp Act 1958.

Object and purpose of stamp duty, and the Act, Authorities under the Act and their powers and functions
Instrument, which instruments are chargeable to stamp duty, calculation of stamp duty
Liability to pay stamp duty, Who is liable to pay
Mode of payment of stamp duty, unstamped instrument
Valuation for purposes of stamp duty, Adjudication of stamp duty, procedure of adjudication
Allowances for stamps
Offences and penalties
Under the Maharashtra Stamp Act 1958 and Rules: Valuation and Ready Reckoner.

Module 06 The Maharashtra Court Fees Act 1959.

Court fees, Nature of levy, Object and purpose of the Act
Documents chargeable to court-fees, Plaintiff and counter-claims, the Schedule, Exempt documents, Mandatory nature of payment
Computation of court fees, Fixed fees and ad-valorem fees, Modes of collecting court fees, Cancellation of stamp.
Decision of questions as to valuation
Refund of court fees
Multifarious suits

Module 07 The Suits Valuation Act 1887.

Object and purpose of the Act.
Valuation for suits relating to land
Valuation in other suits
Objections in appeals to over valuation or under valuation

Recommended Readings:

- 1) Sarkar, Specific Relief Act, Sudipto Sarkar and R Yashod Vardhan (eds), 17th ed, Lexis Nexis, 2016
- 2) Pollock and Mulla, The Specific Relief Act, 1963, 14th updated edition, Nilima Bhadbhade (ed), Lexis Nexis, 2014
- 3) B M Gandhi, Equity, Trusts and Specific Relief, Eastern Book Company, 2017
- 4) Anand and Iyer's Commentary on the Specific Relief Act, 1963, Delhi Law House, 13th ed
- 5) S C Banerjee, Law of Specific Relief, 13th ed, Universal, 2015
- 6) U N Mitra, Tagore Law Lectures – Law of Limitation and Prescription, 14th ed, 2016
- 7) T R Desai, Commentary on the Limitation Act, 11th ed, Universal Law House, 2016
- 8) Shriniwas Gupta, The Limitation Act, 3rd ed, Universal Law House, 2016
- 9) B B Mitra's Limitation Act, 23rd ed, M R Mallick (ed), Eastern Law House, 2014
- 10) Mulla, The Registration Act, 13th ed, K Kannan (ed), Lexis Nexis, 2016
- 11) Malik's Commentary on The Registration Act 1908 with State Amendments, 4th ed, Delhi Law House, 2016
- 12) Sanjiva Row, Registration Act, 15th ed, Law Publishers, 2015

- 13) K Krishnamurthy's The Indian Stamp Act, 12th ed, M R Hariharan Nair and Boris Paul (ed), Lexis Nexis, 2017
- 14) Aiyar S Krishnamurthi, The Indian Stamp Act, 9th ed, Universal Law House, 2017
- 15) Sunil Dighe, The Maharashtra Stamp Act, Snow White Publications, 2017
- 16) Mahendra Jain and H M Bhatt, The Maharashtra Stamp Act 1958, Law Times, 2017
- 17) A N Khanna, Law of Court Fees and Suits Valuation, 8th ed, Universal, 2011
- 18) MLJ Manual on the Court Fees Act 1870, Lexis Nexis, 2017

LO 0809 International Economic Law

Object of the Course: In the Changing dimension of Globalisation and the increasing demand of interdependence on economic relations of nation states, the significance of international law has grown considerably in the contemporary era. The relations of nation-states are mostly depending on economic cooperation than on political perspectives only as compared to yester years. In order to have a broad outlook of the nation-state relations in the field of economic era, this course equips the student to understand an over view of economic legal scenario of states.

Module 01 Introduction :

Definition, Nature and Sources of International Economic Law
Relationship between national and international economic laws
Origin and Development of International Economic Law-Bretton Woods Conference

Module 02 Developments in the context of de-colonization :

Developing States and the Modern perspective of international economic relations- Significance of-- Resolution on Permanent sovereignty Over Natural Resources –Declaration on the New International Economic Order – The Charter of Economic Rights and Duties Law — Sustainable Development – Human Rights-Sustainable Development
Structural Perspective of GATT – Significance of Ministerial Conferences— Mechanism for Dispute Resolution—Problems and Perspective of GATT Regime.

Module 03 International and Regional Financial Institutions:

IBRD Structure Powers and Functions –Significance of IRO
Structure Powers and functions of IMF
Structure Powers and Functions of World Bank
Structure powers and Functions of Asian Development Bank
Structure Powers and Functions of G-20
Structure Powers and functions of BRICS

Module 04 Significance of Treaties Bilateral Agreements and International Economic Law:

Multilateral and Bilateral treaties and significance
Uruguay round and its impact on International Economic Law
Significance of most Favoured Nations Clause and National Treatment
Objective Principles of GATT 1994 –Reduction of Tariff and Non-Tariff Barriers to Trade.
General Exceptions to Article XX and XXI of GATT 1994
Safe Guard Measures under XIX of GATT 1994

Module 05 WTO and International Economic Law :

Historical origins of WTO
Structure Powers and Functions
Role and Responsibility of Secretariat
Dispute Settlement System under WTO
Impact of WTO Law on Domestic Law

Recommended Readings:

- 1) Asif H. Qureshi – International Economic Law (London: Sweet & Maxwell, 1998)
- 2) Jackson and W. Davey et al. – International Economic Relations (1995).
- 3) H. Fox (ed.) – International Economic Law and Developing States: Some Aspects (1992).
- 4) I. Seidi – Hohenvelde, International Economic Law (1992).
- 5) Bhandari and Sykes – Economic Dimensions in International Economic Law (1999).
- 6) Van Meorhaeghe – International Economic Institutions (1998).
- 7) Schwabenberger – Foreign Investment and International Law
- 8) Oxolic – Legal Aspects of International Transfer of Technology.
- 9) Wallace – Multinational Corporations.
- 10) O’Connell – International Law, Vol. I & II.
- 11) Harves D.D., - Cases and Materials on International Law

Recommended Journals:

- 1) American Journal of International Law
- 2) British Year Book of International Law
- 3) Indian Journal of International Law
- 4) Journal of Economic Law of Oxford
- 5) International Economic Law e journal
- 6) Indian Journal of International Economic Law

Part XI
Syllabus of Fifth Year B.A. LL.B, Fifth Year B.B.A LL.B, and Third Year LL.B
Fifth Year B.A. LL.B. - Semester IX
Fifth Year B.B.A. LL.B. - Semester IX
Third Year LL.B. - Semester V

LC 0901 Civil Procedure Code

Objectives of the Course: Civil Procedure Code is subject of daily use by the courts and lawyers. Students cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. It is necessary to have good grounding in the subject before one enters the profession. The substantive law determines the rights of persons affected by action. The main objective of this paper is to give to a law student a thorough knowledge of procedural aspects of working of civil courts and other machineries.

Module 01 Preliminary, Institution of suits, Bar to jurisdiction, Maintainability:

The Code of Civil Procedure, its objects and purpose, History of the Code of Civil Procedure
Definitions: (to be considered along with the relevant topic): decree, decree-holder, district, judge, judgment, judgment-debtor, legal representative, mesne profits, order
Subordination of courts
Jurisdiction (all suits of civil nature), types of jurisdiction, issue of jurisdiction as preliminary issue, objections to jurisdiction, Bar to jurisdiction
Place of suing, Institution of suits
Res judicata and stay of suit
Parties to a suit, Joinder, misjoinder and non-joinder of parties, Recognised agents and pleaders, Effect of death, marriage and insolvency of parties
Frame of suit, whole claim, Joinder and misjoinder of causes of action and claims, Bar of suit on same cause of action.

Module 02 Summons and Pleadings:

Issue of summons and documents, Purpose of issuing summons, Service of summons, persons who can serve summons, mode of service, on whom can it be served, substituted service, service on defendant outside jurisdiction of the court, Effect of not taking steps to serve summons, Effect of non appearance of defendant after being served.
Exemption from appearance
Pleadings, purpose, forms, particulars in pleadings, mandatory particulars, Verification, Amendment of pleadings
Plaint, particulars, contents, relief, grounds of relief, admitting plaint, Return of plaint, Rejection of plaint, Effect of return and rejection of plaint, Accompaniments to plaint: Documents, Address
Written statement, admission and denials, Counter claim, Set off, Grounds of defence

Module 03	<p>Registered addresses of parties, Appearance of parties and consequence of non-appearance, setting aside ex-parte decrees</p> <p>Preliminary procedures, Issues, hearing and judgment and orders:</p> <p>Examination of parties by court, Discovery and inspection</p> <p>Admissions and effect, Production, impounding and return of documents</p> <p>Framing of issues, effect if parties not at issue</p> <p>List of witnesses, Summons to witness, Expenses of witness, Witness to give evidence and production of documents</p> <p>Hearing of suit, Right to begin, Order of appearance of witnesses, Manner of taking evidence, Language, Recording questions and answers and objections, Demeanour of witness, recording evidence on commission, Affidavits and personal attendance, Adjournments</p> <p>Withdrawal and adjustment of suits, Payment into court</p> <p>Judgment, Its contents, Decision on each issue</p> <p>Interest and Costs, Compensatory costs, Costs for causing delay</p> <p>Inherent powers of a court, Open court and <i>in camera</i> proceedings</p>
Module 04	<p>Decrees and execution of decrees:</p> <p>Decree, Meaning, Purpose, Court which passed the decree, Decrees granting particular reliefs.</p> <p>Execution of decrees, court by which decree will be executed, Transfer of decree,</p> <p>Persons by whom and against whom decree can be executed, Transferees, Legal representatives</p> <p>Payment under decree, Procedure of executing a decree, Issue of process, Stay of execution,</p> <p>Property that can or cannot be attached.</p> <p>Modes of execution of different kinds of decrees, Attachment and Garnishee order, Sale, Arrest and detention</p> <p>Questions to be determined by executing court, Resistance or obstruction to execution.</p>
Module 05	<p>Interlocutory, incidental, supplemental and special proceedings:</p> <p>Commissions</p> <p>Settlement of disputes outside Court</p> <p>Arrest and attachment before judgment, Security for costs</p> <p>Interim injunction</p> <p>Interlocutory orders</p> <p>Receivers</p> <p>Cavaet</p>
Module 06	<p>Particular proceedings:</p> <p>Summary procedure</p> <p>Third party procedure</p> <p>Suits by or against government and public officers</p> <p>Suits by aliens and foreign states</p> <p>Suits by or against corporations, partnership firms, persons carrying on business in names other than their own.</p>

Suits by or against minors
Suits by indigent persons
Interpleader suits
Special case

Module 07

Appeals, Revision and Review, Recognition of judgments:

Appeals from original and from appellate decrees, Appeals to Supreme Court
Appeals from orders
Powers of Appellate Courts, Procedure in appeals, Filing appeal, Stay of proceedings or execution, Hearing, Judgment and decree in appeal
Reference, review and revision
Recognition of foreign judgments

Module 08

Procedure of Commercial Courts:

Various courts under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015, purpose of establishing these courts, commercial disputes, jurisdiction of commercial courts.
Important provisions of Code of Civil Procedure as amended by the Commercial Courts etc. Act relating to :
Written Statement and denials in written statement
Costs
Form and verification of pleadings
Summary judgment
Case management hearings
Written arguments

Module 9

The Limitation Act 1963:

The role of limitation law.
Bar of limitation, Prescribed period and the Schedule, Continuous running of time, Special period of limitation for the government, Application to arbitration proceedings.
Extension of period : court closed, for sufficient cause, legal disability; No bar in suits against trustees
Computation of period of limitation, Exclusion of time, Effect of death, defendant being out of India, fraud and mistake
Effect of acknowledgment in writing and payment on account of debt
Adverse possession: acquisition of ownership by possession

Recommended Readings:

- 1) Mulla, Code of Civil Procedure , Universal, Delhi.
- 2) C.K. Thakker, Code of Civil Procedure, Universal, Delhi.
- 3) M.R. Mallick (ed), B.B. Mitra on Limitation Act, Eastern Lacknow.
- 4) Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure, 1908, Universal , Delhi . Jain M.P., Code of Civil Procedure with Amendments, Wadhwa
- 5) Shah A.N. The code of civil procedure, Universal , Delhi.
- 6) Sarkar's Law of Civil Procedure, Vols, Universal, Delhi.
- 7) Sukumar Ray, Textbook on the Code of Civil Procedure, Universal Law Book Co.

- 8) Dr. Avtar Singh, Code of Civil Procedure, Central Law Publication Universal's Code of Civil Procedure
- 9) Jain M P, The Code of Civil Procedure, Wadhwa Nagpur Publication
- 10) Avtar Singh, Code of Civil Procedure, Central Law Publication 89
- 11) Mathur D. N., The Code of Civil Procedure, Central Law Publication
- 12) U. N. Mitra, Limitation and Prescription
- 13) AIR Commentaries on the Limitation Act
- 14) S. R. Myneni, Law of Limitation, Asia Law House, Hyderabad 90 LL.B. Semeste
- 15) P.K. Majumdar and R. P. Kataria, Commentry On The Code of Civil Procedure Code-1908, Universal, Delhi.
- 16) P.K. Mukharjee, Limitation Act, Allahabad Law Agency.
- 17) Civil Manuat - Issued by the High Court Bombay
- 18) Takwani C. K. - The Code of Civil Procedure
- 19) Shailendra Malik, Code Of Civil Procedure ,27 th Edition, 2011, Allahabad Law Agency.
- 20) Sarkars Commentry on The Civil Procedure Code ,Dwivedi ,Allahabad Law Agency.
- 21) AIR Commentaries on Limitation Act, W.W. Chitaley, AIR Ltd., Nagpur
- 22) Taxman's - The Code of Civil Procedure 1908
- 23) Kelkar R.V.: Criminal Procedure, 3rd Edn. Eastern Book Co., Lucknow, 1993.
- 24) Ratanlal and Dhirajlal: The Code of Criminal Procedure, 15th Edn. Wadhwa & Co.,
- 25) Padala Rama Reddi: The Code of Criminal Procedure, 1973, Asia Law House, Hyderabad.
- 26) Prof. S.N. Misra: The Code of Criminal Procedure, Central Law Agency.
- 27) M.P. Tandon: Criminal Procedure Code, Allahabad Law Agency. 6. Shoorvir Tyage: The Code of Criminal Procedure, Allahabad Law Agency
- 28) Mulla, Code of Civil Procedure Code (1999) Universal, Delhi
- 29) C.K. Thakkar ,Code of Civil Procedure Code(2000) Universal ,Delhi
- 30) M.R. Mallik (ed) B.B. Mitra, On Limitation Act (1998) Eastern ,Lucknow
- 31) Sanjiwa Rao - Civil Procedure Code.
- 32) K. Takwani: Civil Procedure, 4th Edition, Eastern Book Co., Lucknow, 2007.
- 33) A.N. Saha: Code of Civil Procedure
- 34) Mulla: Code of Civil Procedure: Tripathi (Abridged Edition), (Student Edition).
- 35) B.B. Mitra: Limitation Act, 17th Edition, Eastern Law House, Calcutta, 1974, Allahabad, 1973.
- 36) . Sanjiva Row: Limitation Act, 7th Edn. (in 2 Vol.s), Law Book Co., Allahabad, 1973.
- 37) Sanjiva Row: Code of Civil Procedure, 3 rd Edn, (in 4 Vols), Law Book Co., Allahabad.
- 38) Ganguly A. C. - Civil Court Practice and Procedure

LC0902 Interpretation of Statutes

Objectives of the Course : This paper aims to acquaint the students with basic principles of interpretation. It focuses on general and specific rules of interpretation of statutes. It prescribes the guidelines on interpretation of remedial, penal and taxing statutes. It provides for internal and external aids for interpretation of statutes. It also contains the rules regulating commencement, operation and repeal of statutes. It prescribes the principles for interpretation of Constitutional document.

Module 01 Introduction:

- Meaning of Interpretation
- Object of Interpretation
- Classification of Statutes
- The General Clauses Act, 1897 : An overview of important provisions and important definitions

Module 02 General Principles of Interpretation:

- Literal Rule
- Golden Rule
- Mischief Rule
- Statute must be read as a whole in its context
- Statute to be construed to make it effective and workable
- Omissions not to be inferred
- Every word in a statute to be given a meaning

Module 03 Subsidiary Rules of Interpretation:

- Same word same meaning
- Use of different words
- Rule of last antecedent
- Non-obstante clause
- Legal fiction
- Mandatory and directory provisions
- Conjunctive and disjunctive words 'or' and 'and'
- Construction of general words-*Noscitur A Socis*
- Rule of *ejusdem generis*
- Words of rank
- Reddendo Singula Singulis*

Module 04 Internal Aids to Construction:

- Preamble
- Definition
- Sections
- Heading
- Marginal notes
- Punctuation marks
- Illustrations
- Proviso
- Explanation
- Schedule

- Module 05 External Aids to Construction:**
Parliamentary history
Historical facts and surrounding circumstances
Social economic and political developments
Reference to other statutes
Contemporanea exposition
Other external aids- codifying and consolidating statutes
- Module 06 Interpretation of Statutes Affecting Jurisdiction of Courts**
General principles
The extent of exclusion
Exclusion of jurisdiction of superior Courts
- Module 07 Construction of Penal and Taxing Statutes:**
Rule of strict construction of taxing statutes
General principles of strict construction
Limits of rule of strict construction
Mens rea in statutory offences and Indian Penal Code
Vicarious liability in statutory offences
- Module 08 Construction of Remedial Statutes:**
Distinction between remedial and penal statutes
Liberal construction of remedial statutes
- Module 09 Commencement and Operation of Statutes:**
Commencement of statute
Retrospective operation of statute
- Module 10 Expiry and Repeal of Statutes**
Perpetual and temporary statutes
Effect of expiry of temporary statutes
Express or implied repeal
Consequences of repeal
- Module 11 Interpretation of the Constitutional Document**
Rules of interpretation of Constitutional documents
Liberal interpretation and not narrow interpretation
Specific rules for interpretation :-
Broad and liberal interpretation
Doctrine of pith and substance
Doctrine of colourable legislation
Doctrine of implied powers
Principle of incidental and ancillary powers
Principle of occupied field
Doctrine of waiver
Doctrine of severability
Doctrine of eclipse
Harmonious construction
Doctrine of basic feature
Doctrine of prospective overruling
Principle of implied prohibition

Recommended readings:

- 1) G.P. Singh, Interpretation of Statutes (LexisNexis, Butterworth Wadhwa ,Nagpur)
- 2) Bindra N.S., Interpretation of Statutes (LexisNexis)
- 3) Vepa Sarathi, Interpretation of Statutes (Eastern Book Company)
- 4) Maxwell, Interpretation of Statutes (Sweet and Maxwell)
- 5) Rupert Cross, Statutory Interpretation (Butterworth)
- 6) Avtar Singh, Introduction to Interpretation of Statutes (LexisNexis, Butterworth Wadhwa)
- 7) Battacharya T., Interpretation of Statutes (Central Law Agency)
- 8) R.D. Shrivastava, Textbook of interpretation of Statutes (Central Law Publication)
- 9) Swarup, Legislation and interpretation (University Book Agency)
- 10) M.P. Tondon, Interpretation of Statutes (Allahabad Law Agency)

LC 0903 Environmental Law

Objectives of the course: The environmental pollution and degradation of biodiversity has become one of the biggest hazards not only to human existence but also to the existence of all the gifts that nature has bestowed on mankind. Unless immediate and urgent steps are taken to control environmental pollution, a bleak and terrible future awaits the humanity. This fact has accelerated the emergence of different legal and governmental measures at national and international level for prevention of environmental pollution. This course aims to create awareness among the students about the legislative measures for protection of environment and spirit of Indian Constitution for protection of environment. It also provides the opportunities to the students to understand the activist role played by Indian Judiciary in protection of environment and evolution of different principles such as polluter pay principle, precautionary principle, inter-generational equity and sustainable development. At the end of this course the students would be familiar with the overall environmental legal regime of the country as well as its international obligations. This course would equip the students with basic knowledge and skills to understand Environmental Law issues.

Module 01 Introduction:

Historical origin of Environment Law—International and Indian Jurisprudence
Components of Environment –Ecology, Ecosphere and Biosphere
Protection of Environment in Ancient India and during British period
Meaning and definition of Environment, Environmental Pollution – Its kinds (Natural and artificial – Air, Water, Noise, Soil), causes and effects.
Nature of Environmental Law - Public law or private law
Common law aspects of environmental law - Nuisance, Trespass, Negligence, Absolute and Strict liability.
Criminal Liability and Environment Protection – Offences affecting public health and safety under Indian Penal Code, 1860 and Section 133 of Cr. P.C.

Module 02 Environment Protection under Indian Constitution:

Preamble, Fundamental Rights, Directive Principles of State Policies, Fundamental Duties, Distribution of Legislative Powers, Implementation of International obligations.
Remedies – Writ Jurisdiction of High Court and Supreme Court
Public Interest Litigation and Environment Protection.
Role of Indian Judiciary in protection of Environment

Module 03 Principles of International Environmental Law and their relevance in India:

Stockholm Conference, 1972, Rio Summit or Earth Summit-I, 1992, UNEP, Convention on Climate Change, Convention on Biological Diversity, Earth Summit-II, 1997 – Impact of all above in India
World Summit on Sustainable Development, 2002, UNFCCC, 2015– Position in India
Responsibility of States in Protection of Environment—Trans-boundary pollution and state's responsibility—Trail Smelter Arbitration
Significance and Protection of Ozone Layer- Global Warming-Acid Rain-Oil Spills- Gas Leak- Marine Pollution
Sustainable Development, Inter-generational Equity, Precautionary Principle, Polluter Pays Principle, Public Trust Doctrine- Relevance of

above in India

Module 04 Resource Management I: Legislative and Judicial Perspective:

The Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act 1986 - Definitions, Measures taken for protection and conservation of natural resources, Authorities, offences and penalties and important judicial decisions under these legislations

Protection of Forests:

The Forest Act, 1927 - Definitions, Types of Forests, Acts prohibited in these forests, transit of forest produce, powers of forest officers, offences and penalties, important judicial decisions

The Forest (Conservation) Act, 1980 - De-reservation of forest land for non-forest purpose, Advisory Committee, Penalties

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006 – Forest rights, recognition, restoration and vesting of forest rights and related matters, authorities and procedure for vesting of forest rights, offences and penalties, important judicial decisions

The National Forest Policies of 1952 and 1988

The Wildlife Protection Act, 1972 - Important Definitions, Authorities under the Act, Wildlife Advisory Board, Hunting, Protection of Specified plants, Sanctuaries and National Parks, Central Zoo Authority and Recognition of Zoos, Trade or commerce in wild animals, animal articles and trophies, Forfeiture of Property Derived from Illegal Hunting and Trade, Offences and Penalties, important judicial decisions.

Module 05 Resource Management II: Legislative and Judicial Perspective:

The Biological Diversity Act, 2002- Important Definitions, Regulation of access to biological diversity, national biodiversity authority, state biodiversity board, biodiversity management committees, equitable benefit sharing, judicial decisions.

The Public Liability Insurance Act, 1991 – Important definitions, Liability to give relief in certain cases on principles of no fault, Duty of owner to take out insurance policies, relief and establishment of Environmental Relief Fund, offences and penalties.

The National Green Tribunal Act, 2010 – Establishment, jurisdiction, powers and proceedings of the tribunal, penalty, Role of NGT in Environment Protection.

Environment Protection Rules:-

The Noise Pollution (regulation and Control) Rules, 2000

Guidelines for Eco-Sensitive Zones around Protected Areas

The Environment (Protection) Rules

CRZ Notification

Hazardous Wastes (Management and Handling) Rules

Manufacture, Storage and Import of Hazardous Chemical Rules

Municipal Solid Wastes (Management and handling) Rules

The Ozone Depleting Substances (Regulation and Control) Rules

Module 06 Environment and Development:

Environmental issues involved in the development projects like Silent Valley Project, Narmada Valley Project and Koondankulam Nuclear Power Plant
Human Rights Perspective - Displacement and Rehabilitation, Genetically Modified Crops, Farmers and breeders rights,
Environment and Protection of Cultural Rights.
Environment Impact Assessment (EIA) - Meaning, Evolution and history, Process, Constraints, EIA Notification of 1994 and 2006.
E-waste management

Recommended Readings:

- 1) Ritwick Dutta and Sanjeet Purohit, Commentary on the National Green Tribunal Act, 2010, Universal Law Publications.
- 2) P.S. Jaswal, Environmental Law, Allahabad Law Agency
- 3) Majumdar, Nandy, Mukherjee, Environment and Wildlife laws in India, LexisNexis.
- 4) Maheshwara Swamy, Textbook on Environmental Law, Asia Law House, Hyderabad
- 5) S. Shantakumar, Introduction to Environmental Law, Wadhwa & Company, Nagpur
- 6) S.C. Shastri, Environmental Law, Eastern Book Company, Lucknow, 2005
- 7) H. N. Tiwari, Environmental Law, Allahabad Law Agency
- 8) Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, New Delhi
- 9) P Leelakrishnan, Environmental Law in India, Lexis Nexis, New Delhi
- 10) P Leelakrishnan, Environmental Law Case Book, Lexis Nexis, New Delhi
- 11) Philippe Sands, Principles of International Environmental Law, Cambridge University Press, New York
- 12) P. Ishwara Bhat, Natural Resources Law: Concepts and Approaches, Eastern Book Company.
- 13) P B Sahasranaman, Handbook of Environmental Law, Oxford University Press

LP 0904 Practical Training Paper III – Drafting, Pleading and Conveyance

Objectives of the Course: This course covers essential skills required of an Advocate : the skill of drafting conveyances and pleadings. Developing the ability to draft effectively requires development of skills of writing purposefully, articulation, legal research, and of qualities of language, its clarity and precision. All of these develop by practice. The objective of the course is to introduce the student to these skills, and lead him through various basic documents that an Advocate would be called upon to prepare.

The subject of Conveyancing will enable a student to know the aspects of the drafting process, essential features of some transactions involving transfer of property and contracts, as also other documents that he would have to make for his clients. He will learn addressing the interests of all parties to the transaction, and the need for protecting to the best extent possible the interests of his own client as a transacting party.

The subject of Pleadings will alert the student towards the basic principles of drafting pleadings that state the case of his client. He will understand the process of pleadings, particularly the interplay between different substantive laws applicable to the case. He will also understand the application of principles of pleadings, and the rules of procedure, and the mandatory contents in different categories of pleadings.

Marking scheme:

(A) University written examination at end of term: 80 Marks

(B) Written submissions: 10 Marks

(C) Viva voce examination: 10 Marks

Part A: University Written Examination: 80 Marks

Module 01 General principles relating to conveyancing:

Object of Conveyancing, essentials of drafting

The drafting process: Know the laws, Know the transaction, Scheme of the draft, Ascertain facts, Language, Style, Form, Need for precision and clarity, Use of precedents.

Contents of a draft conveyance: Commencement, Parties, Recitals, Parcels, Operative part, Arrangement of obligations, Signatures, Attestation.

Formalities: Writing, Attestation, Notarisation, Registration

Investigation of title, Chain of title, Public notices and their purpose, search and title report.

Module 02 Transfers:

Agreement to sell immovable property

Sale deed of immovable property

Lease deed of immovable property

Simple mortgage of immovable property
Gift of immovable property
Sale of raw materials by its supplier to a manufacturing company.

Module 03 Contracts:

Agreement for a short term loan given by an individual proprietor to his employee
Partition deed between members of a joint Hindu family
General power of attorney
Partnership deed
Agreement to transfer shares of a private limited company
Non-disclosure agreement between parties negotiating a contract
Indemnity bond
Leave and licence agreement

Module 04 Notices and other documents:

Will
Affidavit
Acknowledgment in writing under section 18 of the Limitation Act 1963
Public notice inviting objections to a transaction of immovable property
Notices:
For dissolution of a partnership at will
Under section 106 of the Transfer of Property Act 1882
Under section 138 of the Negotiable Instruments Act, 1882
Reply to notice under section 138 of the Negotiable Instruments Act, 1882
Notice under section 80 of the Civil Procedure Code

Module 05 General principles relating to pleadings:

Meaning and purpose of pleadings, Importance of pleadings in the administration of justice
Rules of pleadings, Types of pleadings, Orders VI to VIII of Civil Procedure Code 1908, Relationship between pleadings and evidence
The pleading process: Know relevant substantive laws, Identify provisions applicable, Understand essential elements of provisions, Know presumptions, Ascertain facts, Select facts, Language, Style, Form, Need for precision and clarity, Use of precedents.
Jurisdiction, Limitation, Valuation, Court fees and calculation
Prayers, Prayers and court fees, Verification

Module 06 Plaints etc. Civil Proceedings:

Suit for recovery of price of goods sold
Suit for declaration of share and partition of property of a joint Hindu family
Suit for specific performance
Application for probate
Petition for divorce by mutual consent
Petition for divorce alleging grounds of divorce
Caveat application

Module 07 Written statements etc. in Civil Proceedings:

Written statement in a suit for recovery of price of goods sold
Written statement in a suit for declaration of share and partition of property of a joint Hindu family

Written statement in a suit for specific performance
Reply to an application for probate contesting the will
Reply to an application for succession certificate giving consent to grant of succession certificate
Reply contesting a petition for divorce
Reply to a petition for restitution of conjugal rights

Module 08 Pleadings in Criminal proceedings:

Application for bail
Application for anticipatory bail
Criminal complaint alleging defamation, or affray and simple hurt
Application to court for recovery of motor vehicle seized by police.
Application for compounding an offence of defamation or an offence under 498A of IPC.
Application by a wife for maintenance for herself and her children

Module 09 Appeals, Petitions and other proceedings:

Consumer complaint alleging defect in goods or deficiency in services
Reply to consumer complaint about defect in goods or deficiency in services
Writ petition under Article 14 or Article 19 or Article 21 of the Constitution of India
Appeal from a judgment and decree dismissing a suit for specific performance
Appeal from a judgment refusing to grant divorce

Part B: Written submissions: 10 marks

Students shall maintain a journal, and shall write in the journal any one draft from each of Module Nos. 02, 03, 04, 06, 07, 08 and 09. (total seven drafts). The journal will be assessed by the teacher, and shall be presented at the time of viva voce examination.

Part C: Viva voce examination: 10 Marks

Viva voce examination shall be confined to the following: a) Drafts written in the journal, and b) the detail provisions of laws applicable to drafts written in the journal.

Recommended Readings:

- 1) Medha Kolhatkar, Drafting, Pleading and Conveyancing, Lexis-Nexis 2015
- 2) S P Aggarwal, Pleadings, An Essential Guide, 2nd ed, Lexis-Nexis , 2013
- 3) S P Aggarwal, Drafting and Conveyancing, Lexis Nexis 2015
- 4) Nayan Joshi, Legal Writing and Drafting, Kamal Publications, 2017
- 5) K M Sharma and S P Mago, Criminal Courts, Pleadings and Practice, 3rd ed, Kamal Publishers, 2014
- 6) A B Kafaltiya, Textbook on Pleadings, Drafting and Conveyancing, Universal Publishing House, 2015
- 7) DeSouza's Forms and Precedents of Conveyancing, C R Datta and M N Das (eds), Eastern Law House, 2017.
- 8) G M Divekar's Practical Guide to Deeds and Documents, S K Katariya and Gaurav Sethi (eds), Hind Law House, 2014
- 9) A S R Rao, Modern Commercial Draftsman, Eastern Book Company, 1989
- 10) A B Majumder, Law relating to Notices, Eastern Law House, 1993
- 11) S K Mitra, Law of Notices, Orient Publishing Company, 2004

- 12) Mogha's Indian Conveyancer, 14th ed, G C Mogha (ed), Eastern Law House, 2009
- 13) Mogha's Law of Pleadings in India, 18th ed, P C Mogha et al (ed), Eastern Law House, 2013
- 14) P S Narayana, Criminal Pleadings and Practice, 9th ed, Asia Law House, 2013
- 15) R.K. Sahni & B.L. Bansal, Criminal Pleadings & Art of Better Drafting, Capital Law House, 2015
- 16) Rahul Mhaskar, Guide to Practical Criminal Drafting, Current Publications, 2015
- 17) Rodney Ryder, Drafting Corporate & Commercial Agreements, 2nd ed, Universal Law Publishing, 2011
- 18) Tina Stark, Drafting Contracts - How & Why Lawyers Do What They Do, Indian Reprint, Wolters Kluwer, 2007
- 19) N S Bindra's Pleadings and Practice, 12th ed, H K Saharay (ed) Universal Law Publishing, 2017
- 20) P K Majumdar, Law of Pleadings, Conveyancing & Advocacy, 5th ed, Orient Publishing Company, 2013
- 21) P S Narayana, Civil Pleadings and Practice, 11th ed, Asia Law House, 2017
- 22) P S Narayana, Pleadings and Practice (Civil and Criminal), 11th ed, Asia law House, 2017
- 23) Hargopal's Legal DRAFTSMAN - A Comprehensive Guide to Deeds and Documents, 13th ed, Universal Law Publishing, 2013
- 24) Kamy Chawla Gill, Drafting Pleading and Conveyancing, 2nd ed, Universal Law Publishing, 2016
- 25) Murli Manohar's Art of Conveyancing and Pleading, 2nd ed, R Prakash (ed), Eastern Book Company, 2004
- 26) P Butt and R Castle, Modern Legal Drafting. [Guide to using clearer Language]. Cambridge University Press, 2011.
- 27) S C Ghosh's Principles and Forms of Pleadings, 5th ed, Eastern Law House, 2011

Optional Subject 5 (Anyone of the following)

LO 0905 Law And Education

Objectives of the Course:

This paper aims to acquaint the students with constitutional provisions guaranteeing the right to education. It provides the students with significance of the directive principles of state policies dealing with policies on education. It acquaints the students with the mechanism of regulation of education by Government. It provides the students with the judicial and legislative developments in the field of right to education. It introduces the students with the changing scenario in the field of higher education.

Module 01 Education : Constitutional Allocation of Power:

Right to education- Constitutional and legal dimensions
Legislative competence - Article 246 read with Schedule VII
Concurrent List Entry 25
Union List Entries 63, 64, 65 and 66
Reasons for transferring Education from state list to concurrent list
Areas of Central Legislation over Education, The U.G.C. Act 1956

Module 02 Constitutional Goals:

Free and Compulsory Education for children below 14 years under Article 45
Right to Education And Article 41
Right to Education And Judicial Trends
Right to Education and Article 21A
The Right to Education under The Right To Education Act, 2009

Module 03 Equality of opportunity to take education:

Articles 14, 15, 16 and 29 (2)
Reasonable classification
Reservation of seats and special concessions for SC/ST and Other classes
Right to Education Social Justice Through Social Inclusion

Module 04 Minorities and Education:

Minority's Rights : Right to conserve distinct script and culture- Art.29 (1)
Right To Establish and administer educational institution of their choice
Minority Institutions- Right to compensation if property is acquired for public purpose- Article 301 (a)
No discrimination in grant in aid- Art. 30 (2)

Module 05 Government Control and educational institutions:

Governor-Chancellor
Appointment of Vice-Chancellor
Government Power To nominate members on various University Bodies and their role
The Maharashtra Universities Act, 2016 : Overview
Private Universities And Right To Education
Funding to education, concessions, scholarship, freeship etc.

Autonomy vs. Social Control

Module 06 Fair Hearing In Educational Matters:

Disciplinary actions, Malpractices in examination, punishments
Disputes between staff and management : Grievance mechanism
Observance of principles of natural justice

Module 07 Mechanism For Discipline In Educational Institutions:

Chancellor
Provision for Appeal to Educational Tribunals
Appointment and termination of staff, appointment of administrator
Law Commissions Reports

Module 08 Educational Institutions And Judicial Review:

Educational Institution And Article 12
Right to education, Financial Autonomy, Capitation fee
Right of private, aided, non-aided, minority and non-minority institutions
:Admission And Fee Structure
The National Commission For Minority Educational Institutions Act, 2004 : An Overview
Establishment of new schools and colleges : Grant- denial of affiliation
State Educational Councils
Educational Institutions and Right to Information: Government, Private, Deemed
Jurisdiction of Court under Articles 136, 226 and 227

Module 09 Higher And Technical Education And Regulatory Authorities

Regulation under the University Grants Commission Act, 1956
U.G.C. Inspection of Universities Rules, 1960
U.G.C. Rules Regarding Fitness of Universities
U.G.C. Recognition of college in terms of Regulations, 1974
U.G.C. (Establishment and Maintenance of Institutions) Regulations, 1985
Regulation of Legal Education by Bar Council of India under the Advocates Act, 1961

Recommended Readings :

- 1) R.D. Agarwal, Law of Education And Educational Institutions In India (1983)
- 2) B.M. Sankudhar, Encyclopedia of Education System In India (Deep and Deep Publication,1999)
- 3) P.L. Mehta, R. Poonga, Free and Compulsory Education ((Deep and Deep Publication,1999)
- 4) S.P. Sathe, Fundamental Rights And Directive Principles of State Policy Constitutional Developments Since Independence (Indian Law Institute, 1974)
- 5) G.S. Sharma (ed.), Educational Planning : Its Legal And Constitutional Implications In India(1967)
- 6) Sita Ram Sharma (ed.), U.G.C. Schemes A Mannual for Universities, Colleges And Research Institutions (Mangal Deep Publications, Jaipur, 2003)
- 7) N. Sudaarshan (ed.), Right To Education Emerging Scenario (The Icfai University Press, Hyderabad, 2007)
- 8) Sumeet Malik, Supreme Court Educational Institutions Cases (Eastern Book Company,Lucknow, 2008)

LO 0906 Principles of Taxation Law

Objectives of Course : This paper aims to acquaint the students with basic principles of taxation. It highlights the important principles of computation of income. It provides important tenets of calculation of income of natural and legal person. It also prescribes for powers and functions of various authorities under Income Tax Act. It provides the important features of the Goods and Services Tax Act.

Module 01 Introduction:

Importance and Significance of Taxation
Constitutional provisions relating to taxation (Art. 265-289)
Types of Tax Laws – Income Tax, GST, Wealth Tax and Service Tax

Modul 02 Basic aspects of Income Tax Act, 1961:

Introduction to historical lineage of Income Tax Act
Scope and objectives of Income Tax Act
Some of the Basic Definitions :
Agricultural Income-Advance Tax-Asset-Capital Asset-Divided-Income
Previous Year-Assessment Year-Revenue Receipts -Revenue Expenditure

Module 03 Computation of Income:

Income from Salaries-Deductions from Salary and Computation of Salaries-
Income from House Property : Self Occupied, Let Out-Exemption of property
income from tax-Computation of Self Occupied Property-Capital Gains-Profits
and gains of Business or Profession-Rebates and Reliefs-Applicable rates of tax
and tax liability-Profession Tax

Module 04 Taxation of Natural and Legal persons:

Individuals including non-residents
Hindu Undivided Family
Companies and Firms
Association of Persons
Trust and Cooperative Societies
Charitable and Religious Institutions

Module 05 Authorities under the Income Tax Act:

Director General of Income Tax-Director of Income Tax-Additional Directors-
Joint Director--Deputy Directors-Assistant Directors-Income Tax Officers-Tax
Recovery Officers-Inspectors of Income Tax

Module 06 Powers and Functions of various authorities:

Tax avoidance, Tax evasion and Tax Planning
Concept of tax avoidance, Tax evasion and Tax Planning (With Distinction)
Inspections Search Seizure
Penalties for tax evasion and tax avoidance

Module 07 ST, Goods and Services Tax Act, 2017:

Scope and object of GST
Important Definitions :Aggregate Turnover-Business-Capital Goods-Casual
Taxable Person-Composite Supply –Continuous Supply of goods and
services-Input Tax -Output Tax-Outward Supply

Persons under GST-Place of Business-E- Contract-E- Filling

Levy and Collection of tax – Tax liability on composite and mixed supplies

Composition Levy: Power to grant exemption from tax

Sharing of Income between Union and States

Structure, Powers and Functions of GST Council

Offences and Penalties for certain offences under section 122

Recommended Readings:

- 1) Kanga & Nani palkhivala: The Law and practice of Income Tax 2014 Lexis Nexus
- 2) Chaturvedi and Pithisaria: Companion to Chaturvedi & Pithisaria's Income Tax Law - Wealth Tax Act, 1957, 2016 Easter Book Company
- 3) Dr. Girish Ahuja And Dr. Ravi Gupta: Concise Commentary on Income Tax including Wealth Tax with Tax Planning/Problems & Solutions, 2014, Eastern Book Company
- 4) Dr. Girish Ahuja and Dr. Ravi Gupta: A Compendium of Issues on Income Tax & Wealth Tax (in 2 Vols.), 2010 Eastern Book Company
- 5) CA Atul Kumar Gupta: Goods and Services Tax – Law, Practice and Procedures, Lexis Nexis 2017
- 6) Dr Girish Ahuja & Dr Ravi Gupta: Systematic Approach to Income Tax E 37th Paperback – 2016, Walters Kluwer
- 7) Tax Mann: Latest Edition on Income Tax
- 8) V.S. Datey : GST Ready Reckoner, TAxMann 2017

LO 0907 Law of Forensic Science

Objectives of the Course: This Course introduces to the student to acquire the basic knowledge in forensic sciences in order to appreciate the criminal law perception with a practical approach to understand the investigative process conducted by the investigative agencies. It also further acquaints the students to appreciate the technicalities and the interlink between law and medicine.

Module 01 Introduction:

- Crime, Criminal behavior, Criminal Justice System
- Nature and scope of Medical Jurisprudence/Forensic Science
- Historical Development of Medical Jurisprudence and Forensic Science
- Basic Principles and Significance
- Organizational structure of Forensic Science labs in Central and State
- Code of Medical ethics

Module 02 Crime Scene Management:

- Defining the Scene of crime
- Managing a crime scene and its hierarchy
- Role of First Responding officers
- Search patterns of a crime scene
- Crime Scene Documentation
- Collection, Packaging, Labeling and Forwarding of exhibits for forensic laboratories
- Preservation of evidence
- Health and safety protocols

Module 03 Forensic Science and its application in crime investigation:

Crime Scene Evidences:

- Blood, Semen & other Biological fluids
- Viscera
- Shoe impressions, Tool marks, Tyre marks
- Bite marks
- Hair- Animal & Human, Fibers & Fabrics
- Glass, Soil, pollen Paint
- Establishment of identity of individuals
- DNA
- Fingerprints/Foot prints
- Anthropology-Skeletal Remains
- Odontology

Questioned Document and their Identification:

- Identification of objects by shape and size
- Handwriting and signature-analysis, identification and examination
- Procedure for examination
- Types of forgery

Anonymous letter
Charred document
Idented writing
Counterfeit coins and notes

Module 04 Forensic Evidences in various offences:

Medico legal aspect of Death
Sexual offences
Abortion, medical termination of pregnancy, female feticide
Impotence, virginity, sterility and artificial insemination
Infanticide
Age determination
Identification
DNA/RNA
Postmortem

Module 05 Forensic Ballistics and Vehicular accident reconstruction:

Firearms & Their Classification
Ammunition, Projectiles, Mechanism of Firing
Bullet, Weapon & Cartridge case Identification
GSR-Detection and analysis
Nature of Injuries – Entry & Exit wounds
Range of Fire and factors affecting it
Primary causes of vehicular accidents
Analytical tools to evaluate accidents

Module 06 Medical Toxicology:

Forensic Toxicology
Forensic Pharmacology
Analytical and Clinical Toxicology
Poison and their Medico-legal aspect

Module 07 Recent advancement in Forensic Science:

Cyber Crime
Forensic Speaker Identification
Narco analysis
Brain mapping
Polygraph
Facial reconstruction
Preventive Forensic
Forensic DNA Fingerprinting

Recommended Readings:

- 1) Ganguly's Medical Jurisprudence and Toxicology, Dwivedi Law Agency, Allahbad edi.2007
- 2) Modi, a Text Medical Jurisprudence and Toxicology,
- 3) Jhala and Rajus, Medical Jurisprudence, revised by R.M. Jhala and K. Kumar
- 4) Lyon's Medical Jurisprudence and Toxicology

LO 0908 Land Laws I

Objectives of the Course: Land law deals with the rights to use, alienate, or exclude others from land. Land use agreements, including renting, are an important intersection of property and contract law. Land rights refer to the inalienable ability of individuals to freely obtain, use, and possess land at their discretion, as long as their activities on the land do not impede on other individuals' rights.

The purpose of the course, divided across two semesters, is to apprise the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land.

This paper deals with laws that mainly affect urban properties, their development and dealings. With a sound background of law of transfer of property, this course equips the student with all other laws that affect use and dealings of land, and activities that enable its best exploitation. Although much of course content involves laws in force in the State of Maharashtra, the principles governing these laws are common across laws on the subjects in other states. Although detail provisions might differ in laws of other states, study of principles that underpin the laws forming part of this course will enable the student to apply these to similar laws in other states.

Module 01 Maharashtra Ownership Flats Act 1963:

- Purposes and objects of the Act
- Definitions : flat, construct a block or building of flats or apartments, and promoter
- Duties, liabilities, responsibilities and disabilities of a promoter
- Alterations, additions and defects to structure and building
- Flat purchase agreement, and its registration
- Rights, liabilities of a flat-taker
- Essential supplies and services
- Offences by promoters, by companies

Module 02 Maharashtra Apartment Ownership Act 1970:

- Purpose and objects of the Act
- Definitions of : apartment, apartment owner, building, common areas and facilities, common expenses, common profits, Declaration, limited common areas and facilities, property,
- Apartment as transferable property, its ownership, separate assessment
- Declaration, its contents, formalities, registration; Amendment to Declaration
- Common areas and facilities, encumbrances against apartments,
- Contribution to common expenses, charge
- Rights, duties, liabilities and disabilities of an apartment owner, tenants and users
- Bye-laws, Management of Apartments Condominium

	Disposition of property, destruction or damage
	Distinction between ownership of apartment, ownership of share in joint property, and holding of flat in a cooperative housing society.
Module 03	<p>Real Estate (Regulation and Development) Act, 2016, and the Maharashtra Real Estate (Regulation and Development)(Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 : The Act, and Registration of Projects and Real Estate Agents:</p> <p>Purpose and object of the Act; Enactment scheme (Central and State): Act, Rules and Regulations; Housing Policies of Governments.</p> <p>Meaning of the following terms: advertisement, allottee, apartment, building, carpet area, commencement certificate, common areas, competent authority, completion certificate, development, development works, estimated cost of real estate project, garage, interest, occupancy certificate, promoter, prospectus, real estate agent, real estate project, sanctioned plan</p> <p>Registration of real estate project, procedure, consequences of non-registration</p> <p>Registration of real estate agents, procedure and consequences of non-registration; Functions, duties and liabilities of real estate agents</p>
Module 04	<p>Real Estate (Regulation and Development) Act, 2016, and the Maharashtra Real Estate (Regulation and Development)(Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 : Relationship between parties:</p> <p>Functions, duties, obligations and liabilities of a promoter : from advertisement to completion of project.</p> <p>Publication on web-site, effect.</p> <p>Transfer of title, Agreement for sale</p> <p>Rights, duties and liabilities of allottees</p>
Module 05	<p>Real Estate (Regulation and Development) Act, 2016 : The Authority, The Tribunal, and Remedies:</p> <p>Real Estate Regulatory Authority: Establishment, Incorporation, Composition, Qualification of Chairpersons and members, Meetings, Powers and functions, Filing of complaints, Enforcement of orders, Appearance in person and legal representation (Sections 20-23, 29, 31, 32, 34-38, 40, 56)</p> <p>Effect of the Act (sections 88-89), Bar of jurisdiction (section 79)</p> <p>Appeals:</p> <p>Real Estate Appellate Tribunal, Establishment, Composition, Application to Tribunal, Powers, Execution of orders (sections 43-45, 53-54).</p> <p>High Court (section 58)</p> <p>Offences and Penalties by promoter, allottee and real estate agents (sections 59-68)</p> <p>Power to adjudicate compensation (sections 71-72)</p>
Module 06	<p>Maharashtra Regional and Town Planning Act 1966:</p> <p>The purpose and object of the Act, and its general scheme</p>

Development Plan, its contents and its implementation (sections 21, 22 and 42)

Control of Development and use of Land included in Development Plans (sections 43-58)

Module 07 Maharashtra Rent Control Act 1999: Forfeiture and Recovery of

Possession:

Rent Control in urban areas, Purpose and object of the Act, Historical background of the Act

Application of the Act, Exemptions

Definitions: Landlord, legal representative, licensee, paying guest, premises, tenant,

Relief against forfeiture

Recovery of possession by landlord (sections 16, 18-22)

Landlord's rights, duties and liabilities: enter for inspection, essential supplies, conversion of use, receipt for rent, registration of agreements, lawful charges

Jurisdiction of courts, Appeals

Module 08 Maharashtra Rent Control Act 1999 : Standard Rent, Repairs, Sub-Tenancies:

Definition: standard rent, permitted increase,

Standard rent: its concept, components, increase in rent, liability to pay standard rent, Application for fixing standard rent, Court's power to fix standard rent;

Landlord's duty to repair, Recovery or possession for repairs (sections 16(1)(h), 17)

Prohibition on sub-letting, assignment or transfer; Sub-tenants to become tenants.

Module 09 Maharashtra Rent Control Act 1999 : Special cases and Licencees:

Special provisions for recover of possession by licensors, effect of non-registration of agreement

Special provisions for recover of possession by members of armed forces

Competent Authority, its powers and functions, bar of jurisdiction, no appeal, summary disposal of applications, special procedures, enforcement of orders

Recommended Readings:

- 1) J V N Jaiswal, Housing Law in India, Eastern Book Company, 2007
- 2) Abhay M Shah, The Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management & Transfer) Act, 1963, Current, 2010
- 3) M C Jain and H M Bhatt, Law Relating to Ownership of Flats and Apartments in the State of Maharashtra, Noble Law House, 2014
- 4) Sunil Dighe, Maharashtra Housing (Regulation and Development) Act, 2012 and the Maharashtra Ownership of Flats Act, 1963, Snow White Publications, 2016
- 5) G M Divekar, Law of Ownership Flats, 2000
- 6) K Goyal, Guide to Real Estate (Regulation and Development) Act, 2016, 2nd ed, Commercial Law Publishers, 2017

- 7) A K Gupte, Real Estate (Regulation and Development) Act, 2016, Hind Law House, 2016
- 8) A B Puranik, D R Choudhari, and A N Choudhari, Maharashtra Regional and Town Planning Act, 1966, CTJ Publications, 2017
- 9) S Desai, Maharashtra Regional and Town Planning Act, 1966, Snow white, 2017
- 10) S Dighe, Maharashtra Rent Control Act, 1999, Snow white, 2016
- 11) S Tendulkar, Law Times, 2016
- 12) A S Chandurkar, Maharashtra Rent Control Act, 1999, Shanti Law House, 2015
- 13) J H Dalal, Maharashtra Rent Control Act 1999, Hind Law Publication, 2013

LO 0909 International Law on Air, Space and Sea

Objectives of the course: international Law of Air, Space and Sea are the part of the jurisdictional perspective of a State. The aim of the course is to subtly introduce to the students, the significance of Air, Space and Law of the Sea as the basic components of International Law with a background of Indian perspective. Law of Air, Space and Sea constitutes as an important resource zones for the sustainability of nation states the course introduces the basic percepts of these areas with current developments.

Module 01 Introduction to Air and Space Law:

- Historical back ground of Air and Space Law
- Meaning and Definition of Air and Space Law
- Concept of Outer Space and Space Activities

Module 02 Principles of Air and Outer Space Law:

- Sovereignty of state over Air Space
- Meaning and Distinction between Air and Space Law
- Five Freedoms of the Air
- International Legal Regime on Outer Space in the context various legal instruments
- Role of ICAO in the regulation of Air and Outer space
- Definition of Moon and other celestial bodies – Legal Regulations for exploration

Module 03 Law of the Sea:

- An overview on the Historical background of law of the sea
- Significance of Law of the Sea in the contemporary era
- Territorial waters – Rights and duties of coastal states – Innocent passage -
- Criminal jurisdiction of coastal states
- Importance of Contiguous Zone –Rights and duties of States
- Exclusive Economic Zone :Rights and duties of coastal states in EEZ –
- Rights of land locked states
- Continental Shelf – Rights and duets of costal sates in Continental shelf -
- Significant of straight baseline—Continental Slope and Edge
- High Seas : Jurisdiction – Piracy, Right of hot pursuit –Criminal Jurisdiction of States in High Seas
- Legal Regulation of Marine Environment-Legal rules of International, Regional and National Perspective with respect to Pollution from Land based resources –Vessels-Dumping of Wastes
- Sea-Bed Authority-Structure Powers and Functions –Role of the Enterprise
- International Tribunal for the Law of the Sea-Structure-Powers and Functions

Module 04 Law of AIR and space and Sea: Indian Interests:

Regulation in Air and Space Law :

- Air safety provisions- Air Traffic management,
- Legal regime of Air Space and Outer Space
- Problem of application of Air, Space -Liability under International Civil Aviation

Law of the Sea:

Indian Maritime Interests, Policy and Law
The Territorial Waters, Continental Shelf, Exclusive Economic Zone
and other Maritime Zones Act, 1976

Recommended Readings :

- 1) Ranbir Singh et.al (eds) : Current Developments in Air and Space Law (NLU Delhi 2012) online edition available at <http://nludelhi.ac.in/download/publication/2015/Current%20Developments%20in%20Air%20and%20Space%20Law.pdf>
- 2) Mc.Nair – Law of the Air (London, Steensand) Bin Cheng – The Law of International Air Transport (London, Stevens and sons).
- 3) Shawcross and Beaumont – The Law of Air. Bin Cheng – Studies in International Space Law (Clarendon Press, Oxford). Azbeyratne, RIR, Legal and Regulatory Issues in International Aviation (1996)
- 4) S. Bhatt, The New Aviation Policy in India (1977) Carole Blackshow, Aviation Law and Regulation
- 5) V.S.Mani: Recent Trends in International Space and Policy (1996) [DrRuwantissaAbeyratne](#) Air Law and Policy (2007)
- 6) C.Wilfred Jenks – Space Law (London, Stevens & Sons , Gurdip Singh, International Law (2nd ed., 2011) (respective chapters)
- 7) V.K. Ahuja, Public International Law (Lexis Nexis 2016)
Robert Jennings and Arthur Watts (eds.), Oppenheim's International Law [Vol. I – Peace] (9th ed., 1996) concerned chapters
- 8) Ian Brownlie, Principles of Public International Law (8th ed., 2012)
- 9) I.A. Shearer, Starke's International Law (1st Indian ed., 2007)
- 10) D.J. Harris, Cases and Materials on International Law (7th ed., 2010)
- 11) Malcolm N. Shaw, International Law (7th ed., 2008, 2015)
- 12) R.P. Anand origin and Development of Law of the Sea (Martins Nijhoff 1983) available at <http://publicinternationallaw.in/sites/default/files/books/ODLS.pdf>
- 13) D.P. O'Connell: Law of the Sea (clear don Press 1988)
- 14) Surendra Kumar Yadav: International Space Law Applicability in Indian Perspective; International Journal of Science and Research (IJSR) available at <https://www.ijsr.net/archive/v5i7/1071602.pdf>

Recommended Journals:

- 1) Indian Journal of Air and Space Law
- 2) Indian Journal of International Law
- 3) American Journal of International Law
- 4) International Legal Materials

Part
Syllabus of Fifth Year B.A. LL.B, Fifth Year B.B.A LL.B, and Third Year LL.B
Part
Fifth Year B.A. LL.B. - Semester X
Fifth Year B.B.A. LL.B. - Semester X
Third Year LL.B. - Semester VI

LC 1001 Criminal Procedure Code

Objectives of course: Procedural Law providing for a fair procedure is significant for a just society. Criminal Procedure has to be just, fair and reasonable to the accused as well as to the victims. At the same time it confronts a crises of intrusion into individual rights in order to protect the common weal. The criminal process involves increasing expenditure of government resources. Criminal procedure, thus, makes a balance of conflicting interests. Thus a duty is imposed on all those who are connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. The main object of the course is to familiarise students with the working of the criminal justice delivery system and also to make them understand the significant riddles of the procedure. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The Course will acquaint the students with organisation of the functionaries under the Criminal Procedure Code, their powers and functions.

Juvenile Justice and Probation of offenders are combined with the study of criminal procedure. These topics also do have their roots in criminal procedure. The rubrics under their head are intended to render an essential grasp of the areas. The Course teacher, in addition, shall endeavour to familiarise the students with the case papers like, FIR, Police statement, charge sheet etc.

Module 01 Introductory:

1. The rationale of criminal procedure: the importance of fair trial
2. Constitutional perspective: Article 14, 20 & 21
3. The Organisation of police, prosecutor, defense counsel and prison authorities and their duties, functions and powers

Module 02 Pre-trial process: arrest:

1. Distinction between cognizable and non-cognizable offence
2. Warrant and summons:
Arrest with and without warrant.
 1. The absconder status.
 2. Rights of the accused person

Module 03 Pre-trial process: Search and Seizure:

1. Search warrant and search without warrant
2. Police search during investigation
 - a) General principles of search:
 - b) Seizure
 - c) Constitutional aspects of validity of search and seizure proceeding

Module 04 Pre-trial Process: FIR:

	1. F.I.R.
	2. Evidentiary value of F.I.R.
Module 05	Pre-trial Process: Magisterial Power to Take Cognizance:
Module 06	Trial Process: <ul style="list-style-type: none"> Commencement of proceeding. Dismissal of complaints. Bail: Concept and purpose. Bailable and Non-Bailable offences. Cancellation of bail. Anticipatory bail. Appellate bail powers. General principles concerning bond.
Module 07	Fair Trial: <ul style="list-style-type: none"> Conception of fair trial Presumption of innocence Venue of trial Right of the accused to know the accusation Right to cross examination and offering evidence in defence Right to speedy trial
Module 08	Charge: <ul style="list-style-type: none"> Framing of charge Form and content of charge Separate charges for distinct offence Discharge- pre-charge evidence
Module 09	Preliminary pleas to bar the trial: <ul style="list-style-type: none"> Jurisdiction. Time limitation: rational and scope. Pleas of autrefois acquit and autrefois convict. Issue- Estoppel. Compounding of offences.
Module 10	Trials and Execution: <ul style="list-style-type: none"> Trial before a court of session Trial of warrant cases by magistrate Trial of summons cases by magistrate Summary Trials Submission of Death sentences for confirmation Execution, Suspension, remission and commutation of sentence
Module 11	Judgment: <ul style="list-style-type: none"> Form and content Post-conviction orders in lieu of punishment: emerging penal policy Compensation and cost Modes of providing judgment
Module 12	Appeal, Review, revision: <ul style="list-style-type: none"> No appeal in certain cases The rationale of appeal, review and revision The multiple range of appellate remedies:-

Supreme Court of India
High Court
Sessions Court.
Special right to appeal
Governmental appeal against sentencing
Judicial power in disposal of appeals.
Legal aid in appeals.
Revisional Jurisdiction.
Transfer of cases.

Module 13

Miscellaneous:

Maintenance of wives, children and parents
Transfer of criminal cases
Irregular proceedings
Limitations of taking cognizance
Compounding of Offences and Plea-bargaining.
Security for peace and good behaviour
Maintenance of Public order and tranquility

Module 14

Probation:

Concept of Probation: Origin and Development in India
Probation of offender's law
Judicial attitude
Mechanism of probation: Standards of probation services
Problem and prospects of probation
The suspended sentence

Module 15

Juvenile delinquency:

Nature and magnitude of the problem
Causes
Juvenile Court system
Treatment and rehabilitation of juveniles
Juveniles and adult crime
Legislative and judicial protection of juvenile offenders
Juvenile Justice (Care and Probation of Children) Act, 2000

Recommended Books:

- 1) Chandrasekharan Pillai, (Ed.), Kelkar's Outline of Criminal Procedure, Eastern Book Company, Lucknow.
- 2) Ratanlal and Dirajlal, Code of Criminal Procedure, Lexis Nexis.
- 3) Woodroffe, Commentaries on Criminal Procedure Code, Universal, Delhi.
- 4) Chandrasekharan Pillai ed., Kelkar's Lectures on Criminal Procedure, Eastern Book Company, Lucknow.
- 5) D. D. Basu, Criminal Procedure Code 1973, Vol I & II, Lexis Nexis (2017).
- 6) Sarkar on Criminal Procedure Code, Vol I & II, Lexis Nexis.
- 7) N.K. Chakrabarti, Probation System in the Administration of Criminal Justice.
- 8) VedKumari, Juvenile Justice System.

LC 1002 Administrative Law

Objectives of Study: Today, it is expected that the Administrative Law should be specifically deals with delivering two fundamental aspects of good governance *firstly* rule based administration that ensure transparency in discretion based administration to avoid arbitrariness and *secondly* delivery of administrative justice in furtherance of a welfare functions of the State where in litigative justice may not be accountable, efficient and effective.

Therefore, there is need to understand the evolution, nature and scope of Administrative Law and to realise its relation with Constitutional Law. Hence, while framing this syllabus the objective is to insight the law student that how administrative law functions to control the government and ensures the exercise of public power according to the Constitution and the rule of law. As the scope of Administrative law is as broad and involved as the extent of government itself so the efforts are taken while incorporating contents under this paper to examine the history of this branch of law, its nature, scope and functions, the nature and control of delegated power including the rule making, the regulation of administrative discretion and principles of administrative adjudication. Thus, efforts are taken to cover all the above aspects while framing the syllabus of this paper.

Module 01 Evolution, Nature and Scope of Administrative Law:

Evolution, Definitions and scope of Administrative Law
Relationship between Constitutional Law and Administrative Law,
Reasons for growth of Administrative Law, Conseil d'Etat
Rule of Law and Separation of Powers
Administrative Law vis-à-vis privatization
Accountability and responsiveness of administrative agencies,
Administrative deviance- corruption, nepotism, mal-administration.

Module 02 Legislative Powers of Administration:

Meaning of Delegated Legislation, Comparative position – U.K., USA & India
Necessity and Constitutionality, Forms and requirements delegated legislation
Powers of exclusion and inclusion and power to modify statute,
Requirements for the validity of delegated legislation
Brief study of control on delegated legislation - Legislative and Judicial Control

Module 03 Judicial Powers of Administration:

Need for devolution of adjudicatory authority on Administration
Adjudicatory power of administrative authority and Principles of Natural Justice, Exceptions to Principle of Natural Justice

Module 04 Administrative Discretion and Judicial Control:

Need for conferring discretion on administrative authorities,
Limitations on exercise of discretion and role of the Constitutional mandates - Grounds of Judicial review
Impact of Liberalisation, Privatisation and Globalization, on Administration

Module 05 Liability for wrongs of Government(Tortious and Contractual):

Tortious liability in cases of Sovereign and Non-Sovereign Function,

Contractual liability of government
 Statutory Immunity-Act of State-Liabilities Government privilege in legal proceedings – state secrets, public interest, Estoppel and waiver
 Remedies in the form of Judicial Review and Statutory remedies, Suits for Compensation
 Public Interest Litigation (Social Action Litigation) – Meaning, Laches, Res Judicata

Module 06 Corporations and Public Undertakings:

State monopoly vis-a-vis arbitrary action, Liability of public and private corporations – departmental undertakings
 Legislative and Governmental Control over Corporations and public undertakings
 Legal remedies, Accountability - Committee on Public Undertakings, Estimates Committee

Module 06 Informal Methods of Settlement of Disputes and Grievance Redressal Procedures:

Conciliation and mediation through social action groups, Use of media, lobbying and Public participation
 Commissions of Inquiry Act, 1952, Public Enquiries and Commissions of Inquiry
 Significance of Lokpal and Lokayuktas Act, 2013, Vigilance

Module 07 Right to Information Act, 2005:

Transparency and right to information – Constitutional imperative
 Object and Salient features of the Act
 Right to Information and obligations of Public Authorities
 Hurdles in the implementation of the Act

Recommended Readings:

- 1) C. K. Allen, Law and Orders (1985)
- 2) D.D. Basu, Comparative Administrative Law (1998),
- 3) Franks, Report of the Committee on Administrative Tribunals and Inquiries (HMSO, 1959)
- 4) Peter Cane, An Introduction of Administrative Law (1996) (Oxford)
- 5) Wade, Administrative Law (Seventh Edition, Indian Print 1997), (Universal, Delhi)
- 6) J. C. Garner, Administrative Law (1998) Butterworth (ed.B.L. Jones),
- 7) S. P. Sathe, Administrative Law (1998), (Butterworth – India, Delhi.)
- 8) C. K. Takwani, Lectures on Administrative Law, (Eastern Law Pub. Co. Luuknow.)
- 9) M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000), Butterworth – India,
- 10) Jain and Jain, Principles of Administrative Law (1997) (Universal Delhi)
- 11) M. P. Jain Cases and Materials on Indian Administrative Law Vol. I and II (1996), (Universal, Delhi)
- 12) De Smith, Judicial Review of Administrative Action (1995), (Sweet and Maxwell with supplement)
- 13) Kriesberg, Martin (ed), Comparative Administrative Theory, (Washington Rhodes)
- 14) Aldershort, R.A.W. Public Administration and Policy Analysis
- 15) D. D. Basu, *Shorter Constitution of India*, (1996) (Prentice Hall of India, Delhi)

LC 1003 Company Law

Objectives of the course: Company legislation in India owes its origin to the English company law. Modern business ventures require knowledge of company law. There have been considerable changes in company law over last few years. These Changes have put more responsibility on the shoulder of Directors. A company has to comply with lot of procedures as covered under Companies Act. Listing agreement, SEBI Act and regulations. Moreover corporate Governance is now actively being implemented in various corporate houses. Law students are expected to study these changes thoroughly and minutely. Company Act 2013 seems to strengthen the Corporate Governance. This paper provides study of company law in detail which is essential for budding lawyers. This paper should be taught to students according to latest developments in Company Law.

Module 01 Concept, Nature & Meaning of Company:

Historical origin of company law in India & Fundamental concept of company law, important definitions of company law.
Characteristics of company – (Company a Legal Person, Separate Legal Entity, Perpetual Succession, Nomination facility, Common Seal, Limited liability)
Doctrine of Corporate Veil.
Important changes introduced by Companies Act 2013.
Importance of Company Law in Globalised world.
Difference between company & others forms of business organizations.

Module 02 Registration & Incorporation of Company:

Types of Company (Single man Company, Company Limited by Share Holders, Unlimited Company, Private and Public Company, Multinational Company)
Formation of Company (Public Company, Private Company, One man Company)
Certificate of Incorporation.
Pre-incorporation contracts.
Commencement of Business.
Memorandum of Association, Alteration of MOA, Doctrine of Ultra vires.
Article of Association.
Doctrine of constructive notice & Indoor Management.

Module 03 Promoters, Securities (shares), Debentures:

Promoters- Meaning, Duty & liability-Fiduciary relationship.
Prospectus
Shares-Its Meaning & Nature.
Kinds of Share.
Securities (Shares)- Allotment of securities & Share Holdings.
Issue of share.
Certificate of shares.
Share Holders voting right
Transfer of shares
Shareholders

	Share Capital (kinds of share capital) Publication of Authorized, Subscribed & paid up capital Buy back shares Dividends Debentures,- Meaning, Kinds & Characteristics of Debentures. Guidelines for issue of debentures by public sector.
Module 04	Appointment, Role & Qualification of Director & Meetings of Boards: Role, Appointment & Types of Directors Company to have Board of Directors Independent Director Manner of election of Director & maintenance of independent data. Position of Director (Director as agent, trustee & organ) Appointment of directors & Managerial Staff Directors Identification number Powers & Duties of Directors Civil & Criminal Liability Of Directors Inspection, Inquiry & Disqualification Removal of Director Various types of Meetings
Module 05	Compromise, Reconstruction, Amalgamation & Mergers: Arbitration Compromise, Arrangements & Amalgamations Sanction, Duties & Powers of Tribunal Power to Compromise or make arrangements with creditors and members Reconstruction & Amalgamation of Company Modes of reconstruction Declaration & Payments of dividends in above cases Fast track Mergers Amalgamation of companies by Central Government in public interest.
Module 06	Accounts of Company: Books of accounts etc to be kept by the Company System of maintenance of accounts in Company Audit & Auditors Protection of Minority Share Holders Prevention of Oppression and Mismanagement Removal of names of companies from register of companies Revival & Rehabilitation
Module 07	Winding up Process: Meaning of Winding up Procedures for winding up Winding up process by Tribunal Consequences of winding order Company liquidator & their appointments Report of the liquidator Custody of company's property Company Dissolution

	Voluntary Winding up Declaration of insolvency Procedure for voluntary Winding up Appointment of Liquidators
Module 08	Constitution of National company Law Tribunal, Appellate Tribunal & Special Court: Constitution of National Company law Tribunal Appellate Tribunal Selection of members, terms of office, salary Removal of members Order of Tribunal Powers of Tribunal Appeal from orders of Tribunals Establishment of special courts Offences trial by special courts Mediation & Conciliation Panel Corporate Social Responsibility

Recommended Readings:

- 1) Company Law, Dr. N. V Paranjape, Central Law Agency, 2016
- 2) Company Law, Avtar Singh, Eastern Book Company, 2013
- 3) Corporate Governance & Concept & Dimensions, Agrawal S
- 4) Amalgamation & Merger of Companies & the WTO: An Indian Perspective, Singh R. K. , Eastern Law House-2013
- 5) Taxman's Company Law & Practice, Kapoor G.K. and Dhamija Sanjay, 2017,
- 6) Company Law, S. R. Myneni, Asia Law House Hyderabad, 2015
- 7) Company Law: Piercing the Corporate Veil, Chopra D.S. & Arora Nishant, Eastern Law House-2013.

LP 1004

Practical Training Paper IV – Moot Court Exercise and Internship

Objectives of the Course: This course enables the student to apply all laws of the course in the practicals. The first part of moot courts will enable him to learn identifying facts, applying the law, deriving issues, oral presentation skills, organising argument, and presenting it with persuasion. The second part will give him the experience of visiting court proceedings, and watch advocates conduct matters.

Part A: Moot Courts

In this part, each student will prepare and present three moot courts. In each, he will present oral arguments for the case and side allotted by the teacher, and will write exercises in a journal. Oral presentation shall be done in the presence of all students of the class. It will be followed by critical positive analysis about the salient features of the presentation and content, and suggestions for improvement. The teacher shall ensure that these suggestions are implemented at the next presentation.

Students shall be formally dressed for the presentation.

Each moot court will be marked as follows:

- a) Oral presentation: 05 marks
- b) Journal exercise: 05 marks

Part B: Internship

Each student will attend, take notes and study two case proceedings in courts, and complete the writing exercises in the journal under the guidance of an Advocate.

Part A Moot Courts

Module 01 Pre-moot Preparations

Mooting: the activity, its meaning, purpose and goal
Nature and purpose of arguments in proceedings.
Organisation of an oral presentation
Oral presentation techniques
Reading and understanding the Moot Problem

Module 02 Legal Research for the Moot Problem

Identifying the legal provisions applicable, statutory law, case-law (for and against)
Using law reports and legal databases
Modes of citation, during oral presentation, and in written arguments
Reading a judgment, locating *ratio decidendi*, its use as precedent
Distinguishing judgments that lay down similar propositions

Module 03 Moot Court 1

1) Objectives:

Reading the moot problem, Identifying own party, Identifying and arranging facts, Identifying the law and its provisions.

Organisation of argument : Greeting, Opening, Statement own case, Brief statement of facts of the case, Case of other side, Issues, Issue-wise arguments (Facts → law, Law → Facts), Concluding an issue, Summing up, Prayer, Closing, Greeting.

Quoting statutory provisions with effect.

2) Journal exercise:

Table of facts arranged in chronological order

Statements of facts for the party that is represented.

Effective and complete prayer

Identify and state:-

The statutory law applicable, the section number, summary of that section. In case of common law: the principle of law and its ingredients

Case-law (for and against) with correct citation style, and one-sentence summary of the relevant principle involved.

List of books referred to (with uniform citation : JILI or OSCOLA or Blue Book)

Module 04 Moot Court 2

Objectives

Formalities: Addressing the judge, the other party and Advocate for the other party, Referring to parties during course of argument,

Listening to, handling and answering court questions

Eye-contact with the judge

Respectful and deferent manner

Journal exercise:

One page summary of case and argument

Table of facts in chronological order

Statement of issues in the case

Statement of the full case of the other party / parties

Issue-wise statement of case of own party and other party

Effective and complete prayer

Identify and state:-

The statutory law applicable, the section number, summary of that section. If common law: the principle of law and its ingredients

Case-law (for and against) with correct citation style, and one-sentence summary of the relevant principle involved.

List of books referred to (with uniform citation : JILI or OSCOLA or Blue Book)

Module 05 Moot Court exercise 3

Objectives

- Oral presentation: Voice, tone, volume, pitch
- Use of humour
- Body language
- Use of one-page summary of the case for the purposes of argument
- Ability to present argument without dependence on notes
- Ability to present complete argument within time limit set for the purpose

Module 06 Journal exercise:

- The entire argument for the party being represented within not more than twelve pages.
- Use of proper headings and paragraphs within the written argument.
- Use of correct citations and citation styles in the written argument.
- The written argument must contain the statement of case, summary of facts, case of the other party, issues or questions or charges, issue or charge-wise argument, prayer.

Part B: Internship

This part involves attending court proceedings personally for observing cases. Students shall attend court for case observation outside college hours. Case observation or completing this exercise shall not be an excuse for attending classes, and there will be no attendance credits for attending court proceedings.

Each exercise shall carry 20 marks.

Module 07 Observation of a Trial

The student will observe a civil or criminal trial involving hearing of oral evidence under guidance or supervision of an Advocate. Student shall begin internship and case observation at the beginning of the academic year, and shall present notes in the journal for assessment at the end of the first term. Observation shall continue through the next term. The teacher shall verify the progress of the proceeding with the record of proceeding on e-court website. The supervising Advocate's certificate shall be attached to the journal.

Important: Students shall maintain confidentiality of the parties, and facts and details in matrimonial matters or matters involving women and children, or matters of sensitive nature. In such a case, names, dates (of facts and not of court proceedings), locations etc shall be modified in the journal exercise.

Objectives

- a) Attending court and court proceedings
- b) Applying substantive law and procedure to facts
- c) Familiarity with court procedures

d) Court manners and discipline

Journal exercise

Case number, parties names (subject to confidentiality requirement stated above), Description of court, Place.

Maintain date wise notes of the proceedings

State and discuss the provisions of law involved in the proceedings on each date: aspects of procedure and substantive law.

Brief report of the proceeding on each date.

Summary of entire proceedings at the end of the first term.

Summary of the following at the end of observation: (The summary shall cover only those of the following stages that occurred):-

Case of the plaintiff or prosecution

Case of the defendant or accused

Issues or matters in controversy, or charges

Substantive law involved, and its provisions

Procedural law involved, and its provisions

The legal character of each witness (viz. eye witness, attesting witness, knowing facts etc), and the purpose of examining him, brief summary of his evidence.

Brief statement of important documents filed or relied upon.

Summary of arguments of all parties

Judgment or order passed.

Module 07 Observation of Arguments

The student will observe arguments in any other proceeding involving substantial question of facts and law, viz, appeal, petition, application, in any court: Labour court, Industrial Court, Consumer Forum or Commission, Company matter, District or High Court or Supreme Court. This observation may be completed during the first term or during the vacation between the two terms. Completed journal work must be presented for assessment at the beginning of the second term. The teacher shall check the passage of the proceeding with the record of proceeding on e-court website. Advocate's certificate will not be necessary. Student shall give a declaration in the journal that he attended the case.

Objectives

Observing arguments

Observing organisation of arguments and presentations

Observing interaction with judge

Understanding analysis and arrangement of facts, and application of law to facts

Learning Court manners

Learning Presentation skills

Journal exercise

Case number, parties names (subject to confidentiality requirement stated above), Description of court, Place.

Maintain date wise notes of the proceedings

State and discuss the provisions of law involved in the proceedings on each date: aspects of procedure and substantive law.

Brief report of the proceeding on each date.

Summary of the following at the end of observation: (The summary shall cover only those of the following stages that occurred):-

Case of the plaintiff or prosecution

Case of the defendant or accused

Issues or matters in controversy, or charges

Substantive law involved, and its provisions

Procedural law involved, and its provisions

Description of evidence produced by parties

Summary of arguments of all parties

Judgment or order passed.

Recommended Readings:

- 1) Nomita Aggarwal, A Beginner's Path to Moot Court, Universal Law Publishing, 2014
- 2) Abhinandan Malik, Moot Courts and Mooting, Eastern Book Company, 2017
- 3) Kailash Rai, Moot Court (Pre-Trial Preparation and Participation in Trial Proceedings), 5th ed, Cantral Law Agency, 2015.
- 4) K L Bhatia, Moot Court and Mock Trial - Art to and Art of Advocacy: Essentials of Court Craft, Universal Law Publishing, 2013
- 5) K Evans, Language of Advocacy, 1st Indian Reprint, Universal Law Publishing, 2000
- 6) J Hill, Practical Guide to Mooting, 1st Indian Reprint, Palgrave Macmillan, 2009.
- 7) J Snape and G Watt, How to Moot - A Student Guide to Mooting , Oxford University Press, 2005.
- 8) U Sakhalkar, Developing Skills Through Moot Court and Mock Trial, Allahabad Law Agency, 2014
- 9) B Malik, Art of a Lawyer - Cross Examination, Advocacy, Courtmanship, Universal Law Publishing, 2014.
- 10) D Pope and D Hill, Mooting and Advocacy Skills, 1st South Asian edn, Sweet & Maxwell, 2014.

Optional Subject 6(Any one from the following)

LC 1005 Election Laws

Objectives of the course:

This paper aims to acquaint the students with the vital elements of democracy. It prescribes the students with the constitutional and legislative aspects of representation. It provides the students with the process of conduct of election and related aspects. It also provides the students with judicial perspectives on electoral reforms. It acquaints the students with redressal mechanism for election disputes.

Module 01 Jurisprudential Aspects of Representation:

Concept of representation and participation of people

Election and viability of democratic system

Historical perspectives of election in India:-

The Government of India Act, 1861

The Government of India Act, 1892

The Government of India Act, 1902

The Government of India Act, 1935

Election and its statutory significance under the Representation of People Act, 1951

Modes of election:

Single nontransferable vote

Proportional representation

Module 02 Conduct of Elections And Administrative Machinery:

Election Commission : A Constitutional Entity

Powers and functions of Election Commission under Article 324 of the Constitution

Election Commission and Power of High Court under Article 226

Preparatory process for conduct of election

Conduct of elections under the Conduct of Election Rules, 1961

Module 03 Election of President, Vice President and other Legislative Bodies:

Election of President under Article 52 of the Constitution

Election of Vice President under Article 63 of the Constitution

Election to the House of People (Lok Sabha) and the Council of States (Rajyasabha)

Election to the State Legislatures

Election to Local bodies

Module 04 Election Disputes:

Election petition

Jurisdiction of High Court in election petitions

Qualification for setting aside elections

Disqualifications for setting aside elections

	Statutory procedure : implications of non-compliance
Module 05	Electoral Reform And Judicial Activism: Scope and ambit of Article 329 : <i>Mohinder Singh Gill v. Chief Election Commissioner, New Delhi</i> , AIR 1978 SC 851 Bar on jurisdiction of High Court : <i>Lakshmi CharanSen v. A.K. M. Hassan Uzzaman</i> , AIR 1985 SC 1233 Corrupt electoral practice : <i>Indira Nehru Gandhi v. Raj Narain</i> , AIR 1975 SC 2299 Anti-defection : <i>KihotaHollohon v. Zachilhu</i> , AIR 1993 SC 412 Office of profit and disqualification : <i>In Re Smt. Jaya Bachchan</i> (2006) Transparency in election process : <i>People's Union for Civil Liberties v. Union of India</i> , (2003) 4 SCC 399 Disqualification of representative after conviction : <i>Lily Thomas v. Union of India</i> , (2013) 7 SCC 653
Module 06	Constituencies And Delimitation: Delimitation – meaning Bar to interfere by court Delimitation of Parliament and State Assembly Delimitation of Assembly Constituencies in Jammu and Kashmir
Module 07	Electors and Electoral Rolls: Preparation and revision of electoral rolls Electoral rolls of Parliament and Assembly Language, form and manner of preparation of electoral rolls Claims and objections of electoral rolls
Module 08	Nominations, Scrutiny And Withdrawal of Candidature: Nomination : form, proposer Procedure for setting up by Political Parties Disclosure by candidates and right to information : criminal antecedents, assets, liabilities, educational qualifications Scrutiny of nomination : date, time, place Withdrawal of candidature : period for withdrawal, notice, authorized persons
Module 09	Political Parties And Election Symbols: Evolution of symbol system Registration of political parties Recognition of political parties Promulgation of Election Symbols (Reservation and Allotment) Order 1968 Splits and mergers of political parties and allotment of symbols Disputes relating to allotment of symbols and role of Election Commission
Module 10	Campaign, Poll and Result : Model code of conduct: evolution, application, violation Use of media, loudspeaker vehicles Opinion polls and exit polls Poll : law and order, voting systems, voting procedure, adjournment, fresh Poll

Right to vote : in person, by post, preference votes, assistance to blind, illiterate or infirm

Declaration of result : uncontested returns, contested returns, publication of result, notification

Recommended Readings:

- 1) S.K. Mendiratta, All You Want To Know About Indian Elections (LexisNexisButterworthsWadhwa, Nagpur, 2009)
- 2) Herman Finer, Theory and Practice of Modern Government, (Greenwood: 1970)
- 3) Rajni Kothari, Rethinking Democracy (Orient Longman: 2005)
- 4) Manoranjan Mohanty, Theorizing India's Democracy, in Indian Democracy: Meanings and Practices, Rajendra Vohra, ed. et al., (Sage: 2004)
- 5) Rajendra Vora, Suhas Palshikar, Indian Democracy Meaning And Practices (Sage Publication, 2005)
- 6) V.S. Rama Devi & S.K. Mendiratta, How India Votes- Election Laws Practice and Procedure (LexisNexis, 2017)
- 7) Dobia & Dobia, Law of Elections and Petitions (Set of two volumes) (LexisNexis, 2016)
- 8) B.S. Chowdhury, Law of Elections In Indian Republic (1967)
- 9) G.S. L. Srivastava, Elections and election petitions (1969)
- 10) I. Narain and others, Election Studies In India : An Evaluation (1978)
- 11) M. Krishnaa Nair, The Law Of Elections In India (1981)
- 12) P.M. Bakshi (ed.) , Chawla's Elections : Law and Practice (1985)
- 13) M.W. Fisher and J.V. Bondurant, John V., Indian Experiences With Democratic Elections (1956)
- 14) B. Holden, Nature of Democracy (1974)
- 15) Lakeman, Enid, How democracies vote : A study of Electoral systems (1974)
- 16) Z.M. Quraishi, Struggle for Rashtrapati Bhawan : a study of Presidential Elections (1973)
- 17) R. Kothari, Party system and election studies (1967)
- 18) S.C. Kashyap, Election and electoral reforms in India (1971)

LO 1006 Bankruptcy and Insolvency Law

Objectives of the Course: The Insolvency and Bankruptcy Code 2016 consolidated and amended the law relating to reorganization and insolvency resolution of corporations, partnership firms, and individuals. The Course will give the student an overview of the new law that not only opens opportunities for specialized practice in this area, but also in the course of transacting, and due diligence investigation. The student will apprise of the Insolvency resolution process, the distinction between Insolvency and Bankruptcy, the function of regulation in this area, the functioning of various authorities.

Module 01 Introduction:

- Historical perspectives of insolvency, bankruptcy and the laws
- Need for the Insolvency and Bankruptcy Code 2016
- Objects of the Code
- Applicability of the Code
- Definitions of the terms: claim, charge, corporate person, corporate debtor, core services, creditor, debt, default, financial information, financial institution, financial product, financial service, financial sector regulator, insolvency professional, person, property, security interest
- Concepts of Insolvency and Bankruptcy, Debtors and Creditors

Module 02 Insolvency Resolution and Liquidation Process for Corporate Persons:

- Corporate insolvency resolution process
- Liquidation process
- Fast track insolvency resolution process

Module 03 Insolvency Resolution and Bankruptcy for Individuals and Partnership Firms:

- Insolvency resolution process
- Bankruptcy order for individuals and partnership firms
- Administration and distribution of the estate of the bankrupt.

Module 04 Authorities under the Code:

- The Insolvency and Bankruptcy Board of India
- Powers and functions of the Board
- Insolvency professional agencies
- Information utilities
- Inspection and investigation

Module 05 Adjudicating Authorities under the Code:

- Adjudicating Authorities for Corporate Persons
- Adjudicating Authorities for Individuals and Partnership Firms
- Appeals

Module 06 Insolvency and Bankruptcy Code vis-à-vis Other Legislations:

- The Companies Act, 2013
- The Sick Industrial Companies (Special Provisions) Repeal Act, 2003

The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

The Recovery of Debts Due to Banks and Financial Institutions Act, 1993

The Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920

Module 07 Offences and Penalties for Contravention of the Provisions of the Code:

By the debtor

By the creditor

By the bankrupt

Module 08 Cross Border Insolvency:

UNCITRAL Model Law on Cross Border Insolvency

World Bank Principles for Effective Insolvency and Creditor Rights

Asian Development Bank Principles of Corporate Rescue and Rehabilitation

Recommended Readings:

- 1) UNCITRAL Legislative Guide to Insolvency Law
- 2) Mulla, The Law of Insolvency in India, 6th ed., Lexis-Nexis, 2017
- 3) Sumant Batra, Corporate Insolvency – Law and Practice, Eastern Book Company, 2017
- 4) Guide To Insolvency and Bankruptcy Code, Taxmann, 2016
- 5) The report of the Bankruptcy Law Reforms Committee, Nov 2015, available at www.ibbi.gov.in/Reports.html
- 6) The Report of the Joint Committee on the Insolvency and Bankruptcy Code, 2015, Lok Sabha, 2017, available at www.ibbi.gov.in/Reports.html

LO 1007 Comparative Criminal Justice System

Objectives of the Course: Comparative research earlier was a luxury. It served to broaden one's horizons. Today, comparative research is a necessity. In the criminal justice system the only way to effectively prevent and combat crime on the world stage is via the harmonisation and the coordination of national and international efforts. That requires up-to-date and intimate knowledge of criminal justice arrangements abroad. This necessitates the appreciation of meaningful and valuable differences, stemming from culture, history and social discourse which helps shape criminal justice arrangements in places quite different from our own. The academic endeavour of comparative criminal justice requires detailed understanding of not just criminal justice process but also the actors involved in it and the society that forms the backdrop to these process.

Module 01 Introduction:

Meaning and Significance of Comparative Criminal Justice

A comparative perspective on criminal justice and its main components.

An overview of an impact of international criminal justice on comparative criminal justice

Impact of Comparative Criminal Justice on Indian Criminal Law

Module 02 Comparative Policing:

Police and policing

Policing and crime control:

Community policing

Zero tolerance policing

Policing corruption

Rise of private policing

Module 03 Transnational and global policing:

Transnational policing

International policing institutions:

Interpol

Europol

UNPOL[United Nations Police]

UN Office on drugs and crime (UNODC)

Module 04 Prosecution & Pre-trial justice:

UN Guidelines on role of prosecutors

Prosecution :-

England (Crown prosecution services)

Netherlands

America (Grand Juris)

India

Pre-trial justice the role of magistrate

Pre-trial custody in law and practice

Module 05 System of trial:

Inquisitorial trials in France

- Adversarial trials in England and India
Trial in Islamic Legal Tradition
- Module 06 Jury System:**
The English jury
The American jury
Jury system in India
Juris in inquisitorial system
- Module 07 Sentencing:**
Death penalty and Human Rights
Death Penalty in USA and UK
Death Penalty in India
- Module 08 Models of Criminal Justice Process:**
Crime Control Model:
Rights of Victim
Rights of Accused Person
Power of investigation agencies
Role of Courts
Due Process Model:
Rights of Victim
Rights of Accused Person
Power of investigation agencies
Role of Courts

Recommended Readings:

- 1) Nelken D (2010) Comparative Criminal Justice Making sense of difference, London Sage
- 2) Nelken D (ed)(2011) Comparative criminal justice and globalisation Farnham Ashgate
- 3) Crawford A (ed) (2011) International and comparative criminal justice and urban governance Cambridge, Cambridge University Press
- 4) Haberfeld M.R. & Cerrah I (ed) (2008) Comparative policing: the struggle for democratization, London: Sage
- 5) Jones J & Newturn I (ed) (2006) Plural Policing a Comparative example London: Routledge
- 6) Andreas P and Nadelmann E (2006) Policing the globe: Criminalization and crime control in international relations, New York: Oxford University Press
- 7) Bowling B, Sheptyck J (2012) Global Policing, London: Sage
- 8) Choe D.H. (2013) Discretion at pretrial stage: A comparative study, European journal of criminal policy and research, 20.
- 9) Schonteich M. (2008) The scale and consequences of pretrial detention around the world In: Open Society Foundations (Ed) Justice initiatives London
- 10) Terrill R.J. (2012) World Criminal Justice Systems: A comparative survey ,Oxford Newness
- 11) Vogler R (2005) A world view on criminal justice Aldershot: Ashgate
- 12) Van Koppen P.J. and Penrod S.D. (eds) (2003) Adversarial versus inquisitorial justice, New York, Kluwer
- 13) Hans V(2008) jury system around the world, Annual Review of Law and Social Science
- 14) Vidmar N (ed) (2001) World Jury System, Oxford: Oxford University Press
- 15) Garland D (2001) The culture of control, Crime and order in contemporary society, Chicago , University of Chicago

- 16) Pratt J Brown, D Brown, S Hallsworth, and W Morrison , (eds) (2013) the new punitiveness , London: Routledge.
- 17) Zimring F (2003) The contradictions of American Capital Punishment, Oxford:Oxford University Press.
- 18) Francis Pakes, (2015), Comparative Criminal Justice, Routledge, London.
- 19) Mark Findlay, International And Comparative Criminal Justice (Routledge, London, 2013)

LO 1008 Land Laws II

Objectives of the Course : This paper deals with laws dealing with agricultural and other lands, their use, holding, management and dealings. With a sound background of law of transfer of property, this course equips the student with all other laws that affect use and dealings of land, and activities that enable its best exploitation. Agricultural land is subject to such control and regulation as would enable its most effective and efficient use. This module appraises the student of such provisions. Specialisation in these laws is as much useful for practice in litigation in these specialised area and in specialised courts, but also in advise and consultancy in dealings of these properties.

Although much of course content involves laws in force in the State of Maharashtra, the principles governing these laws are common across laws on the subjects in other states. Detail provisions might differ in laws of other states, study of principles that underpin the laws forming part of this course will enable the student to apply these to similar laws in other states.

Module 01 The Maharashtra Land Revenue Code, 1966: Lands:

Historical background of land revenue system, and the Code
Revenue areas

Lands: Vesting, Extinction of rights, assignment for special purposes, pasturage, right to trees, trees and forests, recovery of value of natural products and trees etc, regulating cutting and supply of wood.

Grant of lands

Use of land

Encroachment on land

Relinquishment of land

Module 02 The Maharashtra Land Revenue Code, 1966 : Land Revenue:

Land Revenue: Liability and assessment (64-78)

Assessment and settlement of land revenue of agricultural lands (sections 90-107)

Assessment and settlement of land revenue of lands used for non-agricultural purposes (sections 108-120)

Revenue Surveys: Procedure for survey, Survey numbers, Partitions, subdivisions, (sections 79-88)

Boundary and boundary marks (sections 132-146)

Module 03 The Maharashtra Land Revenue Code, 1966 : Land Records:

Record of rights (sections 147-159)

Rights in unoccupied lands (sections 160-167)

Realisation of land revenue and other revenue demands: Liability, priority of claim, time for payment, recovery, enforcement (sections 168-184)

Module 04 The Maharashtra Land Revenue Code, 1966 : Procedures before Revenue Officers, Appeals and Tribunal:

Revenue Officers, their powers and duties

Procedure of Revenue Officers
Appeals, Revision and Review
Maharashtra Revenue Tribunal

Module 05 The Maharashtra Tenancy and Agricultural Lands Act, 1948 : Holding and Use of land, Tenancies and Parties:

Purpose and object of the Act and historical background.
Concepts: Deemed tenants, Protected tenants, Ceiling area, Economic Holding, Irrigated land, Maximum and minimum rent, Certificated Landlord
Rights, liabilities, duties and disabilities of landlord
Rights, liabilities, duties and disabilities of tenant
Restriction on holding of lands, restrictions on transfer of lands
Management of estates

Module 06 The Maharashtra Tenancy and Agricultural Lands Act, 1948: Personal Cultivation, Termination of Tenancies and Enforcement:

Termination of tenancies by parties :
Without default: personal cultivation, non-agricultural use, and by certificated landlord
on default
surrender
Relief against termination
Termination of tenancy by operation of law, Tiller's day
Purchase of land by tenants, procedure for purchase
Right of tenant to exchange land
Collector, Mamlatdar and Tribunal, their powers and functions under the Act;
Jurisdiction and bar of jurisdiction; Appeals and revision

Module 07 The Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act 1947:

Purpose and object of the Act and historical background.
Determination of local and standard areas, entry in record of rights
Restrictions and prohibitions on transfer and partition of fragments including court sales, exceptions, penalty, transfer of fragment to Government and compensation
Consolidation, procedure, Reservation of land for public purpose, Scheme : its preparation and enforcement, and compensation and apportionment, Certificate of transfer, Rights in holdings, Transfer of encumbrances
Consolidation Officer, Settlement Commissioner, their powers and functions, Bar of jurisdiction

Module 08 The Maharashtra Agricultural Lands (Ceiling on Holdings) Act 1961

Purpose and object of the Act and historical background.
Ceiling on holding of land, Exempted land, Prohibition on holding land beyond ceiling limits
Restrictions on transfers and acquisitions, and consequences of

contravention
Surplus land, Submitting returns, Selection of land, Procedure of determining surplus land, Declaration of surplus land, Compensation, Distribution of surplus land
Collector and Maharashtra Revenue Tribunal, Powers and functions, Appeals

Module 09 The Mamlatdar Courts' Act 1906

Purpose and object of the Act and historical background.
Mamlatdar and Joint Mamlatdars, their appointment and powers
Cause of action and limitation
Procedure from filing of plaint till enforcement of orders
Injunction and its disobedience
Collector and his powers and functions

Important Note: Definitions in above Acts must be covered as relevant to contents of modules.

Recommended Readings:

- 1) S Dighe, Land Laws in Maharashtra, Snow White, 2016
- 2) A K Gupte, G Sethi, Land Laws in Maharashtra, Hind Law House, 2016
- 3) A K Gupte, G Sethi, Maharashtra Land Revenue Code, 1966, Hind Law House, 2017
- 4) S Dighe, Maharashtra Land Revenue Code, 1966, Snow White, 2016
- 5) S Dighe, Maharashtra Tenancy and Agricultural Lands Act with Rules, 1956, Snow White, 2017
- 6) K S Gupte and A K Gupte, Maharashtra Tenancy and Agricultural Lands Act, 1948, Hind Law House, 2015
- 7) D M Parulekar, The Bombay Tenancy and Agricultural Lands Act, 1948, Chaudhari Publishers, 2008
- 8) R M Tagare, Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, Mukund Prakashan, 1991
- 9) A R B Kher, Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, Nasik Law House, 1999
- 10) D R Chaudhari and A N Chaudhari, Bombay Mamlatdars' Courts Act, 1906, CTJ Publications, 2012

LO1009 Humanitarian and Refugee Law

Objective of the Course: The objective of this course is to familiarize the student with the expanding horizons of international law. The Law of war is today popularly referred to as International Humanitarian Law. A number of issues arise out of humanitarian consideration which fixes responsibilities on the nation-states to discharge their traditional responsibility under International Law. In view of the expanding tenants of international law of human rights, war and the various issues and crimes of individuals have to be dealt in without violating the international norms. In this paper the student is presented an overview of various aspects and institutional mechanism that has been developed over the years by states parties.

The Second part Refugee Law is also critically important and again brings forth the responsibility on nation-states to discharge their obligations in the prevention of Statelessness and the resultant consequences that arise out of loss of nationality. In view of the compelling jurisprudence of Human Rights Law, the states have a onerous duty to extend protection to people who lose their nationality for no fault of us. In this area again the aspects of Human Rights highlights that Individuals being a subject and object of international law, the responsibility of the States to protect the rights that are guaranteed under various international legal instruments.

Module 01 Introduction to International Humanitarian Law (IHL)

History and Development of IHL

Application of IHL –Martens Clause

Armed Conflict and Non-international armed conflict - Common Articles 2 & 3

International Human Rights Law and Humanitarian Law

IHL and Human Rights

Module 02 Protected Persons and Property

Wounded, The Sick, The Shipwrecked.

Prisoners of War.

Medical, Religious and Relief Personnel

Protection of Civilians.

Protection of Women and Protection of Children

Protection of Cultural Property.

Module 03 Implementation of IHL and Institutional Mechanisms

Basic issues involved in Implementation of IHL.

Implementation of Law at National Level.

Grave Breaches of Geneva Conventions and Additional Protocols.

Role of ICRC.

War Crimes Tribunals an Over View

International Criminal Court- Jurisdiction--Powers and Functions

• Conventions and Protocols to be covered in this area are

The first Geneva Convention protects wounded and sick soldiers on land during war 1949

The second Geneva Convention protects wounded, sick and shipwrecked military personnel at sea during war 1949

The third Geneva Convention applies to prisoners of war

The fourth Geneva Convention affords protection to civilians, including in occupied territory.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977

- **Judicial Decisions**

International Military Tribunal at Nuremberg

International Military Tribunal for the Far East (Tokyo)

International Criminal Tribunal for the Former Yugoslavia (ICTY)

International Criminal Tribunal for Rwanda (ICTR)

Special Court for Sierra Leone

Module 04 Introduction to International Refugee Law

Historical Background of Refugee Law

Meaning and Definition of Refugee Under various International Documents

Difference between Refugees and Internally Displaced Persons

Human Rights and Refugees –An over view

Module 05 International Framework for Refugee Protection

Asylum

Protection

Non-refoulement

Non-discrimination

Family Unity

Durable Solutions

International Cooperation- Burden Sharing-Extradition of Refugee-voluntary

Repatriation-Naturalization

An over view on role of UNHCR in the protection and Promotion of Refugee Rights

Module 06 Refugees in Indian Context

Legal and Constitutional Provisions

Reasons for non signatory to Refugee Convention

Role of Indian Government in Protecting Refugees

Role of NHRC and Judiciary

Recommended Readings:

1) Kavin M. Cahill, *Basics of International Humanitarian Missions* (2003)

2) V. K. Ahuja, *Public International Law* (2016) Lexis Nexis

3) ICRC, *Summary of the Geneva Conventions of 12 August 1949 and their Additional Protocols* (Second Edition, 2012)

4) M.K. Balachandran and Rose Varghese, eds., *Introduction to International Humanitarian Law* (1997)

5) Fleck, Dieter, ed., *The Handbook of Humanitarian Law in Armed Conflicts* (1998)

6) Frits Kalshoven, Liesbeth Zegveld, *Constraints on the Waging of War: An Introduction to International Humanitarian Law* (2001)

- 7) Durham, Helen, McCormack, Timothy L. H., eds., *The Changing Face of Conflict and the Efficacy of International Humanitarian Law* (1999)
- 8) Lindsay Moir, "The Historical Development of the Application of Humanitarian Law in Non-International Armed Conflicts to 1949", Vol. 47 *International and Comparative Law Quarterly* 337-61 (1998)
- 9) R. K. Dixit, R. K. P. Shankardass, C. Jayaraj, and Manoj K. Sinha, *International Criminal Law: Issues and Challenges* (2009), Indian Society of International Law
- 10) B.S. Chimni, ed., *International Refugee Law: A Reader* (2000), Sage Publications
- 11) Carlier, Jean Yves, et. al., *Who is a Refugee? A Comparative Case Law Study* (1997)
Goodwin-Gill, Guy S., McAdam, Jane, *The Refugee in International Law* (3rd edn.) 2014, Oxford
- 12) James C. Hathaway, *The Rights of Refugees Status under International Law* (2014) Cambridge
- 13) Arjun Nair, *National Refugee Law for India: Benefits and Roadblocks* (2007)
South Asia Human Rights Documentation Centre (SAHRDC), *Human Rights and Humanitarian Law: Developments in Indian and International Law* (2008)
- 14) UNHCR and IPU, *Refugee Protection: A Guide to International Refugee Law* (2001)
- 15) Ragini Trakroo, et. al., *Refugee and the Law* (2005)
- 16) Bimal N. Patel : *The State Practice of India and International Law* (2016) Koninklijke Brill, The Netherlands

Articles to be referred

- 1) TSN Sastry Refugee Problems and the Role of UNHCR, Andhra University Law Journal, Vol.3, 1999, .64-70 available at drtsnsastry.weebly.com
- 2) Ramasubramanian and TSN Sastry The Policy Perspectives of UNHCR in Protecting And promoting the Rights of Refugee Children, (co authored Paper) in the ISIL Year Book of International Humanitarian and Refugee Law , Vol. V. 2005,118-141, available at drtsnsastry.weebly.com
- 3) B.C. Nirmal, "Refugees and Human Rights", I *ISIL Year Book of International Humanitarian and Refugee Law* (2001)
- 4) Sumbul Rizvi, "International Dimensions of Refugee Law" *ISIL Yearbook of International Humanitarian and Refugee Law* 103-15 (2004)
- 5) Sanjay Parikh, "Refugees in the International and National Framework", I *ISIL Year Book of International Humanitarian and Refugee Law* (2001)
- 6) Shuvro Prosun Sarker, "Bangladeshi "Undocumented Migrants" (Refugees) in India: A Humanitarian Problem Requiring a Humanitarian Solution", Vol. 28(2), *J.I.A.N.L.* 165 (2014)
- 7) William Thomas Worster, "The Evolving Definition of the Refugee In Contemporary International Law", Vol. 30, *Berkeley Journal of International Law* 94 (2012)
- 8) Alan Rosas, Pär Stenbäck, "The Frontiers of International Humanitarian Law", Vol. 24 (3), *Journal of Peace Research* 219 (1987)
- 9) Alejandro Lorite Escorihuela, "Humanitarian Law and Human Rights Law: The Politics of Distinction" Vol. 19, *Michigan State International Law Review* 299 (2013)
- 10) Matthew J Gibney, "Refugees and Justice Between States", Vol. 14(4), *European Journal of Political Theory* 448 (2015)
- 11) Francois Bugnion, "Refugees, Internally Displaced Persons, and International Humanitarian Law", Vol. 28 (5), *Fordham International Law Journal* 1397 (2004)
- 12) Indian Journal of International Law
- 13) American Journal of International Law
- 14) International Law and Comparative Law quarterly
- 15) Annual Survey of American Society of International Law

Important Note:

If any amendment takes place in any Legislation under any law either by the Union or by the State Legislature, such updations shall come into force only from the next academic year onwards automatically. Accordingly, such new enactments of any of the provisions of any law in partial shall be automatically deemed to be updated and accordingly the institutions need to cover such new provision in the place of old regulations without major modifications to syllabi. In case in any law if any of the provisions of the existing law are repealed such provisions shall automatically deemed to be repealed in the syllabi from the next academic year.

In any legislation if major changes are brought in by the Legislature at any point of time during the year after the commencement of the academic year, such changes shall come into affect only from the next academic year. In such cases, the BOS needs to take note of such major changes and draft such portions of syllabi either wholly or partially affecting such papers.

In case if any legislation is completely removed and new legislation is introduced in place of it, the BOS has to make the arrangements to draft syllabi of such papers basing on the new legislation. Such syllabi shall come into force only from the beginning of the new academic year.

With respect of any of the rules stated above, any changes introduced by University from time to time such rules shall come into force from such period mentioned in such circulars. Accordingly, the rules stated herein needs to be read in conjunction with such circulars.

GRATIS

Syllabus for the
**Fourth Year of the Five Year Law-
Course Semester System**

(Sem. VII & VIII)



UNIVERSITY OF PUNE

Price : Rs. 25/-

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Publisher's Note

The University of Pune has great pleasure in publishing the Syllabus for the **Fourth Year of the Five-Year Law Course (Semester Pattern)** under the Faculty of Law.

It is hoped that this syllabus will be most useful to the students of this course.

On behalf of the University, I thank the experts and authorities of the University for their keen interest and whole-hearted co-operation in bringing out this publication.

University of Pune
Ganeshkhind, Pune-411 007.

Dr. D. D. Deshmukh
Registrar

पुणे विद्यापीठ

परिपत्रक क्र.२१८/२००५

विषय : शैक्षणिक वर्ष २००५-२००६ पासून पाच वर्षीय विधी अभ्यासक्रमाच्या चौथ्या वर्षाच्या सुधारित अभ्यासक्रमाबाबत.

या परिपत्रकाद्वारे सर्व संबंधितांस विद्यापीठ अधिकार मंडळाने घेतलेल्या निर्णयानुसार कळविण्यात येत आहे की, शैक्षणिक वर्ष २००५-२००६ पासून विधी अभ्यासक्रमांतर्गत पाच वर्षीय विधी अभ्यासक्रमाच्या चौथ्या वर्षाच्या (सत्र पद्धती) सत्र ७ व ८ चा सुधारित अभ्यासक्रम सोबत जोडण्यात येत आहे.

सही/- डी. एम. देवके
संचालकांकरिता,
म.वि.वि.मं.

Fourth Year Law / 5

University of Pune

FOURTH YEAR OF THE FIVE-YEAR LAW COURSE

SEMESTER PATTERN

ACADEMIC YEAR 2005-2006

Semester VII and VIII

Rules for Standard of Passing, Benefit etc.

Standard of Passing :

To pass any examination, a candidate must obtain

(a) 35% of the full marks in each paper

(b) 50% of the total marks in the examination

1. No candidate shall be admitted to the Fourth year of the New Five Year Law Course Examination unless he/she has passed the Third year of the New Five Year Law Course or declared ATKT of this University or passed an equivalent examination of any other University recognized by this University as equivalent there to and he/she shall have there after kept two terms in a law college affiliated to this University.
2. Standard of Passing – The Standard of passing for the Fourth year of the New Five Year Law Course – 35% marks in individual subject / paper and 50% marks in aggregate. The candidate obtaining between 50% and 54% marks will be declared to have passed in Second Class between 55% and 59% marks shall be placed in Higher Second Class. The candidates obtaining between 60% and 69% marks will be declared to have

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passed in First Class. The candidates obtaining 70% and above will be declared to have marked in First Class with Distinction.

Candidates who obtains at least 50% of the full marks in paper shall at his option, be exempted from that paper at subsequent examination, he shall, however, have to pass remaining paper or papers in accordance with standard of passing. Above such exemption is for six years only.

Candidate shall be required to answer the following eight papers each carrying 100 marks and of three hours duration.

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Semester Pattern

Academic Year 2005-2006

Semester VII

Paper No.	Subjects	Marks
21	Law of Evidence	100
22	Environmental Law including Laws for Protection of Wild Life and Other Living Creature including Animal Welfare	100
23	Human Rights and International Law	100
24	Arbitration, Conciliation and Alternative Disputes Resolution Systems	100

Semester VIII

Paper No.	Subjects	Marks
25	Jurisprudence	100
26	Property Law Including Transfer of Property Act and Easement Act	100
27	Practical-II [Public Interest Lawyering,	100
28	Optional Any one	100
[A]	Comparative Law	
[B]	Insurance Law	
[C]	Conflict of Law	
[D]	Intellectual Property Law	

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Semester VII

Paper No. 21– Law of Evidence 100 Marks

The Indian Evidence Act 1872 (With latest amendments and up-to-date case-law)

1. Preliminary (Sec. 1 to 4)
(Objects, application and definitions)
2. Evidence of facts in issue and relevant facts only (Sec.5)
3. What facts are relevant (Sec. 6 to 16)
4. Admissions (Sec. 17 to 31)
5. Statement by persons who cannot be called as witnesses (sec. 32 & 33)
6. Statement made under special circumstances (Sec. 34 to 39)
7. Relevancy of Judgements (Sec. 40 to 44)
8. Relevancy of opinions of third persons (Sec. 45 to 51)
9. Relevancy of Character (Sec. 52 to 55)
10. Facts which need not be proved (Sec. 56 to 58)
11. Oral Evidence (Sec. 59 to 60)
12. Documentary Evidence (Sec. 61 to 73 A)
13. Public Documents (Sec. 74 to 78)
14. Presumptions as to Documents (Sec. 79 to 90-A)
15. Exclusion of oral by documentary evidence (Sec. 91 to 100)
16. Burden of Proof (Sec. 101 to 114-A)
17. Estoppel (Sec. 115 to 117)
18. Competency of Witnesses (Sec. 118 to 134)
19. Examination of Witnesses (Sec. 135 to 166)
20. Improper admission and rejection of Evidence (Sec. 167)

Recommended Books and Readings

Ratanlal and Dhirajlal – The Law of Evidence
Batuklal – The Law of Evidence
Avtar Singh – The Law of Evidence
Vepa Sarathy – The Law of Evidence
Dr. Satish Chandra – Indian Evidence Act

Semester VII

Paper No. 22 – Environmental Law – including laws for protection of wild life and other living creatures and other animal welfare
100 Marks

1. Introduction :
 - i. Nature, scope need and application of environment law.
 - ii. Environmental pollution – causes and effects.
2. Constitutional Provisions :
 - i. Right to life, right to wholesome environment, right to development, Directive principles of state policy, Fundamental duties, Constitution and environmental legislations.
 - ii. Environment Protection and Public interest Litigation.
3. International Environment Law and Environment Protection :
 - i. Sustainable development, Polluter-pays-principle, Precautionary principle.
 - ii. Salient features and critical study of Stockholm Conference on Human Environment, 1972.
 - iii. Nairobi Declarations, 1982.

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- iv. Rio Conference on Environment and Development, 1972 (Earth Summit)
Rio Declaration.
Convention on Biological Diversity, The Indian Biological Diversity Act, 2002.
Convention on Climate Change, 1992.
4. Environment Pollution and Laws in India :
 - i. Framework and analysis of anti-pollution Acts and Rules.
 - ii. Authorities under the Acts.
 - iii. Penalties and Liabilities under the Acts.
5. Environment and Development :
 - i. Important environmental issues involved in the development projects like big dams
Silent Valley Project
Tehri Dam Project
Narmada Valley Project
 - ii. Environmental Clearance
Environment Impact Assessment.
National Environment Appellate Authority Act 1997.
6. Environmental Policies in India :
 - i. Pre-independence policy on environment.
 - ii. Post-independence policy on environment.
7. Protection of Wild Life and Forests :
 - i. The Wild Life Protection Act 1972.
 - ii. The Indian Forest Act 1927.

Recommended Books and Readings

- Bell and Bell Environmental Law.
Resencraz & Dewan, cases and materials on Environmental Law and Policy in India.
Baxi Upendra, The Bhopal Case.
Aggarwal Anil, The State of India's Environment.
Lal's Commentaries on Water and Air Pollution and Environment Protection Laws.
Pal Chandra, Environment Pollution and the Law.
Malviya, Enviromental Pollution and its control of under International Law.
Leelakrishnan, Enviromental Law, 1986.
The Enviroment Protection Act and Rules.

Semester VII

Paper No. 23 – Human Rights and International Law

100 Marks

Division of Marks – Human Rights- 40 Marks

International Law - 60 Marks

A. Human Rights 40 Marks

1. Human rights - nature, concept, origin and development, importance, classification.
2. Civil and Political rights, International Instruments – UN Charter, UDHR, International Covenant on Civil and Political Rights, Part III of the Constitution of India.
3. Social and Economic Rights, International instruments including International Covenant on Economic, Social and Cultural Rights Part IV of the Constitution of India.

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4. Human Rights and vulnerable groups, rights of women, children, disabled, tribals, aged and minorities, national and international legal developments Part IV A of the Constitution of India (Fundamental duties).
5. Enforcement of human rights, international regional and national mechanism (Legislative, executive and judicial) including protection of Human Rights Act 1993 NHRC-Role of legal profession, NGOs and media.

B. International Law 60 Marks

1. Introductory –
 - (a) History of International Law
 - (b) Theories of International Law as to its basis
 - (c) Codification in International Law
 - (d) Nature, scope and present day position of International Law
2. Sources of International Law –
 - (a) Treaties
 - (b) Customs
 - (c) General principles of International Law
 - (d) United Nation General Assembly resolutions as a source of International Law
 - (e) Non-statute, other sources of International Law
3. Relationship between international law and municipal law (internal law)
 - (a) Theories
 - (b) State practice with special reference to Indian practice

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4. Subjects of International Law
 - (a) State including recognition of states and governments and state succession
 - (b) Individuals
 - (c) International organizations and non-state entities
 - (d) Multinational companies and other private entities
5. Jurisdiction of states
 - (a) Territorial jurisdiction
 - (b) Personal jurisdiction
 - (c) Protective jurisdiction
 - (d) Universal jurisdiction [terrorism, hijacking, narcotics, war-crimes and crimes against peace]
 - (e) Diplomatic immunities and privileges
 - (f) State immunity
6. Law of State Responsibility
 - (a) Responsibility arising out of –
 - i. Acts of State [Direct responsibility]
 - ii. Acts of Individuals [Indirect responsibility]
 - iii. Act of corporation
 - iv. State responsibility for other subjects of International law
 - (b) consequences of State Responsibility
 - (c) Calvo clause—exhaustion of local remedies
7. Settlement of International disputes
 - (a) Peaceful settlement of International disputes

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- (b) Coercive settlement of International Disputes [with reference to provisions of the UN Charter]
- (c) War and UN Charter
- 8. International Transactions – Treaties
 - (a) Significance of Vienna Convention on law of treaties
 - (b) Creation of treaty – steps involved
 - (c) Termination, suspension and invalidation of treaties
 - (d) Interpretation of treaties
 - (e) Retro-active effect of treaties
- 9. International Institutions
 - (a) Basic purposes, principles and membership of United Nations
 - (b) Organs of United Nations – with special reference to General Assembly, Security Council and International court of justice.

Recommended Books and Readings

Kapoor S. K. – Human Rights and International Law
Agarwal H. O. – Human Rights and International Law
Tandon M. P. – Human Rights and International Law
Gurdip Singh – International Law
Starke J. G. – Introduction to International Law
Shaw Malco, N. – International Law
Iyer V. R. Krishna, – Human Rights
Chandra Upendra – Human Rights

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Diwan Paras, – Human Rights and Law
Brownlie Ian, Principles of Public International Law
O'Connell – International Law
Oppenheim – International Law [Vol. 1 & 2]
Harris, Cases and Materials on International Law
Indian Journal of International Law

Semester VII

Paper No. 24 – Arbitration, Conciliation And Alternative Disputes Resolution System 100 Marks

Division of Marks – Arbitration & Conciliation -50 Marks, Alt. Disputes Resolution System - 50 Marks

A. Arbitration and Conciliation Act, 1996

Preliminary : Section 1 Short Title, Extend and Commencement

Part I : Arbitration

Chapter I : Sections 2 to 6 General Provisions

Chapter II : Sections 7 and 8 Arbitration Agreement, Section 9 Interim Measures by Court

Chapter III : Sections 10 to 15 Composition of Arbitral Tribunal

Chapter IV : Sections 16 to 17 Jurisdiction of Arbitral Tribunals

Chapter V : Sections 18 to 27 Conduct of Arbitral Tribunals

Chapter VI : Sections 28 to 33 Making of Arbitral Award and Termination of proceedings

Chapter VII : Sections 34 Recourse against Arbitral Award

Chapter VIII: Sections 35 and 36 Finality and Enforcement of Arbitral Award

Chapter IX : Sections 37 Appeals

Chapter X : Sections 33 to 43 Miscellaneous

Part II : Conciliation – Sections 61 to 81

B. Alternative Models of Dispute Settlement

1. Models of Dispute Settlement, Litigation versus Arbitration, Models of Alternative Dispute Resolutions, Negotiation, Conciliation, Mediation, Mini-Trial, Fast tract Arbitration, Nature, scope, limitations and necessity of alternative models of disputes resolution.
2. Administrative tribunals – Article 323 A and B
- 3.. Family Court under the Family Court Act, 1984
4. Consumer Council and forums under the Consumer Protection Act, 1986.
5. Settlement of Disputes through Lok Adalat and Lok Nyayalaya Grassroots Justice and Panchayat System for Resolution of Dispute.

List of Books in Arbitration and Conciliation Act

1. Avatar Sing – Law of Arbitration and Conciliation [E. B. C. Lucknow].
2. Basu N. D. – Arbitration and Conciliation Act [UBT].
3. Johari – Commentary on Arbitration and Conciliation Act [UBT].
4. Krishnamurthys – Law of Arित्रation and Conciliation [E.B.C. Lucknow].
5. Kwatra G. K. – New Arbitration and Conciliation Law of India, Compative Study of Old and New [Indian

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- Council of Arbitration, Federationn House, Tansen Marg, New Delhi].
6. Mathur C. C. – Arbitration and Conciliation Act, 1996.
 7. Roy P. C. – Arbitration and Conciliation Act. (UBT).
 8. Roy Chaudhari – Arbitration and Conciliation Act.
 9. Naraya P. S. – Arbitration and Conciliation Act.
 10. Twari O. P. – Arbitration and Conciliation Act (ALA Allahabad).
 11. Rao P. C. – Alternative Dispute Resolution, What it is and How it is (UBT).
 12. Upendra Baxi – Crisis of the Indian Legal System, 1982.
 13. B. S. Patil – The Law of Arbitration and Conciliation Act.
 14. S. D. Singh – The Law Arbitration (EBC).

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Semester VIII

Paper No. 25 – Jurisprudence 100 Marks

Legal Theory and Concepts of Law

1. Nature, scope and utility of jurisprudence
2. Nature of Law – General
3. Administration of Justice, Necessity, Criminal Justice and its Purpose, Civil Justice and its Purpose, Primary and Sanctioning Rights
4. Source of Law – General
 - (a) Legislation – a source of law, nature, supreme legislation, subordinate legislation, its relation with other sources.
 - (b) Precedent – a source of law, meaning, theories, doctrine of stare decisis in India, power of the Supreme Court under Art 141 of the Constitution, Circumstances destroying or weakening the binding force of precedent, ratio decidendi and obiter dicta, with relevant Indian case law.
 - (c) Custom – a source of law, definition, characteristics of customs
5. Natural Law Theory
6. Positive Theory of Law
 - (a) Analytical school and imperative theory
 - (b) Pure theory of law
 - (c) Law as set of rules – H. L. A. Hart
7. Legal Realism
 - (a) American
 - (b) Scandinavian

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8. Historical School of Law
9. Sociological School of Law

Concepts –

1. Persons, the concept of legal personality, legal status of lower animals, dead men, unborn persons, corporations and the State.
2. Legal definition – wrongs, duties, rights, characteristics of legal rights, legal rights in wider sense [Hohfeldian analysis of legal rights] kinds of legal rights.
3. Ownership, definition, characteristics of ownership, subject matter, kinds of ownership.
4. Possession, idea, kinds, modes of acquiring possession, possession and ownership, possessory remedies.
5. Property, meaning, kinds, theories, modes of acquiring property.
6. Liability, nature and kinds, theory of remedial liability, theory of penal liability, negligence, theory of strict liability, vicarious liability, measures of civil and criminal liability.
7. Titles
8. Obligations

Recommended Books and Readings

Fitzgerald P. J., Slamond on Jurisprudence
Dias, Jurisprudence
Sethna M. J., Jurisprudence
Mahajan V. D., Jurisprudence and legal theory
Tanden M. P., Jurisprudence
Dhyani S. N., Jurisprudence and Legal Theory
Paranjpe, Jurisprudence

Semester VIII

Paper No. 26 – Property Law including Transfer of Property Act and Easement Act **100 Marks**

[With latest amendments and up-to-date case-law]

- A. The Transfer of Property Act 1882 - 80 Marks
- B. The Indian Easements Act 1882 - 20 Marks

A. The Transfer of Property Act 1882 - 80 Marks

1. Preliminary – Object, application, definitions and doctrine of notice [Ss 1-4, 102-104]
2. Transfer of property by act of parties [Ss 5-53A]
3. Sale of immovable property [Ss 54-57]
4. Mortgages of immovable property [Ss 58-98]
5. Charges [Ss 100-101]
6. Leases of immovable property [Ss 105-107]
7. Exchanges [Ss 118-121]
8. Transfer of actionable claims [Ss 130-137]

B. The Indian Easements Act 1882–20 Marks

1. Easements [Ss 1-51]
2. Licenses [Ss 52-64]

Recommended Books and Readings

Sarathi V. P. – Law of Transfer of Property
Shaha S. M. – Transfer of Property Act 1882
Mulla on Transfer of Property Act
Lahiri S. M. – Transfer of Property Act
Mitra B. B. – Transfer of Property Act
Shukla S. N. – Transfer of Property

**Paper No. 27 – Practical II [Public Interest Lawyering,
Legal Aid and Para Legal Services] 100 Marks**

Division of Marks

- A. Class lectures and practicals written in journal on topics mentioned below and assessed by the teacher–50 Marks.
- B. Viva-voce examination about the work– 50 Marks.

Important : Candidate has to obtain for passing in this subject minimum 18 marks in part A and 17 marks in Part B.

Part A

1. Public Interest Lawyering [15 marks]

- a. Conducting a project through legal research/legal survey and writing report of the project in the journal. All the working material must be submitted with the journal
- b. Writing essays on any aspects of each of the following topics [not exceeding 2000 words each]
 - i. Public interest Litigation, concept, development through decided cases, limitation .
 - ii. Lok Adalat
 - iii. Role of advocates in implementation of legal aid schemes
 - iv. Amicus curiae

2. Legal Aid

[15 marks]

- a. Provisions regarding Legal Aid in
 - i. The Constitution of India.
 - ii. Legal Services Authorities Act, 1987.
 - iii. Maharashtra State Legal Services Authorities Rules 1998.
 - iv. Criminal Procedure Code, 1973.
- b. Clinical Legal Education
 - i. Lessons in negotiations skills, counselling, office management, use of computer in legal work etc.
 - ii. Practical exercise should be conducted about dealing with clients at the legal Aid Centre or by simulation exercise in respect of negotiations, counselling, visit to lawyer's offices, Reports to be written in the journal.

Para Legal Services

[10 Marks]

Participating in legal literacy camps or para legal training courses to NGOs, public servants or other students, Reports to be written in the journal.

3. Case Comment or critical article for a law journal on current legal issues.

[10 Marks]

Paper No. 28 - Optional - Comparative Law - 100 Marks

1. Comparative Law

Its character, definitions functions, its object

Different phases used to explain this method of study

2. Origin and development of comparative law

3. Distinction between comparative law and

Private International Law

Public International Law

Legal History

Sociology of Law

4. Functions, value and aim of comparative law

Law as a science cannot limit itself within territory limits (Natural and medical science are international and not remain domestic)

Practical benefits of comparative law

(a) As an aid to the legislator

(b) As a tool of construction (Interpretation of domestic law)

(c) As a component of legal education by adopting it in curriculum in the universities

(d) As a tool for unification of law

5. Types of legal systems

Different grouping by different jurists

1. (a) Romanistic family

(b) Germanic family

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(c) Nordic family

(d) Common law family

2. (a) Civil Law system / continental system

(b) Common Law system

Factors decisive for classify, Historical development, Mode of Legal thinking, Distinctive characters of legal institutions, choice of sources of law, ideology of each legal system.

6. Method of studying comparative law

Comparative law as it is practiced today (process of comparison), its functionality, imagination and discipline, comparativist must look outside the law

Choice of legal system for comparison (depends on the topic of research)

Build a system, critical evaluation of what has been discovered.

7. Reference of comparison between different legal systems

Value of judicial decision in civil law system and common law system

Statute law and its importance under different legal systems

Legal system having mixed features

Difference in legal terminology in various legal systems.

8. Comparative dimensions of

(a) Contracts - formation of contracts, offer and

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acceptance, formal requirements, illegality and immorality.

- (b) Torts in general, vicarious liability, strict liability.
- (c) Invasions against right of personality.
- (d) Judges and courts, training and recruitment of judges
- (e) Method of deciding cases.
- (f) Manner of writing opinions and decisions, jury trial.

Recommended Books and Readings

Zweigart and Kotz, Introduction to comparative law.

Gutteridge, comparative law.

Rene David, Major Legal Systems in the World Today, and Introduction to the comparative study of law.

Baxi and Markensinis, Foreign Law and Comparative Methodology - A subject and a Thesis.

Semester VIII

Paper No. 28 - Optional - Insurance Law - 100 Marks

Division of Marks

General Principles of Insurance (40 marks)

The Insurance Act, 1938, Public Liability Insurance Act 1991, Personal Injuries (Compensation Insurance) Act 1963, Insurance Regulatory and Development Authority Act 1999, Life Insurance Corporation Act 1956 and General Insurance Business (Nationalisation) Act 1972 - (45 marks). Insurance under the Motor Vehicles Act 1988 - (15 marks) (with latest amendments and up-to-date case law).

1. General Principles of Insurance (40 marks)

- (a) Insurance : What is insurance, functions and benefits of insurance, double insurance (see also 34 of the Marine Insurance Act 1963), Re-insurance, Under insurance, classes of insurance - voluntary, commercial, compulsory, social.
- (b) Risks : Insurable and other risks, handling risks, spreading risks, mathematical value or risks rating of risks, extent of risk, loss caused by insured's own act, commencement and duration of risk, termination of risk, period of risk and time of loss, peril and proximate cause.
- (c) Insurance Contracts :
 - i. What is a contract of insurance?
 - ii. Subject matter of insurance - physical object, choice-in-action, liability.
 - iii. Types - Life, property, marine, fidelity,

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employers liability, motor accident, railway accident, miscellaneous.

iv. Formation of an insurance contract : S23 to 26 of the Marine Insurance Act 1963, S64VB of the Insurance Act.

v. Representation and warranties.

vi. Duty of disclosure, material facts, duty of insured and of insurer, breach of duty, remedy, Ss 19 to 22 of the Marine Insurance Act 1963, S45 of Insurance Act 1938.

vii. Documents - proposal, policy, slip, cover note, certificate of insurance

viii. Conditions of policy - conditions implied in a contract of insurance conditions precedent and subsequent to validity of policy, condition precedent to liability of insurer, effect of breach, waiver of breach.

ix. Indemnity extent

x. Assignment of policy and its effect, S38 of Insurance Act 1938, 552, 53 of the Marine Insurance Act 1963.

xi. Premium calculation, return S33, 54 of the Marine Insurance Act 1963

xii. Insurable interest, contractual and statutory use when it must exist, insurance and wagering agreement Ss 6 to 9, 16, 17 of the Marine Insurance Act, 1963.

(d) Doctrine of subrogation : Limits on the doctrine, rights and remedies of insured, exercise of the right, subrogation and abandonment.

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(e) Contribution : Conditions for exercise of right, methods of contribution.

2. The Insurance Act, 1938, Public Liability insurance Act 1991, Personal Injuries (Compensation Insurance) Act 1963, Insurance Regulatory and Development Authority Act 1999, Life Insurance Corporation Act 1956 and General Insurance Business (Nationalization) Act 1972 - (45 marks).

(a) Insurance Act 1938

i. Terms and definitions :

- (1) Policy holder, insurer, Authority.
- (2) Chief agent, insurance agent, principal agent, special agent
- (3) Insurance company, Indian insurance company, insurance co-operative society.
- (4) Life insurance business, fire insurance business, general insurance business, marine insurance business, miscellaneous insurance business.

ii. Provisions applicable to insurers - Sec. 2C, 3, 3B, 4, 5, 6, 6A, 6AA, 10, 29.

iii. Assignment or transfer of policies, nominations - Sec. 38-39.

iv. Licensing of agents, commission and rebates Ss. 40, 40A, 42, 42A, 42B, 42C, 43, 44

v. Special provisions - Ss. 45, 46, 47, 47A.

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- vi. Tariff Advisory Committee and Control of Tariff Rates - Ss 64U, 64UA, 64UC, 64UE, 64UM.
- vii. Provident Societies - Ss. 65, 65A, 66, 67, 69.
- (b) Public Liability Insurance Act 1991
 - i. Objects and Reasons for the statute
 - ii. Sections 2-18 Schedule
- (c) Personal Injuries (Compensation Insurance) Act, 1963
 - i. Objects and Reasons for the statute
 - ii. Sections 2 - employer, partial disablement, total disablement, wages, workman
 - iii. Compensation payable under the Act - Ss 3,4,7
- (d) Insurance Regulatory Development Authority Act 1999.
 - i. Compensation of Authority - Ss. 4,5,8,10
 - ii. Duties, powers and functions of the authority - S 14
 - iii. Powers of the Authority under the Insurance Act 1938.
- (e) Life Insurance Corporation Act 1965
 - i. Functions of the Corporation - S6
 - ii. Exclusive privilege of life insurance business - Ss 30, 30A, opening of life-insurance sector to private participants.
 - iii. Application of Insurance Act - Section 43(1)
- (f) General Insurance Business (Nationalization) Act 1972

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- i. Transfer of shares of Indian insurance companies - section 4
- ii. General Insurance Corporation of India - Sections 9, 10, 10A.
- iii. Functions of the General Insurance Corporation - Section 18.
- iv. Exclusive privilege of carrying on general insurance business - Ss 24, 24A, opening of insurance sector to private participants.

3. Insurance under the motor Vehicles Act 1988

(15 marks)

- (a) Compulsory Insurance of Motor-vehicles under the Motor Vehicles Act 1988 - Public Place S. 146.
- (b) Requirement of policy and limits of liability - Sections 147.
- (c) Duty of insurer to satisfy judgment and settlement with insured - section 149, 152, 155
- (d) Information about insurance - Section 151, 158, 159, 160.
- (e) Certificate of insurance - Sections 156, 157.
- (f) Liability of insurer in the case of 'No fault liability' hit and run motor accidents and for payment of compensation on structured formula basis - Ss. 140-142, 161, 163, 163A

Recommended Books and Readings

Srinivsan M.N., Principles of Insurance Law (7th ed 2002, ed Avatar Singh)

Ivamy, General Principles of Insurance Law.

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Semester VIII

Paper No. 28 - Optional Conflict of Law - 100 marks

Part I - General Detail

Introductory Details :

What is Private International Law? Its function, basis

Development and history

Unification efforts

Modern theories

Stages in a 'Conflict of Laws' cases

Choice of Law

Choice of Jurisdiction

Recognition and Enforcement of Foreign

Judgments / Awards

Choice of Jurisdiction (First Stage)

Meaning, Bases of Jurisdiction, Limitations

Kinds of Jurisdiction

In personam

In rem

Admiralty Action

Stay of Proceedings / Actions

Assumed Jurisdictions

Classification / Characterization :

Necessity for classifications

Various theories

Leading cases illustrative of theories (Re. Cohn. Apt.

V. Apt. Shehnaz V. Rizwan, Ogden V. Odgen De Nicols

V. Curlier, Re Berehrold Re Maldonade)

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Choice of Law - Lex Cuses (Two parts of this stage)

- i. Connection Factor (First Part)
Why connection factor, Selection of lex causes
(applicable law)
 - ii. Application of lex causes (Second Part)
Three meaning of LC
Renvoi - Partial
Renvoi - Total Foreign Court Theory
Critical Analysis of Renvoi
 - iii. Leading Cases
Collier V. Rivaz Re Duke of Willington
Bremer V. Freeman Re Askev Re Annesly
Re Ross Forege's Case
6. Incidental Question and Time Factor
9. Concept of Domicile
General principles :
Elements of Domicile : Intention & Residence
Witnavas V. Att. Gen. Ramsay V. Liverpool
Royal Infirmary
Kinds of Domicile
Domicile of Origin
Domicile of Choice
Domicile of Dependence
Domicile of Corporation
10. Status and University of Status.

Part II - Family Law (Law of Persons)

1. Marriage

Kinds - Monogamous - Hyde V. Hyde

Polygamous

Questions of formal and essential validity

All other relevant details - details regarding matrimonial jurisdiction in India and Marriage Laws

2. Matrimonial Causes

In England and In India.

Divorce, Nullity, Judicial separation and restitution of conjugal rights, choice of jurisdiction and choice of Law Positions.

3. Legitimacy - Legitimation and Adoption

Legitimacy - what is legitimacy - Recognition of status of legitimacy.

Law governs legitimacy - legitimacy and succession

4. Legitimation - How it is different from legitimacy, Recognition of this status, different methods whereby legitimation may take place - legitimation and succession.

5. Adoption

Purpose of Adoption - Adoption at Common Law and Indian Law

Recognition of foreign Adoption, Adoption and Succession.

Part III - Law of Property

1. Distinction between Movable and Immovables

Immovables - Let situs rule - Mocabiquo Rule - exceptions.

The transfer of tangible movables - theories

Lex domicile, lex situs, lex actus, proper law

Lex situs prefer Cammell V. Bewell

2. Assignments of Intangible movables

Kinds of assignments

Theories

Lex domicile, lex situs, lex actus, proper law

Normal and essential validity.

3. Negotiable Instrument

Negotiability

What law governs

4. Succession

Testate and Intestate

Intestate succession - of movable

General Rule - lex domicile governs in exceptional circumstances lex situs.

Interstate succession to immovable - general rule lex situs governs.

Testate succession - wills-capacity-lex domicile

In case of succession to immovables by will, generally lex situs governs.

5. Formal Validity

Lex domicile in case of movable and lex situs in case of immovable

6. Essential Validity

Same as formal validity

Part IV - Law of Obligation

1. Contracts :

Validity of Contracts

Capacity to contract

Formal validity

Essential validity

Proper Law of Contract - subjective and objective theories.

2. Torts :

Various theories

Lex fori, lex loci, proper law etc.

Philips Vs. Eyre, Boys Vs. Chaplin

Part V - Recognition and Enforcement of foreign Judgements theories limitation.

Books recommended this has been R. H. Graveson

Now following books may be prescribed -

Private International Law - R. H. Graverson

The Conflict of Law - Jh. C. Morris

Indian Private Int. Law - S. S. Chavan

Private Internaitonal Law - Nath and Chesive

Paras Diwan - Indian Private International Law

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Note : The Syllabus should be taught with necessary reference to Indian Law and Judicial Decisions.

Conflict of Laws within Indian Personal Laws with reference to Marriage and Property.

Semester VIII

**Paper No. 28 - Optional - Intellectual Property Law -
100 marks**

Division of Marks :

- A. The Patents Act 2005 - 25 marks
- B. The Copyright Act 1957 - 25 marks
- C. The Trade and Merchandise Marks Act 1958 / The Trade Marks Act 1999 - 25 marks
- D. The Designs Act 2000 25 marks
- E. Other Types of intellectual property 25 marks
- F. Intellectual Property in general.

(all laws with latest amendments and up-to-date case law)

A. The Patents Act 2005

- 1. Objects of the statute, definitions, invention, patentable inventions, inventor and his object.
- 2. Procedure for grant of patent from its application to the grant of patent, including who may apply for a patent, specification, opposition to grant of patent, patent of addition, product patent and process patent, effect of grant of patent, terms of.

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3. Patentee, his rights and obligations, Limitations on patentee's rights : government use, compulsory licenses, Government use of Invention and its acquisition, Assignment and license of patent and avoidance of restrictive conditions.
4. Revocations and Surrender of Patents
5. Infringement of Patents and remedies, Threat of Infringement Proceedings
6. Exclusive Marketing Rights, patent Agents, international Arrangements.

B. The Copyright Act 1957

1. Nature and purpose of copyright, works in which copyright subsist, Author and First owner of copyright, owner of copyright, Broadcast reproduction right and performers rights, term of copyright, Registration of copyright and its effect.
2. Rights conferred by copyright, Broadcast reproduction right and performers right, assignment, transmission, and relinquishment of copyright, licenses of copyright-voluntary and compulsory.
3. Infringement of copyright, remedies for infringement offence and criminal proceedings, Acts not constituting infringement, groundless threat of legal proceedings.
4. Copyright societies, International copyright

C. The Trade and Merchandise Marks Act 1958/ The Trade Marks Act 1999*

[* The Act of 1999 will be taught after it has come to into force, but it shall not be part of an examination unless it is brought into force at least three months before the examination]

1. Object and purpose of the Act, Definitions, Mark, Trade Mark, Certification Mark, Associated Trade Marks, Collective Marks, Deceptive Similarity, Well Known marks.
2. Procedure and duration of registration, including classification of goods, refusal of registration, limitations, which marks can be registered, Registration of Trade Marks, certification marks and associated marks and its effect and advantages, Rights conferred by registration, consequences of non-registration, Renewal, Removal and restoration of registration, effect of non-use.
3. Rights of a proprietor of a trade mark: Assignment and Transmission of various types of trade marks, restrictions on assignment, use of trade marks and registered users.
4. Rectification and correction of register.
5. Infringement and Passing Off, jurisdiction of Courts, Groundless threat of legal proceedings, Remedies, Appellate Board, its jurisdiction and procedure [under the Act of 1999] offences and penalties, Marking of goods.

C. The Trade and Merchandise Marks Act 1958/ The Trade Marks Act 1999*

[* The Act of 1999 will be taught after it has come to into force, but it shall not be part of an examination unless it is brought into force at least three months before the examination]

1. Object and purpose of the Act, Definitions, Mark, Trade Mark, Certification Mark, Associated Trade Marks, Collective Marks, Deceptive Similarity, Well Known marks.
2. Procedure and duration of registration, including classification of goods, refusal of registration, limitations, which marks can be registered, Registration of Trade Marks, certification marks and associated marks and its effect and advantages, Rights conferred by registration, consequences of non-registration, Renewal, Removal and restoration of registration, effect of non-use.
3. Rights of a proprietor of a trade mark: Assignment and Transmission of various types of trade marks, restrictions on assignment, use of trade marks and registered users.
4. Rectification and correction of register.
5. Infringement and Passing Off, jurisdiction of Courts, Groundless threat of legal proceedings, Remedies, Appellate Board, its jurisdiction and procedure [under the Act of 1999] offences and penalties, Marking of goods.

D. The Designs Act 2000

1. Object and Purpose of the Act, Definitions.
2. Design, Registrable design.
3. Procedure for registration of design, Copyright. in design, Term of a registered design, Marketing of goods and its effect.
4. Rights of a proprietor of a registered design, Assignment and transmission and avoidance of restrictive conditions.
5. Piracy of registered design, remedies and procedure, groundless threat of legal proceedings.

E. Other types of Intellectual Property

[* These will be taught after the respective status concerning them have come into force, but these shall not be part of an examination unless the relevant statute is brought into force at least three months before the examination.]

Concept, definition, nature of these rights, including when these are registrable and when they cannot be registered in respect of the following types of Intellectual Property.

- (a) Geographical indications
- (b) Semi-conductor integrated Circuits Layout Design
- (c) Plant Varieties

F. Intellectual Property in general

A special type of property, its nature and characteristics, Comparison of types of intellectual property, The object and purpose of protection of each of them, International nature of intellectual property. I.P.R. Policy of India.

Text Books

1. Intellectual Property Law – P. Narayanan
2. Patents, Trade Marks, Copyright, Designs and Geographical Indications – B. L. Wadhera
3. Management of Intellectual Property – Satyawrat Ponshe

Reference Book

1. Patent Law – P. Narayanan
2. Copyright and Industrial Designs – P. Narayanan
3. Trade Marks and Passing Off – P. Narayanan
4. Iyengar's Copyright Act – R. G. Chaturvedi
5. Intellectual Property – W. R. Comish
6. Cases and Materials on Intellectual Property – W. R. Comish
7. Intellectual Property Rights-Unleashing the Knowledge Economy – Prabuddha Ganguli

पुणे विद्यापीठ

परिपत्रक क्र. २९३/२००६

विषय : विद्यापीठाच्या विधी अभ्यासक्रमाच्या तीन व पाच वर्षांच्या अभ्यासक्रमामध्ये अंतर्भूत असलेल्या प्रॅकटीकल ट्रेनिंग विषयाच्या परीक्षांबाबत.

वरील विषयासंदर्भात विद्यापीठ अधिकार मंडळाने घेतलेल्या निर्णयानुसार आपणास कळविण्यात येते की, शैक्षणिक वर्ष २००६-०७ पासून विद्यापीठाच्या विधी अभ्यासक्रमाच्या तीन व पाच वर्षांच्या अभ्यासक्रमामध्ये अंतर्भूत असलेल्या प्रॅकटीकल ट्रेनिंग विषयाच्या परीक्षा पद्धती (अंतर्गत व व्हायवा Viva voce) स्वरूपात बदल करून ती लेखी स्वरूपात विद्यापीठामार्फत घेण्यास मान्यता दिलेली आहे. बदलानंतरचा नवीन अभ्यासक्रम सोबत पाठविला आहे. त्याची अंमलबजावणी शैक्षणिक वर्ष २००६-०७ पासून करावी.

(सोबत : अभ्यासक्रम)

आपला विश्वासू,

सही/- के. बी. खिलारी
संचालकांकरिता
(म.वि.वि.मं.)

University of Pune

The following Practical Training Papers are converted into Theory papers (i.e. non maintenance of Journal and no viva-voce) carrying 100 marks (except practical Training I for third year LL.B. three year course and fifth year B.S.L., LL.B. five year Law course) with effect from the Academic Year-2006-07 onwards.

1. Third year of Five year Law Course :

Semester VI	Paper No. 20	Professional Ethics
	(100 Marks theory	Accountancy for
	Paper)	Lawyers & Bar-
		Bench Relations

2. Fourth Year of Five Year Law Course :

Semester VIII	Paper No. 27	Public Interest
	(100 Marks theory	Lawyering Legal Aid
	paper)	and Para-Legal Services.

3. Fifth year of Five Year Law Course :

Semester X	Paper No. 36	Drafting, Pleadings and
	(100 Marks theory	Conveyancing.
	paper)	

4. Practical Training I at Fifth Year of the Five Year Law Course :

Semester X	Paper No. 35	Moot Count, Pre-Trial
	(100 Marks	Preparation and
	Practical paper)	Participation in Trial
		Proceedings.

Division of Marks :

Maintenance of Journal : 90 Marks

Viva-Voce : 10 Marks

Total : 100 Marks

[Note : The Marks for the Journal will be awarded by the college after evaluating the Journal].

**Third Year of Five Years Law Course
(From Academic Year : 2006-07)**

Semester VI : November to April

**Paper 20 : (Professional Ethics, Accountancy for
Lawyers and Bar-Bench Relations).**

Theory : 100 Marks

Syllabus :

- (A) (1) Development of Legal Profession in India.
- (2) Concept, need and importance of Professional Ethics.
- (3) Bar Council of India Rules on Standards of professional Conduct and Etiquette.
- (4) **Duties and Obligations of Advocate** (Norms of Professional Ethics)
 - Section I -Duty to the Court.
 - Section II -Duty to Client.
 - Section II -Duty to Opponent.
 - Section IV -Duty to Colleagues
 - Duty to Profession
 - Duty to Render Legal Aid.
 - Restrictions on other employments.
 - Senior Advocates and Restrictions on Senior Advocates.
 - Form of Dresses or Robes to be worn by Advocate.
 - Vakalatnama.

(B) **Advocates Act, 1961 :**

Chapter I (Sections 1 and 2)

Definitions-Advocate, Legal Practitioner, Law Graduate.

Chapter II (Sections 3 to 15) -Bar Councils Functions.

Chapter III (Sections 16 to 28) -Admission and Enrolment of Advocates.

Chapter IV (Sections 29 to 34) -Right to Practice.

Chapter V (Sections 35 to 44) -Conduct of Advocates.
-Punishment of Advocates for misconduct.

Chapter VI (Sections 45 onwards) -Miscellaneous.

(C) Bar-Bench Relations and Contempt of Court.

(1) Concept and Role of Bar-Bench Relation with reference to Administration of Justice.

(2) The Contempt of Courts Act, 1971 Sections 1 to 24.

(D) Accountancy for Lawyers.

1. Definition, object, Importance and Utility of Book Keeping.
2. Principles of Book-keeping and Accountancy, Accounting concepts and Accounting conventions.
3. Meaning and Advantages of Double Entry Book-keeping.
4. Classification of accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books.

5. Types of Cash Book.
 - (a) Simple Cash Book.
 - (b) Cash Book with Cash and Discount columns.
 - (c) Cash Book with Cash, Bank and discount columns.
 6. Bank Reconciliation statement.
 7. Rectification of Errors.
 8. Preparation of Trial Balance.
 9. Preparation of Trading, Profit and Loss Account and Balance Sheet.
 10. Preparation of Income and Expenditure Account.
 11. Assessment of income and expenditure and payment of taxes by Advocates.
- (E) Cases Prescribed for Study.
1. P. D. Khandekar Vs. Bar Council of Maharashtra (1984) 2 S.C.C. 556.
 2. M. Veerabhadra Rao Vs. Tek Chand (1984) Supplement S.C.C. 571.
 3. Prahlad Saran Gupta Vs. Bar Council of India (1997) 3 S.C.C. 585.
 4. V. P. Kumaravelu Vs. Bar Council of India (1997) 4 S.C.C. 266.
 5. Brajendra Nath Bhargava Vs. Ramchandra Kaslival (1998) 9 S.C.C. 169.
 6. Ramon Services Pvt. Ltd., Vs. Subash Kapoor (2001) 2 S.C.C. 365.
 7. Shambhu Ram Yadav Vs. Hanumandas Khatry AIR 2001 S.C. 2509.
 8. D. P. Chadha Vs. P. N. Mishra AIR 2001 S.C. 457.

9. Harish Chandra Tiwari Vs. Baiju AIR 2002 S.C. 548.
10. Prem Surana Vs. Additional Munsif and Judicial Magistrate AIR 2002 S.C. 2956.
11. Bhupinder Kumar Sharma Vs. Bar Association Pathankot (2002) 1 S.C.C. 470.
12. Rajendra V Pai Vs. Alex Fernandes and others (2002) 4 S.C.C. 212.
13. Vikas Deshpande V. Bar Council of India (2003) 1 S.C.C. 384.
14. Bar Council of Andhara Pradesh Vs. Kurapati Satyanarayanaa (2003) 1 S.C.C. 102.
15. Bar Council of India Vs. High Court of Kerala (2004) 6 S.C.C. 311.
16. Suresh Chandra Poddar Vs. Dhani Ram and others (2002) 1 S.C.C. 766.
17. Arundhati Roy in RE (contemmer) (2002) 3 S.C.C. 343.
18. Bijay Kumar Mahanty Vs. Jadu Alias Ram Chandra Sahoo (2003) 1 S.C.C. 644.
19. Ex. Capt Harish Uppal Vs. Union of India (2003) 2 S.C.C. 45.
20. Radha Mohan Lal Vs. Rajasthan High Court (2003) 3 S.C.C. 42.
21. Case relating to V. C. Mishra Chairman, B.C.I.

Recommended Books

1. Sanjiva Row's Advocates Act, 1961.
2. Iyer's Law of Contempt of Courts.
3. Bar Council of India Trust Selected Judgments on Professional Ethics.
4. Bar Council of India Rules on Standards of Professional conduct and Etiquetee.

5. Dr. Kailash Rai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
6. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
7. M. G. Patkar-Book Keeping and Accountancy.
8. Mrs. Jayashree Kotibhaskar-Book Keeping and Accountancy.
9. Krishnamurti Iyer-Advocacy.
10. Shukla and Grewal-Advance Accountancy.
11. R. L. Gupta-Advanced Accountancy.
12. S. N. Maheshwari-Introduction to Accountancy.
13. Indian Bar Review-Journal.
14. M. P. Jain-Outline Indian Legal History-Chapter Development of Legal Profession.
15. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
16. M. R. Mallick-Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
17. P. L. Mehta, Sushma Gupta-Legal Education and Legal Professional in India.
18. Law Reporters-A.I.R., S.C.C. (Relevant cases).
19. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
20. Agarwal A. N.-Practical Aspects of Higher Accountancy.
21. Anand-Professional Ethics of Bar.
22. Jha Shriram Chandra-Selected Judgments on Professional Ethics.
23. Mynen S. R.-Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.
24. Reddy G. B.-Practical Advocacy for Lawyers.

**Fourth Year of Five Years Law Course
(From Academic Year : 2006-07)**

Semester VIII : November to April

Paper No. 27

**Public Interest Lawyering, Legal Aid and Para-Legal
Services**

(Total Marks : 100 Theory)

- (A) Meaning and Concept of Public Interest Litigation, Development through decided Cases and Limitation, Public Interest Litigation and writs under Article 226 and 32 of the Constitution, with special reference to Environmental Protection, Labour, Under Trial Prisoners, Human Rights, Protection of Women, etc.
- (B) (1) Concept and Role of Lok-Nyalaya (Lok Adalats) in India for the settlement of disputes.
(2) Constitution, Composition and Jurisdiction of Lok Adalat and Appeal.
- (C) Legal Aid :
 - (1) Statutory Provisions relating to Legal Aid : Article 39 A of the Constitution of India.
 - (2) Sec 304 of the Code of Criminal Procedure, 1973.
 - (3) Advocates duty to render Legal Aid.
 - (4) The Legal Services Authorities Act, 1987.
Chapter I : Preliminary (Sections 1 and 2).
Chapter II : The National Legal Services Authority (Sections 3 to 5).

Chapter III : State Legal Services Authority
(Sections 6 to 11-B).

Chapter VI : Entitlement of Legal Services
(Sections 12 and 13).

Chapter VI : Lok Adalats (Sections 19 to 22).

Chapter VI A : Pre Litigation Conciliation and
Settlement (Sections 22-A to 22-E).

- (4A) The Maharashtra State legal Services Authorities Rules, 1998. Role of the Legal Aid centres in Law Colleges and Law department of the University in providing free Legal Aid and Advice.
- (5) Rules relating to Legal Aid for defending Accused.
- (6) Objects of Legal Literacy.
- (D) Amicus Curiae-Concept and object.
- (E) Role of Non-Government Organisation (N.G.O.)- Protection of Human Rights, Consumers family matters, Negotiations and Counselling.
- (F) Use of Computer in Legal Education.
- (G) Difference between P.I.L. and representative suits and Public Interests Litigation and Private Interest Litigation.
- (H) Legal Literacy-Awareness measures.
- (I) Development of Legal system from Panchayat Raj to Legal aid by Courts.

- (J) Speedy Justice mechanism.
 (i) Rights of litigants.
 (ii) Adhoc courts.
 (iii) Malimath Committee Report.
 (iv) Article 21 of the India Constitution.

Recommended Books

1. The Legal Services Authority Act, 1987.
2. The Maharashtra State Legal Services Authority Rules, 1998.
3. Dr. J. N. Pandey-Constitutional Law of India.
4. Code of Criminal Procedure 1973.
5. Civil Manual.
6. Criminal Manual
7. P. S. Narayana-Public Interest Litigation.
8. Dr. Kailash Rai Public Interest Lawyering, Legal Aid and Para legal Services.
9. Mulla-The Indian Registration Act, 1908.
10. The Bar Council of India Rules on Standard of professional conduct and Etiquette.
11. Awasthi-Lok Adalat-Legal Services Authorities, 1987.
12. Jain Sampat-Public Interest Litigation.
13. Rao Manta-Public Interest Litigation, Legal and Lok Adalats.
14. Narayan P. S.-Law Relating to Lok Adalats.
15. Sharma S. S.-Legal Aid to Poor.
16. P. M. Bakshi's-Public Interest Litigation.
17. S. K. Sarkar-Public Interest Litigation.

**Fifth Year of Five Years Law Course
(From Academic Year : 2006-07)**

**Semester X : Paper 35 : Practical Training Paper-I
Moot Court, Pre-Trial Preparations and Participation
in Trail Proceedings**

(Total Marks : 100)

This paper will have three components of 30 marks each and a viva for 10 marks.

1. Moot Court

Every Students should participate in at least three Moot Courts in a year. The Moot Coourt work will be on assigned problems.

2. Observance of trial

It is expected that students observe trial at least in two cases, one civil and one criminal. A student will maintain a Journal for the year's work and all the written submissions and assignments will be written in the journal provided by the college. A student will maintain a record of all steps observed in the trials (including the facts of the case, the arguments and findings of the Court).

3. Interviewing techniques and pretrial preparations

Each student should observe two interviewing sessions of clients at the lawyer's office/legal aid office and record the proceedings in the journal. Each student will further observe the preparation of documents and court papers by an Advocate and the Procedure for the suit/petition. This will be recorded in the Journal.

4. Viva-Voce

The fourth component of this paper will be viva-voce on the basis of above mentioned topics :

Distribution of Marks :

- | | |
|--|----------|
| 1. Moot Court Pre Trial, Preparation and participation in trial Proceeding (10 Marks for each Moot court, 5 Marks for written submissions, 5 Marks for oral submissiona) | 30 Marks |
| 2. Observance of trial in two cases | 30 Marks |
| 3. Interviewing Techniques and Pre Trial Preparations | 30 Marks |
| 4. Viva-Voce | 10 Marks |

Total 100 Marks

(Note : The Marks for the Journal will be awarded by the college after evaluating the Journal).

Reference Books

1. Gupta S. P.-Moot Court Pre Trial Preparation and participation in trial proceeding.
2. Liberhan M. S.-Moot Court for Interactive education (NALSAR Law University Hyderabad).
3. Rai Kailash-Moot Court Pre Trial Preparation & Participation in trail Proceeding.
4. Tewari O. P.-Moot Court Pre Trial Preparation and Viva-Voce.
5. Sirohi J.P.S.-Moot Court, Pre Trial Preparation and Participation in trial proceedings.
6. Tewari O. P.-Moot Court, Pre Trial Preparation and Participation in trial proceedings.
7. Dhanda Amit-Moot Court for Interactive Legal education.

**Fifth Year of Five Years Law Course
(From Academic Year : 2006-07)**

**Semester X : Paper No. 36 : Drafting Pleadings and
Conveyancing**

(Theory - Total : 100 Marks)

Drafting/Pleading :

I Civil

1. Complaint in a suit for :
 - (i) Specific performance of a contract.
 - (ii) Recovery of money on the basis of a Promissory note.
 - (iii) Recovery of money for price of goods sold or work done.
 - (iv) Partition of Joint Hindu Family property.
 - (v) Suit for dissolution of partnership and accounts.
 - (vi) Permanent injunction (Public nuisance).
 - (vii) Damages for Defamation.
 - (viii) Suit for possession against a trespasser.
 - (ix) Mesne profits.
 - (x) Suit for cancellation of sale deed.
 - (xi) Suit for possession by landlord against tenant lender the Maharashtra Rent Control Act, 1999.
 - (xii) Written statement of the above suits.
1. (a) Affidavit :
2. Execution petition : i.e. Darkhast on the basis of a civil court.

3. Matrimonial :
(Original Petition)
Petition under the Hindu marriage Act, 1955 and the Special marriage Act, 1954.
 - (a) Restitution of conjugal rights.
 - (b) Judicial separation.
 - (c) Divorce.
 - (d) Divorce by mutual consent.
4. Petition for :
 - (a) Succession certificate.
 - (b) Probate on be basis of will.
5. Petition under Article 32 and 226 of Constitution of India :
 - (a) Habeas Corpus.
 - (b) Mandamus.
 - (c) Prohibition.
 - (d) Certiorari.
 - (e) Quo warranto.
6. Application for compensation before the motor accidents claims Tribunal under the Motor vehicles Act, 1988.
7. Complaint under the Consumer protection Act, 1986.
8. Interlocutory Application (Interim Relief).
9. Memorandum of Appeal, revision and review.
10. Application under the code of Civil procedure 1908.
 - (i) Taking adjournment.
 - (ii) Substituted Service.
 - (iii) Amendment of the plaint or written statement.
 - (iv) Granting leave to deliver Interrogatories order.

- (v) Bringing legal heirs and representative on record.
- (vi) Setting aside and abatement of the suits.
- (vii) Appointment of a commission.
- (viii) Attachment of the property of the defendant before judgement.
- (ix) Appointment of receiver.
- (x) Permission to sue as Indigent person.
- (xi) Caveat application.

II Criminal :

1. A Private Criminal complaint in court relating to :
 - (a) Criminal Trespass, hurt, abuses and Threatening.
 - (b) Cheating.
 - (c) Defamation.
 - (d) Bigamous marriage.
 - (e) Under Section 498 A.
 - (f) Complaint under section 138 of the negotiable Instrument Act.
2. (a) Application for maintenance or written statement to the same.
- (b) Application for execution of maintenance order already passed in favour of a wife.
- (c) Application for enhancement of maintenance.
3. Memorandum of Appeal and revision.
4. Application for :
 - (a) Bail before a magistrate.
 - (b) Bail before a session court.
 - (c) Anticipatory Bail.
 - (d) Bail before the court convicting an accused who intends to present an appeal.
 - (e) Application for cancellation of bail.

- (d) Cancellation of warrant issued against the accused.
- (g) Calling and recalling of witness.
- (h) Disposal of property under section 451, 452 of Cr.P.C.

III Conveyancing :

- (i) Sale Deed.
- (ii) Mortgage Deed.
- (iii) Lease Deed.
- (iv) Gift Deed.
- (v) Promissory Note.
- (vi) Power of Attorney.
- (vii) Will Deed.
- (viii) Legal Notices.
- (ix) Assignments, Deed of Exchange.
- (x) Adoption Deed.
- (xi) Deed of Dissolution of partnership.
- (xii) Deed of Public Trust.
- (xiii) Partition Deed.
- (xiv) Partnership Deed.
- (xv) Leave and License.

List of Books for Reference

1. Banerjee B. N.-Criminal Pleading.
2. Batukal-Law of Evidence.
3. Bindra N. S.-Conveyancing Draftsman Interpretation Deed.

4. Chaturvedi A. N.-Law of Pleadings Conveyancing.
5. D'souza-Conveyancing.
6. G. M. Kothari-Drafting, Conveyancing and Pleading.
7. Gupte and Dighe-Civil Manual.
8. Gupte and Dighe-Criminal manual.
9. Mitra B. B.-Law of Limitation.
10. Mogha P. C.-Indian Conveyancing.
11. Mogha's Law of Pleading.
12. Shiva Gopal-Conveyancing Precedent and Forms.
13. Stone and Iyer-Pleading.
14. Taxman's-The Code of Civil Procedure, 1908.
15. Taxman's-The Code of Criminal Procedure, 1973.
16. Tijoriwala M. T.-Law and Practice of Conveyancing.
17. G. M. Divekar Conveyancing.
18. Retwade : Legal Drafting (Paper book).
19. Mukherjee-Law of Civil Appeals, Revisions References and law of Criminal appeals, Revisions.
20. Banerjee and Awasthi-Guide to Drafting.
21. Retawade-Drafting Pleading and Conveyancing.

**Fifth Year of Five Years Law Course
(Semester Pattern - 2003)**

Semester Vth - June-October

- | | | |
|-----|---|-----------|
| 19. | The Code of Civil Procedure and Limitation Act. | 100 marks |
| 20. | Land Laws including ceiling and other local laws. | 100 marks |
| 21. | Interpretation of Statutes. | 100 marks |
| 22. | Legal Writing | 100 marks |
| 23. | Administrative Law. | 100 marks |

Semester VI - November-April

- | | | |
|-----|--|-----------|
| 24. | The Code of Criminal Procedure, The Juvenile Justice (Care and Protection of children) Act 2000 and probation of Offenders Act 1958. | 100 marks |
| 25. | Company Law. | 100 marks |
| 26. | Practical Training Paper-I Moot Courts, Pre-Trial Preparations and participation in Trial proceedings. (To be conducted throughout the academic year. Viva-voce will be held at the conclusion of academic year) | 100 marks |
| 27. | Drafting, Pleading and Conveyancing (Theory paper). | 100 marks |
| 28. | Optional papers (Any One). | 100 marks |
| | (a) Law of Taxation | 100 marks |
| | (b) Banking laws including Negotiable Instruments Act. | 100 marks |
| | (c) Co-operative Law. | 100 marks |

**Fifth Year of Five Years Law Course
(Semester Pattern - 2003)**

Semester V - June-October

(Each paper carries 100 marks)

Paper 19 : The Code of Civil Procedure and Limitation Act

- | | |
|--|----------|
| 1. The Code of Civil Procedure 1908 (as amended upto date) | 80 marks |
| 2. Limitation Act, 1963- | 20 marks |

Books Recommended

1. Civil Manual-Issued by the High Court, Bombay.
2. Ganguly A. C.-Civil Court Practice and Procedure.
3. Mulla-The Code of Civil Procedure.
4. Rao Sanjiva-Civil Procedure Code.
5. S. R. Myneni-Code of Civil Procedure and Limitation.
6. Sanjiva Rao-Civil Procedure Code.
7. Singh S. N.-Code of Civil Procedure.
8. Takwani C. K.-The Code of Civil Procedure.
9. Tandon M. P.-Civil Procedure Code.
10. Taxman's-The Code of Civil Procedure, 1908.
11. Thakkar C. K.-Code of Civil Procedure.
12. Awasthi S. K.-Law of Limitation.
13. Jain J. D.-Indian Limitation Act.
14. Mitra B. R.-Limitation Act.
15. Mitra U. M.-Law of Limitation in 2 Vol.

Paper 20 : Land Laws including Ceiling and other local laws

1. The Maharashtra Rent Control Act, 1999. 30 marks
2. The Maharashtra Land Revenue Code, 1966. 30 marks
3. The Bombay Tenancy and Agricultural lands Act, 1948.
30 marks
4. The Maharashtra Agricultural lands (Ceiling on Holdings). Act 1961 10 marks

Books Recommended

1. Choudhary D. H.-The Maharashtra Land Revenue Code, 1966.
2. Dalal J. H.-Maharashtra Rent Control Act. 1999.
3. Govt. Publication-Agricultural Land Ceiling Act, 1961.
4. Gupte A. K.-Land Laws in Maharashtra, The Maharashtra Rent Control Act, 1999.
5. Gupte A. K. and Dighe S. D.-Maharashtra Land Revenue Code, 1966.
6. Gupte K. S.-Bombay Tenancy and Agricultural Lands Act, 1948.
7. Gupte K. S.-Bombay Tenancy and Agricultural land Act, 1948.
8. Parulekar D.-The Bombay Tenancy and Agricultural Land Act, 1948.
9. A. K. Gupte-The Maharashtra Agricultural lands (Ceiling on Holdings) Act, 1961.
10. K. N. Shah-The Maharashtra Rent Control Act.
11. D. V. Barolekar-The Bombay Tenancy and Agricultural Land Act, 1948.

Paper 21 : Interpretation of Statutes

1. Introduction :
Meaning and objects of Interpretation-The General Clauses Act, 1897.
2. General Principles of Interpretation :
Literal Rule, Golden Rule, Mischief Rule, Statute must be read as a whole in its context, Statute to be construed to make it effective and workable, Omissions not to be inferred, Every word in a statute to be given a meaning.
3. Internal Aids to Construction :
Preamble, Definition, Sections, Heading, Marginal Notes, Punctuation, Illustrations, Proviso, Explanation and Schedules.
4. External Aid to Construction :
Parliamentary history, Historical facts and Surrounding circumstances Social, Political and Economic Developments, Reference to other statutes, Contemporanea exposition and other external aids, Codifying statutes and Consolidating statutes.
5. Subsidiary Rules :
Same word same meaning, Use of different words. Rule of last antecedent, Non Obstante Clause, Legal fiction, Mandatory and directory provisions, Conjunctive and disjunctive words 'or' and 'and', Construction of general words-Noscitur A Socis, Rule of ejusdem generis, Words of rank, Reddendo Singula Singulis etc.

6. Interpretation of Statutes affecting Jurisdiction of Courts :
General Principles, The extent of exclusion, Exclusion of Jurisdiction of superior Courts.
7. Interpretation of Penal and Taxing Statutes :
Rule of Strict Construction of taxing statutes, General Principles of Strict Construction, Limits of the Rule of Strict Construction, Mens Rea in statutory offences and Indian Penal code, Vicarious liability in statutory offences.
8. Interpretation of Remedial Statutes :
Distinction between Remedial and Penal Statutes. Liberal construction of remedial statutes.
9. Operation of Statutes :
Commencement, Retrospective Operation.
10. Expiry and Repeal of Statutes :
Perpetual and temporary Statutes, Effect of Expiry of Temporary Statutes, express or implied Repeal, Consequences of Repeal.
11. Interpretation of constitutional Documents :
Rules of Interpretation of Constitutional documents as developed by the Courts of India.

Recommended Books and Reading

1. Bhattachayya T.-Interpretation of Statutes.
2. Bindra N. S.-Interpretation of Statutes.
3. G. P. Singh-Interpretation of Statutes (Eastern Book Company).

4. Maxwell-Interpretation of Statutes (Sweet and Maxwell).
5. Rupert Cross-Statutory Interpretation (London Butterworths).
6. Sarathivepa P.-Interpretation of Statutes.
7. Shrivastava R. D.-Text book of Interpretation of Statutes.
8. Singh Avtar-Introduction to Interpretation of Statutes.
9. Swarup-Legislation and Interpretation.
10. Tandon M. P.-Interpretation of Statutes.

Paper 22 : Legal Writing

The object of the paper is to lay the foundation of legal language and legal drafting. The course intends to encourage the students to handle both Hindi/Marathi and English with fluency, accuracy and precision. Moreover it is expected that it will help to develop argumentative skills (Legal reasoning) amongst the students. Exposure to specimens of legal writing and active practice in handling language are the desired effects.

1. Introduction to Legal Writing :
 - (a) Words, phrases and abbreviations in common use in legal language.
 - (b) How to use thesaurus and legal encyclopedias.
 - (c) Selected legal terms. (50)
2. Legal Reasoning and Judicial Process :
 - (i) Meaning of Judicial Process.
 - (ii) Judicial discretion how do judges exercise it.
 - (iii) Legal Reasoning.
 - (iv) Doctrine of Precedent and rules of Precedent.

3. Comprehensions.
4. Essay on the topic related with law.
5. Drafting a legal notice, statutory notice and replies.
6. Critical Analysis of decided cases as mentioned below.

Reference Books

1. Ishtiaq Abidi-Law and language.
2. R. P. Bhatnagar and Rajual Bhargava-Law and Language-MC macmillan.
3. Avhad S. E.-Draftsman.
4. Mac Cormik-Legal Reasoning and Legal Theory.
5. Paul Rylance-Legal Writing and Drafting.
6. Dr. Mishra-Legal Language and Legal Writing, Pioneer Publications.
7. Dr. Sen Amit-Legal Language, Legal Writing and Legal Drafting-Karnal Law House, Clacutta.
8. Tandon M. P.-Legal Laguage and Legal Writing.

CASES :

1. Sarbati Devi Vs. Usha Devi A.I.R 1984, S.C. 346 (Succession and Nomination).
2. R. D. Saxena Vs. Balaram Prasad Sharma A.I.R 2000, S.C. 2912 (Advocate's right to detain documents).
3. Sarita Sharma Vs. Sushil Sharma A.I.R 2000, S.C. 1019 (Custody of child, Orders of foreign Court).
4. Ratan Gond Vs. State of Bihar A.I.R 1959, S.C. 18 (Extra judicial confession).

5. Paniben Vs. State of Gujrat A.I.R 1992, S.C. 1817 (Dying declaration).
6. Dr. Surajmani Stella Hujur Vs. Durga Charan Hansdah A.I.R 2001, S.C. 938. (Applicability of Hindu Marriage Act to Scheduled Tribes and Offence of Bigamy).
7. Gautam Paul Vs. Debi Rani Paul A.I.R 2001, S.C. 61 (Right of co-sharer, obligation to sell to other sharer).
8. Balaji Raghvan Vs. Union of India A.I.R 1996, S.C. 770 (Abolition of titles under Constitution of India).
9. Chairman Railway Board Vs. Chandrima Das A.I.R 2000, S.C. 988 (Compensation to victim of rape).
10. Daniel Latifi Vs. Union of India A.I.R 2001, S.C. 3958 (Term 'Provision' under the Muslim Women (Protection of Rights on Divorce) Act).

Points :

1. Provisions of law involved.
2. Principles of law involved.
3. Finding the facts and arguments for both the sides.
4. Drawing issues involved and answers to the issues.
5. How the case reached the Supreme Court, history of the litigation.
6. Drawing the ratio, if any.
7. Various views about the question arisen.
8. Criticism of the judgment.
9. Debate on the decision.
10. Relevance of the law settled by the Supreme Court today.

Paper 23 : Administrative Law

1. Nature and Scope of Administrative Law, Necessity of Administrative Law in Modern State.
2. Rule of Law and Separation of Powers.
3. Delegated Legislation :
 - (a) Nature, Meaning and Growth.
 - (b) Constitutional Validity.
 - (c) Judicial Control : Doctrine of ULTRA VIRES, Legislative control (Parliamentary Control) Sub Delegation.
4. Administrative Tribunals :
 - (a) Nature, growth and need.
 - (b) Judicial control on administrative Tribunals, Doctrine of ULTRA Vires, lack of Jurisdiction.
 - (c) Principles of natural Justice : Bias, Audi Alteram Partem or Rule of Fair hearing.
5. Administrative discretion :
 - (i) Judicial review of administrative discretion.
 - (ii) Judicial control of exercise of administrative discretion.
6. Commission of Inquiry :
 - (a) Nature, Scope, need and functions.
 - (b) Procedure and legal status.

7. Judicial control of administrative action through writs :
 - (a) general conditions for using of writs.
 - (b) The writs.
 - (c) The scope of review through writs.
8. Suits against the Govt. in torts and contract, Court Privileges in Legal proceeding.
9. The Ombudsman : The necessity of Ombudsman. Judicial control of Ombudsman in India-The Lokpal and Lokayukta.
10. The Right to Information Act, 2005.

Text Books

1. Basu D. D.-Administrative law.
2. D. D. Basu-Comparative Administrative law.
3. Jain M. P. and S. K. Jain-Principles of Administrative Law.
4. Kagazi-Administrative Law.
5. Takwani K. C.-Lectures on Administrative Law.
6. Massey-Administrative Law.
7. Rai Kailash-Administrative Law.
8. Sathe S. P.-Administrative Law.

**Fifth Year of Five Years Law Course
(Semester Pattern - 2003)**

Semester X

**Paper 24 : The Code of Criminal Procedure, Juvenile Justice
(Care & Protection of Children) Act, The Probation of Offenders Act.**

1. The Code of Criminal Procedure, 1973 (as Amended upto date).

80 marks

2. The Juvenile Justice Act (Care & Protection of Children) Act, 2000. 10 marks
3. The Probation of offenders Act, 1958. 10 marks

All the above Acts with latest amendments are required to be studied.

Books Recommended

1. BASU's Code of Criminal Procedure Vol. 1 and 2.
2. K. S. Varma-The Juvenile Justice Act (Care and Protection of Children) Act, 2000.
3. Kelkar R. V.-Outline on Criminal Procedure Code.
4. Kelkar R. V.-The lectures on Criminal Procedure Code.
5. Paranjape-The law Relating to probation of offenders in India.
6. R. B. Sethi-Probation of offenders Act.
7. Ratanlal and Dhiraj Lal-The code of Criminal Procedure.
8. Vedkumari-Juvenile Justice Act.
9. Chowdhary-Juvenile Justice.

Paper 25 : Company Law

1. Introductory :
Definition and characteristics of a company, Lifting of Corporate veil, company and partnership firm, kinds of company.
2. Formation of company :
Registration, documents to be filed with the registrar, promoter, pre-incorporation contracts.

3. Memorandum of Association :
Meaning, purpose, form, contents, alternation, doctrine of ultra vires.
4. Articles of Association :
Meaning, Purpose, form, contents, alterations, doctrine of indoor management, relation between Memorandum and Articles.
5. Prospectus :
Definition, contents, registration, effects of misstatement, penalty, statement in lieu of prospectus.
6. Membership in a Company :
Member and shareholders, qualifications, modes of becoming members, cessation of membership, rights and liabilities, Register of members, Index of members.
7. Share Capital :
Meaning, kinds, alterations, reductions, voting rights, buy back of shares.
8. Shares :
Definition, Nature, Types, Issues, allotment of share, share transfer, surrender, forfeiture, transmission of shares, share certificate, share warrant, dividends.
9. Borrowing Powers :
Debentures, Kinds of debentures, creation of charges, fixed and floating charges, effects of winding up on floating charge.
10. Management and Administration :
Directors : Maximum number, Appointments, Restrictions on their appointments, Position of directors disqualifications, their duties and liabilities, Board of directors-Meaning and powers.

11. Meetings :
Kinds of Meetings, Notice of Meetings, Contents of notice, conduct of meetings, quorum, minutes, proxies, voting and poll resolutions, kinds of resolutions, Appointment of auditor, powers, rights and liabilities of auditor.
12. Majority Rule and minority Rights :
Rule in Foss V/s harbottle case.
13. Prevention of Oppression and Mismanagment :
Meaning, who can apply to National Company Law Tribunal, Powers of National Company Law Tribunal and Central Government.
14. Reconstruction and Amalgamation :
Compromises and arrangements.
15. Winding Up :
Meaning, Types of Winding up, Petition for winding up, Commencement of winding up, Liquidator : his rights, duties and liabilities, Contributors, consequences of winding up, Dissolution of company.
The Companies Act 1956 (as amended upto date).

Books Recommended

1. Dutta on Company law.
2. Kapoor N. D.-On Company Law.
3. Shah S. M.-Lectures on Company Law.
4. Sing Avtar-Company Law.
5. Taxmann's-Corporate Laws.
6. The Companies Act 1956 as amended up to the date.

Paper 26 : Practical Training Paper-I

**Moot Court, Pre-Trial Preparations and Participation
in Trial Proceedings**

This paper will have three components of 30 marks
each and a Viva-Voce for 10 marks

1. Moot Court :
Every Student should participate in at least three Moot Courts in a year. The Moot Court work will be on assigned problems.
2. Observance of trial :
It is expected that students should observe trial at least in two cases, one civil and one criminal. A student will maintain a Journal for the year's work and the all the written submissions and assignments will be written in the journals provided by the college. A student will maintain a record of all steps observed in the trials (including the facts of the case, the arguments and findings of the Court).
3. Interviewing techniques and pretrial preparations :
Each student should observe two interviewing sessions of clients at the lawyer's office/legal aid office and record the proceedings in the journal. Each student will further observe the preparation of documents and court papers by an Advocate and the procedure for the suit/petition. This will be recorded in the Journal.
4. Viva-Voce :
The fourth component of this paper will be Viva-Voce on the basis of above mentioned topics :

Distribution of Marks :

1. Moot Court Pre Trial, Preparation and participation in trial Proceeding (10 Marks for each Moot court i.e. 5 Marks for written submissions, & 5 Marks for oral submissiona) 10×3=	30 Marks
2. Observance of trial in two cases	30 Marks
3. Interviewing Techniques and Pre Trial Preparations	30 Marks
4. Viva-Voce	10 Marks
Total	100 Marks

(Note : The Marks for the Journal will be awarded by the college after evaluating the Journal).

Reference Books

1. Gupta S. P.-Moot Court Pre Trial Preparation and participation in trial proceeding.
2. Liberhan M. S.-Moot Court for Interactive education (Nalsar Law University, Hyderabad).
3. Rai Kailash-Moot Court Pre Trial Preparation & participation in trail Proceeding.
4. Tewari O. P.-Moot Court Pre Trial Preparation and Viva-Voce.

Paper No. 27 : Drafting Pleadings and Conveyancing

(Theory Paper 100 Marks)

Drafting/Pleading :

I Civil

1. Plaint in a suit for :
 - (i) Specific performance of a contract.
 - (ii) Recovery of money on the basis of a Promissory note.
 - (iii) Recovery of money for price of goods sold or work done.
 - (iv) Partition of Joint Hindu Family property.
 - (v) Suit for dissolution of partnership and accounts.
 - (vi) Permanent injunction (Public nuisance).
 - (vii) Damages for Defamation.
 - (viii) Suit for possession against a trespasser.
 - (ix) Mesne profits.
 - (x) Suit for cancellation of sale deed.
 - (xi) Suit for possession by landlord against tenant lender the Maharashtra Rent Control Act, 1999.
 - (xii) Written statement of the above suits.
1. (a) Affidavit :
2. Execution petition : i.e. Darkhast on the basis of a civil court.
3. Matrimonial :
(Original Petition)
Petition under the Hindu marriage Act, 1955 and the Special marriage Act, 1954.

- (a) Restitution of conjugal rights.
- (b) Judicial separation.
- (c) Divorce.
- (d) Divorce by mutual consent.
- 4. Petition for :
 - (a) Succession certificate.
 - (b) Probate on be basis of will.
- 5. Petition under Article 32 and 226 of Constitution of India :
 - (a) Habeas Corpus.
 - (b) Mandamus.
 - (c) Prohibition.
 - (d) Certiorari.
 - (e) Quo warranto.
- 6. Application for compensation before the motor accidents claims Tribunal under the Motor vehicles Act, 1988.
- 7. Complaint under the Consumer protection Act, 1986.
- 8. Interlocutory Application (Interim Relief).
- 9. Memorandum of Appeal, revision and review.
- 10. Application under the code of Civil procedure 1908.
 - (i) Taking adjournment.
 - (ii) Substituted Service.
 - (iii) Amendment of the plaint or written statement.
 - (iv) Granting leave to deliver Interrogatories order.
 - (v) Bringing legal heirs and representative on record.
 - (vi) Setting aside and abatement of the suits.
 - (vii) Appointment of a commission.
 - (viii) Attachment of the property of the defendant before judgement.

- (ix) Appointment of receiver.
- (x) Permission to sue as Indigent person.
- (xi) Caveat application.

II Criminal :

1. A Private Criminal complaint in court relating to :
 - (a) Criminal Trespass, hurt, abuses and Threatening.
 - (b) Cheating.
 - (c) Defamation.
 - (d) Bigamous marriage.
 - (e) Under Section 498 A.
 - (f) Complaint under section 138 of the negotiable Instrument Act.
2. (a) Application for maintenance or written statement to the same.
- (b) Application for execution of maintenance order already passed in favour of a wife.
- (c) Application for enhancement of maintenance.
3. Memorandum of Appeal and revision.
4. Application for :
 - (a) Bail before a magistrate.
 - (b) Bail before a session count.
 - (c) Anticipatory Bail.
 - (d) Bail before the court convicting an accused who intends to present an appeal.
 - (e) Application for cancellation of bail.
 - (d) Cancellation of warrant issued against the accused.
 - (g) Calling and recalling of witness.
 - (h) Disposal of property under section 451, 452 of Cr.P.C.

III Conveyancing :

- (i) Sale Deed.
- (ii) Mortgage Deed.
- (iii) Lease Deed.
- (iv) Gift Deed.
- (v) Promissory Note.
- (vi) Power of Attorney.
- (vii) Will Deed.
- (viii) Legal Notices.
- (ix) Assignments, Deed of Exchange.
- (x) Adoption Deed.
- (xi) Deed of Dissolution of partnership.
- (xii) Deed of Public Trust.
- (xiii) Partition Deed.
- (xiv) Partnership Deed.
- (xv) Leave and License.

List of Books for Reference

1. Banerjee B. N.-Criminal Pleading.
2. Batukal-Law of Evidence.
3. Bindra N. S.-Conveyancing Draftsman Interpretation Deed.
4. Chaturvedi A. N.-Law of pleadings Conveyancing.
5. D'souza-Conveyancing.
6. G. M. Kothari-Drafting, Conveyancing and Pleading.
7. Gupte and Dighe-Civil Manual.
8. Gupte and Dighe-Criminal manual.
9. Mitra B. B.-Law of Limitation.
10. Mogha P. C.-Indian Conveyancing.
11. Mogha's Law of Pleading.
12. Shiva Gopal-Conveyancing Precedent and Forms.

13. Stone and Iyer-Pleading.
14. Taxman's-The Code of Civil Procedure, 1908.
15. Taxman's-The Code of Criminal Procedure, 1973.
16. Tijoriwala M. T.-Law and Practice of Conveyancing.
17. G. M. Divekar Conveyancing.
18. Retwade : Legal Drafting (Paper book).
19. Mukherjee-Law of Civil Appeals, Revisions References and 13 Revisions and law of Criminal appeals, Revisions.
20. Banerjee and Awasthi-Guide to Drafting.
21. Retawade-Drafting Pleading and Conveyancing.

Paper 28 : Optional Paper-any one - 100 marks

(A) Law of taxation (Optional)

For this paper the following Acts are prescribed.

- | | |
|--|----------|
| 1. The Income Tax Act 1961 (upto date) | 60 marks |
| 2. The Wealth Tax Act 1958 (upto date) | 15 marks |
| 3. The Central Excise Act 1944 (upto date) | 25 marks |

Total	100 marks
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Books Recommended

1. Bharat-Systematic approach to income tax.
2. Myneni S. R.-Law of taxation.
3. Singhania V. K.-Students guide to Income tax.
4. Singhania Vinod-Taxman's direct taxes laws and Practice.
5. Taxman's-Income tax Act.
6. Manoharan T. N.-Direct taxes Laws.
7. Ahuja Girish and Ravi Gupta-Bharat's Direct Taxes.

(A) Banking Laws including Negotiable Instruments Act (Optional)

For this paper the following Acts are prescribed.

1. The Reserve Bank of India Act, 1934.	35 marks
2. The Banking Regulations Act, 1949.	30 marks
3. The Negotiable Instruments Act, 1881.	35 marks
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Total	100 marks
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Books Recommended

1. (a) Bhashyam and Adiga-Negotiable Instrument Act, 1881.
2. (b) Khergamvala-Negotiable Instrument Act, 1881.
3. (c) Bangaria R. K.-Negotiable Instrument Act, 1881.
4. (d) Singh Avtar-Negotiable Instrument Act, 1881.
5. Bangia R. K.-Banking Law.
6. K. B. Dawara and Alok Mishra-Banking (Vinod laws Publications, Lucknow), Law Publishers (India), Pvt. Ltd.
7. Seth's Commentaries on Banking Regulation Act, 1949.
8. Tannan-banking Law and Practice in India.
9. Mukherjee-Banking Law and Practice.
10. Saharay-Negotiable Instruments Act, 1881.

(C) Co-Operative law (Optional)

- I. (i) Theory and definition of Co-operation.
 (ii) Principles of Co-operation.
 (iii) History and Growth of Co-operative movement in India.
 (a) Before Independence.
 (b) After Independence through five year plans.
 15 marks

- II. History of Co-operative Legislation
 This topic consists of the study of
 (a) The Maharashtra Co-operative Societies Act, 1960 and Rules 1961. 60 marks
 (b) (i) The Maharashtra Ownership Flats (Regulation, Promotion, Construction and Sale). Management and Transfer Act 1970
 (ii) The maharashtra Apartment Ownership Act, 1970. 25 marks

Recommended Reference Books

1. Bedi R. O.-Theory History and Practice of Co-operation.
2. Chaudhari A. D. and D. H. Chaudhari-Co-operative Societies Act, 1960 with Rules of 1961.
3. Damohe S. S.-Maharashtra Co-operative Societies Act, 1960.
4. Dhige Sunil-Ownership of Flats and apartments in Maharashtra.
5. G. N. MC-Law relating to Ownership of flats and apartments in Maharashtra.

6. Gupta K. S.-Co-operative Societies Act, 1960.
 7. Gupta K. S.-Maharashtra Co-operative Societies Act in 2 Vol.
 8. Mathur B. S.-Co-operation in India.
 9. G. M. Divekar-Maharashtra ownership Flats Act.
 10. A. K. Gupte and S. D. Dighe-The Maharashtra Co-operative Societies Act, 1960 with rules 1961.
 11. R. K. Pillai-The Maharashtra Co-operative societies Act, 1960.
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Introduction to Human Rights – A subject for LL.M. students

- I. As per the directions of Savitribai Phule Pune University to incorporate Human Rights Education Programme of 2 credits the syllabi of post graduate courses, it has been incorporated in the syllabus of LL.M. (Credit system programme 2014)

We, in ILS Law College, Post Graduate Department conduct the course as follows:

Paper Code	Course Name	Credit	Marks
HRE 101	Introduction to Human Rights and Duties (LL.M. Sem I)	1	25
HRE 102	Human Rights of disadvantaged and vulnerable groups(LL.M. Sem II)	1	25

- II. As per the syllabus of Savitribai Phule Pune University the LL.M. students have to select an optional subject from the list provided by the University, for sem III and sem IV. List of Optional Papers offered by P. G. Department of the college:-
(These Optional papers will be offered by the concerned P. G. Department of the college by considering the availability of the teacher having specialization of the subject.) Each of these subjects in the following list is for 4 credits.

1. Introduction to Alternative Dispute Resolution
2. Introduction to Human Rights
3. Law of Insurance
4. Law and Medicine
5. Criminology and Penology
6. Mass Media Laws
7. Administrative Law
8. Criminal Law
9. Introduction to Intellectual Property Rights
10. Legal Theory and Feminist Jurisprudence II
11. Corporate Finance

ILS law College Post graduate department offered Introduction to Human Rights in the year 2015-16- LL.M. (Sem III) as more than 30 students selected the subject.