



Fifth Year B.A. LL.B

Semester X

LL.B III

Semester – VI

(2017 Pattern)

LC 1001 Criminal Procedure Code :

Objectives of the Course :

The procedural law providing for a fair procedure is significant for a just society. The 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 familiarize 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 Code of Criminal Procedure, 1973, their powers and functions. The teacher, in addition, shall endeavor to familiarize the students with the case papers like, FIR, Police statement, charge sheet, etc.

Module 01 Introduction - Criminal Procedure Code :

1. Objects, Application and Definitions under the Code
2. The rationale of criminal procedure: the importance of fair trial
3. Constitutional perspectives - Article 14, 20 and 21
4. Organisation of police, prosecutor, defense counsel and prison authorities and their duties, functions and powers



Module 02 Some Basic Concepts of Code of Criminal Procedure :

1. Distinction between -
 - a) Cognizable and non-cognizable offence
 - b) Warrant and summons
 - c) Bailable and Non-bailable
 - d) Compoundable and Non-compoundable
2. Arrest with and without warrant -
 - a) The absconder status
 - b) Rights of the accused person

Module 03 Provision for Investigation :

1. Arrest, Search and Seizure
2. Processes to Compel Appearance
3. Information to Police
4. Power to Investigate

Module 04 Process to Compel Appearance and Production of things :

1. Summons for Appearance
2. Warrant of arrest
3. Proclamation and attachment
4. Other rules regarding processes
5. Summons procedure
6. Search Warrants
7. General provisions as to search and seizure
8. Miscellaneous

Module 05 Proceedings before Magistrate :

1. Conditions requisite for initiation of proceedings
2. Complaints to Magistrates
3. Commencement of proceedings before Magistrates
4. Provisions as to enquiry and Trial
5. Security Proceedings



Module 06 Charge :

1. Framing of charge
2. Form and content of charge
3. Separate charges for distinct offence
4. Discharge - pre-charge evidence
5. Final Report

Module 07 Trials and Execution Proceedings :

1. Conception of fair trial
2. Trial before a court of session
3. Trial of warrant cases by magistrates
4. Trial of summons cases by Magistrates
5. Summary Trials
6. Provision as to Bail
7. Submission of death sentences for confirmation
8. Execution, suspension, remission and commutation of sentences

Module 8 Judgment :

1. Form and content
2. Post-conviction orders in lieu of punishment - emerging penal policy
3. Compensation and cost
4. Modes of providing judgment
5. Certified copy of judgment

Module 9 Appeal, Review, Revision :

1. No appeal in certain cases
2. The rationale of appeal, review and revision
3. The multiple range of appellate remedies -
 - a) Supreme Court of India
 - b) High Court
 - c) Sessions Court
 - d) Special right to appeal
 - e) Governmental appeal against sentencing
4. Judicial power in disposal of appeals
5. Legal aid in appeals
6. Revisional Jurisdiction
7. Transfer of cases



Module 10 Miscellaneous Provisions :

1. Maintenance of wives, children and parents
2. Transfer of criminal cases
3. Irregular proceedings
4. Limitations of taking cognizance
5. Compounding of Offences and Plea-bargaining
6. Security for peace and good behaviour
7. Maintenance of Public order and tranquility

Module 11 The Probation of Offenders Act, 1958 :

1. Object, Application and definitions under the Act
2. Power of court to release certain offenders after admonition
3. Power of court to release certain offenders on probation of good conduct
4. Power of court to require released offenders to pay compensation and costs
5. Restrictions on imprisonment of offenders under twenty-one years of age
6. Variation of conditions of probation and procedure in case of offender failing to observe conditions of bond
7. Courts competent to make order under the Act, appeal and revision and powers of courts in appeal and revision
8. Removal of disqualification attaching to conviction
9. Probation officers – appointment, duties and report

Recommended Books :

1. Chandrasekharan Pillai, (Ed.), *Kelkar's Outline of Criminal Procedure*, Eastern Book Company, Lucknow.
2. Ratanlal and Dirajlal, *Code of Criminal Procedure*, LexisNexis.
3. Woodroffe, *Commentaries on Criminal Procedure Code*, Universal Law Publishing, 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, LexisNexis (2017).
6. *Sarkar on Criminal Procedure Code*, Vol I & II, LexisNexis.
7. N.K. Chakrabarti, *Probation System in the Administration of Criminal Justice*, Deep & Deep Publications (1995).



LC 1002 Administrative Law :

Objectives of the Course :

It is expected that the Administrative Law should be specifically deals with delivering two fundamental aspects of good governance - (a) firstly rule based administration that ensure transparency in discretion based administration to avoid arbitrariness

and (b) 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.

With the emergence of a State as a welfare institution its administration and administrative law have become all-pervading factor across the world, The aim of this course is to study the structure, governance, organization, powers and function or public authorities in India. The expansion of the powers of the necessities to undertake a scrutiny of its various functions - Legislative, executive as well as judicial. The Administrative law in India is essentially a judge made law and therefore students are expected to be familiar and acquainted with the development of the subject with leading cases. The students will also be able to understand (a) concepts and principles governing administrative law, (b) appreciate role, powers and functions of administrative organs, and (c) appreciate recent development of administrative law.

Module 01 Evolution, Nature and Scope of Administrative Law :

1. Nature, Scope and Development of Administrative Law,
2. Rule of law and Administrative Law,
3. Separation of powers and Administrative Law
4. Relationship between Constitutional law and Administrative Law,
5. Classification of functions of Administration

Module 02 Delegated Legislation :

1. Reasons for Growth of Delegated Legislation
2. Constitutional validity of Delegated Legislation
3. Forms or types of delegated legislation
4. Restraints on Delegation of Legislative powers - Comparative position – UK, USA and India
5. Doctrine of Excessive Delegation
6. Powers of exclusion and inclusion and power to modify statute
7. Safeguards and Controls on delegated legislation – Legislative, Judicial and Other Controls
8. Sub-Delegation of Legislative Power



Module 03 Administrative Adjudication :

1. Need of adjudicatory powers of administration
2. Administrative Tribunals – Constitution, powers, procedures
3. Principles of Natural Justice - Rule against bias, Audi Alteram Partem, Essentials of hearing process, Cross examination, Legal representation - right to counsel, Pre and post - decisional hearing, Reasoned decisions
4. Exceptions to Principles of Natural Justice, Effect of failure - Rules of evidence – no evidence, some evidence and substantial evidence, Institutional Decisions

Module 04 Administrative Discretion and Judicial Control :

1. Need for conferring discretion on administrative authorities
2. Rule of law and administrative discretion, Constitutional imperatives and exercise of discretion
3. Grounds of judicial review - Abuse of discretion, and Failure to exercise discretion,
4. Doctrine of legitimate expectations, Doctrine of Proportionality, Public Accountability

Module 05 Liability for Wrongs of Government (Tortious and Contractual) :

1. Tortious liability of government, Sovereign and Non-Sovereign Functions, act of state
2. Contractual liability of government
3. Statutory Immunity - Act of State - Liabilities Government privilege in legal proceedings – state secrets, public interest, Estoppel and waiver
4. Remedies in the form of Judicial Review and Statutory remedies, Suits for Compensation

Module 06 Corporations and Public Undertakings:

1. State monopoly vis-a-vis arbitrary action, Liability of public and private corporations – departmental undertakings
2. Legislative and Governmental Control over Corporations and public undertakings
3. Legal remedies, Accountability - Committee on Public Undertakings, Estimates Committee
4. Trend of disinvestment and its Consequences



Module 07 Informal Methods of Settlement of Disputes and Grievance Redressal Procedures

1. Conciliation and mediation through social action groups, Use of media, lobbying and Public participation
2. The Commissions of Inquiry Act, 1952 - Public Enquiries and Commissions of Inquiry, Appointment of Commission, Matters of Inquiry, Powers of Commission, Procedure before Commission
3. Significance of the Lokpal and Lokayuktas Act, 2013, Central Vigilance Commission

Module 08 The Right to Information Act, 2005 :

1. Transparency and right to information – Constitutional imperative
2. Object, application definitions and Salient features of the Act
3. Right to Information and obligations of Public Authorities, Central Information Commission, State Information Commission, Powers and functions of the Information Commissions, appeal and penalties
4. Hurdles in the implementation of the Act

Recommended Readings:

1. C. K. Allen, *Law and Orders* (Universal Law Publishing, 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* (Oxford 1996).
5. Wade, *Administrative Law*, 7th Edn, Indian Print, (Universal Law Publishing, 1997).
6. J. C. Garner, *Administrative Law*, ed. B.L. Jones, (Butterworth, 1998).
7. S. P. Sathe, *Administrative Law*, (Butterworth, 1998).
8. C. K. Takwani, *Lectures on Administrative Law*, (Eastern Law Book, Luuknow).
9. M.A. Fazal, *Judicial Control of Administrative Action in India, Pakistan and Bangladesh* (Butterworth, 2000).
10. Jain and Jain, *Principles of Administrative Law*, (Universal Law Publishing, 1997).
11. M. P. Jain, *Cases and Materials on Indian Administrative Law*, Vol. I and II, (Universal Law Publishing, 1996).
12. De Smith, *Judicial Review of Administrative Action*, (Sweet and Maxwell, 1995).



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 the Companies Act, 2013, Listing agreement, the Securities and Exchange Board of India Act, 1992 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. The Company Act, 2013 seems to strengthen the Corporate Governance. This course provides study of company law in detail which is essential for budding lawyers.

Module 01 Concept, Nature and Meaning of Company :

1. Historical origin of company law in India and important definitions under the Company Act, 2013
2. Characteristics of company – Company a Legal Person, Separate Legal Entity, Perpetual Succession, Common Seal, Limited liability
3. Doctrine of Corporate Veil
4. Difference between company and others forms of business organizations

Module 02 Registration and Incorporation of Company :

1. Types of Company - One Person Company, Company Limited by Shares, Unlimited Company, Private and Public Company, Foreign Company
2. Formation of Company
3. Certificate of Incorporation
4. Pre-incorporation contracts
5. Commencement of Business
6. Memorandum of Association (MOA), Alteration of MOA and Doctrine of Ultra vires
7. Articles of Association, Doctrine of constructive notice and Indoor Management



Module 03 Promoters, Securities (Shares), Debentures :

1. Promoters - Fiduciary relationship, Duties and liabilities
2. Prospectus and Kinds of Prospectus
3. Shares - Meaning and Nature
4. Kinds of Shares
5. Securities (Shares) - Allotment of securities and Share Holdings
6. Issue of shares
7. Certificate of shares
8. Shareholders and voting rights
9. Transfer of shares
10. Shareholders and Members
11. Share Capital and kinds of share capital
12. Publication of Authorized, Subscribed and paid up capital
13. Buy back of shares
14. Dividends
15. Debentures - Meaning, Kinds and Characteristics

Module 04 Appointment, Role and Qualification of Director and Meetings of Boards :

1. Role, Appointment and Types of Directors
2. Board of Directors
3. Independent Directors
4. Legal Position of Directors
5. Appointment of directors and Managerial Staff
6. Powers and Duties of Directors
7. Civil and Criminal Liability of Directors
8. Inspection, Inquiry and Disqualification
9. Removal of Director
10. Types of Meetings

Module 05 Compromise, Reconstruction, Amalgamation and Mergers :

1. Compromise, Arrangements and Amalgamations
2. Sanction, Duties and Powers of Tribunal
3. Power to Compromise or make arrangements with creditors and members
4. Reconstruction and Amalgamation of Company
5. Modes of reconstruction
6. Declaration and Payments of dividends in above cases



7. Fast track Mergers
8. Amalgamation of companies by Central Government in public interest

Module 06 Accounts of Company :

1. Books of accounts, etc, to be kept by the Company
2. System of maintenance of accounts in Company
3. Audit and Auditors
4. Protection of Minority Share Holders
5. Prevention of Oppression and Mismanagement
6. Removal of names of companies from register of companies
7. Revival and Rehabilitation

Module 07 Winding up Process :

1. Meaning of Winding up
2. Procedures for winding up
3. Winding up process by Tribunal
4. Consequences of winding order
5. Company liquidator and their appointments
6. Report of the liquidator
7. Custody of company's property
8. Company Dissolution
9. Voluntary Winding up
10. Declaration of Insolvency
11. Procedure for voluntary Winding up
12. Appointment of Liquidators

Module 08 Constitution of National Company Law Tribunal, Appellate Tribunal and Special Court :

1. Constitution of National Company law Tribunal
2. Appellate Tribunal
3. Selection of members, terms of office, salary
4. Removal of members
5. Order of Tribunal
6. Powers of Tribunal



7. Appeal from orders of Tribunals
8. Establishment of special courts
9. Offences trial by special courts
10. Mediation and Conciliation Panel
11. Corporate Social Responsibility

Recommended Readings :

1. A. Ramaiya, *Guide to the Companies Act*, LexisNexis, Butterworths Wadhawa, Nagpur.
2. C.R. Datta, *Datta on the Company Law*, LexisNexis, Butterworths Wadhawa, Nagpur.
3. Avtar Singh, *Company Law*, Eastern Book Company, 2013.
4. Agrawal S., *Corporate Governance & Concept & Dimensions*.
5. Singh R. K., *Amalgamation & Merger of Companies & the WTO: An Indian Perspective*, Eastern Law House 2013.
6. Kapoor G.K. and Dhamija Sanjay, *Taxmann's Company Law & Practice*, Taxmann, 2017.
7. Chopra D.S. & Arora Nishant, *Company Law: Piercing the Corporate Veil*, Eastern Law House, 2013.



LP 1004 Practical Training Paper IV - Moot Court Exercise and Internship :

Objectives of the Course :

This course consists the activities / exercises of

- (a) Moot court exercises,
- (b) Observance of trials, and
- (c) Pre-trial preparations.

The objectives of the course is to acquaint the students about –

- (a) court working and its procedure,
- (b) application substantive and procedural law to given facts,
- (c) court manners and discipline,
- (d) conversance with interview techniques and pre-trial preparations,
- (e) developing skills of arguments and presentation, and
- (f) learning skills of analysis and arrangement of facts.

Scheme of Marking :

Part A : Moot Court Exercises (40 Marks), Observance of Trials (20 Marks) : (80 Marks)
and Pre-trial Preparations (20 Marks) Activities

Part B : Written Submissions (10 Marks) and Viva Voce Examination : (20 Marks)
(10 Marks)

Part A : Activities / Exercises

Activities Moot Court Presentations :

- 01 to 04** 1. A student shall prepare and present on Four Moot Courts on problems assigned by the concerned teacher
2. Guidelines and Steps to Conduct Moot Courts by a Teacher –
- a) Framing / selection of moot court problem
 - b) Identifying the legal provisions applicable
 - c) Formation of moot court teams
 - d) Guidance to the students on - kinds of Courts and its jurisdiction (an overview), Court procedures (an overview), Court manners and discipline, rules of written submissions / memorials, rules of argument, modes of citation, use of library and E-recourses, etc.

Note : The concerned teacher shall reserve few lectures to guide the students on above matters or any other relevant matters at his /her discretion.



2. Guidelines and Rules of Oral Presentation by a Student -
- a) Knowledge of facts
 - b) Logic and reasoning
 - c) Organization and clarity
 - d) Persuasiveness
 - e) Deference to the Court
 - f) Proper and articulate analysis of the issues arising out of facts
 - g) Understanding of the laws governing the case and other laws directly applicable to the issues involved in the case
 - h) Ability to explain clearly the legal principles
 - i) Knowledge and use of legal resources
 - j) Originality in analysis, presentation and written submissions
 - k) Ingenuity - ability to argue by analogy on the basis of relevant aspects of law

Note : The concerned teacher may prescribe few other guidelines for the students at his / her discretion.

Activities Internship - Observance of Trials :

- 05 & 06**
1. A student shall attend, observe and take notes on the Court proceedings in Two .
Cases - one civil and one criminal
 2. Guidelines for Observance of Trials :
 - a) To begin internship and observance of trials at the beginning of the academic year
 - b) Brief date-wise report of the proceeding
 - C) Summary of the following stages at the end of observation -
 - Case of the plaintiff or prosecution
 - Case of the defendant or accused
 - Issues or matters in controversy, or charges
 - Provisions of substantive law involved
 - Provisions of procedural law involved
 - Brief summary of examination of witnesses
 - Brief statement of important documents filed
 - Summary of arguments of parties, if any
 - Summary of Judgment or order passed, if any

Note : The concerned teacher may prescribe few other guidelines for the students at his / her discretion.



**Activities
07 & 08**

Internship - Pre-trial Preparations :

1. A student shall observe the interviewing sessions of client at the office of advocate or at the legal aid office in Two Cases - one civil and one criminal
2. Guidelines for Pre-trial Preparations -
 - a) To begin internship and pre-trial preparations at the beginning of the academic year
 - b) Observation of interviewing sessions of client in the office of advocate or the legal aid office
 - c) Observation of Advice given to the client by the advocate or authority of legal aid office
 - d) Maintaining confidentiality of the parties

Note : The concerned teacher may prescribe few other guidelines for the students at his / her discretion.

Note :

1. The activities under this course shall be conducted throughout the academic year though the course is shown in last semester in a course component.
2. The concerned teacher shall advice, guide and encourage the students to begin internship at advocate's office for the purpose of pre-trial preparations and observation of trials at the beginning of the academic year.
3. The student shall complete the above-mentioned eight activities as per guidelines given and each activity shall be assessed for 10 marks.

Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the following three parts :

1. Moot Court Exercises (Four) :

Written submissions (Memorial) on Moot Court shall consist :

- a) Table of contents
- b) Index of authorities
- c) Statement of jurisdiction
- d) Statement of facts
- e) Statement of issues
- f) Summary of arguments
- g) Arguments advanced
- h) Prayer clause

2. Observance of Trials (Two) :

Written submissions on Observance of Trials shall consist :



- a) Brief date-wise report of the proceeding on -
- Case of the plaintiff or prosecution
 - Case of the defendant or accused
 - Issues or matters in controversy, or charges
 - Provisions of substantive law involved
 - Provisions of procedural law involved
 - Brief summary of examination of witnesses
 - Brief statement of important documents filed
 - Summary of arguments of parties, if any
 - Summary of Judgment or order passed, if any
- b) Attaching certificate of supervising Advocate to the Written Submissions
3. Pre-trial Preparations (Two) :
- Written submissions on Pre-trial Preparations shall consist :
- a) Date and time of interviewing session of client
- b) Name and address of party (student shall respect the confidentiality of the clients and shall change the name, address or other facts that might identify clients)
- c) Note on interviewing session of client
- d) Note on advice given to the client by the advocate
- e) Attaching certificate of supervising Advocate or supervising authority to the Written Submissions

Note : The concerned teacher may prescribe few other guidelines, with respect to written submissions on above-mentioned activities, at his / her discretion.

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, Central 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. B Malik, *Art of a Lawyer - Cross Examination, Advocacy, Courtmanship*, Universal Law Publishing, 2014.
9. D Pope and D Hill, *Mooting and Advocacy Skills*, 1st South Asian edn, Sweet & Maxwells, 2014.



Optional Subject 6 (Any one from the following) :

LO 1005 Election Law :

Objectives of the Course :

This course aims to acquaint the students with the vital elements of democracy. It prescribes the students with the constitutional and legislative aspects of representation. The elections are conducted according to the constitutional provisions, supplemented by laws made by Parliament.

Those major laws are :

- (a) the Representation of the People Act, 1950, which mainly deals with the preparation and revision of electoral rolls,
- (b) the Representation of the People Act, 1951 which deals, in detail, with all aspects of conduct of elections and post election disputes,
- (c) the Delimitation Act, 2002, which deals with the readjustment of the allocation of seats in the House of the People and the division of each State and each Union territory into territorial constituencies for elections to the House of the People and Legislative Assemblies of the States and Union territories,
- (d) the Presidential and Vice-Presidential Elections Act, 1952. The Course 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 :

1. Concept of representation and participation of people
2. Election and viability of democratic system
3. Historical perspectives of election in India under -
 - a) The Government of India Act, 1861
 - b) The Government of India Act, 1892
 - c) The Government of India Act, 1902
 - d) The Government of India Act, 1935
4. Election and its statutory significance under the Representation of People Act, 1951
5. Modes of election -
 - a) Single non transferable vote
 - b) Proportional representation



Module 02 Conduct of Elections and Administrative Machinery :

1. Establishment of Election Commission - a Constitutional Body
2. Powers and functions of Election Commission
3. Importance of Independence of Election Commission
4. Election Commission and Power of High Court under Article 226
5. Preparatory process for conduct of election
6. Conduct of elections under the Conduct of Election Rules, 1961

Module 03 Election of President, Vice President and other Legislative Bodies :

1. Election of President - Constitutional Provisions
2. Election of Vice President - Constitutional Provisions
3. Election to the House of People and the Council of States
4. Election to the Legislative Assembly and Legislative Council of State
5. Election to Local Authorities

Module 04 Election Disputes :

1. Election petition
2. Jurisdiction of High Court in election petitions
3. Qualification for setting aside elections
4. Disqualifications for setting aside elections
5. Statutory procedure : implications of non-compliance

Module 05 Electoral Reform and Judicial Activism :

1. Scope and ambit of Article 329 : *Mohinder Singh Gill v. Chief Election Commissioner, New Delhi*, AIR 1978 SC 851
2. Bar on jurisdiction of High Court : *Lakshmi Charan Sen v. A.K. M. Hassan Uzzaman*, AIR 1985 SC 1233
3. Corrupt electoral practice : *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299
4. Anti-defection Law : *Kihota Hollohon v. Zachilhu*, AIR 1993 SC 412
5. Office of profit and disqualification : *In Re Smt. Jaya Bachchan* (2006)
6. Transparency in election process : *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399
7. Disqualification of representative after conviction : *Lily Thomas v. Union of India*, (2013) 7 SCC 653



Module 06 Constituencies and Delimitation :

1. Delimitation – meaning
2. Bar to interfere by Court
3. Delimitation of Constituencies for House of People and State Assembly
4. Delimitation of Assembly Constituencies in Jammu and Kashmir

Module 07 Electors and Electoral Rolls :

1. Preparation and revision of electoral rolls
2. Electoral rolls for House of People and Assembly
3. Language, form and manner of preparation of electoral rolls
4. Claims and objections of electoral rolls

Module 08 Nominations, Scrutiny and Withdrawal of Candidature :

1. Nomination : form, proposer
2. Procedure for setting up by Political Parties
3. Disclosure of information by candidates and right to information : criminal antecedents, assets, liabilities, educational qualifications
4. Scrutiny of nomination : date, time, place
5. Withdrawal of candidature : period for withdrawal, notice, authorized persons

Module 09 Political Parties and Election Symbols :

1. Evolution of symbol system
2. Registration of political parties
3. Recognition of political parties
4. Promulgation of Election Symbols (Reservation and Allotment) Order, 1968
5. Splits and mergers of political parties and allotment of symbols
6. Disputes relating to allotment of symbols and role of Election Commission



Module 10 Campaign, Poll and Result :

1. Model code of conduct : evolution, application, violation
2. Use of media, loudspeaker vehicles
3. Opinion polls and exit polls
4. Poll : law and order, voting systems, voting procedure, adjournment, fresh Poll
5. Right to vote : in person, by post, preference votes, assistance to blind, illiterate or infirm
6. 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* (LexisNexis, 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. RajendraVora, 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* (Two vols) (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, *Election Studies in India : An Evaluation* (1978).
11. M. Krishnaan Nair, *The Law of Elections in India* (1981).
12. P.M. Bakshi (ed.), *Chawla's Elections : Law and Practice* (1985).
13. MW Fisher, JV 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 Rashtrapatibhawan : 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 :

1. Historical perspectives of insolvency and bankruptcy laws
2. Need, objects and application of the Code
3. 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
4. Concepts of - insolvency and bankruptcy, debtors and creditors

Module 02 Insolvency Resolution and Liquidation Process for Corporate Persons :

1. Corporate insolvency resolution process
2. Liquidation process
3. Fast track insolvency resolution process

Module 03 Insolvency Resolution and Bankruptcy for Individuals and Partnership Firms :

1. Insolvency resolution process
2. Bankruptcy order for individuals and partnership firms
3. Administration and distribution of the estate of the bankrupt

Module 04 Authorities under the Code :

1. Insolvency and Bankruptcy Board of India
2. Powers and functions of the Board
3. Insolvency professional agencies
4. Information utilities
5. Inspection and investigation



Module 05 Adjudicating Authorities under the Code :

1. Adjudicating Authorities for Corporate Persons
2. Adjudicating Authorities for Individuals and Partnership Firms
3. Appeals

Module 06 Insolvency and Bankruptcy Code vis-à-vis Other Legislations :

1. The Companies Act, 2013
2. The Sick Industrial Companies (Special Provisions) Repeal Act, 2003
3. The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
4. The Recovery of Debts Due to Banks and Financial Institutions Act, 1993
5. The Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920

Module 07 Offences and Penalties for Contravention of the Provisions :

1. By the debtor
2. By the creditor
3. By the bankrupt

Module 08 Cross Border Insolvency :

1. UNCITRAL Model Law on Cross Border Insolvency
2. World Bank Principles for Effective Insolvency and Creditor Rights
3. 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., LexisNexis, 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 help 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 :

1. Meaning and Significance of Comparative Criminal Justice
2. A comparative perspective on criminal justice and its main components.
3. An overview of an impact of international criminal justice on comparative criminal justice
4. Impact of Comparative Criminal Justice on Indian Criminal Law

Module 02 Comparative Policing :

1. Police and policing
2. Policing and crime control:
 - a) Community policing
 - b) Zero tolerance policing
 - c) Policing corruption
3. Rise of private policing

Module 03 Transnational and Global Policing :

1. Transnational policing
2. International policing institutions:
 - a) Interpol
 - b) Europol
 - c) UNPOL (United Nations Police)
 - d) UN Office on drugs and crime (UNODC)



Module 04 ***Prosecution and Pre-trial Justice :***

1. UN Guidelines on role of prosecutors
2. Prosecution :
 - a) England (Crown prosecution services)
 - b) Netherlands
 - c) America (Grand Juris)
 - d) India
3. Pre-trial justice the role of magistrate
4. Pre-trial custody in law and practice

Module 05 ***System of Trial :***

1. Inquisitorial trials in France
2. Adversarial trials in England and India
3. Trial in Islamic Legal Tradition

Module 06 ***Jury System :***

1. The English jury
2. The American jury
3. Jury system in India
4. Juris in inquisitorial system

Module 07 ***Sentencing :***

1. Death penalty and Human Rights
2. Death Penalty in USA and UK
3. Death Penalty in India
4. Suspended Sentence System
5. Plea Bargaining System

Module 08 ***Models of Criminal Justice Process :***

1. Crime Control Model :
 - a) Rights of Victim
 - b) Rights of Accused Person
 - c) Power of investigation agencies



- d) Role of Courts
 - 2. Due Process Model :
 - a) Rights of Victim
 - b) Rights of Accused Person
 - c) Power of investigation agencies
 - d) 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 University Press.
15. Garland D (2001) *The Culture of Control, Crime and Order in Contemporary Society*, 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 University.
18. Francis Pakes, (2015), *Comparative Criminal Justice*, Routledge, London.
19. Mark Findlay, (2013) *International and Comparative Criminal Justice*, Routledge.



LO 1008 Land Laws II

Objectives of the Course :

This course 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 will equip the student with all other laws that affect use and dealings of land, and activities that enable its best use. Agricultural land is subject to such control and regulation as would enable its most effective and efficient use. 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.

Module 01 The Maharashtra Land Revenue Code, 1966 - Introduction :

1. Historical background of land revenue system
2. Object, application and definitions under the Code
3. 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.
4. Grant of lands
5. Use of land
6. Encroachment on land
7. Relinquishment and Surrender of land

Module 02 The Maharashtra Land Revenue Code, 1966 - Land Revenue :

1. Land Revenue : Liability and assessment (Sections 64-78)
2. Assessment and settlement of land revenue of agricultural lands (Sections 90- 107)
3. Assessment and settlement of land revenue of lands used for nonagricultural purposes (Sections 108-120)
4. Revenue Surveys: Procedure for survey, Survey numbers, Partitions, subdivisions, (Sections 79-88)
5. Boundary and boundary marks (Sections 132-146)

Module 03 The Maharashtra Land Revenue Code, 1966 - Land Records :

1. Record of rights (Sections 147-159)
2. Rights in unoccupied lands (Sections 160-167)
3. 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 - Procedure before Revenue Officers, Appeals and Tribunal :*

1. Revenue Officers, their powers and duties
2. Procedure of Revenue Officers
3. Appeals, Revision and Review
4. Maharashtra Revenue Tribunal

Module 05 *The Maharashtra Tenancy and Agricultural Lands Act, 1948 - Holding and Use of land, Tenancies and Parties :*

1. Historical background, object and application of the Act
2. Concepts - Deemed tenants, Protected tenants, Ceiling area, Economic Holding, Irrigated land, Maximum and minimum rent, Certificated Landlord
3. Rights, liabilities, duties and disabilities of landlord
4. Rights, liabilities, duties and disabilities of tenant
5. Restriction on holding of lands, restrictions on transfer of lands
6. Management of estates

Module 06 *The Maharashtra Tenancy and Agricultural Lands Act, 1948 - Personal Cultivation, Termination of Tenancies and Enforcement :*

1. Termination of tenancies by parties -
 - a) Personal cultivation, non-agricultural use, by certificated landlord, on default, Surrender
 - b) Relief against termination
2. Termination of tenancy by operation of law, Tiller's day
3. Purchase of land by tenants, procedure for purchase
4. Right of tenant to exchange land
5. Collector, Mamlatdar and Tribunal - powers and functions
6. Jurisdiction and bar of jurisdiction, Appeals and Revision



Module 07 The Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 :

1. Historical background, object, application and definitions under the Act
2. Determination of local and standard areas, entry in record of rights
3. Restrictions and prohibitions on transfer and partition of fragments including court sales, exceptions, penalty, transfer of fragment to Government and compensation
4. Consolidation, procedure, Reservation of land for public purpose,
5. Scheme - its preparation and enforcement, and compensation and apportionment, Certificate of transfer, Rights in holdings, Transfer of encumbrances
6. Consolidation Officer, Settlement Commissioner, their powers and functions
7. Bar of jurisdiction

Module 08 The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 :

1. Historical background, object, application and definitions under the Act
2. Ceiling on holding of land, Exempted land, Prohibition on holding land beyond ceiling limits
3. Restrictions on transfers and acquisitions, and consequences of contravention
4. Surplus land, Submitting returns, Selection of land, Procedure of determining surplus land, Declaration of surplus land, Compensation
5. Distribution of surplus land
6. Collector and Maharashtra Revenue Tribunal, Powers and functions,
7. Appeals

Module 09 The Mamlatdars' Courts Act, 1906 :

1. Historical background, object, application and definitions under the Act
2. Mamlatdar and Joint Mamlatdars, their appointment and powers
3. Cause of action and limitation
4. Procedure from filing of plaint till enforcement of orders
5. Injunction and its disobedience
6. Collector and his powers and functions



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.



LO 1009 Humanitarian and Refugee Law :

Objectives of the Course :

The objective of this course is to familiarize the student with the expanding horizons of a branch of international law. The law of war is today popularly referred to as International Humanitarian Law (IHL). 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 course, 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 on 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 an 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) :

1. History and Development of IHL
2. Application of IHL - Martens Clause
3. Definition of Armed Conflict - International Armed Conflict and Non-international Armed Conflict - Common Articles 2-3
4. International Law and Humanitarian Law
5. IHL and Human Rights

Module 02 Protected Persons and Conduct of Hostilities :

1. Wounded, The Sick, The Shipwrecked
2. Prisoners of War
3. Medical, Religious and Relief Personnel
4. Protection of Civilians
5. Protection of Women and Protection of Children
6. Protection of Cultural Property
7. Means of Warfare
8. Methods of Warfare



Module 03 Implementation of IHL and Institutional Mechanisms :

1. Basic issues involved in Implementation of IHL
2. Implementation of Law at National Level
3. Grave Breaches of Geneva Conventions and Additional Protocols
4. Role of ICRC
5. War Crimes Tribunals - an Overview
6. International Criminal Court - Jurisdiction, Powers and Functions
7. Conventions and Protocols to be covered in this area :
 - a) The First Geneva Convention Protects Wounded and Sick Soldiers on Land During War, 1949
 - b) The Second Geneva Convention Protects Wounded, Sick and Shipwrecked Military Personnel at Sea During War, 1949
 - c) The Third Geneva Convention Applies to Prisoners of War
 - d) The Fourth Geneva Convention Affords Protection to Civilians, Including in Occupied Territory
 - e) 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
 - f) 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
 - g) Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to Adoption of an Additional Distinctive Emblem, (Protocol III), 8 December, 2005
8. Judicial Decisions :
 - a) International Military Tribunal at Nuremberg
 - b) International Military Tribunal for the Far East (Tokyo)
 - c) International Criminal Tribunal for the Former Yugoslavia (ICTY)
 - d) International Criminal Tribunal for Rwanda (ICTR)
 - e) Special Court for Sierra Leone

Module 04 Contemporary Challenges :

1. Respect for IHL
2. IHL and Terrorism
3. Private Military Contractors
4. New Methods of Warfare – Drones, Cyber Warfare, Autonomous Weapon Systems



Module 05 Introduction to International Refugee Law :

1. Historical Background of Refugee Law
2. Meaning and Definition of Refugee under various International Documents
3. Difference between Refugees and Internally Displaced Persons
4. Human Rights and Refugees – an overview

Module 06 International Framework for Refugee Protection :

1. Asylum
2. Protection
3. Non-refoulement
4. Non-discrimination
5. Family Unity
6. Durable Solutions
7. International Cooperation, Burden Sharing, Extradition of Refugee, voluntary, Repatriation, Naturalization
8. Role of UNHCR in the Protection and Promotion of Refugee Rights - an Overview

Module 07 Refugees in Indian Context :

1. Legal and Constitutional Provisions
2. Reasons for non Signatory to Refugee Convention,
3. Role of Indian Government in Protecting Refugees
4. Role of NHRC and Judiciary



Recommended Readings

1. Kavin M. Cahill, *Basics of International Humanitarian Missions* (2003).
2. V. K. Ahuja, *Public International Law*, LexisNexis (2016).
3. ICRC, *International Humanitarian Law : A Comprehensive Introduction* (2016) : Available at : <https://www.icrc.org/en/publication/4231-international-humanitarian-law-comprehensive-introduction>.
4. ICRC, *International Humanitarian Law : Answers to your questions*, (2015) Available at: <https://shop.icrc.org/droit-international-humanitaire-reponses-a-vos-questions-2616.html>
5. ICRC, *Summary of the Geneva Conventions of 12 August 1949 and their Additional Protocols* (Second Edition, 2012).
6. M.K. Balachandran and Rose Varghese, eds., *Introduction to International Humanitarian Law* (1997).
7. Fleck, Dieter, ed., *The Handbook of Humanitarian Law in Armed Conflicts* (1998).
8. Frits Kalshoven, Liesbeth Zegveld, *Constraints on the Waging of War : An Introduction to International Humanitarian Law* (2001).
9. Durham, Helen, McCormack, Timothy L. H., eds., *The Changing Face of Conflict and the Efficacy of International Humanitarian Law* (1999).
10. 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). 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.
11. B.S. Chimni, ed., *International Refugee Law : A Reader* (2000), Sage Publications.
12. Carlier, Jean Yves, et. al., *Who is a Refugee? A Comparative Case Law Study* (1997).
13. Goodwin, Gill, Guy S., McAdam, Jane, *The Refugee in International Law* (3rd edn,) 2014, Oxford.
14. James C. Hathaway, *The Rights of Refugees Status under International Law* (2014) Cambridge.
15. Arjun Nair, *National Refugee Law for India : Benefits and Roadblocks* (2007).
16. South Asia Human Rights Documentation Centre (SAHRDC), *Human Rights and Humanitarian Law: Developments in Indian and International Law* (2008).
17. UNHCR and IPU, *Refugee Protection : A Guide to International Refugee Law* (2001).
18. Ragini Trakroo, et. al., *Refugee and the Law* (2005).
19. Bimal N. Patel : *The State Practice of India and International Law* (2016).



Note for Syllabus of all Subjects

1. The students are advised to refer latest editions of the books / readings recommended. The list of recommended readings is given for the general information and understanding of the students. However, students are advised to refer any other standard book or other material available. In case student finds no recommended readings for any topic of the syllabus, the students may refer any standard book or other material available. The students are also advised to refer E-Resources.
2. The students shall also refer and study the latest amendments in the concerned law. Such amendment in law shall become a part of a syllabus of concerned subject and shall be operative with effect from the academic year immediately next to the academic year in which amendment in the concerned law becomes operative.

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