

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 legal system.

Module 01 Early Administration of Justice in Bombay, Madras and Calcutta :

1. European Settlement in India
2. The East India Company : Development of authority
3. Organisational setup of the English Company's Factories or settlements in India
4. Madras Settlement and Administration of Justice
5. Administration of Justice in Bombay
6. Administration of Justice in Calcutta

Module 02 Mayor's Courts and the Courts of Requests :

1. Early Mayor's Court in Madras
2. Provisions of the Charter of 1726
3. Consequences of the Charter of 1726
4. Critical estimate of the working of the Mayor's Court from 1726 to 1753
5. The Charter of 1753: Reforms introduced
6. Criticism of the Charter
7. Abolition of the Mayor's Court
8. Appraisal of the Mayor's Court under the Charter of 1726 and 1753
9. The Courts of Request (Small Cause Courts)

Module 03 Adalat System in Bengal :

1. Courts in Bengal under the Mughals
2. Dual Government in Bengal and its consequences
3. The Company as Diwan
4. Warren Hasting's Plan of 1772

5. Defect of the Plan
6. New Plan of 1774
7. Reorganisation of Adalats in 1780
8. Defects of the reorganization Plan
9. Reforms of 1781: Initiative of Impey and Warren Hastings
10. Reforms in the Administration of Criminal Justice

Module 04 The Regulating Act of 1773 :

1. Circumstances prior to the Act of 1773
2. Salient features of the Regulating Act, 1773
3. Legislative power under the Act, 1773
4. Charter of 1774 and the Supreme Court of Clacutta
5. Critical estimate of the Provisions of the Regulating Act, 1773 and the Charter of 1774
6. Trial of Raja Nand Kumar (1775)
7. “Kamaluddin” Case (1775)
8. “Patna” Case (1777-1779)
9. “Cossijurah” Case (1779-1780)
10. Salient features of the Settlement Act, 1781
11. Major defects of the Settlement Act, 1781
12. Supreme Court at Calcutta
13. Supreme Court at Madras and Bombay
14. Laws administered in the Supreme Court

Module 05 Judicial Measures of Cornwallis :

1. Company’s Government before Cornwallis
2. Important provisions of the Pitt’s Act, 1784
3. Judicial reform of Cornwallis
 - a) Judicial Plan of 1787
 - b) Re-organisation of the Criminal Judicature
 - c) Scheme of Criminal Judicature, 1790
4. Judicial Plan of 1793
5. Appraisal of the System of 1793

Module 06 Establishment of High Courts :

1. The Indian High Courts Act, 1861
2. Letters patent establishing High Courts
3. The Indian High Courts Act, 1865 and of 1911
4. The Government of India Act, 1915
5. The Government of India Act, 1935
6. High Courts established during 1947 to 1950

Module 07 Privy Council - Highest Court of Appeal :

1. The Origin of Privy Council
2. Appeal to the Privy Council (1726-1860)
3. Appeal to the Privy Council (1861-1949)
4. Precedential value of the Privy Council decisions

Module 08 Federal Court of India :

1. Foundation of the Federal Court
2. Jurisdiction of the Federal Court
 - a) Original Jurisdiction
 - b) Appellate Jurisdiction
 - c) Advisory Jurisdiction
3. Authority of law laid down by Federal Court
4. Abolition of Federal Court

Module 09 Evolution of Law through Legislation and Judicial Decisions in Colonial Period :

1. Process of Codification in India - (a) The Charter Act of 1833, (b) The First Law Commission, (c) The Second Law Commission, (d) The Third Law Commission, and (e) The Fourth Law Commission
2. Land Laws -
The Land Revenue Settlement, 1793
The Bengal Rent Act (Act X of 1859)
3. Legislation and Hindu Society -
The Sati Regulation Act, 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
4. 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. Luxumeebaee*, (1861-1864) 9 MIA 520
5. 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
6. 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 10 Constitutional History :

1. Morley-Minto Reforms and the Indian Council Act, 1909

2. Montagu-Chelmsford Report and the Government of India Act, 1919
 - a) Main features of the system introduced by the Act of 1919
 - b) Shortcomings of the Act of 1919
3. The Simon Commission Report
4. The Nehru Report, 1928
5. Communal Award and Poona Pact
6. The Civil Disobedience Movement
7. The Government of India Act, 1935
 - a) Main features of the Government of India Act, 1935
 - b) Opposition to the Government of India Act, 1935
 - c) Defects of the Government of India Act, 1935

Recommended Readings :

1. M.P. Jain, *Outline of Indian Legal and Constitutional History*, LexisNexis (2014).
2. Sumeet Malik, *V.D. Kulshreshtha's Landmarks in Indian Legal and Constitutional History*, Eastern Book Company (2012).
3. Nilakshi Jatar and Laxmi Paranjape, *Legal History- Evolution of the Indian Legal System*, Eastern Book Company, (2012).
4. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publishing, (2016)
5. S.B. Shiva Rao, *The Framing of the Indian Constitution*, Vols. I and V, the Indian Institute of Public Administration, New Delhi (1966).
6. Granville Austin, *The Indian Constitution - Cornerstone of a Nation*, 5th Edition, Oxford University Press, New Delhi, (2002).
7. E.J. Rapson, Cambridge, *History of India*, 1992, (Vol. I - VI).

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.

This course 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 the students to view family law not merely as a separate system of personal laws based upon religious beliefs, but as one cutting

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 : This 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 Making of the Constitution :

1. Demand for a Constitution framed by a Constituent Assembly
2. The Cripps' offer of 1942
3. The Wavell Plan of 1945
4. The Cabinet Mission Plan, 1946
5. The Mountbatten Plan, 1947
6. The Indian Independence Act, 1947
7. Constituent Assembly in India and framing of the Constitution:
 - a) Formation of the Constituent Assembly of India
 - b) The issues before the Constituent Assembly
 - c) Passing of the Constitution
 - d) Dr. Ambedkar's warning and anxiety about the working of the Constitution
 - e) Date of Commencement of the Constitution

Module 02 Basic Concepts, Preamble, Territory of India and Citizenship :

Basic Concepts under the Constitutional Law :

1. Concepts of Constitutional Law and Constitutionalism
2. Forms and characters of various models of Constitution
3. Salient features of the Constitution of India

Preamble to the Constitution of India :

1. Meaning of the Preamble
2. Object, Purpose and Scope of the Preamble
3. Contents of the Preamble
4. Utility of Preamble in interpretation of the Constitution
5. Whether Preamble is part of the Constitution?

Union and its Territory (Articles 1 to 4) :

Citizenship of India :

1. Constitutional Provisions (Articles 5 to 11) :
 - a) Importance of Citizenship under the Constitution of India
 - b) Citizens by Domicile

- c) Citizens by Migration
 - d) Citizens by Registration
 - e) Termination of Citizenship
 - f) Dual Citizenship
2. The Citizenship Act, 1955 :
- a) Introduction, Objects and Reasons of the Act
 - b) Citizenship by Birth
 - c) Citizenship by Descent
 - d) Citizenship by Registration
 - e) Citizenship by Naturalisation
 - f) Citizenship by Incorporation of territory
 - g) Cessation of Citizenship
 - h) Deprivation of Citizenship
 - i) Expulsion of Foreigner

Module 03 General Principles Relating to Fundamental Rights (Articles 12 and 13) :

1. Concept of Fundamental Rights – Their Origin and Development
2. History of the demand for Fundamental Rights in India
3. Justiciability of Fundamental Rights -
 - a) Laws inconsistent with fundamental rights
 - b) Unconstitutionality of Statute
 - c) Doctrine of Eclipse
 - d) Doctrine of Severability
 - e) Waiver of Fundamental Rights
4. Concept of State and its Importance
5. Concept of Law and Law in force
6. Whether the Constitution Amendment Act is law under Article 13?

Module 04 Right to Equality (Articles 14 to 18) :

1. Equality before law and Equal protection of Law
2. Permission of Reasonable Classification but prohibition of Class legislation
3. Article 14 Strikes at Arbitrariness
4. Prohibition of discrimination against citizens
5. Right to Access to Public Places
6. Special provisions for women and children
7. Special provisions for Backward Classes
8. Equality of Opportunity in Matters of Public Employment
9. Requirement as to Residence in State
10. Reservation of Posts for Backward Classes
11. Reservations in Promotion
12. Carry Forward of Reserved Vacancies
13. Percentage of Reservation - Rule of rounding up
14. Abolition of Untouchability
15. Abolition of Titles

Module 05 Right to Freedom I (Article 19) :

1. Freedom of Speech and Expression and Reasonable Restrictions on it
2. Freedom of Assembly and Reasonable Restrictions on it
3. Freedom to form Association or Union and Reasonable Restrictions on it
4. Freedom of Movement and Reasonable Restrictions on it
5. Freedom of Residence and Settlement and Reasonable Restrictions on it
6. Freedom of Profession, Occupation, Trade and Business and Reasonable Restrictions on it
7. Right to Property -
 - a) 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)
 - b) Present Position - Article 31 A, Article 31 B, Article 31 C, Article 300 A

Module 06 Right to Freedom II (Articles 20 to 22) :

1. Protection in Respect of Conviction for offences -
 - a) Protection against Ex-post Facto Law
 - b) Guarantee against Double Jeopardy
 - c) Privilege against Self-Incrimination
2. Protection of Right to Life and Personal Liberty -
 - a) A. K. Gopalan to Maneka Gandhi
 - b) Relationship between Articles 19, 21 and 22
 - c) Due Process of Law
 - d) Extended view in post Maneka Gandhi period
3. Right to Education - Evolution and Importance
4. Protection against Arrest and Detention -
 - a) Protection against Arrest
 - b) Protection against Preventive Detention
 - c) Laws Authorising Preventive Detention

Module 07 Right against Exploitation (Articles 23 and 24) :

1. Traffic in Human Beings
2. Begar and Similar forms of Forced Labours
3. Compulsory Services for Public Purpose
4. Prohibition of Employment of Children

Module 08 Right to Freedom of Religion (Articles 25 to 28) :

1. Concept of Secularism
2. Freedom of Conscience and right to Profess or Practice and Propagate religion
3. Freedom of Religion of Religious Denomination
4. Freedom from Paying of Taxes for Promotion of any Religion
5. Annual Payment to certain Devaswam Funds (Article 290A)
6. Prohibition of Religious Instructions in Educational Institutions

Module 09 Cultural and Educational Rights (Articles 29 to 30) :

1. Concept of Minority
2. Protection of Interest of Minorities
3. Right of a Minority to Establish Educational Institution

4. Regulation of Minority Educational Institution
- Module 10 Right to Constitutional Remedies (Articles 32 to 35) :**
1. Enforcement of Fundamental Rights
 2. Procedure in Enforcement of Fundamental Rights
 3. Power to issue Writs, Directions or Orders – Types of Writs
 4. Comparison between Article 32 and Article 226
 5. Public Interest Litigation
 6. Fundamental Rights during Emergency
 7. Power of Parliament to Modify Fundamental Rights with respect to some Forces
 8. Fundamental Rights during operation of Martial Law
 9. Legislation to give effect to Fundamental Rights
- Module 11 Directive Principles of State Policy (Articles 36 to 51) and Fundamental Duties (Article 51A) :**
1. Nature and Importance of Directive Principles
 2. Inter-relationship between Fundamental Rights and Directive Principles.
 3. Directive Principles of State Policy
 4. Fundamental Duties – Nature and Importance
- Module 12 Amendment of the Constitution (Article 368) :**
1. Power and Procedure of Amendment
 2. Amendment / Change by Simple Majority
 3. Amendment by Special Majority
 4. Amendment by Special Majority with Ratification by Majority of States
 5. Amendment of Fundamental Rights
 6. Basic Structure Doctrine

Recommended Readings:

1. M. P. Jain, *Indian Constitutional Law*, LexisNexis (2015).
2. D.D. Basu, *Constitutional Law of India*, LexisNexis (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), LexisNexis (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 Khosala and 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.
10. Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts*, Harper Collins Publication, India. 2019.
11. Madhav Khosala, *The Indian Constitution* (Oxford India Short Introductions), Oxford University Press, 2012.

PART XI
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 VII

Fourth Year B.B.A. LL.B. - Semester VII

Second Year LL.B. - Semester III

LC 0701 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 and 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 Nature of Indian Federalism :

1. Forms of Governments
2. Concept of Federalism
3. Essential characteristics of American Federalism
4. Essential characteristics of Indian Federalism
5. Indian Federalism distinguishes from American Federalism

Module 02 Structure Powers and Functions Union and State Executive :

1. Union Executive (Articles 52 to 78)
2. State Executive (Articles 152 to 167)

Module 03 Structure, Powers and Functions of Union and State Legislature :

1. Union Legislature (Articles 79 to 123)
2. State Legislature (Articles 168 to 213)

Module 04 Structure, Powers and Functions of Supreme Court, High Court and Tribunals :

1. Supreme Court (Articles 124 to 147)
2. High Court and Subordinate Courts (Articles 214 to 237)
3. Tribunals (Articles 323A and 323B)

Module 05 Relations between Union and the States :

1. Legislative Relations between Union and the States (Articles 245 to 255)
2. Administrative Relations between Union and the States (Articles 256 to 263)
3. Financial Relations between Union and the States (Articles 264 to 290A)
An Overview of the Constitution (One Hundred First Amendment) Act, 2016

Module 06 Constitutional Position of Jammu and Kashmir:

1. Historical background of Article 370
2. Provisions of Article 370 of the Constitution
3. The Constitutional (Application to Jammu and Kashmir) Order, 1954

Module 07 Other Constitutional Institutions / Authorities :

1. Comptroller and Auditor-General of India (Articles 148 to 151)

2. Administration of Union territories (Articles 239 to 241)
3. Structure Powers and Functions of Panchayats (Articles 243 to 243O)
4. Structure Powers and Functions of Municipalities (Articles 243P to 243ZG)
5. Services and Public Service Commissions (Articles 308 to 323)
6. Elections and Election Commission (Articles 324 to 329)

Module 08 Other Constitutional Provisions :

1. Borrowing (Articles 292 to 293)
2. Property, Contracts, Rights, Liabilities, Obligations and Suits (Articles 294 to 300)
3. Freedom of Trade, Commerce and Intercourse (Articles 301 to 307)
4. Official Language (Articles 343 to 351)

Module 09 Emergency Provisions - Grounds, Approval for Continuation and Effects (Articles 352 to 360) :

1. National Emergency
2. State Emergency
3. Financial Emergency

Module 10 Commissions and Committees on Union-State Relations - Objectives and Recommendations :

1. Administrative Reforms Commission (1966)
2. Rajmannar Committee (1969)
3. Sarkaria Commission (1983)
4. Punchhi Commission (2007)

Recommended Readings:

1. M. P. Jain, *Indian Constitutional Law*, LexisNexis (2015).
2. D.D. Basu, *Constitutional Law of India*, LexisNexis (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), LexisNexis (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 and, 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.
10. Granville Austin, *The Indian Constitution – Cornerstone of a Nation*, Oxford University Press.
11. A. G. Noorani, *Article 370: A Constitutional History of Jammu and Kashmir*, Oxford University Press.