



Second Year B.A. LL.B Semester IV (2017 Pattern)

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 course is to instill human values and concern among students of law through exposure to literary texts. This course 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 :

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

Module 02 Short Stories with Legal Themes :

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

Module 03 Prose Works :

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



Module 04 Poetry :

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

Module 05 Legal Text as Literature for Analytical Study :

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

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. “MC 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 course 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 :

1. Historical Origins of International Relations - Overview
2. Meaning and Definition of International Relations
3. Scope of International Relations
4. Significance of Behavioural Actors, State and Non-State factors

Module 02 Approaches to the study of International Relations :

1. Idealistic Theory
2. Realist Theory
3. Marxist Theory
4. Impact of John Rawls on International Relations

Module 03 Peace and Conflict Studies :

1. Significance of International Peace and security
2. Causes of war
3. Arm Race-Disarmament
4. Methods of Conflict Resolution
5. End of war – Francis Fukuyama's views

Module 04 Foreign Policy and Diplomacy :

1. Evolution of Foreign Policy and Diplomacy
2. Meaning and Scope of Foreign Policy and Diplomacy
3. Impact of Diplomacy on Foreign Policy
4. Role of Multinational Companies and impact of pressure politics on Foreign Policy and Diplomacy



Module 05 International Organizations :

1. Emergence and growth of International Organizations
2. League of Nations - An Overview
3. United Nations - Objectives - Principles of United Nations
4. Structure and Organs of United Nations (General Assembly, Security Council, Secretariat, Economic and Social Council and International Court of Justice)
5. Specialized Agencies - Meaning and significance
6. Relevance of United Nations in present context

Module 06 Regional Organizations :

1. Historical evolution of Regional Organizations
2. Structural and functions of EU, OAU, OAS, SAARC, BRIICS and IBSA
3. Role of Regional Organizations in developing peace (UNO Charter Article 52 to 54)
4. 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. Brown, C. (2000). 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. and 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 and 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 and 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 :

1. Interrelationship between Law and Economics
2. Origin and Development of Law and Economics
3. Economic Analysis of Law
4. Why lawyers should study Economics?

Module 02 Fundamentals of Economic Analysis of Law :

1. Economic factors of pricing – Theories of Wages – Exploitation of Labour
2. Legal Land Reforms in India - Post-Independence - Tenancy reforms, Ceiling on Landholding, the Real Estate (Regulation and Development) Act, 2016
3. Agrarian Reforms and their Impact – the Maharashtra Agriculture Produce Marketing (Development and Regulation) Act, 1963 - Increasing the Yield and Productivity of farms
4. Significance of Economic Legislations – an overview - the Foreign Exchange Management Act, 1999, the Banking Regulation Act, 1949

Module 03 Impact of Economic Theories on Law and Development :

1. Welfare Economics - Introduction, Welfare schemes and legislations in India and their impact – the Mahatma Gandhi National Rural Employment Guarantee Act, 2005, National Social Assistance Program, the Right to Education Act, 2009
2. Notion of Pareto Optimality and Economic Efficiency – Pareto criterion of Social welfare
3. Coase Theorem on Property and Liability

Module 04 Interrelationship between Economics and Property :

1. Economic Perspective of Property
2. Types of Property - Public and Private Property - Intellectual Property
3. Bargaining Theory
4. Economic Theory of Property with reference to Marx and Locke
5. Economic Theories of Distribution



Module 05 Impact of Economic Policies on Law :

1. Significance of Planning – Composition and Role of Niti Aayog
2. Impact of Globalisation on Law – an Overview
3. Impact of Liberalisation and Privatisation on Law and Legislation
4. Impact of Market Economy on Law
5. International Economic Laws – Their Introduction, Significance and Impact

Recommended Readings :

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. This course aims to introduce scientific method to understand social reality and social phenomena.

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

1. Social research - meaning and significance
2. Types of social research - pure and applied research
3. Values and ethics in social research

Module 02 Research Process :

1. Steps in social research
2. Selection and formulation of research problem
3. Hypothesis - meaning, characteristics and types
4. Data collection - primary and secondary sources
5. Sampling - meaning and techniques

Module 03 Techniques of Data Collections :

1. Observation - nature, types, advantages and limitations
2. Interview - nature, advantages and limitations
3. Questionnaire - nature, types, advantages and limitations

Module 04 Quantitative and Qualitative Research :

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

Module 05 Computer in Social Research :

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



Module 06 Report Writing :

1. Importance of report writing
2. Writing qualitative and quantitative research - presentation and interpretation
3. 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.





Third Year B.A. LL.B Semester IV First Year LL.B (Semester I) Syllabus (2019)

LC 0501 Legal and Constitutional History

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. Luxumeebae*, (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. Kulshreshth'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

across religious lines, eventually enabling fulfillment of the Constitutional directive of Uniform Civil Code.

Module 01 Introduction to Hindu and Muslim Law :

1. Nature of Hindu law, Application of Hindu law
2. Sources of Hindu law - Ancient to Modern
3. Schools of Hindu law
4. Development and nature of Muslim law, Application of Muslim law
5. Sources of Muslim law
6. Schools of Muslim law

Module 02 Marriage and Matrimonial Reliefs under Hindu law :

1. Evolution and concept of the institution of marriage, nature and forms of marriage under ancient Hindu law
2. 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

3. Divorce, theories of divorce, grounds of divorce, customary divorce, effect of divorce, emerging trends; Bar to remarriage after a divorce
4. 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
5. Jurisdiction of courts: under the Hindu Marriage Act, 1955 and the Family Courts Act, 1984

Module 03 Marriage and Matrimonial Reliefs under Muslim law :

1. Muslim marriage : pre-Qura'nic background, definition of nikah, nature and classification of marriages
2. 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
3. Mehr / dower, nature and kinds of dower, rights of wife in case of unpaid dower
4. Nullity of marriage; restitution of conjugal rights; option of puberty (khair- ul- bulugh)
5. Talaq, kinds of talaq, divorce under the Dissolution of Muslim Marriage Act, 1939
6. 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 :

1. 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
2. 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

3. 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
4. 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
5. Comparative analysis of marriage and matrimonial reliefs in different laws.
6. Relationship in the nature of marriage : live-in relationship, same-sex relationships

Module 05 Alimony and Maintenance :

1. 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
2. Alimony and maintenance under the Special Marriage Act, 1954, the Protection of Women 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 :

1. 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
2. Inter-country adoption, CARA guidelines; Recognition of foreign adoptions; Adoption by foreign parents
3. 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
4. Powers of Court
5. 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.
7. Mulla, *Principles of Mohammedan Law*, LexisNexis, Nagpur.
8. Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
9. Amer Ali, *Mohammedan Law, Vol. I and II*, Eastern Book Company.
10. Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.
11. 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 subject.

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 :

1. The nature of contractual obligations
2. 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.
3. Enforcement - Primary purpose of contract law
4. Introduction to the rules of interpretation of contracts

Module 02 Formation of Contract :

1. Agreement and Contract
2. Proposal and Acceptance
 - a) Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, options
 - b) Acceptance - essential elements, forms, the requirement of communication, silence as acceptance
 - c) Revocation of proposal and acceptance
 - d) E-contracts with reference to provisions of the Information Technology Act, 2000
3. Express and implied terms, express and implied contracts
4. Standard form contracts - their advantages and vices, and strategies to handle the vices

5. 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 :

1. 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 necessaries: Section 68 of ICA
2. Soundness of mind for the purpose of making contracts, effect of unsoundness of mind on the contract
3. 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
4. Competency of prisoners in jail, married women, aliens, insolvents
5. Competency of companies, statutory bodies, central and state governments

Module 04 Free Consent - Sections 13 to 22, 64, 65, 67 of ICA :

1. Consent and free consent
2. Coercion and its effect on the contract : Sections 15 and 19 of Indian Contract Act, 1872
3. Undue Influence and its effect on the contract, *pardanashin* women unconscionable bargains : Sections 16 and 19A of Indian Contract Act, 1872
4. Misrepresentation and its effect on the contract : Sections 18 and 19 of Indian Contract Act, 1872
5. Fraud and its effect on the contract: Sections 17 and 19 of Indian Contract Act, 1872
6. 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
7. 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

Module 05 Consideration - Sections 2(d) and 25 of ICA :

1. Definitions, meaning and importance, essential elements
2. Act, forbearance and promise
3. Present, past and future consideration
4. Adequacy of consideration and effect of inadequacy
5. No consideration, no contract, and exceptions to the rule
6. Doctrine of privity and exceptions

Module 06 Void Agreements - Sections 23 - 30 of ICA :

1. Unlawful agreements, circumstances in which agreements enforced even if unlawful: Sections 23-24, 57-58 of ICA, Section 27 of SRA
2. Void agreements : Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers : Sections 26 - 30 of ICA
3. Effect of void and of unlawful agreements

Module 07 Contingent Contracts and Quasi-Contracts :

1. Contingent contracts and their enforcement - Sections 31 – 36 of ICA :
 - a) Definition of contingent contract, contingent and absolute obligations
 - b) Effect of non-happening of event
 - c) Enforcement of contingent contracts
2. Quasi-contracts - Sections 68-71, 73(Para 3) of ICA :
 - a) Five kinds of quasi-contracts stated in the Act
 - b) Doctrine of restitution
 - c) Effect of breach of quasi-contractual obligation

Module 08 Performance of Contract :

1. 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
2. Doctrine of privity, and exceptions to the doctrine
3. Joint rights and liabilities: Sections 42-45 of ICA
4. Time of performance, right to terminate if time is of essence: Sections 46-50, 55 of ICA
5. Liability to pay interest for delay: under contract terms, under the Interest Act 1978
6. Place of performance: Sections 47-50 of ICA
7. Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises: Sections 51 - 54 of ICA
8. Appropriation of payments: Sections 59-61 of ICA
- 9.

Module 09 Discharge of a Contract :

1. By performance; by offer of performance: Sections 38 of the ICA
2. By non-performance by one party: 54 of ICA
3. By breach and rescission : Sections 39, 53, 55 of ICA; anticipatory breach: Section 39 of ICA

4. Doctrine of impossibility and effect : Section 56 of ICA
5. By agreement : novation, alteration and rescission: Section 62 of ICA
6. By act of promisee : dispensing, remission and waiver, extension of time, accord and satisfaction : Section 63 of ICA
7. Termination or discharge under contract provisions

Module 10 Contract Remedies :

1. Remedies under contract law through court or arbitration :
 - a) 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
 - b) Claim for the agreed sum: viz. suit for price, return of loan amount
 - c) Claim in *quantum meruit*
2. Remedies of Specific Relief through court or arbitration under SRA :
 - a) 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
 - b) 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
- c) Rescission - Sections 27, 30 of SRA
- d) Rectification of instruments - Section 26 of SRA
- e) Cancellation of instruments - Sections 31, 33 of SRA

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, LexisNexis.
3. Ritu Gupta, *Law of Contract – includes the Specific Relief Act 1963*, 2015, LexisNexis.
4. Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15th ed., 2015, LexisNexis.
5. M. Krishnan Nair, *Law of Contracts*, 1998.
6. Garima Tiwari, *Understanding Laws – Contracts*, 2014, LexisNexis.
7. Anson's *Law of Contract*, Beatesen 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, LexisNexis.
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, LexisNexis.
14. Nilima Bhadbhade, *Specific Performance of Contracts: the Tests of Inadequacy and Effective Enforcement*, 2014, LexisNexis.
15. S C Banerjee, *Law of Specific Relief: Tagore Law Lectures*, 13th ed, 2015, LexisNexis.
16. Sarkar on *Specific Relief*, Sudipto Sarkar and R Yasho Vardhan eds, 17th ed, 2016, LexisNexis.
17. R K Singh, *Law Relating to Electronic Contracts*, 2nd ed, 2015, LexisNexis.
18. Sachin Rastogi, *Insights into E-Contracts in India*, 2013, LexisNexis.
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 :

1. Historical Development of Indian Penal Code, 1860
2. Nature of Crime, Definition of Crime in social and legal context, Distinction between Moral, Civil and Criminal wrongs, Aim and Function of the Criminal law
3. Criminal Liability 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
4. Elements of Crime - Human Conduct, Voluntary act, Guilty intention, Causal Connection, Prohibited Result

Module 02 General Principles of Criminal Law :

1. *Nulla poena sine lege, nullum crimen sine lege*
2. Principles of *mala in se, mala prohibita*, Joint liability, Vicarious liability, Strict liability and Absolute liability
3. 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 :

1. Jurisdiction under Indian Penal Code, 1960
2. General Explanations - Movable Property, Wrongful Loss and Wrongful gain, Dishonestly, Fraudulently, Common Intention, Common Object, Voluntarily, Good faith, Criminal Conspiracy

Module 04 General Defenses :

1. Excusable: (Mental Incapacity) Minority (Infancy), Involuntary Intoxication and Insanity as a Defense
2. Justifiable: Necessity, Mistake of Fact, Acts done with Consent, Accident, Judicial acts, Triviality
3. Right of Private Defense of Body and Property - Justifications and Limits

Module 05 Offences against State, Public Tranquility, Administration of Justice, Etc. :

1. Meaning of Abetment, Abetment when punishable? Liability of Abettor, Abetment of offence punishable with death or imprisonment for life
2. Waging war, Sedition, Conspiracy to Waging war
3. Unlawful Assembly, Rioting, Affray, Promoting enmity between different groups, Imputations/assertions prejudicial to national integration

Module 06 Offences against Human Body :

1. Culpable Homicide, Murder, Ingredients, Exceptions and Distinction between Culpable Homicide and Murder, when culpable homicide is murder?
2. Attempt to commit Culpable Homicide, Attempt to Murder
3. Causing Death by Negligence, Causing Death with the consent of the deceased – Euthanasia and its Constitutionality
4. Suicide – abetment and attempt, its Constitutional validity
5. Hurt, Voluntarily causing hurt, etc.; Grievous Hurt, Voluntarily causing grievous hurt, etc., Wrongful Restraint, Wrongful Confinement
6. Criminal Force, Assault, Kidnapping and Abduction, distinction between them

Module 07 Offences relating to Woman :

1. Cruelty against Woman, Dowry death, Causing Miscarriage, Acid Attack
2. Outraging Modesty of woman, Sexual Harassment, Voyeurism, Stalking
3. Rape – its ingredients, developments in Rape law along with relevant judicial decisions, Unnatural offences
4. Deceitful Cohabitation, Bigamy, Mock Marriages, Adultery

Module 08 Offences against Property and Person, Etc. :

1. Theft, Extortion, Robbery and Dacoity, distinction between them, forms of Robbery and Dacoity
2. Criminal Misappropriation, Criminal Breach of Trust, Stolen property, Cheating, Mischief, Criminal Trespass, House Trespass, Lurking House Trespass, House Breaking, House Breaking by Night
3. Defamation, Criminal Intimidation and Insult
4. Forgery and Making of False document, Falsification of accounts

Recommended Readings :

1. M.C. Setelvad, *Common Law in India* (Chapter III, Criminal Law, p. 124-176), Stevens.
2. Stephen, *A History of Criminal Law of England*, Vol. III (Last Chapter on Indian Penal Code), London, Macmillan.
3. Principles of Criminal Law by R C Nigam, *Law of Crimes in India*, Vol. I, Asia Publishing House, New York.
4. Glanville Williams, *Criminal Law*, Universal Law Publishing.
5. J.W. Cecil Turner, *Kenny's Outlines of Criminal Law*, Universal Law Publishing.
6. Smith and Hogan, *Criminal Law*, Oxford University Press.
7. Andrew Ashworth *Principles of Criminal Law*, Clarendon Law Series.
8. S.K. Savaria, *R. A. Nelson's Indian Penal Code* (4 Volumes), LexisNexis Delhi.
9. Hari Singh Gaur, *Penal Law of India* (4 volumes), EBC.
10. PSA Pillai's Criminal Law, 13th Ed. Revised by K.I. Vibhute, LexisNexis, New Delhi.
11. J.D. Mayne, *Indian Penal Code* (Ed. II 1901, p.242-249).
12. K.N. Chndranshekhar Pillai, *Essay's on Indian Penal Code*, Indian Law Institute.
13. R.C. Srivastava, *Law Relating to Crime and Punishment*, Manav Law House, Allahabad.
14. K.D. Gaur, *A Text Book on Indian Penal Code* Universal Law Publishing.
15. K.D. Gaur, *Criminal Law Cases and Material*, Buttersworth.
Ratanlal and Dhirajlal, *The Indian Penal Code*, 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 :

1. Concept and Importance of Health
2. Public Health in India - Ancient, medieval and modern perspectives
3. Human Rights Perspectives of Health - an Overview

Module 02 Health and Constitutional Protections :

1. Fundamental Rights - Right to Health, Right to Decent Environment, Right to Shelter, Reproductive Rights of Women
2. Directive Principles of State Policy and Health

Module 03 Health and Legal Protection - Relevant Provisions under following Laws :

1. The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
2. The Factories Act, 1948
3. Law on Mental Health
4. The Maternity Benefit Act, 1961
5. The Infant Milk Substitutes, Feeding Bottles and Infant Foods Act, 1992
6. The Transplantation of Human Organs Act, 1994
7. The Indian Penal Code, 1860 - Chapter XIV (Sections 269 to 278)

Module 04 Right to Food and Nutrition in India :

1. Fundamental Rights - Right to Food and Nutrition
2. Directive Principle of State Policy on Food and Nutrition
3. Human Rights Perspectives of Food and Nutrition - an Overview

Module 05 The Food Safety and Standards Act, 2006 :

1. Need, Objects and Basic Concepts
2. Food Safety and Standards Authority of India
3. General Principles of Food Safety
4. General Provisions as to Articles of Food
5. Provisions Relating to Import
6. Enforcement of the Act
7. Analysis of Food
8. Offences and Penalties
9. Adjudication and Food Safety Appellate Tribunal

Module 06 The National Food Security Act, 2013 :

1. Need, Objects and Basic Concepts
2. Provisions for Food Security and Food Security Allowance
3. Identification of Eligible Households
4. Reforms in Targeted Public Distribution System.
5. Women Empowerment
6. Grievance Redressal Mechanism
7. Obligations of Central Government for Food Security
8. Obligations of State Government for Food Security
9. Obligations of Local Authorities
10. Transparency and Accountability
11. 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 and Virendra Kumar, *Health as a Fundamental Human Right*, in *Dilemmas in Health Policy*, at C-1 C-8 (1986).
3. M.L. Bhargava, *Law of Food Safety and Standards Act, 2006*, Kamal Publishers; 2017.
4. Kiron Prabhakar, *A Practical Guide to Food Laws and Regulations*, Bloomsbury India, September 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.
8. *Food Security and Right to Food* : S. Mahendrs Dass, K.P. Khanna, 2003, Institute for Human Development, New Delhi.
9. George Ken, *Human Right to Food and Dignity*.
10. “*Right to Food Act : Beyond Cheap Promises*” *Economic and Political Weekly*, July 18, Vol.42, No.29.
11. R. Radhakrishna, in K. Parikh, *Food and Nutrition Security*, India Development Report 2002, Oxford University Press, New Delhi.

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. The objectives of the course are to enable the students to acquire knowledge of law on private and public trust and also the principles of equity.

Part I The Indian Trusts Act, 1882 :

Module 01 Introduction to Private Trust :

1. Objects, Basic Concepts, Kinds of Trusts
2. Private trust and Public trust
3. 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 General Principles :

1. Creation of Trusts
2. Appointment of Trustees
3. Vacating the Office of Trustee
4. Extinction of Trusts

Module 03 Regulation of Relationship Between Trustee and Beneficiary :

1. Duties and Liabilities of Trustees
2. Rights and Powers of Trustees
3. Disabilities of Trustees
4. Rights and Liabilities of the Beneficiary
5. Certain Obligations in the Nature of Trusts
6. Fiduciary Relationship -Meaning ,Express and Constructive Trusts, Application of the Principle of fiduciary Relations and Exceptions

Part II The Maharashtra Public Trusts Act, 1950 :

Module 04 Introduction to Public Trust :

1. Objects, Application, Basic Concepts / Definitions, and Kinds of Trusts
2. Establishment
3. Charitable Purposes and Validity of Certain Public Trusts
4. Registration of Public Trusts
5. Change Reports
6. Framing of Schemes

Module 05 Supervision and Control of Public Trusts :

1. Budget, Accounts and Audit
2. Powers and Duties of, and Restriction on Trustees
3. Control of Public Trusts - Powers and Functions of Charity Commissioner
4. Other Functions and Powers of Charity Commissioner

Module 06 Special Provisions under the Act :

1. Special Provision as Respects Religious and Charitable Institutions and Endowments
2. Public Trusts Administration Fund
3. Offences and Penalties
4. Function of Charity Commissioner, Procedure, Jurisdiction and Appeals

Part III Principles of Equity :

Module 07 Development and Maxims of Equity :

1. Concept of Common Law and Common Law Courts
2. Concept and Definition of Equity
3. Origin and Development of Equity
4. Fusion of Common Law and Equity
5. Recognition of Equity under Indian Legal System - Overview
6. 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*, Puliani and Puliani Booksellers, Bangalore (1999).
6. Rangacharya I V, *The Indian Trusts Act*, Madras Law Journal Office (1972).
7. B.M. Gandhi - Equity, Trusts and Specific Relief (Eastern Book Company, Lucknow)
8. Aggarwal O P, *The Indian Trusts Act*.
9. Tandon M P, *The Indian Trusts Act*, Allahabad Law Agency.
10. Chaudhari D H, *The Bombay Public Trusts Act, 1950*.
11. Shah K N, *The Bombay Public Trusts Act, 1950*.
12. Apte M S, *The Bombay Public Trusts Act, 1950*.
13. Gupte and Dighe - The Bombay Public Trust Act (Hind Law House Pune).
14. Philip H. Pettit, *Equity and Law of Trust*, Oxford University (2012).
15. Ahmad Aquil, *Equity, Trusts and Specific Relief*, Central Law Agency.
16. Basu Durga Das, *Equity, Trusts and Specific Relief*, Kamal Law House, 1996

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 Behaviour, particularly, deviant Behaviour. 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 :

1. What is crime? Who is the criminal?
2. What is Criminology?
3. Schools of Criminology -
 - a) The Pre-Classical School
 - b) The Classical School
 - c) Neo-Classical School
 - d) Positivist Approach - Radical Positivism and Liberal Positivism
 - Cesare Lombroso
 - Enrico Ferri
 - Raffaele Garofalo
 - Gabriel Tarde

Module 02 Psychology and Crime :

1. Meaning, purpose and scope of criminal psychology
2. Psychological vs. Psycho - analytical approach to crime
3. Behaviourist approach to crime
4. Definition of criminal Behaviour - Psychodynamics of criminal Behaviour.
5. Mental illness and crime
6. Human aggression and violence to crime

Module 03 Psychometric Test - Its use in Criminal Behaviour :

1. Measurement of criminal Behaviour - Psychological test to measure criminal Behaviour

2. Criminal profiling: Definition and process of profiling criminal personality
3. Factors underling criminal profiling
4. Merit and demerit of criminal profiling

Module 04 Forensic Psychology - Concept and Importance :

1. Definition, meaning and scope of forensic psychology
2. Historical background of forensic psychology in India and abroad
3. Role of forensic psychology in the investigation of crime
4. Psychology and the police
5. Application of psychology in court
6. 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 :

1. Cohen's theory of the delinquent subculture
2. Miller's lower class gang delinquency

Module 07 Crime and Social Process :

1. Socialization and Crime - Differential association theory
2. Differential reinforcement theory
3. Neutralization and rift theory
4. Hirsch's Social Control or Social Bond Theory
5. Becker's Labelling theory
6. Self-Control and Self Esteem as related to crime

Recommended Readings :

1. Akers, Ronald.L. and Sellers, Christin, S. (2004) *Criminological Theories* (4th Edition) Rawat Publication, New Delhi.
2. Void, George B., Benard 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. Pryart, Editor-in Chief, Burunner Routledge Taylor and Frances Group.
7. Bartal, Curt R, 1999, *Criminal Behaviour: A Psychosocial Approach*, 5th edition, Prentice Hall, New Delhi.
8. Hollin, Clive R Routledge and 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 and Educational Ltd. London.
11. Adman Raine, 1983, *The Psychopathology of Crime, Criminal Disorder*, Academic Press, Inc.
12. Navin Kumar, (2015), *Criminal Psychology*, LexisNexis, New Delhi.
13. Shukla Girjesh, (2013), *Criminology*, LexisNexis, New Delhi.
14. McLaughlin Eugene and Newburn Tim (Ed) (2010), *the Sage Handbook of Criminological Theory*, Sage Publication Ltd, New Delhi.
15. Prof. N.V. Paranjape, *Criminology and Penology With Victiomology*, 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 :

The livelihood of majority of the country's population depends on agriculture. About 65 percent of the population depends on the agriculture and 70 percent live in the villages. The contribution of Indian agriculture to the national Gross Domestic Product (GDP) is also significant. The food being the crowning need of mankind, much emphasis has been made on commercializing agricultural production. In this era of globalisation adequate production, warehousing, distribution, marketing and export of agricultural produce has become a high priority. Agricultural marketing is mainly the buying and selling of agricultural products. The protection of farmers rights is also equally important. The objective of the course is to make the students well acquainted with the knowledge of law with respect to these matters.

Module 01 Basic Concepts of Agricultural Marketing and Model Act :

1. Concept of Agricultural Marketing and Market
2. Classification of Markets, Types of Marketing
3. Background, Objects and Reasons and Salient Features of the Model Act on the State Agricultural Produce Marketing (The State Agricultural Produce Marketing (Development and Regulation) Act, 2016)

Module 02 The Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 :

1. Objects, Application and Definitions under the Act
2. Establishment of National Integrated Produce Market
3. Direct Marketing, Establishment of Private Market and Farmer - Consumer Market
4. Contract Farming Agreement
5. Marketing of Agricultural Produce
6. Constitution of Market Committees
7. Powers and Duties of Market Committee
8. Cost of Supervision
9. Officers and Servants of Market committee
10. Market fund
11. Trade Allowances Prohibited
12. State Agricultural Marketing Board
13. Control of Market committee
14. Penalties for Contravention of Provisions under the Act

**Module 03 Legislation on Warehousing, Food Product Export, Grading and Marketing
- Introduction, Objects and Reasons and Salient Features of the Laws :**

1. The Warehousing Corporations Act, 1962
2. The Agricultural and Processed Food Products Export Development Authority Act, 1985
3. The Agricultural Produce (Grading and Marking) Act, 1937

Module 04 The Protection of Plant Varieties and Farmers Rights Act, 2001 :

1. Objects and Definitions under the Act
2. Protection of Plant Varieties and Farmers Rights Authority and Registry
3. Registration of Plant Varieties and Essentially Derived Variety
4. Duration and Effect of Registration and Benefit Sharing
5. Surrender and Revocation of Certificate and Rectification and Correction of Register
6. Farmers' Rights
7. Compulsory License
8. Plant Varieties Protection Appellate Tribunal

Module 05 Relevant Provisions under the National Food Securities Act, 2013 :

1. Midday Meal Scheme (MMS)
2. Integrated Child Development Services (ICDS)
3. Public Distribution Systems (PDS), etc.
- 4.

Module 06 Agricultural Insurance in India an Overview :

1. Characteristic Features of Indian Agriculture and Farmers' Community
2. Risk Perceptions of Indian Farmers
3. Unified Package Insurance Scheme :
Pradhan Mantri Fasal Bima Yojana (PMFBY)
4. Past Experience with Crop Insurance Schemes in India :
Comprehensive Crop Insurance Scheme (CCIS) Experimental
Crop Insurance (ECI)
Farm Income Insurance Scheme FIIS
5. National Agriculture Insurance Scheme (NAIS)

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 Ahamd : *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.
12. B.B Mukharji : *Agricultural Marketing in India*, Thacker, Spink 1930.

LO 0509 Intellectual Property Rights I :

Objectives of the Course :

Intellectual Property has acquired tremendous role in the present technology driven economy throughout the world. 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 and the flow of communication. Due to the vastness of the subject it has been divided into two courses. Course-I gives a subtle back ground to the international perspective in a nutshell while the application of it in the National Regime is placed in course – II in a subtle manner. This course is designed with intend to familiarize the students with Concept, nature, characteristics and internationalization of Intellectual Property. It also involves the study of important international instruments in the field of Intellectual Property with more emphasis on TRIPS agreement and the current issues.

Module 01 Introduction to Intellectual Property Rights :

1. Definition, Concept and Nature of Intellectual Property, Theories of Intellectual Property, Distinction between Intellectual Property and other tangible and intangible properties, Non-rivalrous nature of Intellectual Property, Kinds of Intellectual Property
2. Need for Protecting Intellectual Property- Policy Consideration, Importance of Intellectual Property in the present era, Monopoly v. Public Interest
3. Origin and Development of Intellectual Property, Internationalization of Intellectual Property Rights
4. Pre-TRIPS Scenario, Formulation of TRIPS, Basic Principles and Objectives of TRIPS, TRIPS and WIPO-WTO Cooperation, Transfer of Technology and TRIPS, The TRIPS Agenda, Critique of TRIPS
5. The Paris Convention for the Protection of Industrial Property, History, features and General Provisions

Module 02 Law of Copyright and Neighboring Rights :

1. Meaning and definition of Copyright, Neighboring rights (Related rights) and Secondary Rights
2. The Berne Convention for the Protection of Literacy and Artistic Works - History, General Provisions, Developing Countries and the Berne Convention.
3. TRIPS provisions related to protection of Copyright.
4. Protection of technology-based works (such as computer programs and electronic databases), Secondary rights, Broadcasting rights

Module 03 Patent Law :

1. Meaning, Concept and Nature of Patent
2. The Patent Cooperation Treaty (PCT), History, Objectives of the PCT, Functioning of the PCT System, Advantages of the PCT System
3. Patent law harmonisation under TRIPS Agreement – Patentable subject Matter, Patentability Criteria, Non-Patentable inventions, Exceptions to Patent Rights, Compulsory Licences, Local working condition, Importation of patented goods, etc.
4. The Doha Ministerial Conference 2001
5. Introduction to the Budapest Treaty
6. Doctrine of Equivalents, Public dedication Rule, Patent Exhaustion, Patent Misuse, Enforceability of Patent Rights

Module 04 Law of Trade Marks :

1. Meaning and Nature of Trade Marks, Kinds of Marks, Well Known Marks
2. The Madrid Agreement Concerning the International Registration of Marks, Objectives, the Madrid System, Basic Features, Advantages of the System
3. Trademarks and the TRIPS Agreement

Module 05 Protection of Industrial Designs :

1. Meaning and definition of Industrial Designs
2. Industrial Designs Vs. Copyright
3. Introduction to the Hague Agreement Concerning the International Registration of Industrial Designs, Benefits of Accession to the Hague Agreement
4. Protection of Industrial Designs under TRIPS

Module 06 Conventions and Treaties relating to other Intellectual Properties :

1. Definition and Concept of Geographical Indications, Layout Designs, Trade Secret, Plant Varieties, etc.
2. Lisbon Agreement for the Protection of Appellations of Origin
3. Protection of Geographical Indications, Layout Designs and Trade Secret under the TRIPS Agreement
4. The UPOV Convention

Module 07 Current IP Issues :

1. Access to Genetic Resources and Benefit Sharing
2. Intellectual Property and Human Rights
3. Protection of the rights of indigenous people
4. IP protection and its impact on right to food security and public health
5. Environmental Protection and Intellectual Property
6. Protection of Bio-diversity and Traditional Knowledge - Economic, Social, Cultural and Ethical Dimensions

Recommended Readings :

1. Kamil Idris, *Intellectual Property: A Power tool for Economic Growth*, WIPO.
2. Tzen Wong and Graham Dutfield, *Intellectual Property and Human Development – Current Trends and Future Scenarios*, Cambridge Press.
3. UNCTAD-ICTSD. (2005). *Resource Book on TRIPS and Development*. New York: Cambridge University Press.
4. William Cornish and David Llewelyn, *Intellectual Property : Patents, Copyright, Trade Marks, and Allied Rights*. London: Sweet and Maxwell.
5. Carlos Correa, *Implementing TRIPS in developing countries*. Third World Network.
6. Catherine Colston, *Principles of Intellectual Property Law*. London: Cavindish Publishing Ltd.
7. Choudhary D. N., *Evolution of patent Laws*. New Delhi: Capital Law House.
8. Epstein M A, *Epstein on Intellectual Property* (Indian Reprint). New Delhi: Wolters Kluwer Law and Business.
9. Feroz Ali Khader, *The Law of Patents - With a special focus on Pharmaceuticals in India*, LexisNexis Butterworths Wadhwa, Nagpur.
10. Ganguli Prabuddha, *Intellectual Property Rights - Unleashing the Knowledge Economy*. New Delhi: Tata McGrawh-hill Publishing Company Ltd.
11. Gopalkrishnan N S, and Agitha T G, *Principles of Intellectual property*. Lucknow: Estern Book Company.
12. Gregory Stobbs, *Software Patents Worldwide*, Wolters Kluwer.
13. Jayshree Watal, *Intellectual Property in WTO and Developing Countries*. New Delhi: Oxford University Press.
14. Michael Blakeney, *Trade Related Aspects of Intellectual Property Rights: A concise Guide to the TRIPS Agreement*.
15. Parmeswaran Narayanan, *Intellectual Property Law*, Eastern Law House
16. Rao M B and Guru M, *Understanding Trips Managing Knowledge in Developing Countries*. New Delhi: Response Books
17. Robert Merges and John Duffy, *Patent Law and Policy: Cases and Materials*, 2017.



Third Year B.A. LL.B

Semester VI

First Year LL.B

(Semester II)

Syllabus (2019)

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; Interrelation 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.
12. Sudhir Krishnaswamy, *Democracy and Constitutionalism in India – A Study of the Basic Structure Doctrine*, Oxford University Press.
13. S.B. Shiva Rao, *The Framing of the Indian Constitution*, Vols. I and V, the Indian Institute of Public Administration, New Delhi (1966).
14. H.R. Khanna, *Making of India's Constitution*, Eastern Book Co., Lucknow

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 :

1. Evolution of joint family system in India
2. Institution of Hindu joint family and joint family property; Family arrangement; Separate or self-acquired property
3. 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.
4. Karta, his position, powers and duties; Father's powers of alienation; Alienee's rights and remedies
5. 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. The 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
2. General principles of inheritance under Muslim law, Law of inheritance applicable to Sunnis and Shias, and the distinction between the two, Disqualifications
3. The 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 :

1. The 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
2. The 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
3. The Hindu Succession Act 1956 : Testamentary succession
4. Will under Muslim law (wasiyat)

Module 04 Right of Pre-emption :

1. 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
2. Pre-emption under Hindu Law

Module 05 Gifts under Muslim Law (Hiba) :

1. Nature and characteristics of hiba, types of hiba, donor and donee, what may be given in gift
2. 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)
3. Revocation and revival of gift

Module 06 Wakf :

1. Origin and Development of Wakf
2. Importance, Meaning and Definition, Characteristics
3. Essentials, Kinds, formalities for creation, the Wakif, Objects and Purposes of the Wakf
4. 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, *The Indian Succession Act, 1925*, N M Tripathi Private Ltd.
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*, LexisNexis, Nagpur.
12. Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
13. Amer Ali, *Mohammedan Law*, Vol. I and II, Eastern Book Company, Luknow.
14. Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.
15. Derrett, *Introduction to Modern Hindu Law*, Universal Law Publishing.

LC 0603 Law of Contract II :

Objectives of the Course :

The special provisions of law that apply to special contracts are covered in this course. The 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 two other statutes: The Sale of Goods Act 1930 and the Indian Partnership Act. 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 :

1. Principle of indemnity in general
2. Definition of the contract of indemnity
3. Formation and essential features
4. Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
5. Nature and extent of liability of the indemnifier
6. Commencement of liability of the indemnifier
7. 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

Module 02 Contracts of Guarantee - Sections 126 to 147 of the Indian Contract Act, 1872 :

1. Definition of a contract of guarantee
2. Formation and essential features of a contract of guarantee. Parties to the contract; effect of minority of principal debtor
3. Contract of guarantee as distinguished from a contract of indemnity
4. Consideration for a contract of guarantee
5. Continuing guarantee, and its revocation
6. Nature and extent of surety's liability - commencement, duration and termination
7. Surety's rights against the principal debtor
8. Surety's rights against the creditor

- Special position of a surety : a privileged debtor
 - Circumstances that discharge a surety. Contracting out of such discharge.
8. Letters of credit and bank guarantees
 9. 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*

1. Definition of a contract of bailment
2. Formation and essential features of a contract of bailment, Parties to the contract
3. Creation of a contract of bailment, Obligations of bailment despite contract
Gratuitous bailments
4. Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
5. Kinds of bailees
6. 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
7. Termination of bailment, and consequences of termination
8. Finder of goods as a bailee

Module 04 *Contracts of Pledge - Sections 172 - 179 of the Indian Contract Act 1872 :*

1. Definition of a contract of pledge
2. Essential features of a contract of pledge, Parties to the contract
3. Creation of a contract of pledge
4. Distinction between contracts of pledge, bailment, hypothecation
5. Rights, liabilities, duties and disabilities of the pawnor
6. Rights, liabilities, duties and disabilities of the pawnee; pawnee's right of sale
7. 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 :*

1. Definition of a contract of agency
2. Essential features of a contract of agency. Parties involved. Kinds of agents and agencies
3. Creation of agency
4. Distinction between agent, servant or employee, and independent contractor

5. Agent's authority - Scope and extent, Express, implied, apparent or ostensible authority, and authority in an emergency, Restrictions or limitations
6. Delegation of authority, Relationship between a principal, agent and sub-agent, Substituted agents
7. Ratification
8. Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party
9. Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party
10. Personal liability of an agent
11. Pretended agent. Undisclosed principal
12. 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 :

1. Definition of a contract of sale of goods
2. Essential features of a contract of sale. Parties to the contract
3. Sale as a transfer of property, Sale and agreement to sell
4. Four elements : price, delivery, risk and property (ownership)
5. Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
6. Implied conditions and warranties, Express conditions and warranties
7. The rule '*caveat emptor*', principle, meaning, and exceptions to the rule
8. Other implied terms
9. Transfer of title, Transfer by non-owners
10. Passing of risk
11. Delivery of goods, Various modes of delivery and their effect, Inspection of goods, Rejecting goods
12. Rights and liabilities of the buyer and seller, Unpaid seller and his rights
13. Remedies for price and for breach, Interest and taxes
14. Auction sales

Module 07 Contracts of Partnership - The Indian Partnership Act, 1932 and The Limited Liability Partnership Act 2008 :

1. Definition of a contract of partnership
2. Essential features of a contract of partnership, the firm and the partners, Parties to the contract, Minor as partner
3. Kinds of partnership
4. Relations of partners with one another: their rights, liabilities, duties, immunities and disabilities
5. Property of the firm, Firm name
6. 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
7. 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
8. Dissolution of a firm, Modes of dissolution, Effect of dissolution, Agreements in restraint of trade
9. Registration of firms, Procedure of registration, Effect of non-registration
10. Limited Liability Partnership : Essential features, Distinction between limited liability partnership and ordinary partnership

Recommended Readings:

1. Akhilesh Gupta, *Law Relating to Special Contracts—Contracts of Bailment, Pledge, Hypothecation, Indemnity and Guarantee*, 2013, LexisNexis.
2. Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15th ed., 2015, LexisNexis.
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, LexisNexis.
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, LexisNexis.
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, LexisNexis.
15. *Mulla's The Sale of Goods Act and the Indian Partnership Act*, K Kannan ed., 10th ed, 2012, LexisNexis.
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, LexisNexis.
18. C L Gupta, *Law of Partnership including Limited Liability Partnership*, Palok Basu ed., 5th ed., 2016, LexisNexis.
19. P C Markanda, *The Law of Partnership in India*, 2010, LexisNexis.
20. 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 Torts is about civil wrongs. The liability for such wrongs is distinct from liability under criminal law and contract law. The 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. The liability for new kinds of wrongs is recognised, or an existing wrong 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 relevant provisions under 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 :

1. Development of tort actions in England and India
2. Meaning and definition of tort
3. Tort distinguished from contract, quasi-contract and crime
4. Constituents of tort – wrongful act, damage and remedy
5. Malfeasance, misfeasance and non-feasance

Module 02 Liability for the Wrong Committed :

1. Strict liability, absolute liability, no-fault liability; exceptions to these
2. Principle of vicarious liability - nature, scope and justification
3. Doctrine of sovereign immunity
4. Joint tort-feasors, joint and several liability

Module 03 General Defences / Justifications in an action for Tort :

1. *Volenti non fit injuria*, consent, voluntary assumption of risk, exclusion clauses
2. *Vis major* (act of God)
3. Inevitable accident
4. Act of third parties
5. *Novus actus interveniens*

6. Plaintiff's wrong or default
7. Self-defence and defence of property
8. Necessity
9. Statutory authority
10. Judicial and quasi-judicial acts
11. Parental and quasi-parental authorities
12. Illegality
13. Mistake

Module 04 Torts against Persons :

1. Assault, Battery, Mayhem
2. Causing Emotional Distress
3. Malicious Prosecution and abuse of legal proceedings; False Imprisonment
4. Deceit and Conspiracy
5. Particular defences available in each of these types

Module 05 Torts against Reputation :

1. 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
2. Defences to defamation
3. Invasion of privacy and defences

Module 06 Torts against Property :

1. Trespass to land
2. Trespass to personal property
3. Detention and conversion
4. Passing off; Injury to trademark, patent and copyrights
5. Public and private nuisance
6. Particular defences available in each of these types

Module 07 Unintentional Torts :

1. Product Liability and defences
2. Negligence : Duty to take care and its breach; Foreseeability, causation;
Contributory negligence and other defences to negligence;

Occupier's liability; *res ipsa loquitur*

3. 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)
- 4.

Module 08 Remedies in Tort law :

1. Judicial remedies:
 - a) 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
 - b) Injunction - permanent and temporary, *qua timet* action
 - c) Replevin
 - d) Ejectment
2. Extra - judicial remedies - Self-defence, reentry on land, recapture of goods, abatement, distress damage feasant

Module 09 Consumer Protection Law :

1. Origin and development of consumer law
2. Basic Concepts - Consumer, complaint, complainant, service, goods, defect, deficiency, trader, consumer dispute, restrictive trade practice, unfair trade practice
3. Authorities under the Act - Consumer Councils, Redressal agencies and their composition and jurisdiction - substantive, territorial and pecuniary; Appeals, Additional remedy
4. Remedies available under the Act
5. Procedure for filing a complaint and of the redressal agency, Limitation; Enforcement of orders, vexatious complaints

Recommended Readings:

1. Ramaswamy Iyers's *The Law of Torts*, Lakshminath ed, 10th ed, 2007, LexisNexis.
2. Avatar Singh, *Introduction to the Law of Torts*, 2nd ed., Delhi Law House.
3. Ratanlal and Dhirajlal, *The Law of Torts*, Akshay Sapre ed., 27th ed., 2016, LexisNexis.
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, LexisNexis.
12. Garima Tiwari, *Understanding Laws – Consumer Rights* 2014, LexisNexis.
13. Anirban Chakraborty, *Law of Consumer Protection – Advocacy and Practice*, 2014, LexisNexis.
14. Claire Andrews, *Enforcement of Consumer Rights and Protections*, 2016, LexisNexis.
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 course 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 Introduction:

1. Introduction to Media and Communication
2. Importance of Media in Democracy
3. Kinds of Media
4. Functions of Media – Information, Surveillance, Service the economic system, Hold society together, Entertain, Act as a community forum, Service the political system, etc.

Module 02 History of Press and Theories of Press :

1. Historical Foundations of Media Laws in UK, USA and India (Pre and Post-Independence)
2. International Law and Freedom of Media (UDHR, ICCPR, ECOSOC etc.)
3. Theories of Press -
 - a) Authoritarian Theory
 - b) Libertarian Theory
 - c) Communist Theory
 - d) Theory of Social Responsibility
 - e) Development Media Theory
 - f) Democratic Participant Media Theory

Module 03 ***Constitutional Framework of Freedom of Media in India :***

1. Free Speech and Constituent Assembly Debates in India
2. Freedom of Speech and Expression in Indian Constitution
3. Facets of Freedom of Speech and Expression
 - a) Freedom of Speech and Expression includes Freedom of Press
 - b) Right to Circulation
 - c) Right to Receive Information
 - d) Right to Advertise
 - e) Right to Telecast / Broadcast
 - f) Censorship
4. Law Commission of India : 101st Report on Freedom of Speech and Expression under Article 19 of the Constitution - an Overview
5. Reasonable Restrictions
6. Legislative Privileges and Media
7. Right to Privacy and Media
8. Freedom of Media during emergency

Module 04 ***Legal Dimensions of Media :***

1. Media and Criminal Law (Sedition, Obscenity and Defamation)
2. Media and Law of Torts (Civil Law of Defamation and Negligence)
3. Media and Judiciary (Contempt of Court)
4. Media and Executive - an Overview (The Official Secrets Act, 1923, The Right to Information Act, 2005)
5. Media and Journalists - an Overview (The Working Journalists (Conditions of Service) Act, 1955)

Module 05 ***Regulatory Framework of Media :***

1. Methods of Regulation (Self Regulation and Statutory Regulation)
2. The Cinematograph Act, 1952
3. The Cable Television Networks (Regulation) Act, 1955
4. The Prasar Bharti Act, 1990
5. The Press Council of India Act, 1978
6. The Telecom Regulatory Authority of India Act, 1997
7. Advertising Standards Council of India and its codes
8. The Indecent Representation of Women Act, 1986

Module 06 Issues in Media Laws

1. Trial by Media (Law Commission of India : 200th Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973 - an Overview)
2. String Operation and Media
3. Broadcasting Rights
4. Taxation and Media
5. Media and Convergence
6. Infringement of Intellectual Property Rights
7. Internet and freedom of media
8. Violence against Media persons and Law
9. 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 - an Overview)

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”* LexisNexis, 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 and Media Law Manual*, Universal Law Publishing, New Delhi.
11. B. N. Ahuja, *“History of Press, Press Laws and Communications”*, Surjeet Publications, Delhi.
12. Gokhale, S. D., Sadhu, A., and 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 on monetary transactions. The services banks render to the public have a significant contribution in the development of any economy. The security of assets, money and other valuable belonging to individuals, families, businesses is assured through the service that banks provide. The process of the working of the banks, legal control over them, and protection to consumers of banking services, are areas with which a law student must become familiar.

Insurance industry provides risk cover to individuals and businesses. It is growing, especially after the industry became open for private investments. While the business of insurance is regulated, the relationship between the insurer and insured is contractual. The objective of the course is to give insights into the principles of insurance as applied in such contracts, the need and nature of regulation of insurance, and a brief study of types of insurance and their features.

Part I : Banking Law - Statutes :

1. The Reserve Bank of India Act, 1934.
2. The Banking Regulation Act, 1949.
3. The Bankers' Books Evidence Act, 1891.
4. The Recovery of Debts due to Banks and Financial Institutions Act, 1993.
5. The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002.
6. The Limitation Act 1963.
- 7.

Module 01 Banking :

1. Banking business : meaning and nature
2. Evolution and history of banking, and its growth in India
3. Types of banks and their functions : Central bank, Nationalised and Scheduled Banks, Regional rural banks, Local area banks, Non-scheduled banks, Cooperative banks, Foreign banks

Module 02 Regulatory Framework :

1. Reserve Bank of India : Its structure, primary and secondary functions; Control over banks in India.
2. Monetary and credit Policy
3. Cash Reserve Ratio, Statutory Liquidity Ratio, Currency Chests
4. Assets and liabilities of a bank, Permitted bank investments, Lending limits
5. Banking regulation, bank nationalisation and social control over banking - an overview

Module 03 Banker - Customer Relations :

1. Contractual nature of relationship -
 - a) Types of accounts
 - b) Services - Deposits, Discounting bills of exchange, Safe custody, Lockers, Foreign exchange, Demand drafts, Pay orders
2. Rights, duties and obligations of a banker
3. Instruments -
 - a) Cheques, definition, types, crossing, endorsement and types, Paying Banker - Obligations and protection, Collecting banker - duties and protection
 - b) Bank guarantees and Letters of credit
4. Interest, interest rates, usury
5. Death of depositors and effect, nominations
6. Remedies to the customer - Banking Ombudsman, Consumer Protection Act 1986

Module 04 Lending by Banks :

1. Parties in a contract of lending, their respective rights, duties and immunities; Categories of customers : Individual, Company, Partnership firm, Trust, Joint Account holders, Minors, Joint Hindu Family, Illiterate persons, Unincorporated bodies, Consortium finance
2. Types of loans and advances and their features
3. Security for repayment of debt : Types of securities and their nature - guarantees, immovable property, stocks-shares-debentures, goods, life policies, book debts, Mortgage, charge, pledge, hypothecation, lien, Registration of mortgages and charges
4. Lending in priority sectors - agriculture, housing, education, MSMEs, export credit, weaker Sections, women
5. Lender's liability and the Fair Practice Code

Module 05 Recovery of Loans and Procedure :

1. Limitation period for enforcing payment and securities
2. Default and recovery of debts and enforcement of securities -
 - a) The Recovery of Debts due to Banks and Financial Institutions Act, 1993 - Chapters III, IV and V, and related definitions in Section 2
 - b) Procedure in aid of recovery of loans and debts and enforcement of securities under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 - Chapter III, and related definitions in Section 2

Part II : Insurance Law - Statutes :

1. The Indian Contract Act, 1872 - Sections 17-19, 30, 31-35, 64.
2. The Insurance Act, 1938 - Sections 2(2), 2(6A), 2(6B), 2(6C), 2(7A), 2(7B), 2(8) 2(9), 2(10), 2(11), 2(13A), 2(13B), 2(16B), 2C, 3, 3A, 3B, 6, 10, 27, 27A-27E, 38-40, 42, 42A, 45, 64VB, 103.
3. The Insurance Regulatory and Development Authority of India Act, 1999 - Sections 3-5, 8, 18, 19.
4. The Marine Insurance Act, 1963 - Sections 3, 6-9, 16-17, 19-26, 33-37, 52-54, 67-68.
5. The Motor Vehicles Act, 1988 - Sections 2 (28), 2(30), 2(34), 140-143, 145-163B, 174, 177, 196.
6. The Transfer of Property Act, 1882 - Sections 130, 130A, 135, 135A.
7. Regulations made by the IRDA relating to Appointment of Insurance Agents, Protection of Policy Holders' Interests, Surrender and Paid-up Value, Investments, Health Insurance, Life Insurance, General Insurance, Reinsurance.

Module 06 Nature of Insurance :

1. What is insurance? Classes of insurance, Voluntary and compulsory insurance
2. Risks, Risk-handling, spreading, and transfer, Mathematical value, Insurable and other risks, Extent, commencement, duration and termination of risks - Period of risk, Time of loss
3. Perils, insurable perils, Hazard, moral hazard and adverse selection Re-insurance

Module 07 Contract of Insurance :

1. Contract of insurance, subject-matter of insurance; Contingent nature of the insurance contract
2. Formation of insurance contract - proposal and acceptance, documents involved in formation - proposal, cover note, slips, policy, certificate of insurance, the process of formation of the insurance contract until issuing of policy, the free-look provisions in life and health insurance
3. Insurance agents and insurance brokers, and their role in contract formation
4. Proposal, its contents in general, life, health insurance
5. Premium, calculation, return and forfeiture of premium, Tariff
6. Nomination and Assignments

Module 08 General Principles of Insurance :

1. Indemnity - Meaning, application in different types of insurance, double insurance, subrogation, contribution
2. Insurable interest, wagering agreements
3. Utmost Good Faith - Non-disclosure and misrepresentation, Representations, warranties and conditions, Types of conditions in insurance, Effect of breach, Waiver of breach, Application to different classes of insurance, Limitations on avoidance of life insurance policies under Section 45 of the Insurance Act
4. Doctrine of proximate cause

Module 09 Compulsory Insurance under the Motor Vehicles Act, 1988 :

1. Scheme of compulsory insurance
2. Certificate of insurance, Transfer of insurance policy
3. Duty to give information
4. Requirements of policy and limits of liability
5. Right of an insurer to defend Duty to satisfy judgments

Module 10 Development of Insurance and Insurance Sector :

1. History of insurance in India, Nationalisation of life and general insurance, Opening up of the insurance sector, Foreign investment in insurance
2. Insurance Regulatory and Development Authority of India, its constitution, role, powers and functions
3. The Life Insurance Corporation of India, the General Insurance Corporation of India, the General and the Life Insurance Councils
4. Registration of insurers, Capital and voting structure; Investments by insurers
6. Functions and benefits of insurance

Recommended Readings - Banking :

1. Tannan's Banking Law and Practice in India, Vinod Kothari ed, 26th edn, 2017, Lexis- Nexis.
2. Banking and Insurance: Law and Practice, 2010, Taxmann.
3. P N Varshney, Banking Law and Practice, 2013, Sultan Chand & Sons.
4. Avtar Singh, Banking and Negotiable Instruments, 3rd edn, 2016, Eastern Book Company.
5. IIBF, Legal and Regulatory Aspects of Banking, 2015, Macmillan.
6. Bimal N Patel et al, Banking Law, 2014, Eastern Book Company.
7. R K Gupta, Banking Law and Practice in 3 Vols., 2012, Modern Law Publications.
8. Sukhvinder Mishra, Banking Law and Practice, 2014, Sultan Chand & Sons.
9. R K Bangia, Banking Law and Negotiable Instruments Act, 5th ed, 2015, Allahabad Law Agency.

Recommended Readings - Insurance :

1. Sachin Rastogi, Insurance Law and Principles, 2014, LexisNexis.
2. Gaurav Varshney, Insurance Laws, 2017, LexisNexis.
3. Birds' Modern Insurance Law, 9th ed, 2013, Sweet and Maxwell.
4. Avtar Singh, Law of Insurance, 3rd edn, 2017, Eastern Book Company.
5. McGee, The Modern Law of Insurance, 2011, Lexis-Nexis.
6. J V N Jaiswal's Law of Insurance, Sumeet Malik ed, 2nd edn, 2017, Eastern Book Company.
7. B C Mitra, Law Relating to Marine Insurance, 2012, Universal Law Publishing.
8. N P Tripathi, Insurance: Theory and Practice, 2005, Prentice Hall India.
9. Marshall Wilson, Insurance: Concepts and Coverage, 2012, Friesen Press.
10. MacGillivray on Insurance Law, Prof John Birds et al ed, 13th ed + Supplement, 2016, Sweet and Maxwell.
11. Insurance: Principles, Applications and Practices, 2009, Cyber Tech Publications.
12. John Lowry et al, Insurance Law: Doctrines and Principles, 3rd ed, 2011, Hart Publishing.
13. KSN Murthy and KVS Sharma, Modern Law of Insurance in India, 5th edn, 2014, LexisNexis.

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 :

1. Definition, nature and scope of Penology
2. Crime Control Mechanism -
 - a) Police
 - b) Court
 - c) Public Prosecutor
 - d) Jail Administration
 - e) Open Prison

Module 02 Punishment :

1. Concept of Punishment
2. Theories of Punishment -
 - a) Deterrent Theory
 - b) Retributive Theory
 - c) Preventive Theory
 - d) Reformatory Theory
3. Forms of Punishment
4. Penal Policy in India

Module 03 Police System in India :

1. Origin of Police
2. Development of Police Organization
3. Police Force in India
4. Nature and Objectives of Indian Police System
5. Police organization under the State Government
6. Police organization under the Central Government
7. Principles of Policing
8. Legal functions of police

9. Law Relating to Police Administration
10. Police Reforms
11. Legislative Trends
12. Judicial Approaches
13. NHRC guideline on Police-Public Relations

Module 04 Prison System in India :

1. History of Prison System
2. Prison in British India
3. Role of Prison in Modern Penology
4. Types of Prisons and Prisoners
5. Problems of Prisons -
 - a) Over Crowding
 - b) Basic Amenities
 - c) Prison Discipline
 - d) Prisoner's Health
 - e) Criminality in Prison
 - f) Problems of Under-trials
6. Prison Reforms -
 - a) Commission on Prison Reforms
 - b) Jurisprudence of Prison Reforms
 - c) Legislative Trends
 - d) Judicial Trends

Module 05 Open Prisons :

1. Definition and Origin of Open Prison
2. The Philosophy underlying the Open Prison
3. Main Characteristics of Open Prisons
4. Advantages of Open Prison
5. Critical Appreciation of the working of Open Prison

Module 06 Parole :

1. Meaning and Definition of Parole
2. Concept of Parole
3. Distinction between Parole and Indeterminate Sentence

4. Distinction between Parole and Furlough
5. Comparison between Parole and Probation
6. Parole in India
7. Structural setup of Parole Boards and their Functions
8. Conditions of Parole
9. Essentials of an Ideal Parole System
10. Judicial Trend in India
11. Parole Violation

Module 07 Victimology - Victim and Victimization :

1. Victim – Meaning and Kinds
2. Impact of Victimization - Physical, Economic and Psychological
3. Double / Secondary victimization
4. Victimology - Definition, Nature and Scope
5. Theories of Victimology -
 - a) The Precipitation Theory
 - b) Life-style Theory
 - c) Deviant Place Theory
 - d) Routine Activity Theory

Module 08 Legal Perspectives of Victim Assistance :

1. Victim Assistance Program -
 - a) Evolution of Concept of Victim and Victimology
 - b) Victim's Rights - Approach at International and Municipal Jurisdiction.
 - c) Declaration of United Nations on Victims' Rights
 - d) Constitution of India and Rights of Victims
 - e) Statutory Provisions - Code of Criminal Procedure, Probation of Offenders Act
2. Access to Justice -
 - a) Compensation to victims of crime
 - b) Rights of victims during trial
 - c) Legal assistance to the victims
 - d) Role of victim at time of granting bail
 - e) Right of victim to appeal

Recommended Readings:

1. J.M.J. Sethna, *Society and the Criminal*, N.M. Tripathi Private Limited, (1989).
2. Shukla Girjesh, *Criminology*, LexisNexis, New Delhi, (2013).
3. N.V. Paranjpe, *Criminology and Penology with Victimology*, Central Law Publication, Allahabad, (1998).
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.
7. Schuffer S., *Victimology, The Victim and his Criminal*, Raston Publishing Co. Reston, Virginia.
8. Karmen Andrew, *Crime Victim: An Introduction to Victimology*, Wadsworth Publishing Company.
9. Rajan, V.N., *Victimology in India : An Introductory Study*, New Delhi, Allied Publisher.

LO 0608 Land Acquisition Law :

Objectives of the Course :

The much criticized Land Acquisition Act, 1894 was repealed and replaced by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act 2013). The object of the Act is to provide a law, which will enable the State to acquire the land of citizens. However, the power of Government to acquire 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 of 2013. The syllabus is aimed to make aware the students

- (a) the historical foundation of land acquisition in India,
- (b) constitutional provisions relating to land acquisition in India,
- (c) the detailed outline and functioning of the Act, 2013, and
- (d) the major issues involved in Land Acquisition.

Module 01 Historical Perspectives of Land Acquisition in India :

- 1. Land Acquisition in colonial era
- 2. Salient features of the Land Acquisition Act, 1894
- 3. Limitations / Demerits of the Land Acquisition Act, 1894
- 4. Land Acquisition and Welfare State

Module 02 Provisions under the Constitution of India :

- 1. Right to property under the Constitution of India
- 2. Agrarian reforms and the First, Fourth and Seventeenth Amendment to the Constitution
- 3. Eminent Domain and Police Power
- 4. Concept of Public Purpose
- 5. Issues Regarding Compensation

Module 03 Introduction of the RFCTLARR Act, 2013 :

- 1. Object application and Reasons of the Act
- 2. Extent and Application of the Act
- 3. Interpretation clause under the Act

Module 04 Determination of Social Impact and Public Purpose and Safeguard Food Security :

1. Determination of Social Impact and Public Purpose :
 - a) Preliminary Investigation for Determination of Social Impact and Public Purpose
 - b) Appraisal of Social Impact Assessment Report by an Expert Group
 - c) Examination of Proposal by a Committee Constituted by the Appropriate Government
2. Special provisions to safeguard Food Security

Module 05 Notification, Acquisition, Rehabilitation, Resettlement and Procedure :

1. Notification and Acquisition
2. Rehabilitation and Resettlement Award
3. Procedure and Manner of Rehabilitation and Resettlement

Module 06 Authorities, Apportionment Payment of Compensation :

1. National Monitoring Committee for Rehabilitation and Resettlement
2. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority
3. Apportionment of Compensation
4. Payment of Compensation

Module 07 Temporary Occupation, Offences and Miscellaneous Provisions :

1. Temporary Occupation of Land
2. Offences and Penalties
3. Miscellaneous Provisions under the Act (Sections 91 to 114)

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 designed with an objective to acquaint the students with the laws for the protection of various intellectual properties and how the international instruments implemented in India. It also aims at sensitizing the students with current issues in the field of Intellectual Property at National Level.

Module 01 The Copyright Act, 1957 :

1. Definition of Copyright, Objectives of Copyright Protection, Nature of Copyright
2. Copyright and Socio-Economic Development
3. Copyright Law in India – History and Evolution
4. Works in which Copyright subsists – Subject matter of Copyright, Authorship and Ownership of Copyright
5. Authorities under the Copyright Act, 1957, Registration of Copyright, Term of Copyright, Provision for Appeals.
6. Rights Conferred by Copyright, Limitations and Exceptions to Copyright Protection
7. Assignment, Transmission, Licenses and Relinquishment of Copyright
8. Copyright Societies, International Copyright
9. Piracy and Infringement of Copyright, Test of Copyright Protection, Remedies against Infringement.
10. Related Rights - Rights of Performers and Broadcasting Organizations, Economic Rights and Moral Rights of Authors.

Module 02 The Patent Act, 1970 :

1. Historical Evolution of Patent System in India, Philosophy of Patent
2. Implementation of TRIPS agreement in India, Amendments to the Patent Act, 1970
3. Definitions, Patentability Criteria, Patentable Subject Matter, Non-Patentable Inventions
4. Procedure for obtaining a Patent, Opposition to the Patent Grant (Pre-grant and Post-grant opposition), Term of Patent
5. Convention Application, PCT International Application
6. Authorities under the Patent Act, 1970: Controller of Patents, IPAB, Patent Agent
7. Rights and Obligation of Patentee, Patent of Addition, Transfer of Patent Rights
8. Revocation and surrender of Patent
9. Compulsory Licenses, Governmental Use and Acquisition of inventions
10. Infringement of Patent and Remedies for Infringement

Module 03 *The Trade Marks Act, 1999 :*

1. Object and Functions of Trademark, Commercial and Non-Commercial Role of Trade Marks
2. Development of Trademark law in India
3. Definition of Mark, Trademark, under the Trade Mark Act, 1999, Essential Features and functions of Trademark, Kinds of Trademark, Registered Trade Mark and Unregistered Trade Mark
4. Conditions for Registration, Procedure of Registration, Grounds of Refusal for Registration
5. Protection of Trade Mark through International Registration under Madrid Protocol
6. Duration, Renewal, Removal and Restoration of Trademark
7. Rights and liabilities of Trademark Holder, Limitations on rights, Honest and concurrent use
8. Effect of Registration of Trade Mark, Infringement and Passing off Remedies, Deceptive Similarity
9. Change of Ownership, Assignment and Transmission, Licenses
10. Contemporary Developments - Effects of Information Technology, Protection of Trade Names and Domain Names

Module 04 *The Designs Act, 2000 :*

1. Development of Designs Law in India
2. Definitions, Controller of designs, Registration of designs - Essential requirements, Non-registrable designs, Procedure of registration, Term of copyright in designs
3. Cancellation of registration, Restoration of lapsed designs
4. Rights of design holders, Assignment and Transmission
5. Piracy (Infringement) of registered designs and Remedies for Infringement

Module 05 *The Geographical Indications of Goods (Registration and Protection) Act, 1999 :*

1. Historical background of law of Geographical Indications in India
2. Meaning and Definition, Functions and Characteristics of Geographical Indication
3. Distinction between Geographical Indications and Trade Mark
4. The Register and Conditions for Registration of Geographical Indication
5. Procedure for Registration, Duration of Protection, Rights conferred by Registration, Infringement of Geographical Indications and Remedies
6. Powers of the Registrar of Geographical Indications

Module 06 Protection of other Types of Intellectual Property Rights in India :

1. Protection of Plant Varieties and Farmer's Rights in India
2. Layout Designs/Topographies Integrated Circuits
3. Protection of Confidential Information and Trade Secrets
4. Protection of Traditional Knowledge
5. Protection of Bio-diversity
6. Semiconductor Integrated Circuits and Layout Designs
7. Protection against Unfair Competition

Recommended Readings :

1. Tamali Sen Gupta, *Intellectual Property Law in India*, Wolters Kluwer, Law & Business (2011).
2. Brainbridge, *Intellectual property*. New Delhi: Pearson Education (Singapore) Pvt. Ltd.
3. Choudhary D. N., *Evolution of Patent Laws*. New Delhi: Capital Law House.
4. Epstein M A, *Epstein on Intellectual property (Indian Reprint)*. New Delhi: Wolters Kluwer Law and Business.
5. Gopalkrishnan N S, & Agitha T G, *Principles of Intellectual Property*. Lucknow: Eastern Book Company.
6. Kankanala K C, *Genetic Patent Law and Strategy*. Noida, India: Manupatra Information Solutions Pvt. Ltd.
7. Reddy G B, *Intellectual Property Rights and the Law*, Gogia Law Agency, Hyderabad.
8. Rama Sarma, *Commentary on Intellectual Property Laws*, Vol.2. Nagpur: LexisNexis Butterworths Wadhwa.
9. Prabudh Ganguli, *Gearing up for Patents - The Indian Scinario*, Universal Law Publishing.
10. Parmeswaran Narayanan, *Intellectual Property Law*, Eastern Law House.
11. B L Wadehra, *Law Relating to Intellectual Property: Patents, Trademarks, Designs and Geological Indications*.
12. Robert Merges & John Duffy, *Patent Law and Policy: Cases and Materials*, 2017.
13. Feroz Ali Khader, *The Law of Patents - With a special focus on Pharmaceuticals in India*, LexisNexis Butterworths Wadhwa, Nagpur.
14. Lionel Bently & Brad Sherman, *Intellectual Property Law*, Oxford University Press.
15. Gregory Stobbs, *Software Patents Worldwide*, Wolters Kluwer.
16. Ahuja V K, *Law Relating to Intellectual Property Rights*, LexisNexis, New Delhi, 2017.



Fourth Year B.A. LL.B Semester VII Syllabus (2019) LL.B II 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)
- 3.

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)

Recomended 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 Khosalaand, 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.

LC 0702 Property Law and Easement :

Objectives of the Course :

The subject covers the study of the Transfer of Property Act, 1882 and the Easement Act, 1882. The subject is fundamental law that covers principles applicable to transfers of all kinds of properties. 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 Properties (Sections 1 to 4 of the T.P. Act,1882) :

1. Meaning of property
2. Kinds of property - Movable and immovable, tangible and intangible, existing and future, real and personal
3. Role of property rights in social and economic development
4. Doctrine of notice

Module 02 Transfer of Property by Act of Parties (Sections 5 to 9) :

1. Meaning and Definition Transfer of Property, Properties which may be transferred
2. Essentials of a valid transfer of property
3. Operation and method of transfer property
4. Procedural perspective for transfer of property
5. Effect of non-payment of stamp duty and non-registration

Module 03 General Principles Relating to Transfer of Property (Sections 10 to 37) :

1. Conditions restraining alienation, enjoyment, defeating insolvency or assignability
2. Transfers to unborn persons
3. Rule against perpetuity and accumulation of income
4. Vested and contingent interests
5. Conditions precedent and subsequent, conditional transfers
6. Doctrine of Election and Apportionment

Module 04 *General Principles Relating to Transfer of Immovable Property (Sections 38 to 53A)*

1. Doctrine of holding out
2. Feeding the grant by estoppel
3. Doctrine of priority
4. Transfer lis pendens
5. Fraudulent transfer
6. Doctrine of part performance

Module 05 *Sales and Exchanges (Sections 54 to 57 and 118 to 121) :*

1. Meaning and definition of Sale and Exchange
2. Distinction between sale and Exchange
3. Essentials of a valid sale, Parties to a sale, Formalities
4. Distinction between Sale and contract for sale
5. Registration of a contract for sale and effect of non-registration,
6. Rights and liabilities of a buyer and seller
7. Discharge for encumbrances on sale
8. Exchange, Rights and liabilities of parties to exchange

Module 06 *Mortgages (Sections 58 to 98) :*

1. Definition of mortgage - Types of mortgages, Mortgagor, Mortgagee, Mortgage money,
2. Essentials of a valid mortgage and Formalities
3. Distinction between charge, mortgage, pledge, hypothecation and other security interests over property
4. Rights and liabilities of a mortgagor and mortgage
5. Doctrine of substituted security
6. Charge of immovable property
7. Marshalling
8. Mortgagee's and charge-holder's rights and remedies under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

Module 07 Leases (Sections 105 to 117) :

1. Definition of lease, Lessor, lessee, Kinds of leases, premium and rent
2. Essentials of a valid lease and Formalities
3. Rights and liabilities of the lessee and Lessor
4. Term and determination of lease
5. Forfeiture and relief against forfeiture
6. Leases for agricultural purposes
7. Distinction between lease under the Transfer of Property Act, 1982 and the Maharashtra Rent Control Act, 1999

Module 08 Gift and Transfers of Actionable Claims (Sections 122 to 129 and 3, 130 to 137) :

1. Definitions of Gift, Donor and Donee
2. Essentials of a valid gift, Revocation of gifts
3. Distinction between property and *donatio mortis causa* and gifts under Mohammedan law
4. Actionable claims :
 - a) Definition, Formalities, and their importance in commercial transactions
 - b) Requirement of notice to debtor, and effect of notice
 - c) Rights and liabilities of transferor and transferee

Module 09 Law of Easements (Sections 1 to 51 of the Easement Act, 1882) :

1. Definitions and Types of easements
2. Formalities for creating an easement
3. Creation and acquisition of Easements, Dominant and servient owners and Heritages, Grant, Custom, Necessity, Quasi-necessity, Prescription
4. Rights, duties and liabilities of dominant and servant owners
5. Remedies for disturbance of easements
6. Extinction of easements, Suspension and revival of easements

Module 10 Law of Licenses (Sections 52 to 64 of the Easement Act, 1882) :

1. Definition of License, Essentials of a license, kind and Formalities
2. Transfer of license, Transfer of grantor's interest
3. Death of licensor or licensee
4. Rights and liabilities of licensee, Revocable and Irrevocable license
5. Rights of licensee on revocation and eviction
6. Distinction between leases and licenses
7. Distinction between licenses under Easement Act, 1882 with that of the Maharashtra Rent Control Act, 1999

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*, LexisNexis, 2017.
3. Avatar Singh, *Textbook on the Transfer of Property Act*, Universal Law Publishing, 2016.
4. Shrinivas Gupta, *A Text Book on Transfer of Property Law*, Thomson Reuters, 2016.
5. A P Singh and Ashish Srivastava, *Property Laws*, LexisNexis, 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*, LexisNexis, 2015.
8. Sanjiva Row, *Transfer of Property Act* (in 2 volumes), Universal Law Publishing, 2016.
9. Shrinivas Gupta, *Law Relating to Transfer of Property*, Thomson Reuters, 2016.
10. Darashaw Vakil, *Commentaries on the Transfer of Property Act*, LexisNexis, 2017.
11. Mulla, *The Transfer of Property Act*, 12th ed, M R Hariharan (ed), LexisNexis, 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 Law Publishing, 2010.

LC 0703 Public International Law :

Objective of the Course :

This course provides an insight into Public International Law and its significance in the economically globalised world. It enables the students to understand the interdependence of the countries and how they are constantly addressing the global issues through peaceful measures. In view of the vastness of the subject, only important chapters have been covered here. An Introductory perspective to International Law is aimed to provoke the inquisitiveness of the students. A grasp on the key features and subtle perspective of the law and its relevance will help the students in the preparation of various competitive examinations.

Module 01 Nature and Development of International Law :

1. Meaning and Definition of International Law
2. Theoretical Basis of International Law - Natural law Theory, Positive Law Theory, Grotius Theory and Consent theory
3. Historical perspective of International Law - Codification of International Law, Work of International Law Commission

Module 02 Sources of International Law :

1. 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, and Juristic Opinion
2. Other Sources of International Law - Resolutions of General Assembly, Resolutions of Security Council

Module 03 Relationship between International Law and Municipal Law :

1. Theoretical Perspectives - Monistic Theory, Dualistic Theory, Transformation theory, Delegation Theory, and Specific Adoption theory
2. Practice of States - United Kingdom, United States of America and India

Module 04 Subjects of International Law :

1. Meaning and Definition of State
2. Kinds of Different States in International Law – Sovereign States, Semi- Sovereign States, Protectorate, Vassal, Trust Territories, Special type of States - Holy State and Neutralized States
3. Individuals as subjects and object of Public International Law
4. Role and Status of Multi National Companies

Module 05 Recognition of States :

1. Meaning and Significance of Recognition
2. Theories of Recognition - Constitutive Theory, Declarative Theory, Stimson Doctrine and Estrada Doctrine
3. Types of Recognition - De-facto, and De-jure Recognition of Insurgency and Belligerency

Module 06 State Territory and State Succession :

1. Meaning and Definition of State Territory
2. Types of Acquiring and Loss of State Territory – Occupation, Prescription, Accretion, Cession, Dismemberment, Retrocession (The Case of Hong Kong)
3. Meaning and Concept of State Succession - Difference between State Succession and Succession of Governments
4. States Succession to Treaties – Membership of International Organizations Recent Developments, State succession to Public Property, Torts, Debts, and Archives
5. Theories of State Succession to Treaties - Theory of Universal Succession, Theory of Negativism, Contemporary Theories (Neo-Universalism and Neo-Negativism), and Theory of Gestation (Nyerere Doctrine)

Module 07 State Jurisdiction :

1. Territorial Jurisdiction - Civil and Criminal jurisdiction, Universal Jurisdiction, Extra territorial Jurisdiction of State
2. 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
3. Jurisdiction based on Nationality - Modes of Acquiring and Losing Nationality, Double Nationality, and Nationality of Married Women - Indian position

4. Meaning and Significance of Statelessness - Role of UNHCR
5. Meaning and Definition of Extradition - Types of offenders and Process of Extradition
6. Definition and Significance of Asylum - Territorial and Extra-Territorial Asylum

Module 08 State Immunities and Privileges :

1. State Immunity - Absolute theory and Restrictive Theory of Immunity, Views of the International Law Commission, and Waiver of Immunity
2. Significance and Functions of Diplomatic Agents and Classification of Diplomatic Agents
3. Immunities and Privileges of Diplomatic Agents - Inviolability of Diplomatic Agents
4. 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 09 Law of State Responsibility :

1. Nature and Basis of State Responsibility - Elements of State Responsibility, State Responsibility in different fields
2. Theories of State Responsibility - Fault or Subjective Theory, Risk or Objective theory, Eclectic Theories of Responsibility, Absolute Liability
3. Significance of Doctrine of Culpa
4. Defences precluding State Responsibility

Module 10 Law of Treaties :

1. Meaning and Definition of a Treaty, Types of Treaties
2. Parties to a treaty - Formation of a Treaty, Significance of Pact Sunt Servanda
3. Significance of Jus Cogens, Role of Rebus Sic Stantibus (Changed Circumstances) in Treaties
4. Procedure for Termination of Treaties

Module 11 Settlement of Disputes :

1. Legal and Political Disputes
2. Pacific Means

3. Extra-judicial Pacific Means- Negotiation- Good Offices- Mediation
Conciliation- Inquiry- Arbitration
4. Coercive and Compulsive Measuresaa - Retortion - Reprisals - Embargo - Pacific Blockade - Intervention.

Module 12 International Institutions :

1. Historical Origin of International Institutions - League of Nations - An Overview, United Nations - Purposes and Principles
2. Structure, Powers and functions of (a) Security Council, (b) General Assembly, (c) Economic and Social Council, (d) Trusteeship Council, (e) Secretary General - Appointment, Powers and Functions
3. International Court of Justice - Historical Evolution and Composition, Types of Jurisdiction of the Court - Contentious and Advisory, Law Applied by the Court and Binding Nature of Judgment
4. Legal Status of International Organisations

Recommended Readings:

1. Robert Jennings and Arthur Watts (eds.), *Oppenheim's International Law* (Vol. I – Peace) Oxford University (2008).
2. I. Brownlie, *Principles of Public International Law*, 7th ed., Oxford University (2008).
3. I.A. Shearer, *Starke's International Law*, 1st Indian ed., Butterworths (2007).
4. D.J. Harris, *Cases and Materials on International Law*, Sweet & Maxwell Ltd., 7th ed.,(2010).
5. H.O. Agarwal, *International Law and Human Rights*, Central Law Publications, 21st ed.,(2016).
6. Malcolm N. Shaw, *International Law*, Cambridge University Press, 7th ed., (2015).
7. J.G. Strake, *Introduction to International Law*, 10th Edition, Butterworth-Heinemann;(1989).
8. D.W. Bowetts, *Law of International Institutions* (6th edn), Sweet and Maxwell, (2011).
9. S.K. Verma, *An introduction to Public International Law*, Prentice Hall (1998).
10. Gurdip Singh, *International Law*, Eastern Book Company, (2015).
11. V.K. Ahuja, *Public International Law*, Lexis Nexus (2016).
12. S.K. Kapoor, *International Law and Human Rights*, Central Law Agency.
13. Shilpa Jain, *Introduction to International Law*, Eastern Book Company (2016).

LP 0704 Practical Training Paper I - Professional Ethics and Contempt of Court Law :

Objectives of the Course :

The professional ethics encompasses an ethical code governing the conduct of persons engaged in the practice of law as well as persons engaged in the legal sector. The objective of this course is to acquaint the students as to (a) legal profession in India during - ancient, medieval and modern period, (b) professional ethics or duties, (c) the provisions of the Advocate Act, 1961, and (d) the provisions of the Contempt of Courts Act, 1971. The purpose of the course shall also be to provide or to enhance the practical knowledge of the students and to acquaint them with the link between theory and practice.

Scheme of Marking :

Part A : University Written Examination : 80 Marks
Part B : Written Submissions (10 Marks) & Viva voce Examination (10 Marks) : 20 Marks

Part A : Syllabus for University Written Examination :

Module 01 History of Legal Profession in India :

1. Legal profession in India in ancient and medieval period
2. Changes underwent in Legal profession during British rule
3. Development of Legal Profession in India after Independence
4. Impact of globalization on legal profession in India

Module 02 Norms of Professional Ethics and Duties :

1. Need and necessity of Professional ethics in the legal profession
2. Professional ethics and duties of advocates towards his clients, Court, public, his fellow advocates, self, society, duty in imparting training, duty to render legal aid, etc.
3. Restrictions on other Employments
4. Restrictions on advertising
5. Form of Dresses or Robes to be worn by Advocate
6. Rules as to Vakalatnama
- 7.

Module 03 Introduction and Authorities (the Advocates Act, 1961) :

1. Objects of and definitions under the Act
2. Bar Council of State :
 - a) Establishment of Bar Councils for Each States and Union Territories
 - b) Composition of State Bar Council
 - c) System of Election

- d) Term of office of Members of State Bar Council and Establishment of Special Committee
 - e) Disqualification of Member of Bar Council of State
 - f) Powers and Functions of Bar Council of State
3. Bar Council of India :
- a) Composition of Bar Council of India
 - b) Term of office of Members of Bar Council of India
 - c) Disqualification of Member of Bar Council of India
 - d) Powers and Functions of Bar Council of India
 - e) Membership in International Bodies
4. Provisions Common to Bar Council of India and Bar Council of State :
- a) Bar Council to be Body Corporate
 - b) Constitution of Committees of Bar Council
 - c) Transaction of Business, Staff and Audit of Accounts of Bar Council
 - d) Power of Bar Council to make Rules

Module 04 Admission and Enrolment of Advocates (the Advocates Act, 1961) :

- 1. Senior and other Advocates
- 2. Preparation of Roll of Advocates
- 3. Order of Seniority amongst the Advocates
- 4. Transfer of Name from one State Roll to another
- 5. Right of Pre-audience
- 6. Qualification for Admission of Person as Advocate on State Roll
- 7. Disqualification for Admission of Person as Advocate on State Roll
- 8. Disposal of Applications for Admission as Advocate
- 9. Power of State Bar Council to make rules

Module 05 Enrolment and Right to Practice and Limitations of such Right (the Advocates Act, 1961) :

- 1. Right of Advocates to Practice
- 2. Power of Court to Permit Appearances in Particular Cases
- 3. Advocates alone entitled to Practice
- 4. Power of High Court to make rules

5. Skills essential for a lawyer to have a good practice and profession – qualities to succeed in legal profession - honesty, courage, industry, wit, eloquence, judgment, fellowship, etc.
6. Decisions of Courts on Advocate's right to strike
7. Role of advocate in the administration of justice and duty towards legal reforms

Module 06 Conduct of Advocates (the Advocates Act, 1961) :

1. Complaint of Professional or other Misconduct
2. Punishments for Professional or other Misconduct
3. Disciplinary Powers of Bar Council of India and State Bar Council
4. Disposal of Disciplinary Proceedings
5. Review of Orders by Disciplinary Committee
6. Appeal to Bar Council of India
7. Appeal to Supreme Court
8. Stay of Order
9. Alteration in Roll of Advocates

Module 07 Cases Prescribed for Study on Professional Ethics :

1. Vishram Singh Raghubanshi v. State of UP, AIR 2011 SC 2275
2. Vijay Singh v. Murarilal, AIR 1979 SC 1719
3. SJ Chaudhary v. State of Delhi, AIR 1984 SC 618
4. Chandra Shekhar Soni v. Bar Council of Rajasthan, AIR 1983 SC 1012
5. Ex-Capt Harish Uppal v. Union Of India, AIR 2003 SC 739
6. John D'Souza v. Edward Ani, AIR 1994 SC 975
7. Himalayan Cooperative Group Housing Society v. Balwan Singh, AIR 2015SC 2867
8. Brajendra Nath Bhargava v. Ramchandra Kasliwal, AIR 1999 SC 2866
9. A S Mohammed Rafi v. State of Tamil Nadu, AIR 2011 SC 308
10. D Saibaba v. Bar Council of India, AIR 2003 SC 2502

Module 08 The Contempt of Courts Act, 1971 :

1. Historical development of law of contempt of court in India
2. Freedom of speech, Law of defamation and contempt of Court - Constitutional perspectives
3. Meaning of contempt - Civil contempt and Criminal contempt
4. Defenses for contempt - Civil and Criminal contempt
5. Punishments for contempt

6. Procedure for initiating contempt proceeding
7. Contempt by Judges, Magistrate, Lawyers, Companies and others
8. Contempt of Supreme Court, High Court and Subordinate Court
9. Remedies, Apology, Appeal and Review
10. Comparison with Order 39 Rule 2A of Civil Procedure Code

Module 09 Cases Prescribed for Study on Contempt of Court :

1. In Re Arundhati Roy, AIR 2002 SC 1375
2. Pushpaben v. Narandas V Badiani, AIR 1979 SC 1536
3. LD Jaikwal v. State of UP, AIR 1984 SC 1734
4. Charan Lal Sahu v. Union of India, AIR 1988 SC 107
5. PN Duda v. V P Shiv Shankar, AIR 1988 SC 1202
6. Noorali Babul Thanewala v. KMM Shetty, AIR 1990 SC 464
7. Bal Kishan Giri v. State of UP, AIR 2014 SC (Supp) 469
8. High Court of Judicature of Bombay v. Manisha Koirala, 2003 CriLJ 1634(Bom HC)
9. Dr. Subramanian Swamy v. Arun Shourie, AIR 2014 SC 3020
10. In Re S Mulgaokar, AIR 1978 SC 717

Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the following :

1. Essay on the topic from law relating to Legal Profession in India, assigned by concerned teacher.
2. Essay on the topic from Law relating to Contempt of Court, assigned by concerned teacher.
3. Report on an Interaction Session(s) of experts with the students.
4. Case Comments on 2 cases on Professional Ethics, assigned by concerned teacher.
5. Case Comments on 2 cases on Contempt of Court, assigned by concerned teacher.

Note :

1. The college shall organise Interaction Session(s) of experts in the area of professional ethics, contempt of courts, etc. with the students.
2. The purpose of the interaction session(s) should be to provide or to enhance the practical knowledge of the students with respect to the course.
3. The concerned teacher is advised to orient the students, before organisation of interaction session, as to purpose of interaction, concerned legal provisions, etc.

Note :

A Report on interaction session shall consists of

- a) Purpose of the Interaction,
- (b) Observations / Information Collected by the student,
- (c) Relevant Provisions of Law,
- (d) Comments on Linkage between Law and Practice. The concerned teacher may add in or modify the specified contents of report.

1. The case comment shall consists of :
2. (a) Citation of the case,
3. (b) Facts of the case,
4. (c) Issues of facts and of laws,
5. (d) Arguments advanced,
6. (e) Decision of the Court,
7. (f) Ratio of the case, and
8. (g) Comments on the decision.

Recommended Readings :

1. K.V. Krishnaswamy Iyer, *Professional Conduct and Advocacy*, Oxford University Press.
2. Dr. Kailash Rai, *Legal Ethics – Accountancy for Lawyers and Bench - Bar Relations* Central Law Publications, Allahabad, 2015.
3. B.R. Aggarwala, *Supreme Court Practice and Procedure*, Eastern Book Co.
4. P. Ramanath Iyer, *Advocate his Mind and Art*, Wadhwa Nagpur, 2003.
5. Dr. S.P.Gupta, *Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations*, Central Law Agency, Allahabad, 2004.
6. M.P. Jain, *Outline of Indian Legal History, Chapter : Development of Legal Profession*, LexisNexis, 2014.
7. M.R. Mallick, *The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship*. Kamal Law House, Calcutta, 2000.
8. Dr B Malik, *The Art of a Lawyer* The University Book Agency, Allahabad, 1999.
9. Raju Ramachandran : *Professional Ethics for Lawyers, Changing Profession, Changing Ethics*, LexisNexis, 2004.
10. Saadiya Suleman, *Professional Ethics & Advertising by Lawyers*, Universal Law Publishing, New Delhi, 2014.
11. M.K. Gandhi, *The Law and the Lawyers*, Navjeevan Publication, Ahemadabad
12. Law Commission of India, Report No.274 on Review of the Contempt of Courts Act, 1971, April 2018.

Optional Subject 3 (Any one from the following) :

LO 0705 Comparative Constitutions :

Objectives of the Course :

This course aims to acquaint the students with scope and significance of comparative study of the constitutional law from the point of view of its making and its contemporary working. It will help the students to appreciate the constitutional developments from the national and international perspectives. It takes in its 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 :

1. Forms of Government - Parliamentary-Presidential-Monarchial
2. Types of Constitutions
3. Scope and significance of comparative study of Constitution in Constitutionmaking
4. Significance of comparative study of Constitution in interpretation
5. Common law of England
6. American Constitution
7. The Common law heritage
8. Indian position

Module 02 History of Constitution Making and its Development in India :

1. Applicability of foreign precedents in interpretation of the Constitution of India
2. Fundamental Rights : Bill of Rights
3. Instances of application of foreign precedents
4. Instances of departures from foreign precedents
5. Forms of Government : Article 74 and 75

Module 03 Federalism- Comparative Study :

1. Principles of federalism
2. Legal features of federalism
3. Co-operative federalism
4. Transition from comparative federalism to co-operative federalism
5. Distribution of legislative and financial power in a federal system
6. Federalism - Indo-U.S. comparative perspectives
7. Separation of power : Checks and balance mechanism

8. Amending power in India, U.S. and Australia: comparative perspective

Module 04 Judicial Review :

1. Evolution and concept of judicial review
2. Meaning of judicial review
3. Characteristics of modern Constitutions and their impact on Judicial Review
4. Constitutional growth in India under judicial review and its impact

Module 05 Justification and Limitation of Written Constitution :

1. Incidents of written Constitution - a legal instrument
2. Justiciability of written Constitution
3. Written Constitutions which are not justiciable : France, U.S.S.R., China
4. Indian Constitution : Justiciability and non-justiciability

Module 06 Interpretation of Constitution :

1. Interpretation as a legal instrument
2. Limitations of liberal interpretation
3. Spirit of Constitution
4. Indian Constitution and instances of interpretation

Module 07 Constitution as Higher Law :

1. Higher law distinguished from 'Rule of Law'
2. Elements of Rule of Law
3. Parliamentary supremacy under the Indian Constitution
4. Distinction between Constitutional Law and Ordinary law

Module 08 Role of Judiciary and Doctrine of State Action :

1. Court as guardian of the Constitution
2. Exceptions to judicial review
3. Special functions of judiciary in federation
4. Constitutional Law as a branch of public law

Recommended Readings :

1. D.D. Basu, *Comparative Constitutional Law*, LexisNexis Butterwoths Wadhwa, Nagpur.
2. 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, 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 course 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 :

1. Meaning and Definition of Investment and Securities
2. Historical origins of Investment and Securities law - International and National Perspective
3. History of Capital Markets in India
4. Need for securities legislation and investor protection

Module 02 Regulatory Framework to Govern Securities in India :

1. Concept of Securities
2. Kinds of Securities - Ownership instruments, Shares, Stocks
3. Debt instruments - Debentures and Bonds
4. Offered Documents - Prospectus
5. 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)

Module 03 Concept of Securities Market and Securities Market Intermediaries :

1. Primary Market : Scheme of Primary Market, Advantages - Disadvantages to Companies and investors.
2. Provisions relating to IPO, FPO, Private placement, bonus issue, Qualified Institutional Placement under the SEBI (Issue of Capital and Disclosure Requirement) Regulations, 2018

3. Primary Market intermediaries - Merchant Banker, Managers to issue, Registrar and Share Transfer Agent, Bankers to the issue, Brokers, Syndicate Members
4. Secondary Market intermediaries - Registrar and Share Transfer Agent, Brokers / sub-brokers, Portfolio Managers, Investment Advisers, Research Analyst, Credit Rating Intermediaries, Clearing Corporations

Module 04 Securities and Exchange Board of India and the Depositories Act, 1996 :

1. Background and Introduction, Constitution of SEBI
2. SEBI - Power and Functions, Role of SEBI in securities market.
3. SEBI - Power to issue Informal Guidance
4. SEBI - Power to issue Regulations, Rules under Securities Market
5. Constitution of Securities Appellate Tribunal (SA), SAT - Power and Functions
6. The Depositories Act, 1996 - Rights and Obligations of depositories, Depository Participants, Issuers and beneficial owners, Penalties. Dematerialisation and Rematerialisation of securities (Procedure, Advantages and Disadvantages)
7. Relevant provisions of the Companies Act, 2013

Module 05 Stock Exchange and Investor Protection :

1. The Securities Contracts (Regulation) Act, 1956 - Recognized stock exchanges, listing of securities, penalties and procedure
2. Procedure for a stock exchange to be a recognized Stock Exchange, Power of Government, procedure for de-recognition of a stock exchange
3. Concept of Demutualization of stock exchanges and its impact on the Indian economy and the Regional stock exchanges
4. Minimum public shareholding and its advantages to shareholders and stakeholders
5. Trading, Spot delivery contract, Badla Contract, Future contracts, Options,
6. Derivatives, Listing of Shares
7. Investors Protection mechanism under various statutes - Role and functions of SEBI Tribunal, 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

Module 06 *Insider Trading and Takeover Code :Insider Trading :*

1. Insider Trading : Meaning and Definition of Insider Trading. Insider, Connected person, deemed to be connected, trading, Unpublished price sensitive information, generally available information, Chinese wall, Compliance Officer, Trading Window, Pre-clearance, Code of Conduct
2. Penalty for Insider Trading
3. Position in UK and USA

Takeover Code :

1. Meaning and definition of control, voting rights, shares, acquirer, target company, Person acting in concert, Deemed to be connected person, acquisition of shares, open offer, public announcement, offer letter, offer price
2. Shareholding thresholds / Triggers under Takeover Code
3. Procedure of public announcement and open offer
4. Exemptions (general and specific exemptions)

Module 07 *SEBI (Listing Obligations and Disclosure Requirement Regulations) :*

1. Meaning and purpose of listing and delisting, advantages and disadvantages
2. Principles governing disclosures and obligations of listed entity
3. Listing Agreement
4. Compliance Officer
5. Grievance Redressal Mechanism
6. Corporate Governance Norms - directors, women directors, independent directors, audit committee, risk management committee, remuneration committee, stakeholder relationship committee, maximum number of directorships, related party transactions, obligations of independent directors
7. Disclosure of event or information under SEBI Regulations
8. Re-classification of promoters into non-promoters
9. Annual report

Module 08 Foreign Investment Laws :

1. The Foreign Exchange Management Act, 1999 -
 - a) Regulation and management of Foreign Exchange
 - b) Contravention and Penalties
 - c) Adjudication and Appeal
 - d) Directorate of enforcement
 - e) Inbound and outbound investment in India (Foreign Direct Investment and Overseas Direct Investment)
 - f) Setting up of Joint Ventures and Wholly owned subsidiaries in India and outside India
2. Regulation of Foreign Institutional Investors (FII) / Foreign Portfolio Investor (FPI) in India
3. Participatory Note

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*, Palgrave MacMillan, 2010.
3. Niti Bhasin, *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.
7. V.L. Iyer : *SEBI Practice Manual*; Taxmann Allied Service (P) Ltd.

LO 0707 Criminal Minor Acts :

Objectives of the Course :

The Indian Penal Code, 1860 is not the only criminal law in India, though it is one of the major criminal law. Apart from Indian Penal Code there are many other criminal legislations. In a post-independence period many legislations were enacted by the Centre and 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 the students with few important criminal laws, which are essential for all criminal law lawyers.

Module 01 The Maharashtra Police Act, 1951 :

1. Historical background, Objects, Scope and Definitions under the Act
2. Superintendence, control and organization of the Police Force
3. Regulation, Control and Discipline of the Police Force
4. Police Regulations
5. Special measures for Maintenance of Public Order and Safety of State
6. Executive Powers and Duties of the Police
7. Offences and Punishments

8.

Module 02 The Prevention of Corruption Act, 1988 :

1. Legislative History, Object and Scope of the Act, Definitions of Public Servant and Public Duty
2. Appointment of Special Judges
3. Offences and Punishments
4. Investigation into cases
5. Sanction for Prosecution Special Procedure : Change in Rules of Evidence and Criminal Procedure (Sections 20-24)

Module 03 The Maharashtra Control of Organized Crime Act, 1999 :

1. Legislative History, Object and Scope of the Act
2. Organized Crime : Definition and Scope, Punishments
3. Courts and Public Prosecutor (Sections 6-12)
4. Interception of Wire, Electronic or Oral Communication (Sections 13-16)
5. Special Procedure : Change in Rules of Evidence and Criminal Procedure (Sections 17- 23)

Module 04 The Narcotic Drugs and Psychotropic Substances Act, 1985 :

1. Legislative History, Object and Definitions
2. Authorities and Officers
3. Prohibition, Control and Regulation of Narcotic Drugs and Psychotropic Substances
4. Offences and Punishments
5. Procedure under Act

Module 05 The Juvenile Justice (Care and Protection of Children) Act, 2015 :

1. Object, Application and definitions under the Act
2. General Principles of Care and Protection of Children
3. Juvenile Justice Board
4. Procedure in Relation to Children in Conflict with Law
5. Child Welfare Committee
6. Procedure in Relation to Children in Need of Care and Protection
7. Rehabilitation and Social Re-integration
8. Adoption
9. Other Offences Against Children

Module 06 Introduction to Cyber Crimes - Relevant provisions under the Information Technology Act, 2000 :

1. Object, Application and Relevant Definitions under the Act
2. Salient Features of the Act
3. Offences, Punishment and Procedure of Investigation and Trial (Chapter XI - Sections 65 to 78)
4. Exemption from Liability of Intermediary in Certain Cases (Section 79)

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.
5. Taxmann on *Juvenile Justice (Care and Protection of Children) Act, 2015*.
6. Dr. R.K. Chaubey, '*An Introduction to Cyber Crime and Cyber Law*', Kamal Law House.
7. Dr. J.P. Mishra, *An Introduction to Cyber Laws*, Central Law Publications, 1st edn. 2012.
8. Rohatgi and Karkare, '*Guide to Cyber Law & Crimes*', 3rd edn. Whytes & Co. 2018.

LO 0708 Cooperative Law :

Objectives of the Course :

This course enables a student a 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. The other

part of the course is a detailed study of the Maharashtra Co-operative Societies Act 1960 (the MCS Act, 1960) which 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.

Module 01 Theory and Principles of Co-operation :

1. Capitalist, socialist and co-operative forms of organisation
2. Definition of co-operation
3. Fundamental principles of co-operation
4. Importance, advantages and limitations of co-operation
5. Advantages of co-operative organization in the society and the economy
6. Social, economic and moral benefits of co-operation

Module 02 History, Growth and Development of Co-operation :

1. History, growth and development of co-operative movement in India
2. Growth and development through Five-Year Plans
3. Role of the State in development of co-operation, State aid to societies
4. Role of National Co-operative Development Corporation, NABARD
5. Co-operative legislations, particularly the State cooperative laws and Multi State Cooperative law, with special reference to Maharashtra
6. Constitutional Provisions – Freedom to form Co-operative Societies and Restrictions (Article 19) and Provisions relating to Co-operative Societies (Articles 243ZH to 243 ZT)

Module 03 Nature of Co-operative Societies:

1. Characteristics of a co-operative society
2. Comparison with other forms of organization, viz., company, trust and partnership firms
3. Role and functions of different kinds of co-operative societies: Credit, finance, banking; Producers, farmers, dairy; Consumers; Housing; Marketing
4. Salient features of the Multi-State Cooperative Societies Act, 2002

Module 04 Preliminary and Registration of Societies :

1. Objects and Definitions under the MCS Act, 1960
2. Societies that can be registered, limited liability or unlimited liability, Classification of societies, Conditions of registration, Name of society, Procedure for registration
3. Bye-laws, important features of Model Bye-laws
4. Cancellation of registration, De-registration
5. Amalgamation, Transfer, Division or Conversion Societies

Module 05 Members of Society :

1. Who can become a member, types of members, open membership
2. Procedure for admission, continuation and cessation of membership, Removal and expulsion of a member
3. Rights, privileges, duties, disabilities and liabilities of members, voting power of a member, expulsion of members

Module 06 Incorporation, Duties and Privileges of Society :

1. Effect of incorporation
2. Register of members, and its inspection and copies
3. Rights, privileges and immunities of a Society
4. Duties, disabilities, liabilities of, and restrictions on a Society

Module 07 Elections and Management of a Society :

1. Final authority of General Body
2. Election of the Managing Committee, Procedure, Supervision over elections, Elections to specified and notified societies, No-confidence against officers of societies
3. Managing Committee, Constitution, Who can be its member, Reservation of seats, its powers and functions, Liability of members of the managing committee
4. Appointment and nomination of members of committee, Disqualification of membership of the committee
5. Meetings of General Body and Managing Committee, Annual general meeting and special general meeting, Conduct of business at such meetings
6. Registrar's powers of supervision, inquiry, investigation and administration

Module 08 *Dispute Settlement and Liquidation* :

1. Types of disputes, and forums for redressal, Cooperative Court, Registrar
2. Exclusive jurisdiction of the Cooperative Court, Jurisdiction, Limitation period
3. Procedure for settlement of disputes and Powers of the Co-operative Court, its decision, Appeals against decisions,
4. Contempt of Co-operative Court and Cooperative Appellate Court
5. Constitution and powers of the Maharashtra State Co-operative Appellate Court
6. Appeal, Review and Revision
7. Disputes for recovery of money, Recovery certificate and its effect,
8. Liquidation of Cooperative Societies, Appointment of and Powers of Liquidator, Procedure for liquidation and winding up.
9. Offences and Penalties, Cognizance of offences

Module 09 *Finance, Accounts and Audit* :

1. State aid to societies, Role of apex societies.
2. Funds and their utilization, Restrictions on utilization of funds, Reserve Fund, Restriction on dividends, Investment of funds
3. Maintenance of account books and registers
4. Audit of cooperative societies, need for audit
5. Rectification of defects in accounts
6. Registrar's powers of inspection and supervision

Recommended Readings:

1. B B Goel, *Cooperative Legislation – Trends and Dimensions*, Deep and Deep Publications.
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.
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.
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. *Guide to Co-Operative Housing Societies*, Snow White Publications, 2017.

LO 0709 Private International Law :

Objectives of the Course :

Private International Law, also known as conflict of laws, is a national law, consisting of rules that enable finding that law of that country which will govern disputes among private parties that involve a foreign element.

This course is important for every student interested in developing civil and commercial practice relating to cross border issues involving contracts, property, succession, marriage, divorce, and adoption. Study of this law will also give an international and comparative perspective to the study of different laws required in practice of civil law.

Module 01 Introduction :

1. Meaning and definition of Private International Law
2. Historical development of Private International Law and Indian Private International Law
3. Nature, scope, theories and sources of Private International Law
4. Relationship between Public International Law and Private International Law

Module 02 Characterization :

1. Meaning, and nature of problem requiring characterization
2. Concept and theories of characterization - based on *lex fori*, *lex causae*; Two-fold characterization (primary and secondary), Comparative Law
3. Process and stages of characterization -
 - a) Characterization of factual situation
 - b) Characterization of connecting factor
 - c) Characterization of proper law
4. Doctrine of *renvoi* : Meaning, process and theories of *renvoi*
 - a) The mutual disclaimer theory
 - b) The theory of *renvoi* proper
 - c) The foreign court theory

Module 03 Domicile as a Connecting Factor :

1. Meaning and definitions
2. Acquisition of domicile -
 - a) Domicile of independent persons : Domicile of origin; Domicile of choice: residence and intention, abandonment of domicile of choice, comparison between domicile of origin and choice; Domicile of refugees, fugitives

- b) Domicile of dependents : married women, minor children, lunatics
- c) Domicile of legal persons

Module 04 Law of Property :

- 1. Characterization - movable and immovable property
- 2. Transfer of immovable property, concept of *lex situs*, capacity and formal validity of transfer, the Mozambique rule and exceptions
- 3. Transfer of tangible and intangible movable property, meaning, Theories - *lex domicile*, *lex actus*, *lex situs* and proper law; Issues in transfer of tangible movables, Assignment of intangibles - debts and documents, voluntary and involuntary assignment

Module 05 Law of Contractual Obligations :

- 1. Proper law of contract - meaning and nature, freedom of choice, implied choice of law, Real and substantial connection theories
- 2. Validity and formation of contract - creation of contract, formal and material validity, capacity, contracts contrary to public policy and procedural law
- 3. Interpretation of contract
- 4. Discharge of contract - performance and impossibility of performance, *lex loci contractus* and *lex loci solutionis*

Module 06 Law of Non-Contractual Obligations :

- 1. Tortious act, and *lex loci delicti*
- 2. Theories - *lex fori*, *lex loci commissi* and proper law or social environment
- 3. Jurisdictional issues - cause of action and *locus delicti*, Choice of law - the English approach
- 4. Defences

Module 07 Marriage and Dissolution of Marriage :

- 1. Marriage - the nature of marriage and polygamous marriages, Characterization of marriage, Validity of marriage - material and formal validity; English and Indian law
- 2. Dissolution of marriage, grounds for divorce, jurisdiction - residence, choice of law, recognition of foreign divorce in India

Module 08 Legitimacy, Legitimation and Adoption :

1. Legitimacy and legitimation - meaning, English law and Indian law, Choice of law
2. Adoption - position in Indian and English law, Hague Conference on Private International Law

Module 09 Foreign Judgments :

1. Recognition and enforcement of foreign judgments - Theories - comity, obligation, judicial reason, harmony, Indian Law
2. Recognition of foreign judgments - Conclusive and final judgment, Defences against enforcement of foreign judgments, Rule of *res judicata*, Reciprocity
3. Execution of foreign judgments by Indian courts

Recommended Readings :

1. Dicey, Morris & Collins, *Conflict of Laws*, Sweet and Maxwell 15th ed., 2016.
2. James Fawcett and Janeen M Carruthers, *Cheshire and North's Private International Law* Oxford University Press, 14th ed., 2008.
3. Setalvad, Atul M., *Conflict of Laws*, Lexis Nexis, 2014.
4. Paras Diwan, *Private International Law : Indian and English*; Deep & Deep, 2008.
5. K.B. Agrawal & Vandana Singh, *Private International Law in India*, Wolters Kluwer International, 2010.
6. Universal Law Series, *Private International Law*, Universal Law Publishing, 2016.
7. V. C. Govindraj, *The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict* Oxford University Press, 2011.

Conventions and Indian Statutes 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 provisions under Law of Contract, Civil Procedure Code, Family Law and Law of Property.



Fourth Year B.A. LL.B Semester VIII Syllabus (2019) LL.B II 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 work place. 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 Constitutional Provisions on Labour Legislations :

Labour legislations and relevant Constitutional provisions - Fundamental Rights, Directive Principles of State Policy and Distribution of legislative powers

Module 02 Settlement of Industrial Disputes :

The Industrial Disputes Act, 1947 : Objectives, Basic Definitions, Industry and Industrial Disputes, Settlement of Industrial Disputes - Authorities and Procedures, Strikes, Lock-outs, Lay off, Retrenchment and Recovery of Dues

Module 03 Unfair Labour Practices and Model Standing Orders :

1. Unfair Labour Practices Under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971

2. The Industrial Employment (Standing Orders) Act, 1946 :
 - a) Model Standing Orders - Misconducts
 - b) Disciplinary Proceedings in Industries / Domestic Inquiry - Preliminary Enquiry, Charge-sheet, Procedure of Domestic Inquiry, Enquiry report and Punishment

Module 04 The Factories Act, 1948 :

Objectives, Basic Definitions, Health, Safety and Welfare Measures, Working Hours of Adults and Employment of Young Persons and Women, Leaves

Module 05 The Employees' Compensation Act, 1923 :

Objects and Reasons, Definitions, Employer's Liability for Compensation, Amount of Compensation, Doctrine of Notional Extension and Doctrine of Added Peril

Module 06 The Contract Labour (Regulation and Abolition) Act, 1970 :

Objects and Reasons, Registration of establishments, Licensing of Contractors Welfare and Health of Contract Labour, Penalties and Procedures

Module 07 Laws Relating to Wages :

1. The Minimum Wages Act, 1948 - Objects, Definition of Wages, Fixation and Revision of Minimum Wages, Wage Theories
2. The Payment of Wages Act, 1936 - Objects, Definition of Wages, Payment of wages, Deductions from Wages, Authorities

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 & amp: 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 of legal system. Jurisprudence seeks to answer fundamental questions about law. The concerns of jurisprudence are an inescapable feature of the law and legal system. Jurisprudence has generous frontiers. It accommodates copious subjects of intellectual enquiry. This course identifies and elucidates several of the major preoccupations of legal theory. This course also create an understanding of basic legal concepts like Rights, Person, Property, Title, Possession, Ownership, Liability, Obligation which are basic to the study of Law.

Module 01 Introduction to Jurisprudence :

1. Jurisprudence – Meaning, Nature, and Utility
2. Meaning, Characteristics, Purposes and Classification of Law
3. Relationship between Law and Morality

Module 02 Sources of Law :

1. Legislation – Meaning, nature, kinds, merits and demerits, relation with other sources

Precedent - Meaning, nature, theories of Precedent, Doctrine of Stare Decisis, article 141 of the Constitution of India, kinds, ratio decidendi and obiter dicta, doctrine of prospective overruling, significance and circumstances destroying binding force, relation with other sources

2. Custom - Meaning, nature, essential conditions, kinds, concept of Volkgeist
3. Juristic Writings - Meaning, nature and significance

Module 03 Natural Law Theories :

1. Classical Natural Law theory: Plato and Aristotle, St. Augustine, St. Thomas Aquinas
2. Natural law and Social Contract Theory : Hugo Grotius and International Law, Hobbes, Locke, Rousseau
3. Revival of Natural Law : Lon Fuller and the Morality of Law, H.L.A. Hart on Natural Law, John Finnis and the Restatement of Natural Law

Module 04 Legal Positivism :

1. Bentham and John Austin's theory of positivism
2. Hart's concept of law
3. Kelsen's Theory of law

Module 05 Sociological, Realist and Historical Schools of Law :

1. Sociological school of law - Roscoe Pound
2. Realist school of law -
 - a) American Realism: W Holmes, Karl Llewellyn, Jerome Frank
 - b) Scandinavian Realism: Axel Hagerstrom, Alf Ross, Karl Olivercrona
3. Historical school of jurisprudence - Savigny and Maine. - Comparison of Historical and Analytical School of Law

Module 06 Critical Legal Studies :

1. Critical Feminist Jurisprudence -
 - a) Feminist Legal Theory
 - b) Origins of Feminism
 - c) Legal Feminisms - Liberal Feminism, Radical Feminism, Postmodern Feminism
2. Critical Race Theory -
 - a) Critical Race Theory's critique of Liberalism
 - b) Critical Race Theory's racial critique of Civil Rights Scholarship
 - c) Critical Race Theory as Reconstruction Jurisprudence

Module 07 Rights and Duties :

1. Meaning of Wrong, Duty and Right
2. Characteristics of Legal Rights
3. Kinds of Legal Rights
4. Theories of Legal Rights
5. Hohfeldian Classification of Legal Rights

Module 08 Concept of Property and Obligations :

1. Meaning of Property
2. Kinds of Properties
3. Theories of Property
4. Modes of acquisition Property
5. Definition of Obligation
6. Solitary Obligations
7. Sources of Obligations

Module 09 Concepts of Ownership and Possession :

1. Meaning of Ownership
2. Characteristic of Ownership
3. Subject-matter of Ownership
4. Kinds of Ownership
5. Modes of acquiring Ownership
6. Meaning of Possession
7. Kinds of Possession
8. Modes of acquiring Possession
9. Possessory Remedies
10. Comparison between Ownership and Possession

Module 10 Concept of Person :

1. Nature of Personality - Natural and Legal
2. Legal Status of Lower Animals, Dead persons, Unborn Persons
3. Kinds of Legal Persons
4. Uses and Purposes of Incorporation
5. Theories of Legal Personality

Module 11 Concept of Title :

1. Definition and Nature of Title
2. Classification of Titles
3. Importance of Agreements
4. Kinds of Agreements
5. Validity of Agreements

Module 12 Concept of Liability :

1. Definition and Nature of Liability
2. Kinds of Liability
3. General Conditions of Liability
4. Measure of Penal Liability
5. Measure of Civil Liability
6. Theory of Strict and Absolute Liability
7. Vicarious Liability in Civil and Criminal Law
8. Liability of Corporations

Recommended Readings :

1. Bodenheimer Jurisprudence – *The Philosophy and Methods of Law*, Universal Law Publishing, 1996.
2. Fitzgerald, (ed.) *Salmond on Jurisprudence*, Sweet & Maxwell, 1999.
3. W. Friedman, *Legal Theory*, Universal Law Publishing, New Delhi, 1999.
4. H.L.A. Hart, *The Concept of Law*, Oxford University Press, ELBS, 1970.
5. Hilaire McCoubrey and Nigel D. White, *Textbook on Jurisprudence*, Oxford University Press, 1999.
6. M.D.A. Freeman (ed.), *Lloyd's Introduction to Jurisprudence*, Sweet and Maxwell, 1994.
7. Mark Kelman, *A Guide to Critical Legal Studies*, Universal Law Publishing Co., 2010.
8. N.Y. Jayakumar, *Lectures in Jurisprudence*, 2nd Ed., LexisNexis.
9. P.S. Atchthew Pillai, *Jurisprudence and Legal Theory*, Eastern Book Company.
10. Paton G. W. *Jurisprudence*, Oxford University Press, ELBS, 1972.
11. Raymond Wacks, *Understanding Jurisprudence*, Oxford University Press, 2012.
12. Roscoe Pound, *Introduction to the Philosophy of Law*, 1998 Re-print, Universal Publication, Delhi.
13. Suri Ratnapala, *Jurisprudence*, Cambridge University Press, 2009.
14. V. D. Mahajan, *Jurisprudence and Legal Theory*, 1996 Re-print, Eastern Books, Luknow.
15. Vijay Ghormade, *Lectures on Jurisprudence & Legal Theory*, Hind Law House, Pune.

LC 0803 Law of Evidence :

Objectives of the Course :

The Indian Evidence Act, 1872 is the important source of Law of Evidence. The objectives of the course are to equip the students with knowledge of :

- (a) the fundamental principles of evidence law,
- (b) the strict application of it in judicial proceedings,
- (c) the role of evidence law in civil and criminal proceedings,
- (d) the connection of the course with substantive and other procedural laws, and
- (e) the relevance of the course in non-litigation practice. The student will also be exposed to the concerned provisions of the Information Technology Act, 2000.

Module 01 Introduction of the Act (Sections 1-5) :

1. Importance of Law of Evidence
2. Role in Civil and Criminal Proceedings
3. Application of the Act
4. Interpretation clause under the Act
5. Presumptions : May presume, shall presume and conclusive proof
6. Relevant Definitions under the Information Technology Act, 2000
7. Evidence of Facts in issue and Relevant Facts only
8. Relevancy and Admissibility

Module 02 Relevancy of Facts I :

1. What Facts are Relevant (Sections 6-16)
2. Relevancy of Admissions (Sections 17-23 and 31)
3. Relevancy of Confessions (Sections 24-30)

Module 03 Relevancy of Facts II :

1. Statement by Persons who Cannot be found (Sections 32-33)
2. Statements made under Special Circumstances (Sections 34-39)
3. Judgments (Sections 40-44)

Module 05 Oral and Documentary Evidence I :

1. Oral Evidence (Sections 59-60)
2. Documentary Evidence (Sections 61-78)

Module 06 Oral and Documentary Evidence II :

1. Presumptions as to Documents and Electronic Records (Sections 79-90A)
2. Exclusion of Oral by Documentary Evidence (Sections 91-100)

Module 07 Burden of Proof :

1. Burden of Proof (Sections 101-111)
2. Presumptions (Sections 111A-114A)
3. Doctrine of Estoppel (Sections 115-117)

Module 08 Witnesses and Examinations of Witnesses :

1. Witnesses (Sections 118-134)
2. Examinations of Witnesses (Sections 135-166)
3. Improper Admission or Rejection of Evidence (Sections 167)

Module 04 Relevancy of Facts III :

1. Relevancy of Opinions (Sections 45-51)
2. Relevancy of Character (Sections 52-55)
3. Facts which need not be Proved (Sections 56-58)

Recommended Reading

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, LexisNexis, 2015.
10. Woodroffe and Amir Ali's *Law of Evidence*, 20th ed, B M Prasad and Manish Mohan (ed), LexisNexis, 2017.
11. Sarkar's *Law of Evidence*, 19th ed, Sudipto Sarkar and H R Jhingta (eds), LexisNexis, 2016.
12. Y. H. Rao and Y R Rao, *Expert Evidence - Medical and Non-Medical*, 4th ed (Reprint 2011) LexisNexis, 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*, Oxford University Press, 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. Batuklal, *Law of Evidence*, Central Law Agency, Allahabad.
19. Stephen Mason, *Electronic Evidence*, 4th ed, 2017 free for download at <http://humanitiesdigitallibrary.org/index.php/hdl/catalog/book/electronicEvidence>.
20. Stephen Mason, *Electronic Signatures in Law*, 4th ed, 2016, free for download at <http://humanities-digital-library.org/index.php/hdl/catalog/book/electronicSignatures>.

LP 0804 Practical Training Paper II - Alternative Dispute Resolution System :

Objectives of the Course :

The objective of this course is to acquaint the students with various modes of Alternate Dispute Resolution System (ADR). The 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 to 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. The course covers study of the Arbitration and Conciliation Act, 1996, the Legal Services Authority Act, 1987 and few international perspectives and enforcement of foreign awards.

Scheme of Marking :

Part A	: University Written Examination	: 80 Marks
Part B	: Written Submissions (10 Marks) & Viva voce Examination (10 Marks)	: 20 Marks

Part A : Syllabus for University Written Examination 80 Marks

Module 01 Alternate Dispute Resolution Mechanisms :

1. Alternate Dispute Resolution Mechanisms : Meaning, Definitions, Concept and History
2. Structure Powers and Functions of the Authorities under the Legal Services Authority Act, 1987
3. Legislative and judicial sanction for ADR
4. Forms of ADR : Negotiation, Mediation, Conciliation, Arbitration, Lok Adalat

Module 02 Negotiation and Mediation :

1. Meaning, features, theories, types of negotiation
2. Appointment, role and qualities of the negotiator, Process of negotiation
3. International negotiation
4. Meaning, features, theories and role of Mediation
5. Appointment and role of mediator
6. Good offices

Module 03 Conciliation :

1. Meaning, features and modes of Conciliation
2. Conciliation under the Arbitration and Conciliation Act, 1996
3. Appointment and role of conciliator
4. Techniques of conciliation and Termination of conciliation proceedings
5. Contractual provisions about conciliation

Module 04 Arbitration :

1. Meaning, features, theories and types of arbitration
2. Historical perspectives of arbitration as a dispute settlement mechanism, and law of arbitration
3. Types of Arbitration - Domestic and International arbitration, Institutional arbitration
4. Advantages and disadvantages of arbitration
5. Difference between Negotiation-Mediation-Conciliation-Arbitration

Module 05 Arbitration Agreement :

1. The arbitration agreement, formation, its essentials
2. Validity of arbitration agreement
3. Rule of severability, Effect of death, insolvency, etc. on agreement
4. Parties to arbitration agreement, Agreement as binding on third parties
5. Power of Court to refer parties to arbitration
6. Jurisdiction of Courts

Module 06 Structure, Powers and Functions of Arbitral Tribunal :

1. Constitution of Arbitral Tribunal - qualifications to act as arbitrator
2. Disclosures by arbitrator, Disqualification of arbitrators
3. Grounds to challenge appointment and procedure of Arbitrators
4. Powers of Courts to appoint Arbitrators
5. Jurisdiction of arbitral tribunal - Power to rule on its own jurisdiction
6. Interim measures ordered by arbitral tribunal
7. Interim measures by Court

Module 07 *Arbitration Proceedings and Award* :

1. Conduct of arbitral proceedings, procedure, rules of procedure
2. Language, impartiality of arbitrator, equal treatment of parties
3. Procedure before arbitral tribunal, claim, defence, hearing, evidence, experts, confidentiality, application of the Law of Evidence and Limitation
4. Court's assistance in taking evidence, fast track procedure
5. Arbitral award - Types of award - Form and Content - Finality of award - Interpretation of award
6. Correction in award - Stamp duty - Registration - Additional award Costs - Termination of proceedings
7. Time limits for award, extension of time
8. 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 :**

1. UNCITRAL Model Law on International Commercial Arbitration
2. The Geneva Protocol on Arbitration Clauses, 1923
3. The Geneva Convention on the Execution of Foreign Arbitral Awards 1927
4. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958
5. Foreign awards – meaning and definition (New York Convention Awards and Geneva Convention Awards)
6. Referring parties to arbitration
7. Binding nature of foreign awards,
8. Enforcement of foreign award, Proof of award, Conditions for enforcement
9. Jurisdictional issues

Note :

1. The college shall organise interaction session(s) of experts in the Alternate Dispute Resolution System with the students.
2. The college shall also organise a visit of students to State Legal Services Authority / District Legal Services Authority / Taluka Legal Services Committee / Local Legal Aid Centre to observe actual working of the Authority. Alternatively, the college may organise an interaction session(s) of experts in the concerned area with the students.
3. The purpose of the visit / interaction session should be to provide or to enhance the practical knowledge of the students with respect to the course.
4. The concerned teacher is advised to orient the students, before organisation of visit / interaction session, as to purpose of visit / interaction, concerned legal provisions, etc.

Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the following :

1. Draft of a domestic arbitration agreement after a commercial dispute has arisen between parties.
2. Draft of an application to the Court for setting aside an arbitration award.
3. Draft of 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.
4. Report on interaction session(s) on Alternate Dispute Resolution System.
5. Report on visit to State Legal Services Authority / District Legal Services Authority / Taluk Legal Services Committee / Local Legal Aid Centre or on Interaction Session(s).

Note :

1. A concerned teacher may change topics for writing of drafts by considering the objectives of the course.
2. A Report on visit / interaction session shall consists : (a) Purpose of the Visit / Interaction, (b) Observations / Information Collected by the student, (c) Relevant Provisions of Law, (d) Comments on Linkage between Law and Practice. A concerned teacher may add in or modify the specified contents of report.

Recommended Readings :

1. Justice R.P. Sethi, *Commentary on Arbitration and Conciliation Act as Amended in 2016*, 2nd Edition, Wytes and Co., 2016.
2. Madhusudan Saharay, *Textbook on Arbitration & Conciliation with Alternative Dispute Resolution*, 4th ed, Universal Law Publishing, 2017.
3. N V Paranjpe, *Law Relating to Arbitration and Conciliation in India*, 7th ed, Central Law Agency, 2016.
4. Avtar Singh, *Law of Arbitration and Conciliation*, 10th ed., Lucknow, 2013.
5. Mallika Taly, *Introduction to Arbitration*, Eastern Book Company, 2015.
6. Vishnu Warriar, *Arbitration, Conciliation and Mediation*, LexisNexis, 2015.
7. K V Satyanarayana, *Law of Arbitration and Conciliation in India*, Asia Law House, 2017.
8. Anirban Chakraborty, *Law and Practice of Alternative Dispute Resolution in India – a Detailed Analysis*, LexisNexis, 2016.
9. Ashwini Kumar Bansal, *Arbitration and ADR*, 5th ed, Universal Law Publication, 2016.
10. Shriram Panchu, *Mediation Practice and Law - The Path to Successful Dispute Resolution*, 2nd ed, LexisNexis, 2015.
11. Anuroom Omkar and Kritika Krishnamurthy, *The Art of Negotiation and Mediation*, LexisNexis, 2015.
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, LexisNexis, 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, 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, New Delhi, 2008.

Optional Subject 4 (Any one 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 individual's 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 at international and domestic levels. In view of the gaining significance of International Law of Human Rights, this course presents subtly an overview of the International and Domestic perspectives of Human Rights along with the redressal mechanism.

Module 01 Introduction :

1. Historical origins of Human Rights in International and National Scenario - Nature and an overview
2. Basic Components of Human rights – Value, Dignity, Equality, Justice, Morals and Ethics and Significance
3. Perspectives on Rights and Duties – Relationship between Rights and Duties
4. Provisions under the Charter of UN – Preamble, Articles 1(3), 13(1)(b), 55 and 56
5. International Bill of Human Rights (UDHR, ICCPR, ICESCR) - Nature and significance
6. Introduction to generation of Human Rights

Module 02 First Generation Human Rights :

The Civil and Political Rights – ICCPR, Part III of the Constitution of India and Landmark Cases :

1. Civil Rights: Freedom of Opinion - Freedom of Expression and Press, Right to Personal Security in relation to justice and police, Equality before Law, Right to Life and Liberty, Right to Privacy, Right to Religion
2. Political Rights: Equal access to Public, Participation in Governance, Right to Vote and Good Governance

Module 03 Second Generation Human Rights :

The Economic, Social and Cultural Rights : ICESCR, Part IV of the Constitution of India and Landmark Cases :

1. Economic and Social Rights: Labour Rights, Right to Property, Right to Education, Freedom of Association, Right to Social Security (Pension, Medical Services - Right to insurance for sickness, old age – Unemployment allowance etc.)
2. Cultural Rights: Right to develop Languages, Right to follow Customs, Folkways, Literature, and Traditions, Right to enjoy Scientific and Technological benefits

Module 04 Third and Fourth Generation Human Rights :

1. Group Rights (Third Generation 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 Adequate Food, Right to water - Landmark Cases
2. Right to Genetic Engineering (Fourth Generation Rights) : Right to Protect Human Genome against unethical and unfair exploitation of genetic information (The UNESCO Declaration on Human Genome from 1997), Right to Genetic Identity, Right to impose restrictions on medical (Scientific and Technology) interference, Right to Die in Peace and Dignity, Right to Life of the Unborn (with reference to abortion and infanticide). Relationship of Science & Technology and Human Rights
3. Upcoming Human Rights –right to science, right to participate in science, right to benefit from science, right to benefit from a person's own contribution or invention, etc.
4. The Conflict Between Generations of Rights

Module 05 Human Rights of Vulnerable and Disadvantaged Groups :

1. Meaning and Definition of Vulnerable and Disadvantaged Groups
2. Social and Economic Status of Women and Children
3. Status of Socially and Economically Disadvantaged groups - Rights of Indigenous People (Scheduled Tribes), Scheduled Caste, Minorities, Aged and Disabled
4. Vulnerable Groups - Sex Workers, Domestic Workers, Stateless Persons, Migrant Workers, HIV/AIDS patients, LGBTQ and Prisoners

Module 06 *Enforcement Mechanism of International Human Rights - Constitution, Powers and Functions :*

1. The Human Rights Committee under ICCPR
2. The Committee on Economic, Social and Cultural Rights under ICESCR
3. The Committee on Elimination of Discrimination Against Women under CEDAW
4. The Committee on the Rights of the Child under CRC
5. Role of Human Rights Council and Office of the High Commissioner for Human Rights

Module 07 *Human Rights Enforcement in India :*

1. The Protection of Human Rights Act, 1993 – Object, Nature, Scheme, Definitions, Landmark cases
 2. Constitution, Powers and Functions of -
 - a) National Human Rights Commission
 - b) National Commission for Women
 - c) National Commission for Protection of Child Rights
 - d) National Commissions for Scheduled Castes, Scheduled Tribes, Minorities and other disadvantaged groups
3. Role of Judiciary in Enforcement of Human Rights
4. Human Rights Courts and their importance

Module 08 *Significance of Human Rights Education :*

1. Meaning and Definition of Human Rights Education
2. Role of UN in the Promotion of Human Rights Education
3. Role of Government of India in the Promotion of Human Rights Education – UGC and Universities
- 5.

Recommended Reading:

1. V. K. Ahuja, *Public International Law*, LexisNexis, Noida, 2016.
2. Gurdip Singh, *International Law*, Eastern book company, Lucknow, 2016.
3. Editors, Eibe Riedgal, Gilles Giacca, Christophe Golay, *Economic social and Cultural Rights in International Law*, Oxford University Press, 2014
4. Walter Kailin and JorgKunzli, *The Law of International Human Rights Protection*, Oxford University Press, New York, 2010.
5. Peter N. Strarms, *Human Rights in World History*, Routledge, New York, 2010.
6. De Schutter, *International Human Rights Law, Cases, Materials Commentary*, Cambridge University Press, New Delhi, 2010.
7. V.R. Krishna Iyer, *The Dialectics and Dynamics of Human Rights in India - Yesterday, Today and Tomorrow*, Eastern Law House, New Delhi.
8. Manoj Kumar Sinha, *Implementation of Basic Human Rights*, LexisNexis.
9. Editors, Ian Brownlie and Guy S. Goodwin-Gill, *Basic Documents on Human Rights*, Oxford University Press.

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 USA, UK and EU) and thus provide a solid background for further studies on 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.

Module 01 Introduction :

1. Basic Concepts : Customer and Consumer, Market, Types of Market – Perfect Market, Monopoly, Oligopoly and Monopsony
2. Rationale behind Competition Law
3. Constitutional aspect of Competition Law with respect to Human Rights and Social Justice (Article 39 (b) and (c) of the Constitution of India)
4. Relation between Competition Policy and Competition Law
5. Objectives of Competition Law
6. Economic analysis of Competition Law

Module 02 Historical Development of Competition Law :

1. History and Development of Competition Law / Antitrust Law
2. Development of Competition Laws in USA, UK and EU
3. Sachar Committee Report, Raghavan Committee Report
4. Salient Features of the MRTP Act, 1969
5. The Competition Act, 2002 vis a vis the MRTP Act, 1969
6. The Competition Act, 2002 – Objectives and Salient Features
7. Important Definitions under the Competition Act, 2002
8. Brief overview of Competition Law in USA, UK and EU

Module 03 Anti-Competitive Agreements :

1. Anti- Competitive Agreements : Meaning and Scope
2. Types of Anti-competitive agreements - Horizontal and Vertical agreement
3. Per se Illegal Practices and Rule of Reason

4. Exemption from anti-competitive agreements
5. Prohibition of anti-competitive agreement / cartel / bid rigging
6. Practices, decisions and agreements resulting into cartels
7. Pro-competitive and anti-competitive effects of joint ventures
8. Pro-competitive and anti-competitive effects of vertical agreements
9. Prevention of anti-competitive agreements in USA, UK and EU

Module 04 Regulation of Abuse of Dominant Position :

1. Economics of abuse of dominance
2. Types of Abuse by a Dominant Player : Exploitative Abuses : Vertical restraints and Excessive pricing: Exclusionary Abuses - Price discrimination, discounts and predation Enterprise
3. Relevant Market
4. Dominance in Relevant Market
5. Relevance of sector specific competitive dynamics on dominant position
6. Predatory Pricing
7. Defenses against abuse of dominance
8. The remedies in case of abuse of dominance
9. Prevention of Abuse of Dominant Position in UK and USA

Module 05 Regulation of Combinations :

1. Combinations : Merger, Acquisition, Amalgamation and Takeover
2. Jurisprudence of Horizontal, Vertical and Conglomerate Mergers
3. Private Equity Investments
4. Notification of combinations
5. Jurisdictional test : Turn over, Asset, Domestic nexus, Exemptions
6. Regulations and Penalties
7. Position in USA, UK and EU

Module 06 Enforcement Mechanisms :

1. Establishment and Constitution of Competition Commission of India, Powers and Functions
2. Jurisdiction of the CCI
3. Director General of Investigation (DGI) - Penalties and Enforcement
4. Competition Appellate Tribunal
5. Adjudication and appeals
6. Competition Advocacy in India and International Perspective

Module 07 Interface of Competition Law with other Laws :

1. Intellectual Property Rights and Competition Law
2. International Trade and Competition Law
3. Consumer Law and Competition Law

Recommended Readings :

1. Richard Whish and David Bailey, *Competition Law*, Oxford University Press, 9th ed, 2018.
2. Avtar Singh, *Competition Law*, Eastern Book Company, 1st ed, 2012.
3. Vinod Dhall, *Competition Law Today*, Oxford University Press. 2nd ed, 2019.
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, 6th ed, 2016.
8. Barry Rodger, Angus MacCulloch, *Competition Law and Policy in the EU and UK*, Routledge, 5th ed, 2104.
9. Kirsty Middleton, Barry Rodger, Angus MacCulloch, *Cases and Materials on UK and EC Competition Law*, Oxford University Press, 2nd ed, 2009.
10. Maher M. Dabbah, *International and Comparative Competition Law*, Cambridge University Press, 2010.
11. Cedric Ryngert, *Jurisdiction Over Cross – Border Mergers : A US –EU perspective. Competition Law – Emerging Trends*, 94-124, P. Satyanarayana Prasad ed., The ICFAI University Press, Amicus Books, 1ST ed. 2007.

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 the vulnerable groups that face discrimination include- Women, Scheduled Castes (SC), Scheduled Tribes (ST) and Children. Since the British era, criminal law was used to eradicate social evils. The fear of punishment was a tool of social change. In post-Independence period the modern State has used criminal law to bring social change. This Course 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 :

1. Meaning of Vulnerable and Disadvantaged groups
2. Structural discrimination and vulnerable groups
3. Role of law to overcome discrimination
4. Criminal law as a tool of social change

Module 02 The Protection of Civil Rights Act, 1955 :

1. Social menace of Untouchability
2. Legislative history, objectives, definitions and scope of the Act
3. Practices of Untouchability and Punishments
4. Presumption of courts in some cases
5. Power of court to impose collective fine
6. Non application of Probation of offenders Act

Module 03 The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989

1. Legislative history, objectives, definitions and scope of the Act
2. Defining Atrocity against Scheduled Caste and Scheduled Tribes
3. Offences of Atrocities and punishments
4. Externment procedure
5. Collective Fine
6. Special Courts and Special Prosecutor

7. Presumption by courts in certain cases
8. Precautionary and Preventive measures under the Rules of 1995
9. Non application Anticipatory Bail and Probation of Offenders Act
10. Investigation and supervision
11. Personnel under the Act and their duties

Module 04 The Dowry Prohibition Act, 1961 :

1. Dowry a social menace
2. Legislative history, objectives, definitions and scope of the Act
3. Definition of Dowry
4. Penalty for giving and taking dowry
5. Dowry for benefit of wife or her heirs
6. Change in procedural law and Evidence Law
7. Dowry Prohibition officers

Module 05 The Protection of Children from Sexual Offences (POCSO) Act, 2012 :

1. Legislative history, Objective, definitions and Scope of the Act
2. Sexual offences against children
3. Using child for pornographic purpose
4. Abetment of an attempt to commit an offence
5. Procedure for reporting of cases
6. Procedure for recording statement of the child
7. Special courts: Procedure and powers of special courts and recording of evidence
8. Punishments under the Act

Module 06 The Immoral Traffic (Prevention) Act, 1956 :

1. Legislative history, Object, definitions and reasons of the Act
2. Social Landscape of Prostitution
3. Prostitute – Vaguely defined under the Act
4. Protection of Morals and Places of Residence
5. Ponce or Poncing under the Act
6. Corrective Institutions and Protective Homes
7. Personnel under the Act

Module 07 The Pre-Conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 :

1. Legislative History, Object and Reasons, and Definitions under the Act
2. Regulation of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics
3. Regulation of pre-natal diagnostic techniques
4. Written consent of pregnant woman and prohibition of communicating the sex of foetus
5. Prohibition of Determination
6. Constitution, Tenure, Meetings, Vacancies, Authentication of orders, Disqualifications, and Functions of Central Supervisory Board
7. Appropriate Authority and Advisory Committee
8. Registration of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics
9. Offences and Penalties
10. Maintenance of records and Power to search and seize records

Recommended Reading :

1. P.S. Narayana, *Commentary on the Protection of Children from Sexual Offences Act, 2002 and Rules*, Universal Law Publishing, New Delhi.
2. B. R. Beotra's *the Immoral Traffic (Prevention) Act, 1956 (With State Rules)*, The Law Book Company (p) Ltd, Allahabad.
3. Laita Dhar Parihar, *Women & Law from Impoverishment to Empowerment- A Critique*, Eastern Book Company, Lucknow.
4. B.P. Beri, *Commentaries on the Dowry Prohibition Act, 1961*, Eastern Book Company.
5. *The Dowry Prohibition Act, 1961*, by SCC Editorial, Eastern Book Company.
6. Smita Narula, *Broken People : Caste violence against India's Untouchables*, Human Rights Watch.
7. 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 needs to address very often. The aim of the course is to introduce the students the knowledge law with respect to Interest, Civil Courts, Suits Valuation, Court Fees, Registration of documents, Stamp duties and Negotiable Instruments

Module 01 The Interest Act, 1978 :

1. Object, application and definitions under the Act
2. Power of court to allow interest
3. Effect of provisions relating to interest in other statutes
4. Section 34 of the Civil Procedure Code
5. Powers of an arbitrator to award interest

Module 02 The Maharashtra Civil Courts Act, 1869 :

1. Object, application and definitions under the Act
2. District Courts, Joint District Judges and Additional District Judges
3. Civil Judges - Appointment, Jurisdiction, Classes of Civil Judges, Transfer of Suits and Appeals
4. Temporary Vacancies

Module 03 The Suits Valuation Act, 1887 :

1. Object, application and definitions under the Act
2. Valuation for Suits relating to Land
3. Valuation in other Suits
4. Objections in Appeals to over valuation or under valuation

Module 04 The Maharashtra Court Fees Act, 1959 :

1. Object, application and definitions under the Act
2. Rule Regarding to the Valuation of Suits
3. Court fees, Nature of levy
4. Documents chargeable to court-fees, Plaintiff and counter-claims
5. Exempted documents, Mandatory nature of payment
6. Computation of court fees, Fixed fees and ad-valorem fees, Modes of collecting court fees, Cancellation of stamp

7. Decision of questions as to valuation
8. Refund of court fees
9. Multifarious suits

Module 05 The Registration Act, 1908 :

1. Object, application and definitions under the Act
2. Establishment of Authorities, their Powers and Duties, Register - Books
3. Registrable Documents - compulsory, optional, contents of documents
4. Time of Presentation and place for Registration
5. Procedure of Registration
6. Registration and Deposit of wills
7. Inspection and copies of Books and Indexes Registration
8. Effect of Registration and Non-registration
9. Refusal to Register, Grounds for refusal

Module 06 The Maharashtra Stamp Act, 1958 :

1. Object, application and definitions under the Act
2. Authorities under the Act and their powers and functions
3. Liability of Instruments to Duty
4. Stamps and mode of using them
5. Valuations for Duty
6. Duty by whom Payable
7. Adjudication as to Stamps
8. Instruments not duly Stamped
9. Offence, Penalties and Procedure

Module 07 The Negotiable Instruments Act, 1881 :

1. A negotiable instrument, types, definitions
2. Essential features of negotiable instruments, and type of instrument, Instruments payable to order or to bearer, payable at specified time or on demand
3. Maturity of an instrument
4. Parties to negotiable instruments, their rights and liabilities
5. 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)

6. 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
7. Payment and Interest, Delivery of instrument, Immunity to bankers
8. Discharge from liability on negotiable instruments, Modes of discharge
9. Dishonour, Modes of dishonor, Notice of dishonor, Noting and protest
10. Acceptance and payment for honour and reference in case of need
11. Compensation
12. Rules of evidence, Presumptions and estoppel
13. Crossed cheques
14. Bills in sets
15. Penalties in case of dishonor, Criminal liability, Procedure

Recommended Readings :

1. Mulla, *The Registration Act*, 13th ed, K Kannan (ed), LexisNexis, 2016.
2. Malik's *Commentary on The Registration Act 1908 with State Amendments*, 4th ed, Delhi Law House, 2016.
3. Sanjiva Row, *Registration Act*, 15th ed, Law Publishers, 2015.
4. K Krishnamurthy's *The Indian Stamp Act*, 12th ed, M R Hariharan Nair and Boris Paul (ed), LexisNexis, 2017.
5. Sunil Dighe, *The Maharashtra Stamp Act*, Snow White Publications, 2017.
6. Mahendra Jain and H M Bhatt, *The Maharashtra Stamp Act 1958*, Law Times, 2017.
7. A N Khanna, *Law of Court Fees and Suits Valuation*, 8th ed, Universal Law Publishing, 2011.
8. *MLJ Manual on the Court Fees Act 1870*, LexisNexis, 2017.
9. *Khergamvala on the Negotiable Instruments Act as amended by Negotiable Instruments (Amendment) Act 2015*, S Abdul Khader Kunju ed., 22nd ed, LexisNexis, 2017.
10. D S Chopra, *A Commentary on Sale of Goods, Partnership and Negotiable Instruments*, Thomson Reuters, 2016.

LO 0809 International Economic Law :

Objectives of the Course :

With the Changing dimensions of Globalisation and the increasing dependence on economic relations by the 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 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 get an overview of economic legal scenario of states.

Module 01 Introduction :

1. Definition and Nature of International Economic Law
2. Sources of International Economic Law
3. Relationship between national and international economic laws

Module 02 Developments in the context of De-colonization :

1. Origin and Development of International Economic Law - Bretton Woods Conference
2. Concern of Developing States: New International Economic Order (NIEO)
3. Significance of Resolution on Permanent sovereignty Over Natural Resources
4. The Charter of Economic Rights and Duties Law
5. Sustainable Development under United Nations

Module 03 International and Regional Financial Institutions :

1. IBRD Structure Powers and Functions - Significance of IRO
2. Structure Powers and functions of IMF
3. Structure Powers and Functions of World Bank
4. Structure powers and Functions of Asian Development Bank
5. Structure Powers and Functions of G-20
6. Structure Powers and functions of BRICS

Module 04 International Trade Law :

1. GATT :

- a) Historical origin
- b) Organs
- c) Uruguay round and its impact on International Economic Law
- d) Significance of most Favoured Nations Clause and National Treatment
- e) Objective Principles of GATT 1994 –Reduction of Tariff and Non- Tariff Barriers to Trade.
- f) General Exceptions to Article XX and XXI of GATT 1994
- g) Safe Guard Measures under XIX of GATT 1994

2. *WTO and International Economic Law :*

- a) Historical origins of WTO
- b) Structure Powers and Functions
- c) Role and Responsibility of Secretariat
- d) Dispute Settlement System under WTO
- e) Impact of WTO Law on Domestic Law

Module 05 International Investment Law :

1. Foreign Investment: Meaning and Types
2. BITs
3. Dispute Settlement Regime (ICSID)
4. Indian Perspective

Module 06 International Business Law :

1. International Sale and Carriage of Goods
2. Rome Convention
3. CISG (UN Convention on Contracts for International Sale of Goods)

Recommended Readings :

1. Asif H. Qureshi, *International Economic Law* (London: Sweet & Maxwell, 1998).
2. John Jackson, William Davey and Alan Sykes, *International Economic Relations* (West Academic Publishing, 1995).
3. Matthias Herdegen, *Principles of International Economic Law* (Oxford University, 2016).
4. Hazel Fox (ed.), *International Economic Law and Developing States: Some Aspects* (British Institute of International, 1992).
5. I.Seidi, Hohenveldern, *International Economic Law* (Kluwer Law International, 1992).
6. Bhandari and Sykes, *Economic Dimensions in International Economic Law* (Cambridge University Press, 1999).
7. Van Meerhaeghe, *International Economic Institutions* (Springer, 1998).
8. O'Connell, *International Law*, Vol. I & II, Oxford University Press.
9. Harves D.D., *Cases and Materials on International Law*, (Sweet & Maxwell; 1991).
10. Schwazenberger, *Foreign Investment and International law*, Article published by Modern Law Review, November, 1969.



Fifth Year B.A. LL.B

Semester IX

Syllabus (2019)

LL.B III

Semester – V

LC 0901 Civil Procedure Code :

Objectives of the Course :

The Civil Procedure Code, 1906 is subject of daily use by the Civil 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 course is to give to a student a thorough knowledge of procedural law especially related to working of civil courts and other adjudicating authorities.

Module 01 Preliminary, Institution of Suits, Bar to Jurisdiction, Maintainability:

1. Objects, purposes and History of the Code of Civil Procedure
2. Definitions : decree, decree-holder, district, judge, judgment, judgment- debtor, legal representative, mesne profits, order
3. Subordination of courts
4. Jurisdiction, types of jurisdiction, issue of jurisdiction as preliminary issue, objections to jurisdiction, Bar to jurisdiction
5. Place of suing, Institution of suits
6. Res judicata and Res subjudice
7. Parties to a suit, Joinder, misjoinder and non-joinder of parties
8. Recognised agents and pleaders, Effect of death, marriage and insolvency of parties
9. 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 :

1. 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
2. Pleadings, purpose, forms, particulars in pleadings, mandatory particulars, Verification, amendment of pleadings
3. Complaint, particulars, contents, relief, grounds of relief, admitting complaint
4. Return of complaint, Rejection of complaint, Effect of return and rejection of complaint, Accompaniments to complaint: Documents, Address
5. Written statement, admission and denials, Counter claim, Set off, Grounds of defence
6. Registered addresses of parties, Appearance of parties and consequence of non-appearance, setting aside ex-parte decrees

Module 03 Preliminary Procedures, Issues, Hearing and Judgment and Orders :

1. Examination of parties by court, Discovery and inspection
2. Admissions and effect, Production, impounding and return of documents
3. Framing of issues, effect if parties not at issue
4. List of witnesses, Summons to witness, Expenses of witness, Witness to give evidence and production of documents
5. Hearing of suit, Right to begin, Order of appearance of witnesses,
6. Manner of taking evidence, Language, Recording questions and answers and objections, Demeanour of witness, recording evidence on commission, Affidavits and personal attendance, Adjournments
7. Withdrawal and adjustment of suits, Payment into court
8. Judgment, Its contents, Decision on each issue
9. Interest and Costs, Compensatory costs, Costs for causing delay
10. Inherent powers of a court, Open court and *in camera* proceedings

Module 04 Interlocutory, Incidental and Supplemental Proceedings :

1. Commissions
2. Settlement of disputes outside Court
3. Arrest and attachment before judgment, Security for costs

4. Interim injunction
5. Interlocutory orders
6. Receivers
7. Caveat

Module 05 Decrees and Execution of Decrees :

1. Decree, Meaning, Purpose, Court which passed the decree, Decrees granting particular reliefs
2. Execution of decrees, court by which decree will be executed, Transfer of decree, Persons by whom and against whom decree can be executed, Transferees, Legal representatives
3. Payment under decree, Procedure of executing a decree, Issue of process, Stay of execution
4. Property that can or cannot be attached
5. Modes of execution of different kinds of decrees, Attachment and Garnishee order, Sale, Arrest and detention
6. Questions to be determined by executing court, Resistance or obstruction to execution

Module 06 Special Suits :

1. Summary Suits
2. Suits by or against government and public officers
3. Suits by aliens and foreign states
4. Suits by or against corporations, partnership firms, persons carrying on business in names other than their own.
5. Suits by or against minors, lunatics
6. Suits by indigent persons
7. Interpleader suits

Module 07 Appeals, Revision and Review, Recognition of Judgments :

1. Appeals from original and from appellate decrees, Appeals to Supreme Court
2. Appeals from orders
3. Powers of Appellate Courts, Procedure in appeals, Filing appeal, Stay of proceedings or execution, Hearing, Judgment and decree in appeal
4. Reference, review and revision
5. Recognition of foreign judgments

Module 08 The Limitation Act 1963 :

1. Objects, Purposes and Definitions under the Act
2. Bar of limitation, Prescribed period and the Schedule, Continuous running of time, Special period of limitation for the government, Application to arbitration proceedings
3. Extension of period : court closed, for sufficient cause, legal disability, no bar in suits against trustees
4. Computation of period of limitation, Exclusion of time, Effect of death, defendant being out of India, fraud and mistake
5. Effect of acknowledgment in writing and payment on account of debt
6. Adverse possession - acquisition of ownership by possession

Recommended Readings :

1. Mulla, *Code of Civil Procedure*, Universal Law Publishing, Delhi.
2. C.K. Thakker, *Code of Civil Procedure*, Universal Law Publishing, Delhi.
3. Majumdar P.K. and Kataria R.P. *Commentary on the Code of Civil Procedure, 1908*, Universal Law Publishing, Delhi.
4. Shah A.N. *The Code of Civil Procedure*, Universal Law Publishing, Delhi.
5. Sarkar's *Law of Civil Procedure*, Universal Law Publishing, Delhi.
6. Sukumar Ray, *Textbook on the Code of Civil Procedure*, Universal Law Book Co.
7. Avtar Singh, *Code of Civil Procedure*, Central Law Publication, Allahabad.
8. Jain M P, *The Code of Civil Procedure*, Wadhwa, Nagpur.
9. Mathur D. N., *The Code of Civil Procedure*, Central Law Publication, Allahabad.
10. Shailendra Malik, *Code Of Civil Procedure, 27 th Edition*, 2011, Allahabad Law Agency.
11. Sarkars *Commentary on The Civil Procedure Code*, Dwivedi, Allahabad Law Agency.
12. Taxmann`s, *The Code of Civil Procedure 1908*.
13. Medha Kolhatkar, *M.P. Jain`s Civil Procedure Code*, 5th Edition, LexisNexis.
14. K. Takwani: *Civil Procedure*, 4th Edition, Eastern Book Co., Lucknow, 2007.
15. Mulla, *Code of Civil Procedure : Tripathi (Abridged Edition)*, and (Student Edition).
16. Sanjiva Row : *Code of Civil Procedure*, 3 rd Edn, (in 4 Vols), Law Book Co., Allahabad
17. U N Mitra, *Tagore Law Lectures - Law of Limitation and Prescription*, LexisNexis, 14th ed, 2016.
18. T R Desai, *Commentary on the Limitation Act*, 11th ed, Universal Law House, 2016.
19. Shriniwas Gupta, *The Limitation Act*, 3rd ed, Universal Law House, 2016.
20. B B Mitra`s *Limitation Act*, 23rd ed, M R Mallick (ed), Eastern Law House, 2014.
21. S. R. Myneni, *Law of Limitation*, Asia Law House, Hyderabad 90 LL.B. Semeste.
22. P.K. Mukharjee, *Limitation Act*, Allahabad Law Agency.
23. Medha Kolhatkar, *Commentary on Limitation Act by T.R. Desai*, LexisNexis.
24. sanjiva Row: *Limitation Act*, 7th Edn. (2 Vols), Law Book Co., Allahabad, 1973.
25. M.R. Mallik (ed), *B.B. Mitra on Limitation Act (1998)* Eastern, Lucknow.
26. *AIR Commentaries on Limitation Act*, W.W. Chitaley, AIR Ltd., Nagpur

LC 0902 Interpretation of Statutes :

Objectives of the Course :

This course aims to acquaint the students with basic principles of interpretation of statute. It focuses on general and specific rules of interpretation of statutes. It also 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 :

1. Meaning of Interpretation
2. Difference Between Construction and Interpretation
3. Object of Interpretation
4. Classification of Statutes
5. Consolidating and codifying statutes
6. The General Clauses Act, 1897 : An overview of important definitions and provisions

Module 02 General Principles of Interpretation :

1. Literal Rule
2. Golden Rule
3. Mischief Rule
4. Statute must be read as a whole in its context
5. Statute to be construed to make it effective and workable
6. Omissions not to be inferred
7. Every word in a statute to be given a meaning

Module 03 Subsidiary Rules of Interpretation :

1. Same word same meaning
2. Use of different words
3. Rule of last antecedent
4. Non-obstante clause
5. Legal fiction
6. Mandatory and directory provisions
7. Conjunctive and disjunctive words 'or' and 'and'
8. Construction of general words - *Noscitur a Sociis*
9. Rule of *ejusdem generis*
10. Words of rank
11. *Reddendo Singula Singulis*

Module 04 Internal Aids to Construction :

1. Preamble
2. Definition
3. Sections
4. Heading
5. Marginal notes
6. Punctuation marks
7. Illustrations
8. Proviso
9. Explanation
10. Schedule

Module 05 External Aids to Construction :

1. Parliamentary history
2. Debates and Proceedings of the Legislature
3. Historical facts and surrounding circumstances
4. Social economic and political developments
5. Reference to other statutes
6. *Contemporanea exposition*
7. Other external aids - codifying and consolidating statutes
8. International Conventions
9. Committee Reports

Module 06 Interpretation of Statutes affecting Jurisdiction of Courts :

1. General principles
2. The extent of exclusion
3. Exclusion of jurisdiction of superior Courts

Module 07 Construction of Penal and Taxing Statutes :

1. Rule of strict construction of taxing statutes
2. General principles of strict construction
3. Limits of rule of strict construction
4. *Mens rea* in statutory offences and Indian Penal Code
5. Vicarious liability in statutory offences

Module 08 Construction of Remedial Statutes :

1. Distinction between remedial and penal statutes
2. Liberal construction of remedial statutes

Module 09 Commencement and Operation of Statutes :

1. Commencement of statute
2. Retrospective operation of statute
1. Perpetual and temporary statutes
2. Effect of expiry of temporary statutes
3. Express or implied repeal
4. Consequences of repeal

Module 11 Modes of Interpretation of Constitution

1. Introduction : Meaning and Nature of Constitution
2. Different types of Constitutions
3. Modes of Interpretation of Constitution :
 - a) Textualist Interpretation
 - b) Originalist Interpretation
 - c) Judicial Precedent based interpretation
 - d) Pragmatist interpretation
 - e) Moral Reasoning based interpretation
 - f) National Ethos based interpretation
 - g) Structuralist interpretation
 - h) Historical Interpretation

Recommended Readings :

1. G.P. Singh, *Interpretation of Statutes* (LexisNexis, Butterworth Wadhwa).
2. Bindra N.S., *Interpretation of Statutes* (LexisNexis, Butterworth Wadhwa).
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).
11. Chatterjee on *Interpretation of Statutes*, (Calcutta, De, B.C.)
12. Brandon J. Murrill, *Modes of Constitutional Interpretation*, Congressional Research Service, March 2018, Accessible at <https://fas.org/sgp/crs/misc/R45129.pdf>

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 :

1. Historical origin of Environment Law, International and Indian Jurisprudence
2. Components of Environment, Ecology, Ecosphere and Biosphere
3. Protection of Environment in Ancient India and during British period
4. Meaning and definition of Environment, Environmental Pollution, Its kinds (Natural and artificial – Air, Water, Noise, Soil), causes and effects.
5. Nature of Environmental Law - Public law or private law
6. Common law aspects of environmental law - Nuisance, Trespass, Negligence, Absolute and Strict liability.
7. 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 the Constitution of India :

1. Fundamental Rights, Directive Principles of State Policies, Fundamental Duties, Implementation of International obligations
2. Distribution of Legislative Powers
3. Remedies - Writ Jurisdiction of High Court and Supreme Court
4. Public Interest Litigation and Environment Protection - Role of Indian Judiciary

Module 03 Principles of International Environmental Law - Relevance in India :

1. Stockholm Conference, 1972, Rio Summit or Earth Summit-I, 1992 - Impact in India
2. UNEP, Convention on Climate Change, Convention on Biological Diversity, Earth Summit - II, 1997 - Impact in India
3. World Summit on Sustainable Development, 2002, UNFCCC, 2015 - Position in India
4. Responsibility of States in Protection of Environment - Transboundary pollution and state's responsibility - Trail Smelter Arbitration
5. Significance and Protection of Ozone Layer - Global Warming - Acid Rain- Oil Spills - Gas Leak - Marine Pollution
6. Sustainable Development, Inter-generational Equity, Precautionary Principle, Polluter Pays Principle, Public Trust Doctrine - Position in India

Module 04 Resource Management I - Legislative and Judicial Perspective :

1. 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
2. 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
3. The Forest (Conservation) Act, 1980 - De-reservation of forest land for non- forest purpose, Advisory Committee, Penalties
4. 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
5. The National Forest Policies of 1952 and 1988
6. 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 :

1. 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
2. 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
3. The National Green Tribunal Act, 2010 - Establishment, jurisdiction, powers and proceedings of the tribunal, penalty, Role of NGT in Environment Protection
4. Environment Protection Rules -
 - a) The Noise Pollution (regulation and Control) Rules, 2000
 - b) Guidelines for Eco-Sensitive Zones around Protected Areas
 - c) CRZ Notification
 - d) Hazardous Wastes (Management and Handling) Rules
 - e) Manufacture, Storage and Import of Hazardous Chemical Rules
 - f) Municipal Solid Wastes (Management and Handling) Rules

Module 06 Environment and Development :

1. Environmental issues involved in the development projects like Silent Valley Project, Narmada Valley Project and Koondankulam Nuclear Power Plant
2. Human Rights Perspective - Displacement and Rehabilitation, Genetically
3. Modified Crops, Farmers and breeders rights
4. Environment and Protection of Cultural Rights
5. Environment Impact Assessment (EIA) - Meaning, Evolution and history, Process, Constraints, EIA Notification of 1994 and 2006
6. 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, Nnandy, 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*, LexisNexis, New Delhi.
10. P Leelakrishnan, *Environmental Law Case Book*, LexisNexis, 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.
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 relates to essential skills required by an Advocate - the skill of drafting, conveyances and pleadings. An advocate can develop this skill by practicing purposive writing, articulation, legal research, qualities of language, its clarity and precision. The object of the course is to develop these advocacy skills amongst the students. This course will also acquaint the students the knowledge of substantive and procedural law in the context of pleadings and conveyance. This course aims to acquaint the students with basic principles as to the skill of drafting of various types of Applications, Petitions, Notices, Plaints, Written Statements, etc. The goal of the course is to help the students to understand application of substantive and procedural laws in drafting, pleading and conveyance.

Scheme of Marking :

Part A : University Written Examination : 80 Marks Part B
: Written Submissions (10 Marks) & Viva voce Examination (10 Marks) : 20 Marks

Part A : Syllabus for University Written Examination :

Module 01 General Principles relating to Conveyance :

1. Object of Conveyance, essentials of drafting
2. The drafting process - Know the laws, Know the transaction, Scheme of the draft
3. Ascertain facts, Language, Style, Form, Need for precision and clarity, Use of precedents
4. Contents of a draft conveyance - Commencement, Parties, Recitals, Parcels
5. Operative part, Arrangement of obligations, Signatures, Attestation
6. Formalities - Writing, Attestation, Notarisation, Registration
7. Investigation of title, Chain of title, Public notices and their purpose, search and title report

Module 02 Transfers / Conveyances :

1. Agreement to sell immovable property
2. Sale deed of immovable property
3. Lease deed of immovable property
4. Simple mortgage of immovable property
5. Gift of immovable property
6. Sale of raw materials by its supplier to a manufacturing company

Module 03 Drafts of Contracts :

1. Partition deed between members of a joint Hindu family
2. General power of attorney
3. Partnership deed
4. Agreement to transfer shares of a private limited company
5. Indemnity bond
6. Leave and licence agreement

Module 04 Notices and other Documents :

1. Will
2. Affidavit
3. Acknowledgment in writing under Section 18 of the Limitation Act 1963
4. Public notice inviting objections to a transaction of immovable property
5. Notices -
 - a) For dissolution of a partnership at will
 - b) Under Section 106 of the Transfer of Property Act 1882
 - c) Under Section 138 of the Negotiable Instruments Act, 1882
 - d) Reply to notice under Section 138 of the Negotiable Instruments Act, 1882
 - e) Notice under Section 80 of the Civil Procedure Code

Module 05 General Principles relating to Pleadings :

1. Meaning and purpose of pleadings, Importance of pleadings in the administration of justice
2. Rules of pleadings, Types of pleadings, Orders VI to VIII of Civil Procedure Code 1908, Relationship between pleadings and evidence
3. 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
4. Jurisdiction, Limitation, Valuation, Court fees calculation
5. Prayers, Verification

Module 06 Plaints, Applications and Petitions in Civil Proceedings :

1. Suit for recovery of price of goods sold
2. Suit for declaration of share and partition of property of a joint Hindu family
3. Suit for specific performance
4. Application for probate
5. Petition for divorce by mutual consent
6. Petition for divorce alleging grounds of divorce
7. Caveat application

Module 07 Written Statements and Reply in Civil Proceedings :

1. Written statement in a suit for recovery of price of goods sold
2. Written statement in a suit for declaration of share and partition of property of a joint Hindu family
3. Written statement in a suit for specific performance
4. Reply to an application for probate contesting the will
5. Reply to an application for succession certificate giving consent to grant of succession certificate
6. Reply contesting a petition for divorce
7. Reply to a petition for restitution of conjugal rights

Module 08 Pleadings in Criminal Proceedings :

1. Application for bail
2. Application for anticipatory bail
3. Criminal complaint alleging defamation, or affray and simple hurt
4. Application to court for recovery of motor vehicle seized by police
5. Application for compounding an offence of defamation or an offence under Section 498A of the Indian Penal Code
6. Application by a wife for maintenance for herself and her children

Module 09 Appeals, Petitions and other Proceedings :

1. Consumer complaint alleging defect in goods or deficiency in services
2. Reply to consumer complaint about defect in goods or deficiency in services
3. Writ petition under Article 14 or Article 19 or Article 21 of the Constitution of India
4. Appeal from a judgment and decree dismissing a suit for specific performance
5. Appeal from a judgment refusing to grant divorce

Note :

1. The college shall organise a visit to the office of Registrar / Sub-Registrar under the Registration Act, 1908. Alternatively, the college may organise interaction session(s) of experts in the concerned area with the students.
2. The purpose of the visit / interaction session should be to provide or to enhance the practical knowledge of the students with respect to the course.
3. The concerned teacher is advised to orient the students, before organisation of visit / interaction session, as to purpose of visit / interaction, concerned legal provisions, etc.

Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the writing of :

1. Seven Drafts - Those seven drafts must be on the topics given in Module Nos. 02, 03, 04, 06, 07, 08 and 09. The concerned teacher may have discretion to assign topics for those seven drafts.
2. Report on visit to office of Registrar / Sub-Registrar or on interaction session. A Report on visit / interaction session shall consists of : (a) Purpose of the Visit / Interaction, (b) Observations / Information Collected by the student, (c) Relevant Provisions of Law, (d) Comments on Linkage between Law and Practice. A concerned teacher may add in or modify the specified contents of report.

Recommended Readings :

1. Medha Kolhatkar, *Drafting, Pleading and Conveyancing*, LexisNexis, 2015.
2. S P Aggarwal, *Pleadings, an Essential Guide*, 2nd ed, LexisNexis, 2013.
3. S P Aggarwal, *Drafting and Conveyancing*, LexisNexis 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 Law Publishing, 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 Conveyance*, 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 (Any one from the following) :

LO 0905 Law on Education :

Objectives of the Course :

This course aims to acquaint the students with constitutional provisions guaranteeing the right to education and other statutory provisions. It also 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 Constitutional Provisions Introduction :

1. Right to Education - Constitutional and Judicial Perspectives
2. Free and Compulsory Education for children
3. Equality of Opportunity in Admission in Educational Institutions
4. Right to Establish and Administer Educational Institutions of Minorities
5. The National Commission for Minority Educational Institutions Act, 2004 : an Overview
6. Educational Institutions and Article 12
7. Competency to make Law on Education – Concerned Entries in VII Schedule

Module 02 The Right to Free and Compulsory Education Act, 2009 :

1. Object, Application and Definitions under the Act
2. Nature of Right to free and compulsory education
3. Duties of Appropriate Govt., Local Authority and Parents
4. School Management Committees
5. Academic Responsibilities of Teacher
6. School Norms and Facilities
7. Completion of Curriculum and Learning Outcome

Module 03 The Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987 :

1. Object, Application and Definitions under the Act
2. Prohibition of Demand or Collection of Capitation Fee
3. Regulation of Fees
4. Offences and Penalties
5. Offences by Companies
6. Procedure of Trial of Offences
7. Compensation for Accusation without Reasonable Cause

Module 04 The University Grants Commission Act, 1956 :

1. Object, Application and Definitions under the Act
2. Establishment of the Commission
3. Powers and Functions of the Commission
4. Right to confer degrees
5. Delegated legislation under the Act - Examples with an Overview

Module 05 The Maharashtra Public Universities Act, 2016 :

1. Kinds of University : Central universities, or Union universities, State Universities, Private Universities, Deemed University
2. Object, Application and basic Definitions under the Act
3. Salient Features of the Act - an Overview of Officers and Authorities of the University
4. Objects of the University (Section 4)
5. Board of Students' Development and its Powers and Duties (Sections 55-56)
6. Grievances of Teachers and Employees (Sections 79-85)
7. Delegated legislation under the Act - Examples with an Overview

Module 06 Government Control over Universities and Educational Institutions :

1. Governor - Chancellor of Universities
2. Appointment of Vice-Chancellor
3. Control of State Government on Universities
4. Rule making Power of Government under the Maharashtra Public Universities Act, 2016
5. Authorities of Government of Maharashtra in Higher Education - Powers and Role - an Overview
6. Funding to Education, Concessions, Scholarship, Freeship, etc.

Module 07 Prohibition of Ragging :

1. The Maharashtra Prohibition of Ragging Act, 1999 :
 - a) Object, Application and Definitions under the Act
 - b) Offences, Abatement of Offences and Punishments
 - c) Dismissal, Suspension of Student
 - d) Procedure of Trial of Offences
2. The UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009 :
 - a) Object, Application and Definitions
 - b) Salient Features of the Regulations
 - C) Measures of Prevention of Ragging at Institutional Level

Module 08 Prevention of Malpractices at Examination :

Recommended Readings :

1. R.D. Agarwal, *Law of Education and Educational Institutions in India* (Law Book).
2. B.M. Sankudhar, *Encyclopedia of Education System in India* (Deep and Deep Publication).
3. P.L. Mehta, R. Poonga, *Free and Compulsory Education* (Deep and Deep Publication).
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 Manual 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 the Course :

This course 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 Central Goods and Services Tax Act and Integrated Goods and Services Tax Act.

Module 01 Introduction and Basic Aspects of the Income Tax Act, 1961 :

1. Importance and Significance of Taxation
2. Constitutional Provisions Relating to Taxation (Articles 265-289)
3. Types of Tax Laws – Direct and Indirect Taxes
4. Scope and Objectives of the Act
5. Some of the Basic Definitions -
Agricultural Income, Advance Tax, Asset, Capital Asset, Divided-Income,

The Maharashtra Prevention of Malpractices at Examination Act, 1982 :

1. Object, Application and Definitions under the Act
2. Offences, Abetment of Offences and Punishments
3. Procedure of Trial of Offences
4. Procedure of Investigation and taking Disciplinary Action (Section 48 of the Maharashtra Public Universities Act, 2016)
5. University Ordinances relating to unfair means or lapses (Malpractices at Examination)
Person, Previous Year, Assessment Year, Revenue Receipts, Revenue Expenditure
6. Residential Status of Persons

Module 02 Heads of Income and Computation of Income :

1. Income from Salaries
2. Deductions from Salary and Computation of Salaries
3. Income from House Property: Self Occupied, Let Out
4. Exemption of property income from tax
5. Computation of Self Occupied Property
6. Capital Gains
7. Profits and gains of Business or Profession
8. Income from other Sources Clubbing of Income
9. Set off and carry forward of losses
10. Deductions from gross total income
11. Rebates and Reliefs
12. Advance tax
13. TDS
14. Tax rates

Module 03 Taxation of Natural and Legal persons - an Overview :

Individuals, Hindu Undivided Family, Companies and Firms, Association of Persons, Trust and Cooperative Societies, Charitable and Religious Institutions

Module 04 Assessment and Appeal Procedures :

1. Return of Income
2. Types of assessment
3. Appellate procedures
4. Authorities under the Income Tax Act:
 - a) Director General of Income Tax
 - b) Director of Income Tax-Additional Directors
 - c) Joint Director
 - d) Deputy Directors
 - e) Assistant Directors
 - f) Income Tax Officers
 - g) Tax Recovery Officers
 - h) Inspectors of Income Tax

Module 05 Powers and Functions of Various Authorities :

1. Concepts of Tax Avoidance, Tax Evasion and Tax Planning - Meaning and Distinction
2. Inspections Search Seizure
3. Penalties for Tax Evasion and Tax Avoidance

Module 06 The Central Goods and Services Tax Act, 2017 - I :

1. Scope and object of CGST
2. Important Definitions
 - a) Aggregate Turnover
 - b) Business
 - c) Capital Goods
 - d) Casual Taxable Person
 - e) Composite Supply
 - f) Continuous Supply of goods and services
 - g) Input Tax
 - h) Output Tax
 - i) Outward Supply
 - j) Persons under GST
 - k) Place of Business
 - l) E- Contract
 - m) E- Filing
3. Levy and Collection of tax
4. Tax liability on composite and mixed supplies
5. Composition Levy

Module 07 The Central Goods and Services Tax Act, 2017 - II :

1. Time and value of supply
2. Input tax credit
3. Procedural Compliances
4. Registration
5. Accounts and records
6. Returns
7. Payment of tax
8. Refunds

9. Assessment
10. Audit
11. Offences and Penalties for certain offences under Section 122

Module 08 The Integrated Goods and Service Tax Act, 2017 :

1. Scope and Object of IGST
2. Important Definitions
3. Nature of Supply
4. Place of Supply
5. Zero rated Supply
6. Apportionment of Tax and Settlement of Funds
7. Powers and Functions of GST Council

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*, LexisNexis 2017.
6. Dr Girish Ahuja & Dr Ravi Gupta : *Systematic Approach to Income Tax*, 37th Paperback - 2016, Walters Kluwer.
7. Taxmann : *Latest Edition on Income Tax*.
8. V.S. Datey : *GST Ready Reckoner*, Taxmann 2017.

LO 0907 Law of Forensic Science :

Objectives of the Course :

Forensic science plays a very important role in criminal law justice system. It helps in determination of the guilt of a suspected criminal, and ascertains various facts in a case by scientifically testing various types of evidences collected during criminal investigation. A Prosecutor or a Judge is an expert in the field of law but may lack in-depth scientific knowledge, which may be necessary in different cases to ascertain the facts and circumstances of the case in order to prove the case “beyond reasonable doubts” and to attribute criminal liability to the accused person. Therefore, expert opinion of scientists and doctors are invited by the courts whenever evidences are scientifically examined.

The aim of this course is to explain the concept of forensic science and its role in criminal law. This course will give an overview as to what kind of evidences are collected and scientifically tested in various crimes, how the result of these tests and expert opinion are useful in investigations and trials and its evidentiary value.

Module 01 Constitutional Rights and Law of Forensic Science :

1. Right to Privacy and Right against Self Incrimination - with leading cases
2. Meaning of Forensic Science
3. Development of forensic science
4. Scope of forensic science
5. Importance of forensic science in Criminal Law
 - a) Role of forensic science in understanding criminal psychology
 - b) Role of forensic science in criminal investigation
 - c) Role of forensic science in court of law
 - d) Role of forensic science with respect to questioned documents
 - e) Digital evidences and forensic science
 - f) Role of forensic science in cyber crimes
6. Forensic Experts and Relevancy of their opinion:
 - a) Crime scene investigator
 - b) Firearms Examiner
 - c) Document Examiner
 - d) Forensic Anthropologist
 - e) Computer Forensics Expert
 - f) Psychiatrist and behavioural scientist, etc.

Module 02 Criminal Psychology and Forensic Science :

1. Brain Fingerprinting :
 - a) Meaning of brain mapping
 - b) Underlying principle behind brain mapping
 - c) Importance of brain mapping
 - d) Lie detection technique
 - e) Use of Brain fingerprinting in criminal investigation
 - f) Brain fingerprinting in India-Guidelines by Supreme Court and NHRC
 - g) Evidentiary Value in the court of law
2. Narcoanalysis :
 - a) Meaning of Narcoanalysis
 - b) Scientific Theory behind narcoanalysis
 - c) Precautions before conducting the tests
 - d) Presence of Experts
 - e) Narcoanalysis in India-Guidelines of Supreme Court, NHRC
 - f) Rights of the accused person
 - g) Importance of Narcoanalysis in criminal investigation
 - h) Evidentiary value in Court of Law
3. Polygraph Test :
 - a) Meaning of polygraph test
 - b) Theory behind polygraph test
 - c) Application and utility
 - d) Legal and Constitutional Status in India
 - e) Evidentiary Value
 - f) Judicial Precedents related to polygraph test
4. Handwriting Analysis:
 - a) Meaning of handwriting analysis
 - b) Underlying principles for handwriting analysis
 - c) Uses of Handwriting Analysis in understanding the character and personality traits of a criminal and ascertaining certain facts during investigation and as an alternative method for lie detection.
 - d) Evidentiary value of handwriting analysis
 - e) Judicial approach
 - f) Role of handwriting expert and evidentiary value of expert opinion on handwriting

Module 03 Role of Forensic Science in Investigation of Crime :

1. Introduction :
 - a) Types of Crimes
 - b) Importance of forensics in various types of crimes
2. Legal Procedure after Commission of a Crime :
 - a) Inquest-by Police and Magistrate
 - b) Courts of Law
 - c) Summons
 - d) Record of evidence
 - e) Medical evidences - certificates, reports, dying declaration, etc.
 - f) Witnesses - common, experts, conduct and duties of doctors
 - g) Preservation of medico - legal evidence at the crime scene
3. Autopsy :
 - a) Objectives of Autopsy
 - b) Requirements
 - c) Protocol
 - d) Exhumation
 - e) Identification
 - f) Time of death
 - g) Sudden unexpected deaths
 - h) Instantaneous psychological deaths
 - i) Autopsy in traffic accidents
 - j) Age estimation
 - k) Starvation deaths
 - l) Burns
 - m) Asphyxial deaths
 - n) Rape
 - o) Abortion
 - p) Poison
4. DNA Finger Printing :
 - a) Meaning of DNA fingerprinting
 - b) Principles
 - c) Status of DNA fingerprinting in India
 - d) Powers of Investigating agency
 - e) Role in crime investigation
 - f) Judicial Approach
 - g) Evidentiary Value

5. Fingerprint Forensics :
 - a) Meaning of fingerprint forensics
 - b) Importance and role in criminal investigation
 - c) Techniques for collection
 - d) Law relating to fingerprints
 - e) Power of investigating officers
 - f) Power of Courts
 - g) Provisions under Criminal Procedure Code, and Indian Evidence Act - Section 45
 - h) Judicial Approach
 - i) Evidentiary Value
6. Forensic Detection Dogs :
 - a) Concept of sniffer dogs
 - b) Role of such dogs
 - c) Evidentiary value

Module 04 Law Relating to Ballistics :

1. Meaning and Scope
2. Firearms :
 - a) Definition of arms under the Arms Act, 1959;
 - b) Prohibited Arms under the Arms Act, 1959;
 - c) Definition of firearms;
 - d) Types of firearms;
 - e) Evidence collection
 - f) Evidentiary value of firearm examination
3. Ballistics Expert :
 - a) Role of a ballistics expert
 - b) Opinion
 - c) Reliability and admissibility of such opinion

Module 05 Questioned Documents and Forensic Science :

1. Meaning of questioned documents - (offences related to documents)
2. Sources of questioned documents
3. Proof of signature
4. Handwriting analysis with respect to the documents
5. Report of an expert
6. Evidentiary Value
7. Typewritten Documents

Module 06 Modern Techniques for Collection of Evidences and Role of Forensic Science :

1. Digital and Video Recordings
2. CCTV Cameras
3. Mobile Phone forensics
4. Voice Analysis
5. Evidentiary value of each of the above

Module 07 Cyber Forensics :

1. Meaning of cyber forensics
2. Role of cyber forensics
3. Importance of cyber forensics
4. Relevant Provisions under -
 - a) The Information Technology Act, 2000
 - b) The Indian Evidence Act, 1872
5. Cyber Crimes :
 - a) Pornography
 - b) Cyber Stalking
6. Crime Investigation
7. Digital Evidence Collection
8. Evidentiary Value of such Evidence
9. Judicial Approach - Landmark Cases

Recommended Readings :

1. Martin D'Souza and R.P Kataria, *Forensic Science in Criminal Trial and Investigation*, Orient Publishing Co.
2. Kevin J. Strom and Mathew J. Hicman, *Forensic Science and the Administration of Justice - Critical Issues and Directions*, SAGE Publications, (Chapters: 1, 7, 8, 9, 11 and 13).
3. *Modi's Medical Jurisprudence and Toxicology*, 23rd Ed. Publisher - LexisNexis Butterworths Wadhwa.
4. C.K Parikh, *Parikh's Textbook of Medical Jurisprudence, Forensic Medicine and Toxicology*, CBS Publishers and Distributors.
5. B.R Sharma, *Forensic Science in Criminal Investigation and Trials*, Universal Law Publication,
6. Dr R. Krishnamurti, *Forensic Science in Crime Investigation*.
7. B.S Nabar, *Forensic Science in Crime Investigation*, Asia Law House.
8. Medico-Legal Manuals.

LO 0908 Land Laws I :

Objectives of the Course :

Land rights refer to the inalienable ability of individual 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 in two semesters, is to acquaint the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land.

This course 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 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 Ownership Flats Act, 1963 :

1. Objects and Application of the Act
2. Definitions : flat, construct a block or building of flats or apartments, and promoter
3. Duties, liabilities, responsibilities and disabilities of a promoter
4. Alterations, additions and defects to structure and building
5. Flat purchase agreement, and its registration
6. Rights, liabilities of a flat-taker
7. Essential supplies and services
8. Offences by promoters and by companies

Module 02 The Maharashtra Apartment Ownership Act, 1970 :

1. Objects and Application of the Act
2. Definitions of - apartment, apartment owner, building, common areas and facilities, common expenses, common profits, declaration, limited common areas and facilities, and property
3. Apartment as transferable property, its ownership, separate assessment
4. Declaration, its contents, formalities, registration; Amendment to Declaration
5. Common areas and facilities, encumbrances against apartments
6. Contribution to common expenses, charge

7. Rights, duties, liabilities and disabilities of an apartment owner, tenants and users
8. Bye-laws, Management of Apartments Condominium
9. Disposition of property, destruction or damage
10. Distinction between ownership of apartment, ownership of share in joint property, and holding of flat in a cooperative housing society

Module 03 The Real Estate (Regulation and Development) Act, 2016, and the Maharashtra Real Estate Rules, 2017 - Introduction, Registration of Projects and Real Estate Agents :

1. Objects and Application of the Act, Enactment scheme (Central and State) : Act, Rules and Regulations, Housing Policies of Governments
2. Meaning of the 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
3. Registration of real estate project, procedure, consequences of non registration
4. Registration of real estate agents, procedure and consequences of non registration
5. Functions, duties and liabilities of real estate agents

Module 04 The Real Estate (Regulation and Development) Act, 2016, and the Maharashtra Real Estate Rules, 2017 - Relationship Between Parties :

1. Functions, duties, obligations and liabilities of a promoter - from advertisement to completion of project
2. Publication on web-site, effect
3. Transfer of title, Agreement for sale
4. Rights, duties and liabilities of allottees
- 5.

Module 05 The Real Estate (Regulation and Development) Act, 2016 - Authorities, Tribunal, and Remedies :

1. Real Estate Regulatory Authority: Establishment, Incorporation, Composition
2. Qualification of Chairpersons and members, Meetings, Powers and functions
3. Filing of complaints, Enforcement of orders, Appearance in person and legal representation (Sections 20-23, 29, 31, 32, 34-38, 40, 56)
4. Effect of the Act (Sections 88-89), Bar of jurisdiction (Section 79)

5. Appeals
6. Real Estate Appellate Tribunal, Establishment, Composition
7. Application to Tribunal, Powers, Execution of orders (Sections 43- 45, 53-54)
8. High Court (Section 58)
9. Offences and Penalties by promoter, allottee and real estate agents (Sections 59-68)
10. Power to adjudicate compensation (Sections 71-72)

Module 06 The Maharashtra Regional and Town Planning Act, 1966 :

1. Object, Application, and General Scheme of the Act
2. Development Plan, its contents and implementation (Sections 21, 22 and 42)
3. Control of Development and use of Land included in Development Plans (Sections 43-58)

Module 07 The Maharashtra Rent Control Act, 1999 - Forfeiture and Recovery of Possession :

1. Rent Control in urban areas, Object and Historical background of the Act
2. Application of the Act and Exemptions
3. Definitions : Landlord, legal representative, licensee, paying guest, premises, tenant
4. Relief against forfeiture
5. Recovery of possession by landlord (Sections 16, 18-22)
6. Landlord's rights, duties and liabilities : enter for inspection, essential supplies, conversion of use, receipt for rent, registration of agreements, lawful charges
7. Jurisdiction of courts, Appeals

Module 08 The Maharashtra Rent Control Act, 1999 - Standard Rent, Repairs, Sub- Tenancies :

1. Definition: standard rent, permitted increase
2. 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
3. Landlord's duty to repair, Recovery or possession for repairs (Sections 16(1)(h), 17)
4. Prohibition on sub-letting, assignment or transfer; Sub-tenants to become tenants

Module 09 The Maharashtra Rent Control Act, 1999 - Special Cases and Licenses :

1. Special provisions for recover of possession by licensors, effect of non registration of agreement
2. Special provisions for recover of possession by members of armed forces
3. 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. A S Chandurkar, *Maharashtra Rent Control Act, 1999*, Shanti Law House, 2015.
12. 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 percept's of these areas with current developments.

Module 01 Introduction to Air and Space Law :

1. Development of Air Law
2. Definition, Nature, Scope and Sources of Air Law
3. Freedom of Air and Sovereignty over Air Space

Module 02 Conventions relating to Aerial Navigation :

1. The Paris Convention, 1910
2. The Paris Convention, 1919
3. The Havana Convention, 1928
4. The Warsaw Convention, 1929
5. The Chicago Convention, 1944

Module 03 International Civil Aviation Organization(ICAO) :

1. Organizational Structure
2. Legislative-Administrative and Judicial Functions
3. Dispute Settlement Mechanism of ICAO

Module 04 Domestic Air Law :

1. The Aircraft Act, 1934 and Related Amendments
2. The Aircraft Rules, 1937 (with updates)

Module 05 Introduction to Space Law :

1. Nature, Definition and Scope of Space Law
2. Development of the Space Law
3. Fundamental Principles of Space Law

Module 06 Space Treaties :

1. The Space Treaty, 1967
2. The Rescue Agreement, 1968
3. The Liability Convention, 1975
4. The Registration Convention, 1975
5. The Moon Treaty, 1979
6. The Partial Test Ban Treaty, 1963

Module 07 International and Inter-Governmental Organizations :

1. Bilateral Agreement in Space Activity
2. Organization of Space Activities
3. Department of Space (DOS)
4. Indian Space Research Organisation (ISRO)

Module 08 Emerging Issues of Space Settlements and Property Rights :

1. Question of State Sovereignty and Claim of Property Rights
2. Human Habitation on the Moon and Other Celestial Bodies
3. Protection of the Space Environment
4. Demilitarization of the Outer Space
5. International Space Station
6. Inventions in Outer Space

Module 08 Law of Sea :

1. Historical background of Law of Sea
2. UN Conferences on the Law of the Sea
3. Territorial Sea
4. Passage through International Straits
5. Contiguous Zone
6. Continental Shelf
7. Exclusive Economic Zone
8. High Seas
9. Seabed Mining

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. Shawcross and Beaumont, *Air Law*, Vol 1. Butterworths (1977).
3. Bin Cheng, *Studies in International Space Law*, Clarendon Press, Oxford, (1997).
4. B. Sandeep Bhat (Ed), *Space Law: The Emerging Trends*, Eastern Law House, (2018).
5. Thomas Gangale, *The Development of Outer Space*, ABC-CLIO, Inc, California (2009)
6. Mark J. Sundahal & V. Gopalakrishnan (eds.), *New Perspectives on Space Law*, Paris: International Institute of Space Law (2011).
7. Diederiks - Verschoor, I., *An Introduction to Air Law*, 9th ed., The Hague: Kluwer (2012).
8. Mani V.S. et al. (eds.), *Recent Trends in International Space and Policy*, New Delhi: Lancer Books (1997).
9. G. S. Sachdeva, *Outer Space : Law, Policy and Governance*, Delhi: KW Publisher (2013).
10. Ruwantissa Abeyratne, *Convention on International Civil Aviation: A Commentary*, Heidelberg: Springer (2014).
11. Francis Lyall & Paul B Larsen, *Space Law : A Treatise*, London: Ashgate (2009).
12. Gurdip Singh, *International Law*, 3rd ed., Eastern Book Company, (2015).
13. R. R. Churchill, A. V. Lowe, *The Law of the Sea*, 3rd ed., Manchester University Press: Manchester, (1999).
14. D. Freestone, R. Barnes, D. Ong (eds.), *The Law of the Sea: Progress and Prospects*, Oxford University Press: Oxford, (2006).



Fifth Year B.A. LL.B

Semester X

Syllabus (2019)

LL.B III

Semester – VI

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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First Year LL.B (Semester I) Third Year B.A. LL.B Semester IV Syllabus (2019)

LC 0501 Legal and Constitutional History

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

7. European Settlement in India
8. The East India Company : Development of authority
9. Organisational setup of the English Company's Factories or settlements in India
10. Madras Settlement and Administration of Justice
11. Administration of Justice in Bombay
12. Administration of Justice in Calcutta

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

10. Early Mayor's Court in Madras
11. Provisions of the Charter of 1726
12. Consequences of the Charter of 1726
13. Critical estimate of the working of the Mayor's Court from 1726 to 1753
14. The Charter of 1753: Reforms introduced
15. Criticism of the Charter
16. Abolition of the Mayor's Court
17. Appraisal of the Mayor's Court under the Charter of 1726 and 1753
18. The Courts of Request (Small Cause Courts)

Module 03 Adalat System in Bengal :

11. Courts in Bengal under the Mughals
12. Dual Government in Bengal and its consequences
13. The Company as Diwan
14. Warren Hasting's Plan of 1772

15. Defect of the Plan
16. New Plan of 1774
17. Reorganisation of Adalats in 1780
18. Defects of the reorganization Plan
19. Reforms of 1781: Initiative of Impey and Warren Hastings
20. Reforms in the Administration of Criminal Justice

Module 04 The Regulating Act of 1773 :

15. Circumstances prior to the Act of 1773
16. Salient features of the Regulating Act, 1773
17. Legislative power under the Act, 1773
18. Charter of 1774 and the Supreme Court of Clacutta
19. Critical estimate of the Provisions of the Regulating Act, 1773 and the Charter of 1774
20. Trial of Raja Nand Kumar (1775)
21. “Kamaluddin” Case (1775)
22. “Patna” Case (1777-1779)
23. “Cossijurah” Case (1779-1780)
24. Salient features of the Settlement Act, 1781
25. Major defects of the Settlement Act, 1781
26. Supreme Court at Calcutta
27. Supreme Court at Madras and Bombay
28. Laws administered in the Supreme Court

Module 05 Judicial Measures of Cornwallis :

6. Company’s Government before Cornwallis
7. Important provisions of the Pitt’s Act, 1784
8. Judicial reform of Cornwallis
 - a) Judicial Plan of 1787
 - b) Re-organisation of the Criminal Judicature
 - c) Scheme of Criminal Judicature, 1790
9. Judicial Plan of 1793
10. Appraisal of the System of 1793

Module 06 Establishment of High Courts :

7. The Indian High Courts Act, 1861
8. Letters patent establishing High Courts
9. The Indian High Courts Act, 1865 and of 1911
10. The Government of India Act, 1915
11. The Government of India Act, 1935
12. High Courts established during 1947 to 1950

Module 07 Privy Council - Highest Court of Appeal :

5. The Origin of Privy Council
6. Appeal to the Privy Council (1726-1860)
7. Appeal to the Privy Council (1861-1949)
8. Precedential value of the Privy Council decisions

Module 08 Federal Court of India :

5. Foundation of the Federal Court
6. Jurisdiction of the Federal Court
 - a) Original Jurisdiction
 - b) Appellate Jurisdiction
 - c) Advisory Jurisdiction
7. Authority of law laid down by Federal Court
8. Abolition of Federal Court

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

7. 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
8. Land Laws -
The Land Revenue Settlement, 1793 The Bengal Rent Act (Act X of 1859)
9. 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

10. 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
11. 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
12. 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 :

8. Morley-Minto Reforms and the Indian Council Act, 1909
9. 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
10. The Simon Commission Report
11. The Nehru Report, 1928
12. Communal Award and Poona Pact
13. The Civil Disobedience Movement
14. 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 :

8. M.P. Jain, *Outline of Indian Legal and Constitutional History*, LexisNexis (2014).
9. Sumeet Malik, *V.D. Kulshreshth's Landmarks in Indian Legal and Constitutional History*, Eastern Book Company (2012).
10. Nilakshi Jatar and Laxmi Paranjape, *Legal History- Evolution of the Indian Legal System*, Eastern Book Company, (2012).
11. Rama Jois, *Legal and Constitutional History of India*, Universal Law Publishing, (2016)
12. S.B. Shiva Rao, *The Framing of the Indian Constitution*, Vols. I and V, the Indian Institute of Public Administration, New Delhi (1966).
13. Granville Austin, *The Indian Constitution - Cornerstone of a Nation*, 5th Edition, Oxford University Press, New Delhi,(2002).
14. 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

across religious lines, eventually enabling fulfillment of the Constitutional directive of Uniform Civil Code.

Module 01 Introduction to Hindu and Muslim Law :

1. Nature of Hindu law, Application of Hindu law
2. Sources of Hindu law - Ancient to Modern
3. Schools of Hindu law
4. Development and nature of Muslim law, Application of Muslim law
5. Sources of Muslim law
6. Schools of Muslim law

Module 02 Marriage and Matrimonial Reliefs under Hindu law :

6. Evolution and concept of the institution of marriage, nature and forms of marriage under ancient Hindu law
7. 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

8. Divorce, theories of divorce, grounds of divorce, customary divorce, effect of divorce, emerging trends; Bar to remarriage after a divorce
9. 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
10. Jurisdiction of courts: under the Hindu Marriage Act, 1955 and the Family Courts Act, 1984

Module 03 Marriage and Matrimonial Reliefs under Muslim law :

7. Muslim marriage : pre-Qura'nic background, definition of nikah, nature and classification of marriages
8. 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
9. Mehr / dower, nature and kinds of dower, rights of wife in case of unpaid dower
10. Nullity of marriage; restitution of conjugal rights; option of puberty (khair- ul- bulugh)
11. Talaq, kinds of talaq, divorce under the Dissolution of Muslim Marriage Act, 1939
12. 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 :

7. 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
8. 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

9. 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
10. 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
11. Comparative analysis of marriage and matrimonial reliefs in different laws.
12. Relationship in the nature of marriage : live-in relationship, same-sex relationships

Module 05 Alimony and Maintenance :

3. 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
4. Alimony and maintenance under the Special Marriage Act, 1954, the Protection of Women 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 :

6. 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
7. Inter-country adoption, CARA guidelines; Recognition of foreign adoptions; Adoption by foreign parents
8. 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
9. Powers of Court
10. 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:

12. Kusum, *Family Law Lectures : Family Law I*, LexisNexis, New Delhi.
13. Satyajeet A Desai, *Mulla's, Hindu Law*, LexisNexis, New Delhi.
14. Justice Ranganath Mishra, *Mayne's Hindu Law and Usage*, Bharat Law House, New Delhi.
15. H. K. Saharay, *Family Law in India*, Eastern Law House, New Delhi.
16. Flavia Agnis, *Family Law Vol I and II*, Oxford University Press, New Delhi.
17. Tahir Mahmood, *Principles of Hindu Law*, Universal Law Publishing, New Delhi.
18. Mulla, *Principles of Mohammedan Law*, LexisNexis, Nagpur.
19. Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
20. Amer Ali, *Mohammedan Law, Vol. I and II*, Eastern Book Company.
21. Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.
22. 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 subject.

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 :

1. The nature of contractual obligations
2. 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.
3. Enforcement - Primary purpose of contract law
4. Introduction to the rules of interpretation of contracts

Module 02 Formation of Contract :

6. Agreement and Contract
7. Proposal and Acceptance
 - a) Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, options
 - b) Acceptance - essential elements, forms, the requirement of communication, silence as acceptance
 - c) Revocation of proposal and acceptance
 - d) E-contracts with reference to provisions of the Information Technology Act, 2000
8. Express and implied terms, express and implied contracts
9. Standard form contracts - their advantages and vices, and strategies to handle the vices

10. 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 :

6. 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 necessaries: Section 68 of ICA
7. Soundness of mind for the purpose of making contracts, effect of unsoundness of mind on the contract
8. 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
9. Competency of prisoners in jail, married women, aliens, insolvents
10. Competency of companies, statutory bodies, central and state governments

Module 04 Free Consent - Sections 13 to 22, 64, 65, 67 of ICA :

8. Consent and free consent
9. Coercion and its effect on the contract : Sections 15 and 19 of Indian Contract Act, 1872
10. Undue Influence and its effect on the contract, *pardanashin* women unconscionable bargains : Sections 16 and 19A of Indian Contract Act, 1872
11. Misrepresentation and its effect on the contract : Sections 18 and 19 of Indian Contract Act, 1872
12. Fraud and its effect on the contract: Sections 17 and 19 of Indian Contract Act, 1872
13. 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
14. 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

Module 05 Consideration - Sections 2(d) and 25 of ICA :

7. Definitions, meaning and importance, essential elements
8. Act, forbearance and promise
9. Present, past and future consideration
10. Adequacy of consideration and effect of inadequacy
11. No consideration, no contract, and exceptions to the rule
12. Doctrine of privity and exceptions

Module 06 Void Agreements - Sections 23 - 30 of ICA :

4. Unlawful agreements, circumstances in which agreements enforced even if unlawful: Sections 23-24, 57-58 of ICA, Section 27 of SRA
5. Void agreements : Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers : Sections 26 - 30 of ICA
6. Effect of void and of unlawful agreements

Module 07 Contingent Contracts and Quasi-Contracts :

3. Contingent contracts and their enforcement - Sections 31 – 36 of ICA :
 - a) Definition of contingent contract, contingent and absolute obligations
 - b) Effect of non-happening of event
 - c) Enforcement of contingent contracts
4. Quasi-contracts - Sections 68-71, 73(Para 3) of ICA :
 - a) Five kinds of quasi-contracts stated in the Act
 - b) Doctrine of restitution
 - c) Effect of breach of quasi-contractual obligation

Module 08 Performance of Contract :

10. 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
11. Doctrine of privity, and exceptions to the doctrine
12. Joint rights and liabilities: Sections 42-45 of ICA
13. Time of performance, right to terminate if time is of essence: Sections 46-50, 55 of ICA
14. Liability to pay interest for delay: under contract terms, under the Interest Act 1978
15. Place of performance: Sections 47-50 of ICA
16. Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises: Sections 51 - 54 of ICA
17. Appropriation of payments: Sections 59-61 of ICA
- 18.

Module 09 Discharge of a Contract :

8. By performance; by offer of performance: Sections 38 of the ICA
9. By non-performance by one party: 54 of ICA
10. By breach and rescission : Sections 39, 53, 55 of ICA; anticipatory breach: Section 39 of ICA

11. Doctrine of impossibility and effect : Section 56 of ICA
12. By agreement : novation, alteration and rescission: Section 62 of ICA
13. By act of promisee : dispensing, remission and waiver, extension of time, accord and satisfaction : Section 63 of ICA
14. Termination or discharge under contract provisions

Module 10 Contract Remedies :

3. Remedies under contract law through court or arbitration :
 - a) 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
 - b) Claim for the agreed sum: viz. suit for price, return of loan amount
 - c) Claim in *quantum meruit*
4. Remedies of Specific Relief through court or arbitration under SRA :
 - a) 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
 - b) 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
- c) Rescission - Sections 27, 30 of SRA
- d) Rectification of instruments - Section 26 of SRA
- e) Cancellation of instruments - Sections 31, 33 of SRA

Recommended Readings :

21. Avtar Singh, *Law of Contract and Specific Relief*, 12th ed, 2017, Eastern Book Company.
22. V Kesava Rao, *Contract I: Cases and Materials*, 2nd ed, 2014, LexisNexis.
23. Ritu Gupta, *Law of Contract – includes the Specific Relief Act 1963*, 2015, LexisNexis.
24. Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15th ed., 2015, LexisNexis.
25. M. Krishnan Nair, *Law of Contracts*, 1998.
26. Garima Tiwari, *Understanding Laws – Contracts*, 2014, LexisNexis.
27. Anson's *Law of Contract*, Beatesen and Burrows ed. 29th ed., 2010, Oxford University Press.
28. G.H. Treitel, *Outline of Law of Contract*, 6th rev ed, 2005, Oxford University Press.
29. Atiyah's *Introduction to the Law of Contract*, Stephen Smith ed., 2nd ed, 1997 Oxford University Press.
30. Cheshire, Fifoot and Furmston's *Law of Contract*, Michael Furmston ed., 16th ed, 2012, Oxford University Press.
31. Pollock and Mulla's *Indian Contract Act*, Nilima Bhadbhade ed., 14th updated edition, 2014, LexisNexis.
32. Nilima Bhadbhade, *Contract Law of India*, 2nd ed 2009, Kluwer, available free on google books.
33. Pollock and Mulla's *Specific Relief Act*, Nilima Bhadbhade ed., 14th updated edition, 2014, LexisNexis.
34. Nilima Bhadbhade, *Specific Performance of Contracts: the Tests of Inadequacy and Effective Enforcement*, 2014, LexisNexis.
35. S C Banerjee, *Law of Specific Relief: Tagore Law Lectures*, 13th ed, 2015, LexisNexis.
36. Sarkar on *Specific Relief*, Sudipto Sarkar and R Yasho Vardhan eds, 17th ed, 2016, LexisNexis.
37. R K Singh, *Law Relating to Electronic Contracts*, 2nd ed, 2015, LexisNexis.
38. Sachin Rastogi, *Insights into E-Contracts in India*, 2013, LexisNexis.
39. 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.
40. 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 :

1. Historical Development of Indian Penal Code, 1860
2. Nature of Crime, Definition of Crime in social and legal context, Distinction between Moral, Civil and Criminal wrongs, Aim and Function of the Criminal law
3. Criminal Liability 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
4. Elements of Crime - Human Conduct, Voluntary act, Guilty intention, Causal Connection, Prohibited Result

Module 02 General Principles of Criminal Law :

4. *Nulla poena sine lege, nullum crimen sine lege*
5. Principles of *mala in se, mala prohibita*, Joint liability, Vicarious liability, Strict liability and Absolute liability
6. 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 :

3. Jurisdiction under Indian Penal Code, 1960
4. General Explanations - Movable Property, Wrongful Loss and Wrongful gain, Dishonestly, Fraudulently, Common Intention, Common Object, Voluntarily, Good faith, Criminal Conspiracy

Module 04 General Defenses :

4. Excusable: (Mental Incapacity) Minority (Infancy), Involuntary Intoxication and Insanity as a Defense
5. Justifiable: Necessity, Mistake of Fact, Acts done with Consent, Accident, Judicial acts, Triviality
6. Right of Private Defense of Body and Property - Justifications and Limits

Module 05 Offences against State, Public Tranquility, Administration of Justice, Etc. :

4. Meaning of Abetment, Abetment when punishable? Liability of Abettor, Abetment of offence punishable with death or imprisonment for life
5. Waging war, Sedition, Conspiracy to Waging war
6. Unlawful Assembly, Rioting, Affray, Promoting enmity between different groups, Imputations/assertions prejudicial to national integration

Module 06 Offences against Human Body :

7. Culpable Homicide, Murder, Ingredients, Exceptions and Distinction between Culpable Homicide and Murder, when culpable homicide is murder?
8. Attempt to commit Culpable Homicide, Attempt to Murder
9. Causing Death by Negligence, Causing Death with the consent of the deceased – Euthanasia and its Constitutionality
10. Suicide – abetment and attempt, its Constitutional validity
11. Hurt, Voluntarily causing hurt, etc.; Grievous Hurt, Voluntarily causing grievous hurt, etc., Wrongful Restraint, Wrongful Confinement
12. Criminal Force, Assault, Kidnapping and Abduction, distinction between them

Module 07 Offences relating to Woman :

5. Cruelty against Woman, Dowry death, Causing Miscarriage, Acid Attack
6. Outraging Modesty of woman, Sexual Harassment, Voyeurism, Stalking
7. Rape – its ingredients, developments in Rape law along with relevant judicial decisions, Unnatural offences
8. Deceitful Cohabitation, Bigamy, Mock Marriages, Adultery

Module 08 Offences against Property and Person, Etc. :

5. Theft, Extortion, Robbery and Dacoity, distinction between them, forms of Robbery and Dacoity
6. Criminal Misappropriation, Criminal Breach of Trust, Stolen property, Cheating, Mischief, Criminal Trespass, House Trespass, Lurking House Trespass, House Breaking, House Breaking by Night
7. Defamation, Criminal Intimidation and Insult
8. Forgery and Making of False document, Falsification of accounts

Recommended Readings :

16. M.C. Setelvad, *Common Law in India* (Chapter III, Criminal Law, p. 124-176), Stevens.
17. Stephen, *A History of Criminal Law of England*, Vol. III (Last Chapter on Indian Penal Code), London, Macmillan.
18. Principles of Criminal Law by R C Nigam, *Law of Crimes in India*, Vol. I, Asia Publishing House, New York.
19. Glanville Williams, *Criminal Law*, Universal Law Publishing.
20. J.W. Cecil Turner, *Kenny's Outlines of Criminal Law*, Universal Law Publishing.
21. Smith and Hogan, *Criminal Law*, Oxford University Press.
22. Andrew Ashworth *Principles of Criminal Law*, Clarendon Law Series.
23. S.K. Savaria, *R. A. Nelson's Indian Penal Code* (4 Volumes), LexisNexis Delhi.
24. Hari Singh Gaur, *Penal Law of India* (4 volumes), EBC.
25. PSA Pillai's Criminal Law, 13th Ed. Revised by K.I. Vibhute, LexisNexis, New Delhi.
26. J.D. Mayne, *Indian Penal Code* (Ed. II 1901, p.242-249).
27. K.N. Chndranshekhar Pillai, *Essay's on Indian Penal Code*, Indian Law Institute.
28. R.C. Srivastava, *Law Relating to Crime and Punishment*, Manav Law House, Allahabad.
29. K.D. Gaur, *A Text Book on Indian Penal Code* Universal Law Publishing.
30. K.D. Gaur, *Criminal Law Cases and Material*, Buttersworth.
Ratanlal and Dhirajlal, *The Indian Penal Code*, 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 :

1. Concept and Importance of Health
2. Public Health in India - Ancient, medieval and modern perspectives
3. Human Rights Perspectives of Health - an Overview

Module 02 Health and Constitutional Protections :

3. Fundamental Rights - Right to Health, Right to Decent Environment, Right to Shelter, Reproductive Rights of Women
4. Directive Principles of State Policy and Health

Module 03 Health and Legal Protection - Relevant Provisions under following Laws :

8. The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
9. The Factories Act, 1948
10. Law on Mental Health
11. The Maternity Benefit Act, 1961
12. The Infant Milk Substitutes, Feeding Bottles and Infant Foods Act, 1992
13. The Transplantation of Human Organs Act, 1994
14. The Indian Penal Code, 1860 - Chapter XIV (Sections 269 to 278)

Module 04 Right to Food and Nutrition in India :

4. Fundamental Rights - Right to Food and Nutrition
5. Directive Principle of State Policy on Food and Nutrition
6. Human Rights Perspectives of Food and Nutrition - an Overview

Module 05 The Food Safety and Standards Act, 2006 :

10. Need, Objects and Basic Concepts
11. Food Safety and Standards Authority of India
12. General Principles of Food Safety
13. General Provisions as to Articles of Food
14. Provisions Relating to Import
15. Enforcement of the Act
16. Analysis of Food
17. Offences and Penalties
18. Adjudication and Food Safety Appellate Tribunal

Module 06 The National Food Security Act, 2013 :

12. Need, Objects and Basic Concepts
13. Provisions for Food Security and Food Security Allowance
14. Identification of Eligible Households
15. Reforms in Targeted Public Distribution System.
16. Women Empowerment
17. Grievance Redressal Mechanism
18. Obligations of Central Government for Food Security
19. Obligations of State Government for Food Security
20. Obligations of Local Authorities
21. Transparency and Accountability
22. Provisions for Advancing Food Security

Recommended Readings :

12. R.K. Nayak (ed.), The Indian Law Institute, *Global Health Law*, (1998), World Health Organization, Regional Office for South East Asia, New Delhi.
13. Pragya Kumar and Virendra Kumar, *Health as a Fundamental Human Right*, in *Dilemmas in Health Policy*, at C-1 C-8 (1986).
14. M.L. Bhargava, *Law of Food Safety and Standards Act, 2006*, Kamal Publishers; 2017.
15. Kiron Prabhakar, *A Practical Guide to Food Laws and Regulations*, Bloomsbury India, September 2016.
16. Bhatnagar, *Food Laws in India*, Ashoka Law House, 2011.
17. R.K. Gupta (Eds.), *Food Safety in 21st Century – Public health Perspectives*, Academic Press, 2016.
18. Law Commission of India, Report No. 264, On the Criminal Law (Amendment) Bill, 2017 (Provisions dealing with Food Adulteration), January, 2017.
19. *Food Security and Right to Food* : S. Mahendrs Dass, K.P. Khanna, 2003, Institute for Human Development, New Delhi.
20. George Ken, *Human Right to Food and Dignity*.
21. “*Right to Food Act : Beyond Cheap Promises*” Economic and Political Weekly, July 18, Vol.42, No.29.
22. R. Radhakrishna, in K. Parikh, *Food and Nutrition Security*, India Development Report 2002, Oxford University Press, New Delhi.

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. The objectives of the course are to enable the students to acquire knowledge of law on private and public trust and also the principles of equity.

Part I The Indian Trusts Act, 1882 :

Module 01 Introduction to Private Trust :

1. Objects, Basic Concepts, Kinds of Trusts
2. Private trust and Public trust
3. 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 General Principles :

5. Creation of Trusts
6. Appointment of Trustees
7. Vacating the Office of Trustee
8. Extinction of Trusts

Module 03 Regulation of Relationship Between Trustee and Beneficiary :

7. Duties and Liabilities of Trustees
8. Rights and Powers of Trustees
9. Disabilities of Trustees
10. Rights and Liabilities of the Beneficiary
11. Certain Obligations in the Nature of Trusts
12. Fiduciary Relationship -Meaning ,Express and Constructive Trusts, Application of the Principle of fiduciary Relations and Exceptions

Part II The Maharashtra Public Trusts Act, 1950 :

Module 04 Introduction to Public Trust :

7. Objects, Application, Basic Concepts / Definitions, and Kinds of Trusts
8. Establishment
9. Charitable Purposes and Validity of Certain Public Trusts
10. Registration of Public Trusts
11. Change Reports
12. Framing of Schemes

Module 05 Supervision and Control of Public Trusts :

5. Budget, Accounts and Audit
6. Powers and Duties of, and Restriction on Trustees
7. Control of Public Trusts - Powers and Functions of Charity Commissioner
8. Other Functions and Powers of Charity Commissioner

Module 06 Special Provisions under the Act :

5. Special Provision as Respects Religious and Charitable Institutions and Endowments
6. Public Trusts Administration Fund
7. Offences and Penalties
8. Function of Charity Commissioner, Procedure, Jurisdiction and Appeals

Part III Principles of Equity :

Module 07 Development and Maxims of Equity :

7. Concept of Common Law and Common Law Courts
8. Concept and Definition of Equity
9. Origin and Development of Equity
10. Fusion of Common Law and Equity
11. Recognition of Equity under Indian Legal System - Overview
12. 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 :

- 17. S. Krishnamurthy Aiyar and Harbans Lal Swin, *Principles and Digest of Trusts Laws* (1998), University Book Agency, Allahabad.
- 18. R.E. Megarry and P.V. Baker, *Snell's principles of Equity* (1964) ELBS, Sneyd and Maxwell.
- 19. Iyer N., *Indian Trust Act* (1997), Delhi Law House, New Delhi.
- 20. Rajarathnam, Natarajan and Thankaraj, *Commentary on Charitable Trusts and Religious Institutions* (2000) Universal, Delhi.
- 21. Rao. C.R, *The Indian Trust Act and Allied Laws*, Puliani and Puliani Booksellers, Bangalore (1999).
- 22. Rangacharya I V, *The Indian Trusts Act*, Madras Law Journal Office (1972).
- 23. B.M. Gandhi - *Equity, Trusts and Specific Relief* (Eastern Book Company, Lucknow)
- 24. Aggarwal O P, *The Indian Trusts Act*.
- 25. Tandon M P, *The Indian Trusts Act*, Allahabad Law Agency.
- 26. Chaudhari D H, *The Bombay Public Trusts Act, 1950*.
- 27. Shah K N, *The Bombay Public Trusts Act, 1950*.
- 28. Apte M S, *The Bombay Public Trusts Act, 1950*.
- 29. Gupte and Dighe - *The Bombay Public Trust Act* (Hind Law House Pune).
- 30. Philip H. Pettit, *Equity and Law of Trust*, Oxford University (2012).
- 31. Ahmad Aquil, *Equity, Trusts and Specific Relief*, Central Law Agency.
- 32. Basu Durga Das, *Equity, Trusts and Specific Relief*, Kamal Law House, 1996

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 Behaviour, particularly, deviant Behaviour. 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 :

1. What is crime? Who is the criminal?
2. What is Criminology?
3. Schools of Criminology -
 - a) The Pre-Classical School
 - b) The Classical School
 - c) Neo-Classical School
 - d) Positivist Approach - Radical Positivism and Liberal Positivism
 - Cesare Lombroso
 - Enrico Ferri
 - Raffaele Garofalo
 - Gabriel Tarde

Module 02 Psychology and Crime :

7. Meaning, purpose and scope of criminal psychology
8. Psychological vs. Psycho - analytical approach to crime
9. Behaviourist approach to crime
10. Definition of criminal Behaviour - Psychodynamics of criminal Behaviour.
11. Mental illness and crime
12. Human aggression and violence to crime

Module 03 Psychometric Test - Its use in Criminal Behaviour :

5. Measurement of criminal Behaviour - Psychological test to measure criminal Behaviour

6. Criminal profiling: Definition and process of profiling criminal personality
7. Factors underlying criminal profiling
8. Merit and demerit of criminal profiling

Module 04 Forensic Psychology - Concept and Importance :

7. Definition, meaning and scope of forensic psychology
8. Historical background of forensic psychology in India and abroad
9. Role of forensic psychology in the investigation of crime
10. Psychology and the police
11. Application of psychology in court
12. Application of psychology in prison

Module 05 Sociological Theories - Crime and Social Structure :

4. Social structure theory
5. Social disorganization theory
6. Merton, anomie and strain

Module 06 Subcultural Theories :

3. Cohen's theory of the delinquent subculture
4. Miller's lower class gang delinquency

Module 07 Crime and Social Process :

7. Socialization and Crime - Differential association theory
8. Differential reinforcement theory
9. Neutralization and rift theory
10. Hirschi's Social Control or Social Bond Theory
11. Becker's Labelling theory
12. Self-Control and Self Esteem as related to crime

Recommended Readings :

19. Akers, Ronald.L. and Sellers, Christin, S. (2004) *Criminological Theories* (4th Edition) Rawat Publication, New Delhi.
20. Void, George B., Benard Thomas J., and Snipes, Jeffrey B. (2002), *Theoretical Criminology*, Oxford University Press, Oxford.
21. Siegel, L.J (2003) *Criminology*, (8th Edition) Wadsworth, USA.
22. Schmallegger Frank, *Criminology Today*, (1996) Prentice Hall, New Jersey.
23. Dennis Howitt, 2002, *Forensic and Criminal Psychology*, Prentice Hall.
24. *Encyclopedia of Criminal and Deviant Behaviour*, 2001, Clifton D. Pryart, Editor-in Chief, Burunner Routledge Taylor and Frances Group.
25. Bartal, Curt R, 1999, *Criminal Behaviour: A Psychosocial Approach*, 5th edition, Prentice Hall, New Delhi.
26. Hollin, Clive R Routledge and Kegan Paul, 1989, *Psychology and Crime: An introduction to Criminal Psychology*, London.
27. Dartmouth Aldershot, 1987, *Criminal Detection and Psychology of Crime*.
28. Harvard LPC *Forensic Psychology*, 1981, Professor of Clinical Psychology, University of Surrey, Batsford Academic and Educational Ltd. London.
29. Adman Raine, 1983, *The Psychopathology of Crime, Criminal Disorder*, Academic Press, Inc.
30. Navin Kumar, (2015), *Criminal Psychology*, LexisNexis, New Delhi.
31. Shukla Girjesh, (2013), *Criminology*, LexisNexis, New Delhi.
32. McLaughlin Eugene and Newburn Tim (Ed) (2010), *the Sage Handbook of Criminological Theory*, Sage Publication Ltd, New Delhi.
33. Prof. N.V. Paranjape, *Criminology and Penology With Victiomology*, Central Law Publications.
34. S.M.A. Quadri, *Criminology And Penology*, Eastern Book Company.
35. Dr. Krishna Pal Malik, *Penology , Victimology And Correctional Administration In India*, Allahabad Law Agency.
36. J.P. Sirohi, *Criminology And Criminal Administration*, Allahabad Law Agency.

LO 0508 Agricultural Marketing Law :

Objectives of the Course :

The livelihood of majority of the country's population depends on agriculture. About 65 percent of the population depends on the agriculture and 70 percent live in the villages. The contribution of Indian agriculture to the national Gross Domestic Product (GDP) is also significant. The food being the crowning need of mankind, much emphasis has been made on commercializing agricultural production. In this era of globalisation adequate production, warehousing, distribution, marketing and export of agricultural produce has become a high priority. Agricultural marketing is mainly the buying and selling of agricultural products. The protection of farmers rights is also equally important. The objective of the course is to make the students well acquainted with the knowledge of law with respect to these matters.

Module 01 Basic Concepts of Agricultural Marketing and Model Act :

1. Concept of Agricultural Marketing and Market
2. Classification of Markets, Types of Marketing
3. Background, Objects and Reasons and Salient Features of the Model Act on the State Agricultural Produce Marketing (The State Agricultural Produce Marketing (Development and Regulation) Act, 2016)

Module 02 The Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963 :

15. Objects, Application and Definitions under the Act
16. Establishment of National Integrated Produce Market
17. Direct Marketing, Establishment of Private Market and Farmer - Consumer Market
18. Contract Farming Agreement
19. Marketing of Agricultural Produce
20. Constitution of Market Committees
21. Powers and Duties of Market Committee
22. Cost of Supervision
23. Officers and Servants of Market committee
24. Market fund
25. Trade Allowances Prohibited
26. State Agricultural Marketing Board
27. Control of Market committee
28. Penalties for Contravention of Provisions under the Act

**Module 03 Legislation on Warehousing, Food Product Export, Grading and Marketing
- Introduction, Objects and Reasons and Salient Features of the Laws :**

4. The Warehousing Corporations Act, 1962
5. The Agricultural and Processed Food Products Export Development Authority Act, 1985
6. The Agricultural Produce (Grading and Marking) Act, 1937

Module 04 The Protection of Plant Varieties and Farmers Rights Act, 2001 :

9. Objects and Definitions under the Act
10. Protection of Plant Varieties and Farmers Rights Authority and Registry
11. Registration of Plant Varieties and Essentially Derived Variety
12. Duration and Effect of Registration and Benefit Sharing
13. Surrender and Revocation of Certificate and Rectification and Correction of Register
14. Farmers' Rights
15. Compulsory License
16. Plant Varieties Protection Appellate Tribunal

Module 05 Relevant Provisions under the National Food Securities Act, 2013 :

5. Midday Meal Scheme (MMS)
6. Integrated Child Development Services (ICDS)
7. Public Distribution Systems (PDS), etc.
- 8.

Module 06 Agricultural Insurance in India an Overview :

6. Characteristic Features of Indian Agriculture and Farmers' Community
7. Risk Perceptions of Indian Farmers
8. Unified Package Insurance Scheme :
Pradhan Mantri Fasal Bima Yojana (PMFBY)
9. Past Experience with Crop Insurance Schemes in India :
Comprehensive Crop Insurance Scheme (CCIS) Experimental
Crop Insurance (ECI)
Farm Income Insurance Scheme FIIS
10. National Agriculture Insurance Scheme (NAIS)

Recommended Readings :

13. Dr. C.S. Prasad: *Agriculture and Sustainable Development in India*, New Century Publications, New Delhi, India 2012.
14. A.K. Thaur and M.K. Sinha (ed.) : *Structural Reforms and Agriculture*, Deep and Deep Publications Pvt. Ltd. 2011.
15. Rais Ahamd : *Co-operative and Rural Development in India*, New Century Publications, New Delhi, India 2013.
16. *Law of Seeds* (Acts, Rules, Orders, Policy, Notifications, Varieties, Export and Import of Seeds etc.), 16th ed., Asia New House, 2012.
17. S.S China : *Agricultural Labour-Problems and Policy Implications*, Regal Publications, New Delhi.
18. Sudip Chakraborty : *Food Security and Child Labour*, Deep and Deep Publications PVT LTD. 2011.
19. Asian Development Bank : *Agriculture, Food Security and Rural Development*, Oxford University Press, 2010.
20. D. Narasimha Reddy and Srijit Mishra (ed) : *Agrarian Crisis in India*, Oxford University Press, 2010.
21. Dr. B.K Mohanty: *Agricultural Finance and Rural Development*, Regal Publications, New Delhi, 2010.
22. R. Datt and K.P.M Sundharm : *Indian Economics*, S. Chand, New Delhi, 2009.
23. Myneni : *Indian Economics* (For Law Course), Allahabad Law Agency, 2006.
24. B.B Mukharji : *Agricultural Marketing in India*, Thacker, Spink 1930.

LO 0509 Intellectual Property Rights I :

Objectives of the Course :

Intellectual Property has acquired tremendous role in the present technology driven economy throughout the world. 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 and the flow of communication. Due to the vastness of the subject it has been divided into two courses. Course-I gives a subtle back ground to the international perspective in a nutshell while the application of it in the National Regime is placed in course – II in a subtle manner. This course is designed with intend to familiarize the students with Concept, nature, characteristics and internationalization of Intellectual Property. It also involves the study of important international instruments in the field of Intellectual Property with more emphasis on TRIPS agreement and the current issues.

Module 01 Introduction to Intellectual Property Rights :

1. Definition, Concept and Nature of Intellectual Property, Theories of Intellectual Property, Distinction between Intellectual Property and other tangible and intangible properties, Non-rivalrous nature of Intellectual Property, Kinds of Intellectual Property
2. Need for Protecting Intellectual Property- Policy Consideration, Importance of Intellectual Property in the present era, Monopoly v. Public Interest
3. Origin and Development of Intellectual Property, Internationalization of Intellectual Property Rights
4. Pre-TRIPS Scenario, Formulation of TRIPS, Basic Principles and Objectives of TRIPS, TRIPS and WIPO-WTO Cooperation, Transfer of Technology and TRIPS, The TRIPS Agenda, Critique of TRIPS
5. The Paris Convention for the Protection of Industrial Property, History, features and General Provisions

Module 02 Law of Copyright and Neighboring Rights :

5. Meaning and definition of Copyright, Neighboring rights (Related rights) and Secondary Rights
6. The Berne Convention for the Protection of Literacy and Artistic Works - History, General Provisions, Developing Countries and the Berne Convention.
7. TRIPS provisions related to protection of Copyright.
8. Protection of technology-based works (such as computer programs and electronic databases), Secondary rights, Broadcasting rights

Module 03 Patent Law :

7. Meaning, Concept and Nature of Patent
8. The Patent Cooperation Treaty (PCT), History, Objectives of the PCT, Functioning of the PCT System, Advantages of the PCT System
9. Patent law harmonisation under TRIPS Agreement – Patentable subject Matter, Patentability Criteria, Non-Patentable inventions, Exceptions to Patent Rights, Compulsory Licences, Local working condition, Importation of patented goods, etc.
10. The Doha Ministerial Conference 2001
11. Introduction to the Budapest Treaty
12. Doctrine of Equivalents, Public dedication Rule, Patent Exhaustion, Patent Misuse, Enforceability of Patent Rights

Module 04 Law of Trade Marks :

4. Meaning and Nature of Trade Marks, Kinds of Marks, Well Known Marks
5. The Madrid Agreement Concerning the International Registration of Marks, Objectives, the Madrid System, Basic Features, Advantages of the System
6. Trademarks and the TRIPS Agreement

Module 05 Protection of Industrial Designs :

5. Meaning and definition of Industrial Designs
6. Industrial Designs Vs. Copyright
7. Introduction to the Hague Agreement Concerning the International Registration of Industrial Designs, Benefits of Accession to the Hague Agreement
8. Protection of Industrial Designs under TRIPS

Module 06 Conventions and Treaties relating to other Intellectual Properties :

5. Definition and Concept of Geographical Indications, Layout Designs, Trade Secret, Plant Varieties, etc.
6. Lisbon Agreement for the Protection of Appellations of Origin
7. Protection of Geographical Indications, Layout Designs and Trade Secret under the TRIPS Agreement
8. The UPOV Convention

Module 07 Current IP Issues :

7. Access to Genetic Resources and Benefit Sharing
8. Intellectual Property and Human Rights
9. Protection of the rights of indigenous people
10. IP protection and its impact on right to food security and public health
11. Environmental Protection and Intellectual Property
12. Protection of Bio-diversity and Traditional Knowledge - Economic, Social, Cultural and Ethical Dimensions

Recommended Readings :

18. Kamil Idris, *Intellectual Property: A Power tool for Economic Growth*, WIPO.
19. Tzen Wong and Graham Dutfield, *Intellectual Property and Human Development – Current Trends and Future Scenarios*, Cambridge Press.
20. UNCTAD-ICTSD. (2005). *Resource Book on TRIPS and Development*. New York: Cambridge University Press.
21. William Cornish and David Llewelyn, *Intellectual Property : Patents, Copyright, Trade Marks, and Allied Rights*. London: Sweet and Maxwell.
22. Carlos Correa, *Implementing TRIPS in developing countries*. Third World Network.
23. Catherine Colston, *Principles of Intellectual Property Law*. London: Cavendish Publishing Ltd.
24. Choudhary D. N., *Evolution of patent Laws*. New Delhi: Capital Law House.
25. Epstein M A, *Epstein on Intellectual Property* (Indian Reprint). New Delhi: Wolters Kluwer Law and Business.
26. Feroz Ali Khader, *The Law of Patents - With a special focus on Pharmaceuticals in India*, LexisNexis Butterworths Wadhwa, Nagpur.
27. Ganguli Prabuddha, *Intellectual Property Rights - Unleashing the Knowledge Economy*. New Delhi: Tata McGrawh-hill Publishing Company Ltd.
28. Gopalkrishnan N S, and Agitha T G, *Principles of Intellectual property*. Lucknow: Estern Book Company.
29. Gregory Stobbs, *Software Patents Worldwide*, Wolters Kluwer.
30. Jayshree Watal, *Intellectual Property in WTO and Developing Countries*. New Delhi: Oxford University Press.
31. Michael Blakeney, *Trade Related Aspects of Intellectual Property Rights: A concise Guide to the TRIPS Agreement*.
32. Parmeswaran Narayanan, *Intellectual Property Law*, Eastern Law House
33. Rao M B and Guru M, *Understanding Trips Managing Knowledge in Developing Countries*. New Delhi: Response Books
34. Robert Merges and John Duffy, *Patent Law and Policy: Cases and Materials*, 2017.



First Year LL.B (Semester II) Third Year B.A. LL.B Semester VI Syllabus (2019)

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 :

8. Demand for a Constitution framed by a Constituent Assembly
9. The Cripps' offer of 1942
10. The Wavell Plan of 1945
11. The Cabinet Mission Plan, 1946
12. The Mountbatten Plan, 1947
13. The Indian Independence Act, 1947
14. 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 :

4. Concepts of Constitutional Law and Constitutionalism
5. Forms and characters of various models of Constitution
6. Salient features of the Constitution of India

Preamble to the Constitution of India :

6. Meaning of the Preamble
7. Object, Purpose and Scope of the Preamble
8. Contents of the Preamble
9. Utility of Preamble in interpretation of the Constitution
10. 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) :

7. Concept of Fundamental Rights – Their Origin and Development
8. History of the demand for Fundamental Rights in India
9. 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
10. Concept of State and its Importance
11. Concept of Law and Law in force
12. Whether the Constitution Amendment Act is law under Article 13?

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

16. Equality before law and Equal protection of Law
17. Permission of Reasonable Classification but prohibition of Class legislation
18. Article 14 Strikes at Arbitrariness
19. Prohibition of discrimination against citizens
20. Right to Access to Public Places
21. Special provisions for women and children
22. Special provisions for Backward Classes
23. Equality of Opportunity in Matters of Public Employment
24. Requirement as to Residence in State
25. Reservation of Posts for Backward Classes
26. Reservations in Promotion
27. Carry Forward of Reserved Vacancies
28. Percentage of Reservation - Rule of rounding up
29. Abolition of Untouchability
30. Abolition of Titles

Module 05 Right to Freedom I (Article 19) :

8. Freedom of Speech and Expression and Reasonable Restrictions on it
9. Freedom of Assembly and Reasonable Restrictions on it
10. Freedom to form Association or Union and Reasonable Restrictions on it
11. Freedom of Movement and Reasonable Restrictions on it
12. Freedom of Residence and Settlement and Reasonable Restrictions on it
13. Freedom of Profession, Occupation, Trade and Business and Reasonable Restrictions on it
14. Right to Property -
 - a) Pre- 1978 Position - Article 19(f) and 19(5); Eminent Domain; Article 31; Interrelation 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) :

5. Protection in Respect of Conviction for offences -
 - a) Protection against Ex-post Facto Law
 - b) Guarantee against Double Jeopardy
 - c) Privilege against Self-Incrimination
6. 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
7. Right to Education - Evolution and Importance
8. 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) :

5. Traffic in Human Beings
6. Begar and Similar forms of Forced Labours
7. Compulsory Services for Public Purpose
8. Prohibition of Employment of Children

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

7. Concept of Secularism
8. Freedom of Conscience and right to Profess or Practice and Propagate religion
9. Freedom of Religion of Religious Denomination
10. Freedom from Paying of Taxes for Promotion of any Religion
11. Annual Payment to certain Devaswom Funds (Article 290A)
12. Prohibition of Religious Instructions in Educational Institutions

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

5. Concept of Minority
6. Protection of Interest of Minorities
7. Right of a Minority to Establish Educational Institution
8. Regulation of Minority Educational Institution

Module 10 Right to Constitutional Remedies (Articles 32 to 35) :

10. Enforcement of Fundamental Rights
11. Procedure in Enforcement of Fundamental Rights
12. Power to issue Writs, Directions or Orders – Types of Writs
13. Comparison between Article 32 and Article 226
14. Public Interest Litigation
15. Fundamental Rights during Emergency
16. Power of Parliament to Modify Fundamental Rights with respect to some Forces
17. Fundamental Rights during operation of Martial Law
18. Legislation to give effect to Fundamental Rights

Module 11 Directive Principles of State Policy (Articles 36 to 51) and Fundamental Duties (Article 51A) :

5. Nature and Importance of Directive Principles
6. Inter-relationship between Fundamental Rights and Directive Principles.
7. Directive Principles of State Policy
8. Fundamental Duties – Nature and Importance

Module 12 Amendment of the Constitution (Article 368) :

7. Power and Procedure of Amendment
8. Amendment / Change by Simple Majority
9. Amendment by Special Majority
10. Amendment by Special Majority with Ratification by Majority of States
11. Amendment of Fundamental Rights
12. Basic Structure Doctrine

Recommended Readings:

15. M. P. Jain, *Indian Constitutional Law*, LexisNexis (2015).
16. D.D. Basu, *Constitutional Law of India*, LexisNexis (2013).
17. Narendra Kumar, *Constitutional Law of India*, Allahabad Law Agency (2015).
18. H. M. Seervi, *Constitutional Law of India*, N.M. Tripathi.
19. Arvind Datar, *Commentary on Constitution of India* (3 Vols), LexisNexis (2010).
20. Sathya Narayan (Ed), *Selected Work of S.P. Sathe* (3 Vols), Oxford University Press (2015).
21. M.P. Singh, *V.N. Shukla's Constitution of India*, Eastern Book Company, (2013).
22. Sujit Chaudhry, Madhav Khosala and Pratap Bhanu Mehta, *The Oxford Handbook of the Indian Constitution*, Oxford University Press.
23. Granville Austin, *Working of a Democratic Constitution- The Indian Experience*, Oxford University Press.
24. Gautam Bhatia, *The Transformative Constitution: A Radical Biography in Nine Acts*, Harper Collins Publication, India. 2019.
25. Madhav Khosala, *The Indian Constitution* (Oxford India Short Introductions), Oxford University Press, 2012.
26. Sudhir Krishnaswamy, *Democracy and Constitutionalism in India – A Study of the Basic Structure Doctrine*, Oxford University Press.
27. S.B. Shiva Rao, *The Framing of the Indian Constitution*, Vols. I and V, the Indian Institute of Public Administration, New Delhi (1966).
28. H.R. Khanna, *Making of India's Constitution*, Eastern Book Co., Lucknow

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 :

1. Evolution of joint family system in India
2. Institution of Hindu joint family and joint family property; Family arrangement; Separate or self-acquired property
3. 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.
4. Karta, his position, powers and duties; Father's powers of alienation; Alienee's rights and remedies
5. 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 :

4. The 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
5. General principles of inheritance under Muslim law, Law of inheritance applicable to Sunnis and Shias, and the distinction between the two, Disqualifications
6. The 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 :

5. The 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
6. The 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
7. The Hindu Succession Act 1956 : Testamentary succession
8. Will under Muslim law (wasiyat)

Module 04 Right of Pre-emption :

3. 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
4. Pre-emption under Hindu Law

Module 05 Gifts under Muslim Law (Hiba) :

4. Nature and characteristics of hiba, types of hiba, donor and donee, what may be given in gift
5. 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)
6. Revocation and revival of gift

Module 06 Wakf :

5. Origin and Development of Wakf
6. Importance, Meaning and Definition, Characteristics
7. Essentials, Kinds, formalities for creation, the Wakif, Objects and Purposes of the Wakf
8. Administration of Wakf under the Wakf Act, Appointment, Removal, Powers and Duties of Mutawalli

Recommended Readings

16. Poonam Pradhan Saxena, *Family Law Lectures: Family Law II*, LexisNexis, New Delhi.
17. Paruck, *The Indian Succession Act, 1925*, N M Tripathi Private Ltd.
18. Row Sanjiva, *The Indian Succession Act*, Law Book Co.
19. Basu, *Indian Succession Act*, Eastern Book Publication.
20. Diwan, *Law of Intestate and Testamentary Succession*, Wadhwa.
21. Satyajeet A Desai, *Mulla's, Hindu Law*, LexisNexis, New Delhi.
22. Justice Ranganath Mishra, *Mayne's Hindu Law and Usage*, Bharat Law House, New Delhi.
23. H. K. Saharay, *Family Law in India*, Eastern Law House, New Delhi.
24. Flavia Agnis, *Family Law Vol I and II*, Oxford University Press, New Delhi.
25. Tahir Mahmood, *Principles of Hindu Law*, Universal Law Publishing, New Delhi.
26. Mulla, *Principles of Mohammedan Law*, LexisNexis, Nagpur.
27. Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
28. Amer Ali, *Mohammedan Law*, Vol. I and II, Eastern Book Company, Luknow.
29. Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.
30. Derrett, *Introduction to Modern Hindu Law*, Universal Law Publishing.

LC 0603 Law of Contract II :

Objectives of the Course :

The special provisions of law that apply to special contracts are covered in this course. The 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 two other statutes: The Sale of Goods Act 1930 and the Indian Partnership Act. 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 :

1. Principle of indemnity in general
2. Definition of the contract of indemnity
3. Formation and essential features
4. Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
5. Nature and extent of liability of the indemnifier
6. Commencement of liability of the indemnifier
7. 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

Module 02 Contracts of Guarantee - Sections 126 to 147 of the Indian Contract Act, 1872 :

10. Definition of a contract of guarantee
11. Formation and essential features of a contract of guarantee. Parties to the contract; effect of minority of principal debtor
12. Contract of guarantee as distinguished from a contract of indemnity
13. Consideration for a contract of guarantee
14. Continuing guarantee, and its revocation
15. Nature and extent of surety's liability - commencement, duration and termination
16. Surety's rights against the principal debtor
- 8 Surety's rights against the creditor

- Special position of a surety : a privileged debtor
 - Circumstances that discharge a surety. Contracting out of such discharge.
17. Letters of credit and bank guarantees
 18. 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

9. Definition of a contract of bailment
10. Formation and essential features of a contract of bailment, Parties to the contract
11. Creation of a contract of bailment, Obligations of bailment despite contract
Gratuitous bailments
12. Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
13. Kinds of bailees
14. 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
15. Termination of bailment, and consequences of termination
16. Finder of goods as a bailee

Module 04 Contracts of Pledge - Sections 172 - 179 of the Indian Contract Act 1872 :

8. Definition of a contract of pledge
9. Essential features of a contract of pledge, Parties to the contract
10. Creation of a contract of pledge
11. Distinction between contracts of pledge, bailment, hypothecation
12. Rights, liabilities, duties and disabilities of the pawnor
13. Rights, liabilities, duties and disabilities of the pawnee; pawnee's right of sale
14. 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 :

13. Definition of a contract of agency
14. Essential features of a contract of agency. Parties involved. Kinds of agents and agencies
15. Creation of agency
16. Distinction between agent, servant or employee, and independent contractor

17. Agent's authority - Scope and extent, Express, implied, apparent or ostensible authority, and authority in an emergency, Restrictions or limitations
18. Delegation of authority, Relationship between a principal, agent and sub-agent, Substituted agents
19. Ratification
20. Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party
21. Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party
22. Personal liability of an agent
23. Pretended agent. Undisclosed principal
24. 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 :

15. Definition of a contract of sale of goods
16. Essential features of a contract of sale. Parties to the contract
17. Sale as a transfer of property, Sale and agreement to sell
18. Four elements : price, delivery, risk and property (ownership)
19. Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods
20. Implied conditions and warranties, Express conditions and warranties
21. The rule '*caveat emptor*', principle, meaning, and exceptions to the rule
22. Other implied terms
23. Transfer of title, Transfer by non-owners
24. Passing of risk
25. Delivery of goods, Various modes of delivery and their effect, Inspection of goods, Rejecting goods
26. Rights and liabilities of the buyer and seller, Unpaid seller and his rights
27. Remedies for price and for breach, Interest and taxes
28. Auction sales

Module 07 Contracts of Partnership - The Indian Partnership Act, 1932 and The Limited Liability Partnership Act 2008 :

11. Definition of a contract of partnership
12. Essential features of a contract of partnership, the firm and the partners, Parties to the contract, Minor as partner
13. Kinds of partnership
14. Relations of partners with one another: their rights, liabilities, duties, immunities and disabilities
15. Property of the firm, Firm name
16. 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
17. 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

18. Dissolution of a firm, Modes of dissolution, Effect of dissolution, Agreements in restraint of trade
19. Registration of firms, Procedure of registration, Effect of non-registration
20. Limited Liability Partnership : Essential features, Distinction between limited liability partnership and ordinary partnership

Recommended Readings:

21. Akhilesh Gupta, *Law Relating to Special Contracts—Contracts of Bailment, Pledge, Hypothecation, Indemnity and Guarantee*, 2013, LexisNexis.
22. Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15th ed., 2015, LexisNexis.
23. Avtar Singh, *Law of Contract and Specific Relief*, 12th ed, 2017, Eastern Book Company.
24. M. Krishnan Nair, *Law of Contracts*, 1998.
25. *Pollock and Mulla's Indian Contract Act*, Nilima Bhadbhade ed., 14th updated edition, 2014, LexisNexis.
26. Nilima Bhadbhade, *Contract Law of India*, 2nd ed 2009, Kluwer, available free on Google books.
27. *Pollock and Mulla's The Sale of Goods Act*, Akshay Sapre ed., 9th ed, 2014, LexisNexis.
28. Akhileshwar Pathak, *Law of Sale of Goods*, 2013, Oxford University Press.
29. Avtar Singh, *Law of Sale of Goods*, 2011, Eastern Book Company.
30. P S Atiyah, *The Sale of Goods*, 12th ed, 2010, Longman.
31. P S Ramanatha Aiyar, *Law of Sale of Goods*, Shrinivas Gupta ed., 10th ed, 2016, Universal Law Publishing.
32. *A Ramaiya's Commentary on the Sale of Goods*, K Shanmukham and H K Saharay eds, 5th ed, 2014, Universal Law Publishing.
33. *Benjamin's Sale of Goods*, Michael Bridge ed, 9th ed, 2016, Sweet and Maxwell.
34. *Pollock and Mulla's The Indian Partnership Act*, G C Bharuka ed., 7th ed, 2007, LexisNexis.
35. *Mulla's The Sale of Goods Act and the Indian Partnership Act*, K Kannan ed., 10th ed, 2012, LexisNexis.
36. Avtar Singh, *Introduction to Law of Partnership (including Limited Liability Partnership)* 10th ed., 2011, Eastern Book Company.
37. *S T Desai's The Law of Partnership in India*, Satyajeet Desai ed., 7th ed., 2009, LexisNexis.
38. C L Gupta, *Law of Partnership including Limited Liability Partnership*, Palok Basu ed., 5th ed., 2016, LexisNexis.
39. P C Markanda, *The Law of Partnership in India*, 2010, LexisNexis.
40. 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 Torts is about civil wrongs. The liability for such wrongs is distinct from liability under criminal law and contract law. The 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. The liability for new kinds of wrongs is recognised, or an existing wrong 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 relevant provisions under 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 :

1. Development of tort actions in England and India
2. Meaning and definition of tort
3. Tort distinguished from contract, quasi-contract and crime
4. Constituents of tort – wrongful act, damage and remedy
5. Malfeasance, misfeasance and non-feasance

Module 02 Liability for the Wrong Committed :

5. Strict liability, absolute liability, no-fault liability; exceptions to these
6. Principle of vicarious liability - nature, scope and justification
7. Doctrine of sovereign immunity
8. Joint tort-feasors, joint and several liability

Module 03 General Defences / Justifications in an action for Tort :

14. *Volenti non fit injuria*, consent, voluntary assumption of risk, exclusion clauses
15. *Vis major* (act of God)
16. Inevitable accident
17. Act of third parties
18. *Novus actus interveniens*

19. Plaintiff's wrong or default
20. Self-defence and defence of property
21. Necessity
22. Statutory authority
23. Judicial and quasi-judicial acts
24. Parental and quasi-parental authorities
25. Illegality
26. Mistake

Module 04 Torts against Persons :

6. Assault, Battery, Mayhem
7. Causing Emotional Distress
8. Malicious Prosecution and abuse of legal proceedings; False Imprisonment
9. Deceit and Conspiracy
10. Particular defences available in each of these types

Module 05 Torts against Reputation :

4. 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
5. Defences to defamation
6. Invasion of privacy and defences

Module 06 Torts against Property :

7. Trespass to land
8. Trespass to personal property
9. Detention and conversion
10. Passing off; Injury to trademark, patent and copyrights
11. Public and private nuisance
12. Particular defences available in each of these types

Module 07 Unintentional Torts :

5. Product Liability and defences
6. Negligence : Duty to take care and its breach; Foreseeability, causation;
Contributory negligence and other defences to negligence;

Occupier's liability; *res ipsa loquitur*

7. 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)
- 8.

Module 08 Remedies in Tort law :

3. Judicial remedies:
 - a) 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
 - b) Injunction - permanent and temporary, *qua timet* action
 - c) Replevin
 - d) Ejectment
4. Extra - judicial remedies - Self-defence, reentry on land, recapture of goods, abatement, distress damage feasant

Module 09 Consumer Protection Law :

6. Origin and development of consumer law
7. Basic Concepts - Consumer, complaint, complainant, service, goods, defect, deficiency, trader, consumer dispute, restrictive trade practice, unfair trade practice
8. Authorities under the Act - Consumer Councils, Redressal agencies and their composition and jurisdiction - substantive, territorial and pecuniary; Appeals, Additional remedy
9. Remedies available under the Act
10. Procedure for filing a complaint and of the redressal agency, Limitation; Enforcement of orders, vexatious complaints

Recommended Readings:

16. Ramaswamy Iyers's *The Law of Torts*, Lakshminath ed, 10th ed, 2007, LexisNexis.
17. Avatar Singh, *Introduction to the Law of Torts*, 2nd ed., Delhi Law House.
18. Ratanlal and Dhirajlal, *The Law of Torts*, Akshay Sapre ed., 27th ed., 2016, LexisNexis.
19. P.S. Achuthan Pillai, *The Law of Tort*, Abhinandan Malik ed., 9th ed (reprint 2017), Eastern Book Company.
20. B M Gandhi, *Law of Torts*, 4th ed (rep 2016), Eastern Book Company.
21. Sathya Narayan, *Tort Law in India*, Wolters Kluwer, Netherland, 2013.
22. *Wienfield and Jolowicz on Tort*, W V H Rogers ed, 18th ed, 2010, Sweet and Maxwell.
23. *Salmond and Heuston on the Law of Torts*, R F V Heuston and R A Buckley Eds, 21st ed, Sweet and Maxwell.
24. Tony Weir, *An Introduction to Tort Law*, 2nd ed, 2006, Oxford University Press.
25. John Murphy, *Street on Torts*, Eleventh Edi Oxford University Press 2006.
26. Avtar Singh and Harpreet Kaur, *Introduction to the Law of Torts and Consumer Protection*, 3rd ed, 2013, LexisNexis.
27. Garima Tiwari, *Understanding Laws – Consumer Rights* 2014, LexisNexis.
28. Anirban Chakraborty, *Law of Consumer Protection – Advocacy and Practice*, 2014, LexisNexis.
29. Claire Andrews, *Enforcement of Consumer Rights and Protections*, 2016, LexisNexis.
30. 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 course 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 Introduction:

1. Introduction to Media and Communication
2. Importance of Media in Democracy
3. Kinds of Media
4. Functions of Media – Information, Surveillance, Service the economic system, Hold society together, Entertain, Act as a community forum, Service the political system, etc.

Module 02 History of Press and Theories of Press :

4. Historical Foundations of Media Laws in UK, USA and India (Pre and Post-Independence)
5. International Law and Freedom of Media (UDHR, ICCPR, ECOSOC etc.)
6. Theories of Press -
 - a) Authoritarian Theory
 - b) Libertarian Theory
 - c) Communist Theory
 - d) Theory of Social Responsibility
 - e) Development Media Theory
 - f) Democratic Participant Media Theory

Module 03 ***Constitutional Framework of Freedom of Media in India :***

9. Free Speech and Constituent Assembly Debates in India
10. Freedom of Speech and Expression in Indian Constitution
11. Facets of Freedom of Speech and Expression
 - a) Freedom of Speech and Expression includes Freedom of Press
 - b) Right to Circulation
 - c) Right to Receive Information
 - d) Right to Advertise
 - e) Right to Telecast / Broadcast
 - f) Censorship
12. Law Commission of India : 101st Report on Freedom of Speech and Expression under Article 19 of the Constitution - an Overview
13. Reasonable Restrictions
14. Legislative Privileges and Media
15. Right to Privacy and Media
16. Freedom of Media during emergency

Module 04 ***Legal Dimensions of Media :***

6. Media and Criminal Law (Sedition, Obscenity and Defamation)
7. Media and Law of Torts (Civil Law of Defamation and Negligence)
8. Media and Judiciary (Contempt of Court)
9. Media and Executive - an Overview (The Official Secrets Act, 1923, The Right to Information Act, 2005)
10. Media and Journalists - an Overview (The Working Journalists (Conditions of Service) Act, 1955)

Module 05 ***Regulatory Framework of Media :***

9. Methods of Regulation (Self Regulation and Statutory Regulation)
10. The Cinematograph Act, 1952
11. The Cable Television Networks (Regulation) Act, 1955
12. The Prasar Bharti Act, 1990
13. The Press Council of India Act, 1978
14. The Telecom Regulatory Authority of India Act, 1997
15. Advertising Standards Council of India and its codes
16. The Indecent Representation of Women Act, 1986

Module 06 Issues in Media Laws

10. Trial by Media (Law Commission of India : 200th Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973 - an Overview)
11. String Operation and Media
12. Broadcasting Rights
13. Taxation and Media
14. Media and Convergence
15. Infringement of Intellectual Property Rights
16. Internet and freedom of media
17. Violence against Media persons and Law
18. 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 - an Overview)

Recommended Readings:

14. P.M. Bakshi - *“Press Law – An Introduction”* BTRFI Publications, 1985.
15. D.D. Basu - *“Law of the Press”*, LexisNexis Butterworth’s Wadhwa, Nagpur.
16. 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.
17. Madhavi Goradia - Divan - *“Facets of Media Law”* Eastern Book Company.
18. M.P. Jain *“Indian Constitutional Law”* LexisNexis, Butterworths, Wadhwa, Nagpur.
19. Ram Jethmalani and D. S. Chopra - *“Cases and Material on Media Law”*, Thomson Reuters, New Delhi.
20. P.M. Bakshi, *“Law of Defamation - Some Aspects”*, N.M. Tripathi, Bombay.
21. Ursula Smartt, *“Media and Entertainment Law”*, Routledge, First Edition.
22. Kiran Prasad, *Media Law in India*, Kluwer Law International.
23. Vidisha Barua, *Press and Media Law Manual*, Universal Law Publishing, New Delhi.
24. B. N. Ahuja, *“History of Press, Press Laws and Communications”*, Surjeet Publications, Delhi.
25. Gokhale, S. D., Sadhu, A., and Kuvalekar, V, (Eds). *“Press in India: On the Threshold of 21st Century”*, Sakal Paper Trust, Pune.
26. 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 on monetary transactions. The services banks render to the public have a significant contribution in the development of any economy. The security of assets, money and other valuable belonging to individuals, families, businesses is assured through the service that banks provide. The process of the working of the banks, legal control over them, and protection to consumers of banking services, are areas with which a law student must become familiar.

Insurance industry provides risk cover to individuals and businesses. It is growing, especially after the industry became open for private investments. While the business of insurance is regulated, the relationship between the insurer and insured is contractual. The objective of the course is to give insights into the principles of insurance as applied in such contracts, the need and nature of regulation of insurance, and a brief study of types of insurance and their features.

Part I : Banking Law - Statutes :

8. The Reserve Bank of India Act, 1934.
9. The Banking Regulation Act, 1949.
10. The Bankers' Books Evidence Act, 1891.
11. The Recovery of Debts due to Banks and Financial Institutions Act, 1993.
12. The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002.
13. The Limitation Act 1963.
- 14.

Module 01 Banking :

1. Banking business : meaning and nature
2. Evolution and history of banking, and its growth in India
3. Types of banks and their functions : Central bank, Nationalised and Scheduled Banks, Regional rural banks, Local area banks, Non-scheduled banks, Cooperative banks, Foreign banks

Module 02 Regulatory Framework :

6. Reserve Bank of India : Its structure, primary and secondary functions; Control over banks in India.
7. Monetary and credit Policy
8. Cash Reserve Ratio, Statutory Liquidity Ratio, Currency Chests
9. Assets and liabilities of a bank, Permitted bank investments, Lending limits
10. Banking regulation, bank nationalisation and social control over banking - an overview

Module 03 Banker - Customer Relations :

7. Contractual nature of relationship -
 - a) Types of accounts
 - b) Services - Deposits, Discounting bills of exchange, Safe custody, Lockers, Foreign exchange, Demand drafts, Pay orders
8. Rights, duties and obligations of a banker
9. Instruments -
 - a) Cheques, definition, types, crossing, endorsement and types, Paying Banker - Obligations and protection, Collecting banker - duties and protection
 - b) Bank guarantees and Letters of credit
10. Interest, interest rates, usury
11. Death of depositors and effect, nominations
12. Remedies to the customer - Banking Ombudsman, Consumer Protection Act 1986

Module 04 Lending by Banks :

6. Parties in a contract of lending, their respective rights, duties and immunities; Categories of customers : Individual, Company, Partnership firm, Trust, Joint Account holders, Minors, Joint Hindu Family, Illiterate persons, Unincorporated bodies, Consortium finance
7. Types of loans and advances and their features
8. Security for repayment of debt : Types of securities and their nature - guarantees, immovable property, stocks-shares-debentures, goods, life policies, book debts, Mortgage, charge, pledge, hypothecation, lien, Registration of mortgages and charges
9. Lending in priority sectors - agriculture, housing, education, MSMEs, export credit, weaker Sections, women
10. Lender's liability and the Fair Practice Code

Module 05 Recovery of Loans and Procedure :

3. Limitation period for enforcing payment and securities
4. Default and recovery of debts and enforcement of securities -
 - a) The Recovery of Debts due to Banks and Financial Institutions Act, 1993 - Chapters III, IV and V, and related definitions in Section 2
 - b) Procedure in aid of recovery of loans and debts and enforcement of securities under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interests Act, 2002 - Chapter III, and related definitions in Section 2

Part II : Insurance Law - Statutes :

8. The Indian Contract Act, 1872 - Sections 17-19, 30, 31-35, 64.
9. The Insurance Act, 1938 - Sections 2(2), 2(6A), 2(6B), 2(6C), 2(7A), 2(7B), 2(8) 2(9), 2(10), 2(11), 2(13A), 2(13B), 2(16B), 2C, 3, 3A, 3B, 6, 10, 27, 27A-27E, 38-40, 42, 42A, 45, 64VB, 103.
10. The Insurance Regulatory and Development Authority of India Act, 1999 - Sections 3-5, 8, 18, 19.
11. The Marine Insurance Act, 1963 - Sections 3, 6-9, 16-17, 19-26, 33-37, 52-54, 67-68.
12. The Motor Vehicles Act, 1988 - Sections 2 (28), 2(30), 2(34), 140-143, 145-163B, 174, 177, 196.
13. The Transfer of Property Act, 1882 - Sections 130, 130A, 135, 135A.
14. Regulations made by the IRDA relating to Appointment of Insurance Agents, Protection of Policy Holders' Interests, Surrender and Paid-up Value, Investments, Health Insurance, Life Insurance, General Insurance, Reinsurance.

Module 06 Nature of Insurance :

1. What is insurance? Classes of insurance, Voluntary and compulsory insurance
2. Risks, Risk-handling, spreading, and transfer, Mathematical value, Insurable and other risks, Extent, commencement, duration and termination of risks - Period of risk, Time of loss
3. Perils, insurable perils, Hazard, moral hazard and adverse selection Re-insurance

Module 07 Contract of Insurance :

7. Contract of insurance, subject-matter of insurance; Contingent nature of the insurance contract
8. Formation of insurance contract - proposal and acceptance, documents involved in formation - proposal, cover note, slips, policy, certificate of insurance, the process of formation of the insurance contract until issuing of policy, the free-look provisions in life and health insurance
9. Insurance agents and insurance brokers, and their role in contract formation
10. Proposal, its contents in general, life, health insurance
11. Premium, calculation, return and forfeiture of premium, Tariff
12. Nomination and Assignments

Module 08 General Principles of Insurance :

5. Indemnity - Meaning, application in different types of insurance, double insurance, subrogation, contribution
6. Insurable interest, wagering agreements
7. Utmost Good Faith - Non-disclosure and misrepresentation, Representations, warranties and conditions, Types of conditions in insurance, Effect of breach, Waiver of breach, Application to different classes of insurance, Limitations on avoidance of life insurance policies under Section 45 of the Insurance Act
8. Doctrine of proximate cause

Module 09 Compulsory Insurance under the Motor Vehicles Act, 1988 :

6. Scheme of compulsory insurance
7. Certificate of insurance, Transfer of insurance policy
8. Duty to give information
9. Requirements of policy and limits of liability
10. Right of an insurer to defend Duty to satisfy judgments

Module 10 Development of Insurance and Insurance Sector :

5. History of insurance in India, Nationalisation of life and general insurance, Opening up of the insurance sector, Foreign investment in insurance
6. Insurance Regulatory and Development Authority of India, its constitution, role, powers and functions
7. The Life Insurance Corporation of India, the General Insurance Corporation of India, the General and the Life Insurance Councils
8. Registration of insurers, Capital and voting structure; Investments by insurers
6. Functions and benefits of insurance

Recommended Readings - Banking :

10. Tannan's Banking Law and Practice in India, Vinod Kothari ed, 26th edn, 2017, Lexis- Nexis.
11. Banking and Insurance: Law and Practice, 2010, Taxmann.
12. P N Varshney, Banking Law and Practice, 2013, Sultan Chand & Sons.
13. Avtar Singh, Banking and Negotiable Instruments, 3rd edn, 2016, Eastern Book Company.
14. IIBF, Legal and Regulatory Aspects of Banking, 2015, Macmillan.
15. Bimal N Patel et al, Banking Law, 2014, Eastern Book Company.
16. R K Gupta, Banking Law and Practice in 3 Vols., 2012, Modern Law Publications.
17. Sukhvinder Mishra, Banking Law and Practice, 2014, Sultan Chand & Sons.
18. R K Bangia, Banking Law and Negotiable Instruments Act, 5th ed, 2015, Allahabad Law Agency.

Recommended Readings - Insurance :

14. Sachin Rastogi, Insurance Law and Principles, 2014, LexisNexis.
15. Gaurav Varshney, Insurance Laws, 2017, LexisNexis.
16. Birds' Modern Insurance Law, 9th ed, 2013, Sweet and Maxwell.
17. Avtar Singh, Law of Insurance, 3rd edn, 2017, Eastern Book Company.
18. McGee, The Modern Law of Insurance, 2011, Lexis-Nexis.
19. J V N Jaiswal's Law of Insurance, Sumeet Malik ed, 2nd edn, 2017, Eastern Book Company.
20. B C Mitra, Law Relating to Marine Insurance, 2012, Universal Law Publishing.
21. N P Tripathi, Insurance: Theory and Practice, 2005, Prentice Hall India.
22. Marshall Wilson, Insurance: Concepts and Coverage, 2012, Friesen Press.
23. MacGillivray on Insurance Law, Prof John Birds et al ed, 13th ed + Supplement, 2016, Sweet and Maxwell.
24. Insurance: Principles, Applications and Practices, 2009, Cyber Tech Publications.
25. John Lowry et al, Insurance Law: Doctrines and Principles, 3rd ed, 2011, Hart Publishing.
26. KSN Murthy and KVS Sharma, Modern Law of Insurance in India, 5th edn, 2014, LexisNexis.

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 :

1. Definition, nature and scope of Penology
2. Crime Control Mechanism -
 - a) Police
 - b) Court
 - c) Public Prosecutor
 - d) Jail Administration
 - e) Open Prison

Module 02 Punishment :

5. Concept of Punishment
6. Theories of Punishment -
 - a) Deterrent Theory
 - b) Retributive Theory
 - c) Preventive Theory
 - d) Reformatory Theory
7. Forms of Punishment
8. Penal Policy in India

Module 03 Police System in India :

14. Origin of Police
15. Development of Police Organization
16. Police Force in India
17. Nature and Objectives of Indian Police System
18. Police organization under the State Government
19. Police organization under the Central Government
20. Principles of Policing
21. Legal functions of police

22. Law Relating to Police Administration
23. Police Reforms
24. Legislative Trends
25. Judicial Approaches
26. NHRC guideline on Police-Public Relations

Module 04 Prison System in India :

7. History of Prison System
8. Prison in British India
9. Role of Prison in Modern Penology
10. Types of Prisons and Prisoners
11. Problems of Prisons -
 - a) Over Crowding
 - b) Basic Amenities
 - c) Prison Discipline
 - d) Prisoner's Health
 - e) Criminality in Prison
 - f) Problems of Under-trials
12. Prison Reforms -
 - a) Commission on Prison Reforms
 - b) Jurisprudence of Prison Reforms
 - c) Legislative Trends
 - d) Judicial Trends

Module 05 Open Prisons :

6. Definition and Origin of Open Prison
7. The Philosophy underlying the Open Prison
8. Main Characteristics of Open Prisons
9. Advantages of Open Prison
10. Critical Appreciation of the working of Open Prison

Module 06 Parole :

12. Meaning and Definition of Parole
13. Concept of Parole
14. Distinction between Parole and Indeterminate Sentence

15. Distinction between Parole and Furlough
16. Comparison between Parole and Probation
17. Parole in India
18. Structural setup of Parole Boards and their Functions
19. Conditions of Parole
20. Essentials of an Ideal Parole System
21. Judicial Trend in India
22. Parole Violation

Module 07 Victimology - Victim and Victimization :

6. Victim – Meaning and Kinds
7. Impact of Victimization - Physical, Economic and Psychological
8. Double / Secondary victimization
9. Victimology - Definition, Nature and Scope
10. Theories of Victimology -
 - a) The Precipitation Theory
 - b) Life-style Theory
 - c) Deviant Place Theory
 - d) Routine Activity Theory

Module 08 Legal Perspectives of Victim Assistance :

3. Victim Assistance Program -
 - a) Evolution of Concept of Victim and Victimology
 - b) Victim's Rights - Approach at International and Municipal Jurisdiction.
 - c) Declaration of United Nations on Victims' Rights
 - d) Constitution of India and Rights of Victims
 - e) Statutory Provisions - Code of Criminal Procedure, Probation of Offenders Act
4. Access to Justice -
 - a) Compensation to victims of crime
 - b) Rights of victims during trial
 - c) Legal assistance to the victims
 - d) Role of victim at time of granting bail
 - e) Right of victim to appeal

Recommended Readings:

10. J.M.J. Sethna, *Society and the Criminal*, N.M. Tripathi Private Limited, (1989).
11. Shukla Girjesh, *Criminology*, LexisNexis, New Delhi, (2013).
12. N.V. Paranjpe, *Criminology and Penology with Victimology*, Central Law Publication, Allahabad, (1998).
13. J.P.S. Sirohi, *Criminology and Penology*, Allahbad Law Agency.
14. Ahmad Siddique, *Criminology and Penology*, Eastern Book Company.
15. Davis Lurigo Herman, *Victims of Crime*, Sage Publications.
16. Schuffer S., *Victimology, The Victim and his Criminal*, Raston Publishing Co. Reston, Virginia.
17. Karmen Andrew, *Crime Victim: An Introduction to Victimology*, Wadsworth Publishing Company.
18. Rajan, V.N., *Victimology in India : An Introductory Study*, New Delhi, Allied Publisher.

LO 0608 Land Acquisition Law :

Objectives of the Course :

The much criticized Land Acquisition Act, 1894 was repealed and replaced by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act 2013). The object of the Act is to provide a law, which will enable the State to acquire the land of citizens. However, the power of Government to acquire 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 of 2013. The syllabus is aimed to make aware the students

- (a) the historical foundation of land acquisition in India,
- (b) constitutional provisions relating to land acquisition in India,
- (c) the detailed outline and functioning of the Act, 2013, and
- (d) the major issues involved in Land Acquisition.

Module 01 Historical Perspectives of Land Acquisition in India :

- 1. Land Acquisition in colonial era
- 2. Salient features of the Land Acquisition Act, 1894
- 3. Limitations / Demerits of the Land Acquisition Act, 1894
- 4. Land Acquisition and Welfare State

Module 02 Provisions under the Constitution of India :

- 6. Right to property under the Constitution of India
- 7. Agrarian reforms and the First, Fourth and Seventeenth Amendment to the Constitution
- 8. Eminent Domain and Police Power
- 9. Concept of Public Purpose
- 10. Issues Regarding Compensation

Module 03 Introduction of the RFCTLARR Act, 2013 :

- 4. Object application and Reasons of the Act
- 5. Extent and Application of the Act
- 6. Interpretation clause under the Act

Module 04 Determination of Social Impact and Public Purpose and Safeguard Food Security :

3. Determination of Social Impact and Public Purpose :
 - a) Preliminary Investigation for Determination of Social Impact and Public Purpose
 - b) Appraisal of Social Impact Assessment Report by an Expert Group
 - c) Examination of Proposal by a Committee Constituted by the Appropriate Government
4. Special provisions to safeguard Food Security

Module 05 Notification, Acquisition, Rehabilitation, Resettlement and Procedure :

4. Notification and Acquisition
5. Rehabilitation and Resettlement Award
6. Procedure and Manner of Rehabilitation and Resettlement

Module 06 Authorities, Apportionment Payment of Compensation :

5. National Monitoring Committee for Rehabilitation and Resettlement
6. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority
7. Apportionment of Compensation
8. Payment of Compensation

Module 07 Temporary Occupation, Offences and Miscellaneous Provisions :

4. Temporary Occupation of Land
5. Offences and Penalties
6. Miscellaneous Provisions under the Act (Sections 91 to 114)

Recommended Readings:

10. Manoj Kumar Srivastava, *Agricultural Labour and the Law: Socio-Economic Problems and Legal Protection*: (Deep & Deep Publications, 1993).
11. Om Prakash Aggarwala, (2008), *Commentary on Land Acquisition Act*, Universal Law Publishing Co. P. Ltd, New Delhi.
12. L. M. Singhvi, *Land Reforms - Law and Poverty*, Pages 103-114, 116-121, 127-136.
13. Choudary, D R and Choudary, A N; *Land Laws in Maharashtra*, CTJ Publications.
14. Ramchandran, V G; *The law of Land Acquisition and Compensation*, Eastern Book Company.
15. Choudhari, *The Land Acquisition Act*, Orient Law Agency, Allahabad.
16. V.N. Shukla, *Constitution of India*, Eastern Book Agency, 2014.
17. N.K Acharya, *Commentary on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,2013*, Asia Law House, 2014.
18. 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 designed with an objective to acquaint the students with the laws for the protection of various intellectual properties and how the international instruments implemented in India. It also aims at sensitizing the students with current issues in the field of Intellectual Property at National Level.

Module 01 The Copyright Act, 1957 :

1. Definition of Copyright, Objectives of Copyright Protection, Nature of Copyright
2. Copyright and Socio-Economic Development
3. Copyright Law in India – History and Evolution
4. Works in which Copyright subsists – Subject matter of Copyright, Authorship and Ownership of Copyright
5. Authorities under the Copyright Act, 1957, Registration of Copyright, Term of Copyright, Provision for Appeals.
6. Rights Conferred by Copyright, Limitations and Exceptions to Copyright Protection
7. Assignment, Transmission, Licenses and Relinquishment of Copyright
8. Copyright Societies, International Copyright
9. Piracy and Infringement of Copyright, Test of Copyright Protection, Remedies against Infringement.
10. Related Rights - Rights of Performers and Broadcasting Organizations, Economic Rights and Moral Rights of Authors.

Module 02 The Patent Act, 1970 :

11. Historical Evolution of Patent System in India, Philosophy of Patent
12. Implementation of TRIPS agreement in India, Amendments to the Patent Act, 1970
13. Definitions, Patentability Criteria, Patentable Subject Matter, Non-Patentable Inventions
14. Procedure for obtaining a Patent, Opposition to the Patent Grant (Pre-grant and Post-grant opposition), Term of Patent
15. Convention Application, PCT International Application
16. Authorities under the Patent Act, 1970: Controller of Patents, IPAB, Patent Agent
17. Rights and Obligation of Patentee, Patent of Addition, Transfer of Patent Rights
18. Revocation and surrender of Patent
19. Compulsory Licenses, Governmental Use and Acquisition of inventions
20. Infringement of Patent and Remedies for Infringement

Module 03 *The Trade Marks Act, 1999 :*

11. Object and Functions of Trademark, Commercial and Non-Commercial Role of Trade Marks
12. Development of Trademark law in India
13. Definition of Mark, Trademark, under the Trade Mark Act, 1999, Essential Features and functions of Trademark, Kinds of Trademark, Registered Trade Mark and Unregistered Trade Mark
14. Conditions for Registration, Procedure of Registration, Grounds of Refusal for Registration
15. Protection of Trade Mark through International Registration under Madrid Protocol
16. Duration, Renewal, Removal and Restoration of Trademark
17. Rights and liabilities of Trademark Holder, Limitations on rights, Honest and concurrent use
18. Effect of Registration of Trade Mark, Infringement and Passing off Remedies, Deceptive Similarity
19. Change of Ownership, Assignment and Transmission, Licenses
20. Contemporary Developments - Effects of Information Technology, Protection of Trade Names and Domain Names

Module 04 *The Designs Act, 2000 :*

6. Development of Designs Law in India
7. Definitions, Controller of designs, Registration of designs - Essential requirements, Non-registrable designs, Procedure of registration, Term of copyright in designs
8. Cancellation of registration, Restoration of lapsed designs
9. Rights of design holders, Assignment and Transmission
10. Piracy (Infringement) of registered designs and Remedies for Infringement

Module 05 *The Geographical Indications of Goods (Registration and Protection) Act, 1999 :*

7. Historical background of law of Geographical Indications in India
8. Meaning and Definition, Functions and Characteristics of Geographical Indication
9. Distinction between Geographical Indications and Trade Mark
10. The Register and Conditions for Registration of Geographical Indication
11. Procedure for Registration, Duration of Protection, Rights conferred by Registration, Infringement of Geographical Indications and Remedies
12. Powers of the Registrar of Geographical Indications

Module 06 Protection of other Types of Intellectual Property Rights in India :

8. Protection of Plant Varieties and Farmer's Rights in India
9. Layout Designs/Topographies Integrated Circuits
10. Protection of Confidential Information and Trade Secrets
11. Protection of Traditional Knowledge
12. Protection of Bio-diversity
13. Semiconductor Integrated Circuits and Layout Designs
14. Protection against Unfair Competition

Recommended Readings :

17. Tamali Sen Gupta, *Intellectual Property Law in India*, Wolters Kluwer, Law & Business (2011).
18. Brainbridge, *Intellectual property*. New Delhi: Pearson Education (Singapore) Pvt. Ltd.
19. Choudhary D. N., *Evolution of Patent Laws*. New Delhi: Capital Law House.
20. Epstein M A, *Epstein on Intellectual property (Indian Reprint)*. New Delhi: Wolters Kluwer Law and Business.
21. Gopalkrishnan N S, & Agitha T G, *Principles of Intellectual Property*. Lucknow: Eastern Book Company.
22. Kankanala K C, *Genetic Patent Law and Strategy*. Noida, India: Manupatra Information Solutions Pvt. Ltd.
23. Reddy G B, *Intellectual Property Rights and the Law*, Gogia Law Agency, Hyderabad.
24. Rama Sarma, *Commentary on Intellectual Property Laws*, Vol.2. Nagpur: LexisNexis Butterworths Wadhwa.
25. Prabudh Ganguli, *Gearing up for Patents - The Indian Scinario*, Universal Law Publishing.
26. Parmeswaran Narayanan, *Intellectual Property Law*, Eastern Law House.
27. B L Wadehra, *Law Relating to Intellectual Property: Patents, Trademarks, Designs and Geological Indications*.
28. Robert Merges & John Duffy, *Patent Law and Policy: Cases and Materials*, 2017.
29. Feroz Ali Khader, *The Law of Patents - With a special focus on Pharmaceuticals in India*, LexisNexis Butterworths Wadhwa, Nagpur.
30. Lionel Bently & Brad Sherman, *Intellectual Property Law*, Oxford University Press.
31. Gregory Stobbs, *Software Patents Worldwide*, Wolters Kluwer.
32. Ahuja V K, *Law Relating to Intellectual Property Rights*, LexisNexis, New Delhi, 2017.



Second LL.B Semester III Fourth Year B.A. LL.B Semester VII Syllabus (2019)

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 :

6. Forms of Governments
7. Concept of Federalism
8. Essential characteristics of American Federalism
9. Essential characteristics of Indian Federalism
10. Indian Federalism distinguishes from American Federalism

Module 02 Structure Powers and Functions Union and State Executive :

3. Union Executive (Articles 52 to 78)
4. State Executive (Articles 152 to 167)

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

4. Union Legislature (Articles 79 to 123)
5. State Legislature (Articles 168 to 213)
- 6.

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

4. Supreme Court (Articles 124 to 147)
5. High Court and Subordinate Courts (Articles 214 to 237)
6. Tribunals (Articles 323A and 323B)

Module 05 Relations between Union and the States :

4. Legislative Relations between Union and the States (Articles 245 to 255)
5. Administrative Relations between Union and the States (Articles 256 to 263)
6. 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:

4. Historical background of Article 370
5. Provisions of Article 370 of the Constitution
6. The Constitutional (Application to Jammu and Kashmir) Order, 1954

Module 07 Other Constitutional Institutions / Authorities :

7. Comptroller and Auditor-General of India (Articles 148 to 151)
8. Administration of Union territories (Articles 239 to 241)
9. Structure Powers and Functions of Panchayats (Articles 243 to 243O)
10. Structure Powers and Functions of Municipalities (Articles 243P to 243ZG)
11. Services and Public Service Commissions (Articles 308 to 323)
12. Elections and Election Commission (Articles 324 to 329)

Module 08 Other Constitutional Provisions :

5. Borrowing (Articles 292 to 293)
6. Property, Contracts, Rights, Liabilities, Obligations and Suits (Articles 294 to 300)
7. Freedom of Trade, Commerce and Intercourse (Articles 301 to 307)
8. Official Language (Articles 343 to 351)

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

4. National Emergency
5. State Emergency
6. Financial Emergency

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

5. Administrative Reforms Commission (1966)
6. Rajmannar Committee (1969)
7. Sarkaria Commission (1983)
8. Punchhi Commission (2007)

Recomended Readings:

12. M. P. Jain, *Indian Constitutional Law*, LexisNexis (2015).
13. D.D. Basu, *Constitutional Law of India*, LexisNexis (2013).
14. Narendra Kumar, *Constitutional Law of India*, Allahabad Law Agency (2015).
15. H. M. Seervi, *Constitutional Law of India*, N.M. Tripathi.
16. Arvind Datar, *Commentary on Constitution of India* (3 Vols), LexisNexis (2010).
17. Sathya Narayan (Ed), *Selected Work of S.P. Sathe* (3 Vols), Oxford University Press(2015).
18. M.P. Singh, *V.N. Shukla's Constitution of India*, Eastern Book Company, (2013).
19. Sujit Chaudhry, Madhav Khosalaand, Pratap Bhanu Mehta, *The Oxford Handbook of the Indian Constitution*, Oxford University Press.
20. Granville Austin, *Working of a Democratic Constitution - The Indian Experience*, Oxford University Press.
21. Granville Austin, *The Indian Constitution – Cornerstone of a Nation*, Oxford University Press.
22. A. G. Noorani, *Article 370: A Constitutional History of Jammu and Kashmir*, Oxford University Press.

LC 0702 Property Law and Easement :

Objectives of the Course :

The subject covers the study of the Transfer of Property Act, 1882 and the Easement Act, 1882. The subject is fundamental law that covers principles applicable to transfers of all kinds of properties. 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 Properties (Sections 1 to 4 of the T.P. Act,1882) :

1. Meaning of property
2. Kinds of property - Movable and immovable, tangible and intangible, existing and future, real and personal
3. Role of property rights in social and economic development
4. Doctrine of notice

Module 02 Transfer of Property by Act of Parties (Sections 5 to 9) :

6. Meaning and Definition Transfer of Property, Properties which may be transferred
7. Essentials of a valid transfer of property
8. Operation and method of transfer property
9. Procedural perspective for transfer of property
10. Effect of non-payment of stamp duty and non-registration

Module 03 General Principles Relating to Transfer of Property (Sections 10 to 37) :

7. Conditions restraining alienation, enjoyment, defeating insolvency or assignability
8. Transfers to unborn persons
9. Rule against perpetuity and accumulation of income
10. Vested and contingent interests
11. Conditions precedent and subsequent, conditional transfers
12. Doctrine of Election and Apportionment

Module 04 General Principles Relating to Transfer of Immovable Property (Sections 38 to 53A)

7. Doctrine of holding out
8. Feeding the grant by estoppel
9. Doctrine of priority
10. Transfer lis pendens
11. Fraudulent transfer
12. Doctrine of part performance

Module 05 Sales and Exchanges (Sections 54 to 57 and 118 to 121) :

9. Meaning and definition of Sale and Exchange
10. Distinction between sale and Exchange
11. Essentials of a valid sale, Parties to a sale, Formalities
12. Distinction between Sale and contract for sale
13. Registration of a contract for sale and effect of non-registration,
14. Rights and liabilities of a buyer and seller
15. Discharge for encumbrances on sale
16. Exchange, Rights and liabilities of parties to exchange

Module 06 Mortgages (Sections 58 to 98) :

9. Definition of mortgage - Types of mortgages, Mortgagor, Mortgagee, Mortgage money,
10. Essentials of a valid mortgage and Formalities
11. Distinction between charge, mortgage, pledge, hypothecation and other security interests over property
12. Rights and liabilities of a mortgagor and mortgage
13. Doctrine of substituted security
14. Charge of immovable property
15. Marshalling
16. Mortgagee's and charge-holder's rights and remedies under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

Module 07 Leases (Sections 105 to 117) :

8. Definition of lease, Lessor, lessee, Kinds of leases, premium and rent
9. Essentials of a valid lease and Formalities
10. Rights and liabilities of the lessee and Lessor
11. Term and determination of lease
12. Forfeiture and relief against forfeiture
13. Leases for agricultural purposes
14. Distinction between lease under the Transfer of Property Act, 1982 and the Maharashtra Rent Control Act, 1999

Module 08 Gift and Transfers of Actionable Claims (Sections 122 to 129 and 3, 130 to 137) :

5. Definitions of Gift, Donor and Donee
6. Essentials of a valid gift, Revocation of gifts
7. Distinction between property and *donatio mortis causa* and gifts under Mohammedan law
8. Actionable claims :
 - a) Definition, Formalities, and their importance in commercial transactions
 - b) Requirement of notice to debtor, and effect of notice
 - c) Rights and liabilities of transferor and transferee

Module 09 Law of Easements (Sections 1 to 51 of the Easement Act, 1882) :

7. Definitions and Types of easements
8. Formalities for creating an easement
9. Creation and acquisition of Easements, Dominant and servient owners and Heritages, Grant, Custom, Necessity, Quasi-necessity, Prescription
10. Rights, duties and liabilities of dominant and servant owners
11. Remedies for disturbance of easements
12. Extinction of easements, Suspension and revival of easements

Module 10 Law of Licenses (Sections 52 to 64 of the Easement Act, 1882) :

8. Definition of License, Essentials of a license, kind and Formalities
9. Transfer of license, Transfer of grantor's interest
10. Death of licensor or licensee
11. Rights and liabilities of licensee, Revocable and Irrevocable license
12. Rights of licensee on revocation and eviction
13. Distinction between leases and licenses
14. Distinction between licenses under Easement Act, 1882 with that of the Maharashtra Rent Control Act, 1999

Recommended Readings :

14. V P Sarathi's *Law of Transfer of Property - Including Easements, Trusts and Wills*, Malika Taly (ed), Eastern Book Company, 2017.
15. Poonam Pradhan Saxena, *Property Law*, LexisNexis, 2017.
16. Avatar Singh, *Textbook on the Transfer of Property Act*, Universal Law Publishing, 2016.
17. Shrinivas Gupta, *A Text Book on Transfer of Property Law*, Thomson Reuters, 2016.
18. A P Singh and Ashish Srivastava, *Property Laws*, LexisNexis, 2015.
19. G P Tripathi, *The Transfer of Property Act*, 19th ed., Central Law Publications, 2016.
20. AP Singh and Ashish Kumar Srivastava, *Property Laws*, LexisNexis, 2015.
21. Sanjiva Row, *Transfer of Property Act* (in 2 volumes), Universal Law Publishing, 2016.
22. Shrinivas Gupta, *Law Relating to Transfer of Property*, Thomson Reuters, 2016.
23. Darashaw Vakil, *Commentaries on the Transfer of Property Act*, LexisNexis, 2017.
24. Mulla, *The Transfer of Property Act*, 12th ed, M R Hariharan (ed), LexisNexis, 2014.
25. H S Gour, *Commentary on Transfer of Property Act*, Delhi Law House, 2014.
26. B B Katiyar, *Law of Easements and Licences*, Universal Law Publishing, 2010.

LC 0703 Public International Law :

Objective of the Course :

This course provides an insight into Public International Law and its significance in the economically globalised world. It enables the students to understand the interdependence of the countries and how they are constantly addressing the global issues through peaceful measures. In view of the vastness of the subject, only important chapters have been covered here. An Introductory perspective to International Law is aimed to provoke the inquisitiveness of the students. A grasp on the key features and subtle perspective of the law and its relevance will help the students in the preparation of various competitive examinations.

Module 01 Nature and Development of International Law :

1. Meaning and Definition of International Law
2. Theoretical Basis of International Law - Natural law Theory, Positive Law Theory, Grotius Theory and Consent theory
3. Historical perspective of International Law - Codification of International Law, Work of International Law Commission

Module 02 Sources of International Law :

3. 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, and Juristic Opinion
4. Other Sources of International Law - Resolutions of General Assembly, Resolutions of Security Council

Module 03 Relationship between International Law and Municipal Law :

3. Theoretical Perspectives - Monistic Theory, Dualistic Theory, Transformation theory, Delegation Theory, and Specific Adoption theory
4. Practice of States - United Kingdom, United States of America and India

Module 04 Subjects of International Law :

5. Meaning and Definition of State
6. Kinds of Different States in International Law – Sovereign States, Semi- Sovereign States, Protectorate, Vassal, Trust Territories, Special type of States - Holy State and Neutralized States
7. Individuals as subjects and object of Public International Law
8. Role and Status of Multi National Companies

Module 05 Recognition of States :

4. Meaning and Significance of Recognition
5. Theories of Recognition - Constitutive Theory, Declarative Theory, Stimson Doctrine and Estrada Doctrine
6. Types of Recognition - De-facto, and De-jure Recognition of Insurgency and Belligerency

Module 06 State Territory and State Succession :

6. Meaning and Definition of State Territory
7. Types of Acquiring and Loss of State Territory – Occupation, Prescription, Accretion, Cession, Dismemberment, Retrocession (The Case of Hong Kong)
8. Meaning and Concept of State Succession - Difference between State Succession and Succession of Governments
9. States Succession to Treaties – Membership of International Organizations Recent Developments, State succession to Public Property, Torts, Debts, and Archives
10. Theories of State Succession to Treaties - Theory of Universal Succession, Theory of Negativism, Contemporary Theories (Neo-Universalism and Neo-Negativism), and Theory of Gestation (Nyerere Doctrine)

Module 07 State Jurisdiction :

7. Territorial Jurisdiction - Civil and Criminal jurisdiction, Universal Jurisdiction, Extra territorial Jurisdiction of State
8. 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
9. Jurisdiction based on Nationality - Modes of Acquiring and Losing Nationality, Double Nationality, and Nationality of Married Women - Indian position

10. Meaning and Significance of Statelessness - Role of UNHCR
11. Meaning and Definition of Extradition - Types of offenders and Process of Extradition
12. Definition and Significance of Asylum - Territorial and Extra-Territorial Asylum

Module 08 State Immunities and Privileges :

5. State Immunity - Absolute theory and Restrictive Theory of Immunity, Views of the International Law Commission, and Waiver of Immunity
6. Significance and Functions of Diplomatic Agents and Classification of Diplomatic Agents
7. Immunities and Privileges of Diplomatic Agents - Inviolability of Diplomatic Agents
8. 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 09 Law of State Responsibility :

5. Nature and Basis of State Responsibility - Elements of State Responsibility, State Responsibility in different fields
6. Theories of State Responsibility - Fault or Subjective Theory, Risk or Objective theory, Eclectic Theories of Responsibility, Absolute Liability
7. Significance of Doctrine of Culpa
8. Defences precluding State Responsibility

Module 10 Law of Treaties :

5. Meaning and Definition of a Treaty, Types of Treaties
6. Parties to a treaty - Formation of a Treaty, Significance of Pact Sunt Servanda
7. Significance of Jus Cogens, Role of Rebus Sic Stantibus (Changed Circumstances) in Treaties
8. Procedure for Termination of Treaties

Module 11 Settlement of Disputes :

5. Legal and Political Disputes
6. Pacific Means

7. Extra-judicial Pacific Means- Negotiation- Good Offices- Mediation
Conciliation- Inquiry- Arbitration
8. Coercive and Compulsive Measuresaa - Retortion - Reprisals - Embargo - Pacific Blockade - Intervention.

Module 12 International Institutions :

5. Historical Origin of International Institutions - League of Nations - An Overview, United Nations - Purposes and Principles
6. Structure, Powers and functions of (a) Security Council, (b) General Assembly, (c) Economic and Social Council, (d) Trusteeship Council, (e) Secretary General - Appointment, Powers and Functions
7. International Court of Justice - Historical Evolution and Composition, Types of Jurisdiction of the Court - Contentious and Advisory, Law Applied by the Court and Binding Nature of Judgment
8. Legal Status of International Organisations

Recommended Readings:

14. Robert Jennings and Arthur Watts (eds.), *Oppenheim's International Law* (Vol. I – Peace) Oxford University (2008).
15. I. Brownlie, *Principles of Public International Law*, 7th ed., Oxford University (2008).
16. I.A. Shearer, *Starke's International Law*, 1st Indian ed., Butterworths (2007).
17. D.J. Harris, *Cases and Materials on International Law*, Sweet & Maxwell Ltd., 7th ed.,(2010).
18. H.O. Agarwal, *International Law and Human Rights*, Central Law Publications, 21st ed.,(2016).
19. Malcolm N. Shaw, *International Law*, Cambridge University Press, 7th ed., (2015).
20. J.G. Strake, *Introduction to International Law*, 10th Edition, Butterworth-Heinemann;(1989).
21. D.W. Bowetts, *Law of International Institutions* (6th edn), Sweet and Maxwell, (2011).
22. S.K. Verma, *An introduction to Public International Law*, Prentice Hall (1998).
23. Gurdip Singh, *International Law*, Eastern Book Company, (2015).
24. V.K. Ahuja, *Public International Law*, Lexis Nexus (2016).
25. S.K. Kapoor, *International Law and Human Rights*, Central Law Agency.
26. Shilpa Jain, *Introduction to International Law*, Eastern Book Company (2016).

LP 0704 Practical Training Paper I - Professional Ethics and Contempt of Court Law :

Objectives of the Course :

The professional ethics encompasses an ethical code governing the conduct of persons engaged in the practice of law as well as persons engaged in the legal sector. The objective of this course is to acquaint the students as to (a) legal profession in India during - ancient, medieval and modern period, (b) professional ethics or duties, (c) the provisions of the Advocate Act, 1961, and (d) the provisions of the Contempt of Courts Act, 1971. The purpose of the course shall also be to provide or to enhance the practical knowledge of the students and to acquaint them with the link between theory and practice.

Scheme of Marking :

Part A : University Written Examination : 80 Marks
Part B : Written Submissions (10 Marks) & Viva voce Examination (10 Marks) : 20 Marks

Part A : Syllabus for University Written Examination :

Module 01 History of Legal Profession in India :

1. Legal profession in India in ancient and medieval period
2. Changes underwent in Legal profession during British rule
3. Development of Legal Profession in India after Independence
4. Impact of globalization on legal profession in India

Module 02 Norms of Professional Ethics and Duties :

8. Need and necessity of Professional ethics in the legal profession
9. Professional ethics and duties of advocates towards his clients, Court, public, his fellow advocates, self, society, duty in imparting training, duty to render legal aid, etc.
10. Restrictions on other Employments
11. Restrictions on advertising
12. Form of Dresses or Robes to be worn by Advocate
13. Rules as to Vakalatnama
- 14.

Module 03 Introduction and Authorities (the Advocates Act, 1961) :

5. Objects of and definitions under the Act
6. Bar Council of State :
 - a) Establishment of Bar Councils for Each States and Union Territories
 - b) Composition of State Bar Council
 - c) System of Election

- d) Term of office of Members of State Bar Council and Establishment of Special Committee
 - e) Disqualification of Member of Bar Council of State
 - f) Powers and Functions of Bar Council of State
7. Bar Council of India :
- a) Composition of Bar Council of India
 - b) Term of office of Members of Bar Council of India
 - c) Disqualification of Member of Bar Council of India
 - d) Powers and Functions of Bar Council of India
 - e) Membership in International Bodies
8. Provisions Common to Bar Council of India and Bar Council of State :
- a) Bar Council to be Body Corporate
 - b) Constitution of Committees of Bar Council
 - c) Transaction of Business, Staff and Audit of Accounts of Bar Council
 - d) Power of Bar Council to make Rules

Module 04 Admission and Enrolment of Advocates (the Advocates Act, 1961) :

- 10. Senior and other Advocates
- 11. Preparation of Roll of Advocates
- 12. Order of Seniority amongst the Advocates
- 13. Transfer of Name from one State Roll to another
- 14. Right of Pre-audience
- 15. Qualification for Admission of Person as Advocate on State Roll
- 16. Disqualification for Admission of Person as Advocate on State Roll
- 17. Disposal of Applications for Admission as Advocate
- 18. Power of State Bar Council to make rules

Module 05 Enrolment and Right to Practice and Limitations of such Right (the Advocates Act, 1961) :

- 8. Right of Advocates to Practice
- 9. Power of Court to Permit Appearances in Particular Cases
- 10. Advocates alone entitled to Practice
- 11. Power of High Court to make rules

12. Skills essential for a lawyer to have a good practice and profession – qualities to succeed in legal profession - honesty, courage, industry, wit, eloquence, judgment, fellowship, etc.
13. Decisions of Courts on Advocate's right to strike
14. Role of advocate in the administration of justice and duty towards legal reforms

Module 06 Conduct of Advocates (the Advocates Act, 1961) :

10. Complaint of Professional or other Misconduct
11. Punishments for Professional or other Misconduct
12. Disciplinary Powers of Bar Council of India and State Bar Council
13. Disposal of Disciplinary Proceedings
14. Review of Orders by Disciplinary Committee
15. Appeal to Bar Council of India
16. Appeal to Supreme Court
17. Stay of Order
18. Alteration in Roll of Advocates

Module 07 Cases Prescribed for Study on Professional Ethics :

11. Vishram Singh Raghubanshi v. State of UP, AIR 2011 SC 2275
12. Vijay Singh v. Murarilal, AIR 1979 SC 1719
13. SJ Chaudhary v. State of Delhi, AIR 1984 SC 618
14. Chandra Shekhar Soni v. Bar Council of Rajasthan, AIR 1983 SC 1012
15. Ex-Capt Harish Uppal v. Union Of India, AIR 2003 SC 739
16. John D'Souza v. Edward Ani, AIR 1994 SC 975
17. Himalayan Cooperative Group Housing Society v. Balwan Singh, AIR 2015SC 2867
18. Brajendra Nath Bhargava v. Ramchandra Kasliwal, AIR 1999 SC 2866
19. A S Mohammed Rafi v. State of Tamil Nadu, AIR 2011 SC 308
20. D Saibaba v. Bar Council of India, AIR 2003 SC 2502

Module 08 The Contempt of Courts Act, 1971 :

11. Historical development of law of contempt of court in India
12. Freedom of speech, Law of defamation and contempt of Court - Constitutional perspectives
13. Meaning of contempt - Civil contempt and Criminal contempt
14. Defenses for contempt - Civil and Criminal contempt
15. Punishments for contempt

16. Procedure for initiating contempt proceeding
17. Contempt by Judges, Magistrate, Lawyers, Companies and others
18. Contempt of Supreme Court, High Court and Subordinate Court
19. Remedies, Apology, Appeal and Review
20. Comparison with Order 39 Rule 2A of Civil Procedure Code

Module 09 Cases Prescribed for Study on Contempt of Court :

11. In Re Arundhati Roy, AIR 2002 SC 1375
12. Pushpaben v. Narandas V Badiani, AIR 1979 SC 1536
13. LD Jaikwal v. State of UP, AIR 1984 SC 1734
14. Charan Lal Sahu v. Union of India, AIR 1988 SC 107
15. PN Duda v. V P Shiv Shankar, AIR 1988 SC 1202
16. Noorali Babul Thanewala v. KMM Shetty, AIR 1990 SC 464
17. Bal Kishan Giri v. State of UP, AIR 2014 SC (Supp) 469
18. High Court of Judicature of Bombay v. Manisha Koirala, 2003 CriLJ 1634(Bom HC)
19. Dr. Subramanian Swamy v. Arun Shourie, AIR 2014 SC 3020
20. In Re S Mulgaokar, AIR 1978 SC 717

Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the following :

6. Essay on the topic from law relating to Legal Profession in India, assigned by concerned teacher.
7. Essay on the topic from Law relating to Contempt of Court, assigned by concerned teacher.
8. Report on an Interaction Session(s) of experts with the students.
9. Case Comments on 2 cases on Professional Ethics, assigned by concerned teacher.
10. Case Comments on 2 cases on Contempt of Court, assigned by concerned teacher.

Note :

4. The college shall organise Interaction Session(s) of experts in the area of professional ethics, contempt of courts, etc. with the students.
5. The purpose of the interaction session(s) should be to provide or to enhance the practical knowledge of the students with respect to the course.
6. The concerned teacher is advised to orient the students, before organisation of interaction session, as to purpose of interaction, concerned legal provisions, etc.

Note :

A Report on interaction session shall consists of

- a) Purpose of the Interaction,
 - (b) Observations / Information Collected by the student,
 - (c) Relevant Provisions of Law,
 - (d) Comments on Linkage between Law and Practice. The concerned teacher may add in or modify the specified contents of report.
9. The case comment shall consists of :
10. (a) Citation of the case,
 11. (b) Facts of the case,
 12. (c) Issues of facts and of laws,
 13. (d) Arguments advanced,
 14. (e) Decision of the Court,
 15. (f) Ratio of the case, and
 16. (g) Comments on the decision.

Recommended Readings :

13. K.V. Krishnaswamy Iyer, *Professional Conduct and Advocacy*, Oxford University Press.
14. Dr. Kailash Rai, *Legal Ethics – Accountancy for Lawyers and Bench - Bar Relations* Central Law Publications, Allahabad, 2015.
15. B.R. Aggarwala, *Supreme Court Practice and Procedure*, Eastern Book Co.
16. P. Ramanath Iyer, *Advocate his Mind and Art*, Wadhwa Nagpur, 2003.
17. Dr. S.P.Gupta, *Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations*, Central Law Agency, Allahabad, 2004.
18. M.P. Jain, *Outline of Indian Legal History, Chapter : Development of Legal Profession*, LexisNexis, 2014.
19. M.R. Mallick, *The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship*. Kamal Law House, Calcutta, 2000.
20. Dr B Malik, *The Art of a Lawyer* The University Book Agency, Allahabad, 1999.
21. Raju Ramachandran : *Professional Ethics for Lawyers, Changing Profession, Changing Ethics*, LexisNexis, 2004.
22. Saadiya Suleman, *Professional Ethics & Advertising by Lawyers*, Universal Law Publishing, New Delhi, 2014.
23. M.K. Gandhi, *The Law and the Lawyers*, Navjeevan Publication, Ahemadabad
24. Law Commission of India, Report No.274 on Review of the Contempt of Courts Act, 1971, April 2018.

Optional Subject 3 (Any one from the following) :

LO 0705 Comparative Constitutions :

Objectives of the Course :

This course aims to acquaint the students with scope and significance of comparative study of the constitutional law from the point of view of its making and its contemporary working. It will help the students to appreciate the constitutional developments from the national and international perspectives. It takes in its 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 :

1. Forms of Government - Parliamentary-Presidential-Monarchial
2. Types of Constitutions
3. Scope and significance of comparative study of Constitution in Constitutionmaking
4. Significance of comparative study of Constitution in interpretation
5. Common law of England
6. American Constitution
7. The Common law heritage
8. Indian position

Module 02 History of Constitution Making and its Development in India :

6. Applicability of foreign precedents in interpretation of the Constitution of India
7. Fundamental Rights : Bill of Rights
8. Instances of application of foreign precedents
9. Instances of departures from foreign precedents
10. Forms of Government : Article 74 and 75

Module 03 Federalism- Comparative Study :

9. Principles of federalism
10. Legal features of federalism
11. Co-operative federalism
12. Transition from comparative federalism to co-operative federalism
13. Distribution of legislative and financial power in a federal system
14. Federalism - Indo-U.S. comparative perspectives
15. Separation of power : Checks and balance mechanism

16. Amending power in India, U.S. and Australia: comparative perspective

Module 04 Judicial Review :

5. Evolution and concept of judicial review
6. Meaning of judicial review
7. Characteristics of modern Constitutions and their impact on Judicial Review
8. Constitutional growth in India under judicial review and its impact

Module 05 Justification and Limitation of Written Constitution :

5. Incidents of written Constitution - a legal instrument
6. Justiciability of written Constitution
7. Written Constitutions which are not justiciable : France, U.S.S.R., China
8. Indian Constitution : Justiciability and non-justiciability

Module 06 Interpretation of Constitution :

5. Interpretation as a legal instrument
6. Limitations of liberal interpretation
7. Spirit of Constitution
8. Indian Constitution and instances of interpretation

Module 07 Constitution as Higher Law :

5. Higher law distinguished from 'Rule of Law'
6. Elements of Rule of Law
7. Parliamentary supremacy under the Indian Constitution
8. Distinction between Constitutional Law and Ordinary law

Module 08 Role of Judiciary and Doctrine of State Action :

5. Court as guardian of the Constitution
6. Exceptions to judicial review
7. Special functions of judiciary in federation
8. Constitutional Law as a branch of public law

Recommended Readings :

7. D.D. Basu, *Comparative Constitutional Law*, LexisNexis Butterwoths Wadhwa, Nagpur.
8. D.D. Basu, *Comparative Federalism*, Wadhwa and Company, Nagpur.
9. Dr. Chakradhar Jha, *Judicial Review of Legislative Acts*, LexisNexis Butterwoths Wadhwa, Nagpur.
10. M. V. Paylee, *Constitutions of The World*, Universal Law Publishing, Delhi, Vol.1&2.
11. M.P. Jain, *Indian Constitutional Law*, Wadhva and Company, Nagpur.
12. 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 course 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 :

1. Meaning and Definition of Investment and Securities
2. Historical origins of Investment and Securities law - International and National Perspective
3. History of Capital Markets in India
4. Need for securities legislation and investor protection

Module 02 Regulatory Framework to Govern Securities in India :

6. Concept of Securities
7. Kinds of Securities - Ownership instruments, Shares, Stocks
8. Debt instruments - Debentures and Bonds
9. Offered Documents - Prospectus
10. 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)

Module 03 Concept of Securities Market and Securities Market Intermediaries :

5. Primary Market : Scheme of Primary Market, Advantages - Disadvantages to Companies and investors.
6. Provisions relating to IPO, FPO, Private placement, bonus issue, Qualified Institutional Placement under the SEBI (Issue of Capital and Disclosure Requirement) Regulations, 2018

7. Primary Market intermediaries - Merchant Banker, Managers to issue, Registrar and Share Transfer Agent, Bankers to the issue, Brokers, Syndicate Members
8. Secondary Market intermediaries - Registrar and Share Transfer Agent, Brokers / sub-brokers, Portfolio Managers, Investment Advisers, Research Analyst, Credit Rating Intermediaries, Clearing Corporations

Module 04 Securities and Exchange Board of India and the Depositories Act, 1996 :

8. Background and Introduction, Constitution of SEBI
9. SEBI - Power and Functions, Role of SEBI in securities market.
10. SEBI - Power to issue Informal Guidance
11. SEBI - Power to issue Regulations, Rules under Securities Market
12. Constitution of Securities Appellate Tribunal (SA), SAT - Power and Functions
13. The Depositories Act, 1996 - Rights and Obligations of depositories, Depository Participants, Issuers and beneficial owners, Penalties. Dematerialisation and Rematerialisation of securities (Procedure, Advantages and Disadvantages)
14. Relevant provisions of the Companies Act, 2013

Module 05 Stock Exchange and Investor Protection :

8. The Securities Contracts (Regulation) Act, 1956 - Recognized stockexchanges, listing of securities, penalties and procedure
9. Procedure for a stock exchange to be a recognized Stock Exchange, Power of Government, procedure for de-recognition of a stock exchange
10. Concept of Demutualization of stock exchanges and its impact on the Indian economy and the Regional stock exchanges
11. Minimum public shareholding and its advantages to shareholders and stakeholders
12. Trading, Spot delivery contract, Badla Contract, Future contracts, Options,
13. Derivatives, Listing of Shares
14. Investors Protection mechanism under various statutes - Role and functions of SEBI Tribunal, 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

Module 06 *Insider Trading and Takeover Code :Insider Trading :*

4. Insider Trading : Meaning and Definition of Insider Trading. Insider, Connected person, deemed to be connected, trading, Unpublished price sensitive information, generally available information, Chinese wall, Compliance Officer, Trading Window, Pre-clearance, Code of Conduct
5. Penalty for Insider Trading
6. Position in UK and USA

Takeover Code :

5. Meaning and definition of control, voting rights, shares, acquirer, target company, Person acting in concert, Deemed to be connected person, acquisition of shares, open offer, public announcement, offer letter, offer price
6. Shareholding thresholds / Triggers under Takeover Code
7. Procedure of public announcement and open offer
8. Exemptions (general and specific exemptions)

Module 07 *SEBI (Listing Obligations and Disclosure Requirement Regulations) :*

10. Meaning and purpose of listing and delisting, advantages and disadvantages
11. Principles governing disclosures and obligations of listed entity
12. Listing Agreement
13. Compliance Officer
14. Grievance Redressal Mechanism
15. Corporate Governance Norms - directors, women directors, independent directors, audit committee, risk management committee, remuneration committee, stakeholder relationship committee, maximum number of directorships, related party transactions, obligations of independent directors
16. Disclosure of event or information under SEBI Regulations
17. Re-classification of promoters into non-promoters
18. Annual report

Module 08 Foreign Investment Laws :

4. The Foreign Exchange Management Act, 1999 -
 - a) Regulation and management of Foreign Exchange
 - b) Contravention and Penalties
 - c) Adjudication and Appeal
 - d) Directorate of enforcement
 - e) Inbound and outbound investment in India (Foreign Direct Investment and Overseas Direct Investment)
 - f) Setting up of Joint Ventures and Wholly owned subsidiaries in India and outside India
5. Regulation of Foreign Institutional Investors (FII) / Foreign Portfolio Investor (FPI) in India
6. Participatory Note

Recommended Readings :

9. Sanjeev Agarwal, *Guide to Indian Capital Market*, Bharat Law House, 2009.
10. Imaad A Moosa, *Foreign Direct Investment: Theory Evidence and Practice*, Palgrave MacMillan, 2010.
11. Niti Bhasin, *FDI In India*, New Century Publication, 2008.
12. V.A. Avdhani, *Investment and Securities Market in India*, Himalaya Publishing House, 2011.
13. Vishal Saraogi : *Capital Markets and Securities Laws Simplified*, Lawpoint Publication.
14. E. Gordon & K. Natarajan: *Capital Market in India*; Himalaya Publishing House.
15. V.L. Iyer : *SEBI Practice Manual*; Taxmann Allied Service (P) Ltd.

LO 0707 Criminal Minor Acts :

Objectives of the Course :

The Indian Penal Code, 1860 is not the only criminal law in India, though it is one of the major criminal law. Apart from Indian Penal Code there are many other criminal legislations. In a post-independence period many legislations were enacted by the Centre and 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 the students with few important criminal laws, which are essential for all criminal law lawyers.

Module 01 The Maharashtra Police Act, 1951 :

1. Historical background, Objects, Scope and Definitions under the Act
2. Superintendence, control and organization of the Police Force
3. Regulation, Control and Discipline of the Police Force
4. Police Regulations
5. Special measures for Maintenance of Public Order and Safety of State
6. Executive Powers and Duties of the Police
7. Offences and Punishments

16.

Module 02 The Prevention of Corruption Act, 1988 :

6. Legislative History, Object and Scope of the Act, Definitions of Public Servant and Public Duty
7. Appointment of Special Judges
8. Offences and Punishments
9. Investigation into cases
10. Sanction for Prosecution Special Procedure : Change in Rules of Evidence and Criminal Procedure (Sections 20-24)

Module 03 The Maharashtra Control of Organized Crime Act, 1999 :

6. Legislative History, Object and Scope of the Act
7. Organized Crime : Definition and Scope, Punishments
8. Courts and Public Prosecutor (Sections 6-12)
9. Interception of Wire, Electronic or Oral Communication (Sections 13-16)
10. Special Procedure : Change in Rules of Evidence and Criminal Procedure (Sections 17- 23)

Module 04 The Narcotic Drugs and Psychotropic Substances Act, 1985 :

6. Legislative History, Object and Definitions
7. Authorities and Officers
8. Prohibition, Control and Regulation of Narcotic Drugs and Psychotropic Substances
9. Offences and Punishments
10. Procedure under Act

Module 05 The Juvenile Justice (Care and Protection of Children) Act, 2015 :

10. Object, Application and definitions under the Act
11. General Principles of Care and Protection of Children
12. Juvenile Justice Board
13. Procedure in Relation to Children in Conflict with Law
14. Child Welfare Committee
15. Procedure in Relation to Children in Need of Care and Protection
16. Rehabilitation and Social Re-integration
17. Adoption
18. Other Offences Against Children

Module 06 Introduction to Cyber Crimes - Relevant provisions under the Information Technology Act, 2000 :

5. Object, Application and Relevant Definitions under the Act
6. Salient Features of the Act
7. Offences, Punishment and Procedure of Investigation and Trial (Chapter XI - Sections 65 to 78)
8. Exemption from Liability of Intermediary in Certain Cases (Section 79)

Recommended Readings:

9. Sunil Dighe, *The Maharashtra Police Act 1951*, Snow White Publication, 2016.
10. D.R. Chaudhary & A.N. Choudhary, *The Maharashtra Control of Organized Crime Act 1999*, CTJ Publications.
11. A.S. Ramachandra Rao, *Commentary on the Prevention of Corruption Act*, Universal Publication Co., New Delhi.
12. R.P Kataria, *Law Relating to Narcotic Drugs and Psychotropic Substances in India*, Oriental Publication.
13. Taxmann on *Juvenile Justice (Care and Protection of Children) Act, 2015*.
14. Dr. R.K. Chaubey, '*An Introduction to Cyber Crime and Cyber Law*', Kamal Law House.
15. Dr. J.P. Mishra, *An Introduction to Cyber Laws*, Central Law Publications, 1st edn. 2012.
16. Rohatgi and Karkare, '*Guide to Cyber Law & Crimes*', 3rd edn. Whytes & Co. 2018.

LO 0708 Cooperative Law :

Objectives of the Course :

This course enables a student a 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. The other

part of the course is a detailed study of the Maharashtra Co-operative Societies Act 1960 (the MCS Act, 1960) which 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.

Module 01 Theory and Principles of Co-operation :

1. Capitalist, socialist and co-operative forms of organisation
2. Definition of co-operation
3. Fundamental principles of co-operation
4. Importance, advantages and limitations of co-operation
5. Advantages of co-operative organization in the society and the economy
6. Social, economic and moral benefits of co-operation

Module 02 History, Growth and Development of Co-operation :

7. History, growth and development of co-operative movement in India
8. Growth and development through Five-Year Plans
9. Role of the State in development of co-operation, State aid to societies
10. Role of National Co-operative Development Corporation, NABARD
11. Co-operative legislations, particularly the State cooperative laws and Multi State Cooperative law, with special reference to Maharashtra
12. Constitutional Provisions – Freedom to form Co-operative Societies and Restrictions (Article 19) and Provisions relating to Co-operative Societies (Articles 243ZH to 243 ZT)

Module 03 Nature of Co-operative Societies:

5. Characteristics of a co-operative society
6. Comparison with other forms of organization, viz., company, trust and partnership firms
7. Role and functions of different kinds of co-operative societies: Credit, finance, banking; Producers, farmers, dairy; Consumers; Housing; Marketing
8. Salient features of the Multi-State Cooperative Societies Act, 2002

Module 04 Preliminary and Registration of Societies :

6. Objects and Definitions under the MCS Act, 1960
7. Societies that can be registered, limited liability or unlimited liability, Classification of societies, Conditions of registration, Name of society, Procedure for registration
8. Bye-laws, important features of Model Bye-laws
9. Cancellation of registration, De-registration
10. Amalgamation, Transfer, Division or Conversion Societies

Module 05 Members of Society :

4. Who can become a member, types of members, open membership
5. Procedure for admission, continuation and cessation of membership, Removal and expulsion of a member
6. Rights, privileges, duties, disabilities and liabilities of members, voting power of a member, expulsion of members

Module 06 Incorporation, Duties and Privileges of Society :

5. Effect of incorporation
6. Register of members, and its inspection and copies
7. Rights, privileges and immunities of a Society
8. Duties, disabilities, liabilities of, and restrictions on a Society

Module 07 Elections and Management of a Society :

7. Final authority of General Body
8. Election of the Managing Committee, Procedure, Supervision over elections, Elections to specified and notified societies, No-confidence against officers of societies
9. Managing Committee, Constitution, Who can be its member, Reservation of seats, its powers and functions, Liability of members of the managing committee
10. Appointment and nomination of members of committee, Disqualification of membership of the committee
11. Meetings of General Body and Managing Committee, Annual general meeting and special general meeting, Conduct of business at such meetings
12. Registrar's powers of supervision, inquiry, investigation and administration

Module 08 *Dispute Settlement and Liquidation* :

10. Types of disputes, and forums for redressal, Cooperative Court, Registrar
11. Exclusive jurisdiction of the Cooperative Court, Jurisdiction, Limitation period
12. Procedure for settlement of disputes and Powers of the Co-operative Court, its decision, Appeals against decisions,
13. Contempt of Co-operative Court and Cooperative Appellate Court
14. Constitution and powers of the Maharashtra State Co-operative Appellate Court
15. Appeal, Review and Revision
16. Disputes for recovery of money, Recovery certificate and its effect,
17. Liquidation of Cooperative Societies, Appointment of and Powers of Liquidator, Procedure for liquidation and winding up.
18. Offences and Penalties, Cognizance of offences

Module 09 *Finance, Accounts and Audit* :

7. State aid to societies, Role of apex societies.
8. Funds and their utilization, Restrictions on utilization of funds, Reserve Fund, Restriction on dividends, Investment of funds
9. Maintenance of account books and registers
10. Audit of cooperative societies, need for audit
11. Rectification of defects in accounts
12. Registrar's powers of inspection and supervision

Recommended Readings:

13. B B Goel, *Cooperative Legislation – Trends and Dimensions*, Deep and Deep Publications.
14. Rish Pal Nainta, *Laws Relating to Cooperative Societies – A Commentary*, 2004.
15. Sunil Dighe: *Maharashtra Co-Operative Societies Act, 1960 and Rules, 1961*, Snow White.
16. S Desai, *Commentary on Co-operative Housing Societies*, Snow White Publications, 2009.
17. V V Ghanekar, *Co-Operative Movement in India*, Institute of Rural Development & Education, 2004.
18. A K Gupte and S D Dighe, *Maharashtra Co-operative Societies Act 1960 with Rules 1961*. Hind Law House, 2008.
19. M C Jain and H M Bhatt, *Maharashtra Co-Operative Societies Act, 1960*, Law Times.
20. A E Karmali, *Maharashtra Co-operative Societies Act, 1960 and Rules, 1961*, Snow White Publications, 1997.
21. H A Mehta, *Guide to Co-Operative Housing Societies*, 7th ed Reprint, Snow White Publications, 2012.
22. R K Pillai, *Maharashtra Co-Operative Societies Act, 1960*, Current Publications, 2014.
23. A M Shah, *Maharashtra Co-Operative Societies Act, 1960*, Snow White Publications, 2004.
24. *Guide to Co-Operative Housing Societies*, Snow White Publications, 2017.

LO 0709 Private International Law :

Objectives of the Course :

Private International Law, also known as conflict of laws, is a national law, consisting of rules that enable finding that law of that country which will govern disputes among private parties that involve a foreign element.

This course is important for every student interested in developing civil and commercial practice relating to cross border issues involving contracts, property, succession, marriage, divorce, and adoption. Study of this law will also give an international and comparative perspective to the study of different laws required in practice of civil law.

Module 01 Introduction :

1. Meaning and definition of Private International Law
2. Historical development of Private International Law and Indian Private International Law
3. Nature, scope, theories and sources of Private International Law
4. Relationship between Public International Law and Private International Law

Module 02 Characterization :

5. Meaning, and nature of problem requiring characterization
6. Concept and theories of characterization - based on *lex fori*, *lex causae*; Two-fold characterization (primary and secondary), Comparative Law
7. Process and stages of characterization -
 - a) Characterization of factual situation
 - b) Characterization of connecting factor
 - c) Characterization of proper law
8. Doctrine of *renvoi* : Meaning, process and theories of *renvoi*
 - a) The mutual disclaimer theory
 - b) The theory of *renvoi* proper
 - c) The foreign court theory

Module 03 Domicile as a Connecting Factor :

3. Meaning and definitions
4. Acquisition of domicile -
 - a) Domicile of independent persons : Domicile of origin; Domicile of choice: residence and intention, abandonment of domicile of choice, comparison between domicile of origin and choice; Domicile of refugees, fugitives

- b) Domicile of dependents : married women, minor children, lunatics
- c) Domicile of legal persons

Module 04 Law of Property :

- 4. Characterization - movable and immovable property
- 5. Transfer of immovable property, concept of *lex situs*, capacity and formal validity of transfer, the Mozambique rule and exceptions
- 6. Transfer of tangible and intangible movable property, meaning, Theories - *lex domicile*, *lex actus*, *lex situs* and proper law; Issues in transfer of tangible movables, Assignment of intangibles - debts and documents, voluntary and involuntary assignment

Module 05 Law of Contractual Obligations :

- 5. Proper law of contract - meaning and nature, freedom of choice, implied choice of law, Real and substantial connection theories
- 6. Validity and formation of contract - creation of contract, formal and material validity, capacity, contracts contrary to public policy and procedural law
- 7. Interpretation of contract
- 8. Discharge of contract - performance and impossibility of performance, *lex loci contractus* and *lex loci solutionis*

Module 06 Law of Non-Contractual Obligations :

- 5. Tortious act, and *lex loci delicti*
- 6. Theories - *lex fori*, *lex loci commissi* and proper law or social environment
- 7. Jurisdictional issues - cause of action and *locus delicti*, Choice of law - the English approach
- 8. Defences

Module 07 Marriage and Dissolution of Marriage :

- 3. Marriage - the nature of marriage and polygamous marriages, Characterization of marriage, Validity of marriage - material and formal validity; English and Indian law
- 4. Dissolution of marriage, grounds for divorce, jurisdiction - residence, choice of law, recognition of foreign divorce in India

Module 08 Legitimacy, Legitimation and Adoption :

3. Legitimacy and legitimation - meaning, English law and Indian law, Choice of law
4. Adoption - position in Indian and English law, Hague Conference on Private International Law

Module 09 Foreign Judgments :

4. Recognition and enforcement of foreign judgments - Theories - comity, obligation, judicial reason, harmony, Indian Law
5. Recognition of foreign judgments - Conclusive and final judgment, Defences against enforcement of foreign judgments, Rule of *res judicata*, Reciprocity
6. Execution of foreign judgments by Indian courts

Recommended Readings :

8. Dicey, Morris & Collins, *Conflict of Laws*, Sweet and Maxwell 15th ed., 2016.
9. James Fawcett and Janeen M Carruthers, *Cheshire and North's Private International Law* Oxford University Press, 14th ed., 2008.
10. Setalvad, Atul M., *Conflict of Laws*, Lexis Nexis, 2014.
11. Paras Diwan, *Private International Law : Indian and English*; Deep & Deep, 2008.
12. K.B. Agrawal & Vandana Singh, *Private International Law in India*, Wolters Kluwer International, 2010.
13. Universal Law Series, *Private International Law*, Universal Law Publishing, 2016.
14. V. C. Govindraj, *The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict* Oxford University Press, 2011.

Conventions and Indian Statutes to be Referred :

11. Hague Codification Convention on Private International Law.
12. Convention of 15 June 1955 relating to the settlement of the conflicts between the law of nationality and the law of domicile.
13. Convention of 1 June 1956 concerning the recognition of the legal personality of foreign companies, associations and institutions.
14. Convention of 24 October 1956 on the law applicable to maintenance obligations towards children.
15. Convention of 15 November 1965 on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions.
16. Convention of 1 June 1970 on the Recognition of Divorces and Legal Separations.
17. Convention of 14 March 1978 on Celebration and Recognition of the Validity of Marriages.
18. Principles on Choice of Law in International Commercial Contracts 2015.
19. Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters.
20. Relevant Indian Legislative provisions under Law of Contract, Civil Procedure Code, Family Law and Law of Property.



Second Year LL.B Semester IV Fourth Year B.A. LL.B Semester VIII Syllabus (2019)

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 work place. 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 Constitutional Provisions on Labour Legislations :

Labour legislations and relevant Constitutional provisions - Fundamental Rights, Directive Principles of State Policy and Distribution of legislative powers

Module 02 Settlement of Industrial Disputes :

The Industrial Disputes Act, 1947 : Objectives, Basic Definitions, Industry and Industrial Disputes, Settlement of Industrial Disputes - Authorities and Procedures, Strikes, Lock-outs, Lay off, Retrenchment and Recovery of Dues

Module 03 Unfair Labour Practices and Model Standing Orders :

3. Unfair Labour Practices Under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971

4. The Industrial Employment (Standing Orders) Act, 1946 :
 - a) Model Standing Orders - Misconducts
 - b) Disciplinary Proceedings in Industries / Domestic Inquiry - Preliminary Enquiry, Charge-sheet, Procedure of Domestic Inquiry, Enquiry report and Punishment

Module 04 The Factories Act, 1948 :

Objectives, Basic Definitions, Health, Safety and Welfare Measures, Working Hours of Adults and Employment of Young Persons and Women, Leaves

Module 05 The Employees' Compensation Act, 1923 :

Objects and Reasons, Definitions, Employer's Liability for Compensation, Amount of Compensation, Doctrine of Notional Extension and Doctrine of Added Peril

Module 06 The Contract Labour (Regulation and Abolition) Act, 1970 :

Objects and Reasons, Registration of establishments, Licensing of Contractors Welfare and Health of Contract Labour, Penalties and Procedures

Module 07 Laws Relating to Wages :

3. The Minimum Wages Act, 1948 - Objects, Definition of Wages, Fixation and Revision of Minimum Wages, Wage Theories
4. The Payment of Wages Act, 1936 - Objects, Definition of Wages, Payment of wages, Deductions from Wages, Authorities

Recommended Readings :

11. Avtar Singh and Harpreet Kaur, *Introduction to Labour and Industrial Law*, LexisNexis.
12. G.M. Kothari, *How to Conduct and Defend Disciplinary Inquiry and Cases*, Eastern Book Company.
13. H.L. Kumar, *Law Relating to Disciplinary Proceedings in Industries*, Universal Publishing Co Pvt. Ltd.
14. P.L. Malik, *Handbook of Labour and Industrial Law*, Eastern Book Company.
15. S.D. Puri and Sandeep Puri, *Treatise on the Contract Labour (Regulation and Abolition) Act, 1970*, Snow White Publications.
16. S.K. Puri, *Labour and Industrial Law*, Allahabad Law Agency.
17. S.N. Mishra, *Labour and Industrial Laws*, Central Law Publications.
18. S.P. Jain, *Industrial and Labour Laws*, Dhanpat Rai & amp: Co.
19. Taxmann's *Labour Law*.
20. 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 of legal system. Jurisprudence seeks to answer fundamental questions about law. The concerns of jurisprudence are an inescapable feature of the law and legal system. Jurisprudence has generous frontiers. It accommodates copious subjects of intellectual enquiry. This course identifies and elucidates several of the major preoccupations of legal theory. This course also create an understanding of basic legal concepts like Rights, Person, Property, Title, Possession, Ownership, Liability, Obligation which are basic to the study of Law.

Module 01 Introduction to Jurisprudence :

1. Jurisprudence – Meaning, Nature, and Utility
2. Meaning, Characteristics, Purposes and Classification of Law
3. Relationship between Law and Morality

Module 02 Sources of Law :

4. Legislation – Meaning, nature, kinds, merits and demerits, relation with other sources

Precedent - Meaning, nature, theories of Precedent, Doctrine of Stare Decisis, article 141 of the Constitution of India, kinds, ratio decidendi and obiter dicta, doctrine of prospective overruling, significance and circumstances destroying binding force, relation with other sources

5. Custom - Meaning, nature, essential conditions, kinds, concept of Volkgeist
6. Juristic Writings - Meaning, nature and significance

Module 03 Natural Law Theories :

4. Classical Natural Law theory: Plato and Aristotle, St. Augustine, St. Thomas Aquinas
5. Natural law and Social Contract Theory : Hugo Grotius and International Law, Hobbes, Locke, Rousseau
6. Revival of Natural Law : Lon Fuller and the Morality of Law, H.L.A. Hart on Natural Law, John Finnis and the Restatement of Natural Law

Module 04 Legal Positivism :

4. Bentham and John Austin's theory of positivism
5. Hart's concept of law
6. Kelsen's Theory of law

Module 05 Sociological, Realist and Historical Schools of Law :

4. Sociological school of law - Roscoe Pound
5. Realist school of law -
 - a) American Realism: W Holmes, Karl Llewellyn, Jerome Frank
 - b) Scandinavian Realism: Axel Hagerstrom, Alf Ross, Karl Olivercrona
6. Historical school of jurisprudence - Savigny and Maine. - Comparison of Historical and Analytical School of Law

Module 06 Critical Legal Studies :

3. Critical Feminist Jurisprudence -
 - a) Feminist Legal Theory
 - b) Origins of Feminism
 - c) Legal Feminisms - Liberal Feminism, Radical Feminism, Postmodern Feminism
4. Critical Race Theory -
 - a) Critical Race Theory's critique of Liberalism
 - b) Critical Race Theory's racial critique of Civil Rights Scholarship
 - c) Critical Race Theory as Reconstruction Jurisprudence

Module 07 Rights and Duties :

6. Meaning of Wrong, Duty and Right
7. Characteristics of Legal Rights
8. Kinds of Legal Rights
9. Theories of Legal Rights
10. Hohfeldian Classification of Legal Rights

Module 08 Concept of Property and Obligations :

8. Meaning of Property
9. Kinds of Properties
10. Theories of Property
11. Modes of acquisition Property
12. Definition of Obligation
13. Solitary Obligations
14. Sources of Obligations

Module 09 Concepts of Ownership and Possession :

11. Meaning of Ownership
12. Characteristic of Ownership
13. Subject-matter of Ownership
14. Kinds of Ownership
15. Modes of acquiring Ownership
16. Meaning of Possession
17. Kinds of Possession
18. Modes of acquiring Possession
19. Possessory Remedies
20. Comparison between Ownership and Possession

Module 10 Concept of Person :

6. Nature of Personality - Natural and Legal
7. Legal Status of Lower Animals, Dead persons, Unborn Persons
8. Kinds of Legal Persons
9. Uses and Purposes of Incorporation
10. Theories of Legal Personality

Module 11 Concept of Title :

6. Definition and Nature of Title
7. Classification of Titles
8. Importance of Agreements
9. Kinds of Agreements
10. Validity of Agreements

Module 12 Concept of Liability :

9. Definition and Nature of Liability
10. Kinds of Liability
11. General Conditions of Liability
12. Measure of Penal Liability
13. Measure of Civil Liability
14. Theory of Strict and Absolute Liability
15. Vicarious Liability in Civil and Criminal Law
16. Liability of Corporations

Recommended Readings :

16. Bodenheimer Jurisprudence – *The Philosophy and Methods of Law*, Universal Law Publishing, 1996.
17. Fitzgerald, (ed.) *Salmond on Jurisprudence*, Sweet & Maxwell, 1999.
18. W. Friedman, *Legal Theory*, Universal Law Publishing, New Delhi, 1999.
19. H.L.A. Hart, *The Concept of Law*, Oxford University Press, ELBS, 1970.
20. Hilaire McCoubrey and Nigel D. White, *Textbook on Jurisprudence*, Oxford University Press, 1999.
21. M.D.A. Freeman (ed.), *Lloyd's Introduction to Jurisprudence*, Sweet and Maxwell, 1994.
22. Mark Kelman, *A Guide to Critical Legal Studies*, Universal Law Publishing Co., 2010.
23. N.Y. Jayakumar, *Lectures in Jurisprudence*, 2nd Ed., LexisNexis.
24. P.S. Atchthew Pillai, *Jurisprudence and Legal Theory*, Eastern Book Company.
25. Paton G. W. *Jurisprudence*, Oxford University Press, ELBS, 1972.
26. Raymond Wacks, *Understanding Jurisprudence*, Oxford University Press, 2012.
27. Roscoe Pound, *Introduction to the Philosophy of Law*, 1998 Re-print, Universal Publication, Delhi.
28. Suri Ratnapala, *Jurisprudence*, Cambridge University Press, 2009.
29. V. D. Mahajan, *Jurisprudence and Legal Theory*, 1996 Re-print, Eastern Books, Luknow.
30. Vijay Ghormade, *Lectures on Jurisprudence & Legal Theory*, Hind Law House, Pune.

LC 0803 Law of Evidence :

Objectives of the Course :

The Indian Evidence Act, 1872 is the important source of Law of Evidence. The objectives of the course are to equip the students with knowledge of :

- (a) the fundamental principles of evidence law,
- (b) the strict application of it in judicial proceedings,
- (c) the role of evidence law in civil and criminal proceedings,
- (d) the connection of the course with substantive and other procedural laws, and
- (e) the relevance of the course in non-litigation practice. The student will also be exposed to the concerned provisions of the Information Technology Act, 2000.

Module 01 Introduction of the Act (Sections 1-5) :

1. Importance of Law of Evidence
2. Role in Civil and Criminal Proceedings
3. Application of the Act
4. Interpretation clause under the Act
5. Presumptions : May presume, shall presume and conclusive proof
6. Relevant Definitions under the Information Technology Act, 2000
7. Evidence of Facts in issue and Relevant Facts only
8. Relevancy and Admissibility

Module 02 Relevancy of Facts I :

4. What Facts are Relevant (Sections 6-16)
5. Relevancy of Admissions (Sections 17-23 and 31)
6. Relevancy of Confessions (Sections 24-30)

Module 03 Relevancy of Facts II :

4. Statement by Persons who Cannot be found (Sections 32-33)
5. Statements made under Special Circumstances (Sections 34-39)
6. Judgments (Sections 40-44)

Module 05 Oral and Documentary Evidence I :

3. Oral Evidence (Sections 59-60)
4. Documentary Evidence (Sections 61-78)

Module 06 Oral and Documentary Evidence II :

3. Presumptions as to Documents and Electronic Records (Sections 79-90A)
4. Exclusion of Oral by Documentary Evidence (Sections 91-100)

Module 07 Burden of Proof :

4. Burden of Proof (Sections 101-111)
5. Presumptions (Sections 111A-114A)
6. Doctrine of Estoppel (Sections 115-117)

Module 08 Witnesses and Examinations of Witnesses :

4. Witnesses (Sections 118-134)
5. Examinations of Witnesses (Sections 135-166)
6. Improper Admission or Rejection of Evidence (Sections 167)

Module 04 Relevancy of Facts III :

4. Relevancy of Opinions (Sections 45-51)
5. Relevancy of Character (Sections 52-55)
6. Facts which need not be Proved (Sections 56-58)

Recommended Reading

21. V. P. Sarathi's *Law of Evidence*, 7th ed, Abhinandan Malik (ed), Eastern Book Company, 2017.
22. M. Monir, *Textbook on the Law of Evidence*, 10th ed (Reprint), Universal Law House, 2016.
23. Ryan's *Essential Evidence Outlines – Practitioner and Student Handbook*, 2005.
24. Avtar Singh, *Principles of the Law of Evidence*, 22nd ed, Central Law Publications, 2016.
25. Ratanlal and Dhirajlal, *The Law of Evidence*, 25th ed, B M Prasad and Monish Mohan (ed), LexisNexis, 2016.
26. Ram Jethmalani and D. S. Chopra, *Law of Evidence : Concise Commentary*, Thomson Reuters, 2015.
27. C. D. Field's *Commentary on Law of Evidence*, 13th ed, Delhi Law House, 2017.
28. M. Monir's *Law of Evidence*, 17th ed, Universal Law Publishing, 2016.
29. V. Nageshwar Rao, *The Indian Evidence Act*, 2nd ed, LexisNexis, 2015.
30. Woodroffe and Amir Ali's *Law of Evidence*, 20th ed, B M Prasad and Manish Mohan (ed), LexisNexis, 2017.
31. Sarkar's *Law of Evidence*, 19th ed, Sudipto Sarkar and H R Jhingta (eds), LexisNexis, 2016.
32. Y. H. Rao and Y R Rao, *Expert Evidence - Medical and Non-Medical*, 4th ed (Reprint 2011) LexisNexis, 2010.
33. Ram Jethmalani and D. S. Chopra, *The Law of Evidence : Commentary on Evidence Act, 1872*, 2nd ed, Thomson Reuters, 2016.
34. Peter Murphy and Richard Glover, *Murphy on Evidence*, Oxford University Press, 12th ed, 2011.
35. Nayan Joshi, *Electronic Evidence*, Kamal Publishers, 2012.
36. K. D. Gaur, *Textbook on the Indian Evidence Act*, Universal Law House, 2017.
37. N. V. Paranjpe, *Evidence in Criminal Trials*, Thomson Reuters, 2017.
38. Batuklal, *Law of Evidence*, Central Law Agency, Allahabad.
39. Stephen Mason, *Electronic Evidence*, 4th ed, 2017 free for download at <http://humanitiesdigitallibrary.org/index.php/hdl/catalog/book/electronicEvidence>.
40. Stephen Mason, *Electronic Signatures in Law*, 4th ed, 2016, free for download at <http://humanities-digital-library.org/index.php/hdl/catalog/book/electronicSignatures>.

LP 0804 Practical Training Paper II - Alternative Dispute Resolution System :

Objectives of the Course :

The objective of this course is to acquaint the students with various modes of Alternate Dispute Resolution System (ADR). The 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 to 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. The course covers study of the Arbitration and Conciliation Act, 1996, the Legal Services Authority Act, 1987 and few international perspectives and enforcement of foreign awards.

Scheme of Marking :

Part A	: University Written Examination	: 80 Marks
Part B	: Written Submissions (10 Marks) & Viva voce Examination (10 Marks)	: 20 Marks

Part A : Syllabus for University Written Examination 80 Marks

Module 01 Alternate Dispute Resolution Mechanisms :

1. Alternate Dispute Resolution Mechanisms : Meaning, Definitions, Concept and History
2. Structure Powers and Functions of the Authorities under the Legal Services Authority Act, 1987
3. Legislative and judicial sanction for ADR
4. Forms of ADR : Negotiation, Mediation, Conciliation, Arbitration, Lok Adalat

Module 02 Negotiation and Mediation :

7. Meaning, features, theories, types of negotiation
8. Appointment, role and qualities of the negotiator, Process of negotiation
9. International negotiation
10. Meaning, features, theories and role of Mediation
11. Appointment and role of mediator
12. Good offices

Module 03 Conciliation :

6. Meaning, features and modes of Conciliation
7. Conciliation under the Arbitration and Conciliation Act, 1996
8. Appointment and role of conciliator
9. Techniques of conciliation and Termination of conciliation proceedings
10. Contractual provisions about conciliation

Module 04 Arbitration :

6. Meaning, features, theories and types of arbitration
7. Historical perspectives of arbitration as a dispute settlement mechanism, and law of arbitration
8. Types of Arbitration - Domestic and International arbitration, Institutional arbitration
9. Advantages and disadvantages of arbitration
10. Difference between Negotiation-Mediation-Conciliation-Arbitration

Module 05 Arbitration Agreement :

7. The arbitration agreement, formation, its essentials
8. Validity of arbitration agreement
9. Rule of severability, Effect of death, insolvency, etc. on agreement
10. Parties to arbitration agreement, Agreement as binding on third parties
11. Power of Court to refer parties to arbitration
12. Jurisdiction of Courts

Module 06 Structure, Powers and Functions of Arbitral Tribunal :

8. Constitution of Arbitral Tribunal - qualifications to act as arbitrator
9. Disclosures by arbitrator, Disqualification of arbitrators
10. Grounds to challenge appointment and procedure of Arbitrators
11. Powers of Courts to appoint Arbitrators
12. Jurisdiction of arbitral tribunal - Power to rule on its own jurisdiction
13. Interim measures ordered by arbitral tribunal
14. Interim measures by Court

Module 07 Arbitration Proceedings and Award :

9. Conduct of arbitral proceedings, procedure, rules of procedure
10. Language, impartiality of arbitrator, equal treatment of parties
11. Procedure before arbitral tribunal, claim, defence, hearing, evidence, experts, confidentiality, application of the Law of Evidence and Limitation
12. Court's assistance in taking evidence, fast track procedure
13. Arbitral award - Types of award - Form and Content - Finality of award - Interpretation of award
14. Correction in award - Stamp duty - Registration - Additional award Costs - Termination of proceedings
15. Time limits for award, extension of time
16. 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 :**

10. UNCITRAL Model Law on International Commercial Arbitration
11. The Geneva Protocol on Arbitration Clauses, 1923
12. The Geneva Convention on the Execution of Foreign Arbitral Awards 1927
13. The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958
14. Foreign awards – meaning and definition (New York Convention Awards and Geneva Convention Awards)
15. Referring parties to arbitration
16. Binding nature of foreign awards,
17. Enforcement of foreign award, Proof of award, Conditions for enforcement
18. Jurisdictional issues

Note :

5. The college shall organise interaction session(s) of experts in the Alternate Dispute Resolution System with the students.
6. The college shall also organise a visit of students to State Legal Services Authority / District Legal Services Authority / Taluka Legal Services Committee / Local Legal Aid Centre to observe actual working of the Authority. Alternatively, the college may organise an interaction session(s) of experts in the concerned area with the students.
7. The purpose of the visit / interaction session should be to provide or to enhance the practical knowledge of the students with respect to the course.
8. The concerned teacher is advised to orient the students, before organisation of visit / interaction session, as to purpose of visit / interaction, concerned legal provisions, etc.

Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the following :

6. Draft of a domestic arbitration agreement after a commercial dispute has arisen between parties.
7. Draft of an application to the Court for setting aside an arbitration award.
8. Draft of 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.
9. Report on interaction session(s) on Alternate Dispute Resolution System.
10. Report on visit to State Legal Services Authority / District Legal Services Authority / Taluk Legal Services Committee / Local Legal Aid Centre or on Interaction Session(s).

Note :

3. A concerned teacher may change topics for writing of drafts by considering the objectives of the course.
4. A Report on visit / interaction session shall consists : (a) Purpose of the Visit / Interaction, (b) Observations / Information Collected by the student, (c) Relevant Provisions of Law, (d) Comments on Linkage between Law and Practice. A concerned teacher may add in or modify the specified contents of report.

Recommended Readings :

21. Justice R.P. Sethi, *Commentary on Arbitration and Conciliation Act as Amended in 2016*, 2nd Edition, Wytes and Co., 2016.
22. Madhusudan Saharay, *Textbook on Arbitration & Conciliation with Alternative Dispute Resolution*, 4th ed, Universal Law Publishing, 2017.
23. N V Paranjpe, *Law Relating to Arbitration and Conciliation in India*, 7th ed, Central Law Agency, 2016.
24. Avtar Singh, *Law of Arbitration and Conciliation*, 10th ed., Lucknow, 2013.
25. Mallika Taly, *Introduction to Arbitration*, Eastern Book Company, 2015.
26. Vishnu Warriar, *Arbitration, Conciliation and Mediation*, LexisNexis, 2015.
27. K V Satyanarayana, *Law of Arbitration and Conciliation in India*, Asia Law House, 2017.
28. Anirban Chakraborty, *Law and Practice of Alternative Dispute Resolution in India – a Detailed Analysis*, LexisNexis, 2016.
29. Ashwini Kumar Bansal, *Arbitration and ADR*, 5th ed, Universal Law Publication, 2016.
30. Shriram Panchu, *Mediation Practice and Law - The Path to Successful Dispute Resolution*, 2nd ed, LexisNexis, 2015.
31. Anuroom Omkar and Kritika Krishnamurthy, *The Art of Negotiation and Mediation*, LexisNexis, 2015.
32. P C Rao and William Sheffield, ed, *Alternative Disputes Resolution- What it is and How it Works?* Universal Law Publishing, New Delhi, 2015.
33. S B Malik, *Commentary on the Arbitration and Conciliation Act*, 6th ed, Universal Law Publishing, 2013.
34. N D Basu, *Law of Arbitration and Conciliation*, 13th ed, Orient, 2016.
35. U Pattabhi Ramian, *Arbitration & ADR Including Conciliation, Mediation & Negotiation*, Asia Law House, 2011.
36. R S Bachawat, *The Law of Arbitration and Conciliation*, 5th ed, LexisNexis, 2013.
37. P C Markanda, *Law Relating to Arbitration and Conciliation*, 9th edn, LexisNexis, 2016.
38. O P Malhotra, *The Law and Practice of Arbitration and Conciliation*, 2nd edn, LexisNexis Butterworths, 2006.
39. N D Basu, *Law of Arbitration and Conciliation*, P K Majumdar (ed), Orient, 2016.
40. G K Kwatra, *The Arbitration and Conciliation Law of India*, Universal Law Publishing, New Delhi, 2008.

Optional Subject 4 (Any one 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 individual's 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 at international and domestic levels. In view of the gaining significance of International Law of Human Rights, this course presents subtly an overview of the International and Domestic perspectives of Human Rights along with the redressal mechanism.

Module 01 Introduction :

1. Historical origins of Human Rights in International and National Scenario - Nature and an overview
2. Basic Components of Human rights – Value, Dignity, Equality, Justice, Morals and Ethics and Significance
3. Perspectives on Rights and Duties – Relationship between Rights and Duties
4. Provisions under the Charter of UN – Preamble, Articles 1(3), 13(1)(b), 55 and 56
5. International Bill of Human Rights (UDHR, ICCPR, ICESCR) - Nature and significance
6. Introduction to generation of Human Rights

Module 02 First Generation Human Rights :

The Civil and Political Rights – ICCPR, Part III of the Constitution of India and Landmark Cases :

3. Civil Rights: Freedom of Opinion - Freedom of Expression and Press, Right to Personal Security in relation to justice and police, Equality before Law, Right to Life and Liberty, Right to Privacy, Right to Religion
4. Political Rights: Equal access to Public, Participation in Governance, Right to Vote and Good Governance

Module 03 Second Generation Human Rights :

The Economic, Social and Cultural Rights : ICESCR, Part IV of the Constitution of India and Landmark Cases :

3. Economic and Social Rights: Labour Rights, Right to Property, Right to Education, Freedom of Association, Right to Social Security (Pension, Medical Services - Right to insurance for sickness, old age – Unemployment allowance etc.)
4. Cultural Rights: Right to develop Languages, Right to follow Customs, Folkways, Literature, and Traditions, Right to enjoy Scientific and Technological benefits

Module 04 Third and Fourth Generation Human Rights :

6. Group Rights (Third Generation 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 Adequate Food, Right to water - Landmark Cases
7. Right to Genetic Engineering (Fourth Generation Rights) : Right to Protect Human Genome against unethical and unfair exploitation of genetic information (The UNESCO Declaration on Human Genome from 1997), Right to Genetic Identity, Right to impose restrictions on medical (Scientific and Technology) interference, Right to Die in Peace and Dignity, Right to Life of the Unborn (with reference to abortion and infanticide). Relationship of Science & Technology and Human Rights
8. Upcoming Human Rights –right to science, right to participate in science, right to benefit from science, right to benefit from a person's own contribution or invention, etc.
9. The Conflict Between Generations of Rights

Module 05 Human Rights of Vulnerable and Disadvantaged Groups :

5. Meaning and Definition of Vulnerable and Disadvantaged Groups
6. Social and Economic Status of Women and Children
7. Status of Socially and Economically Disadvantaged groups - Rights of Indigenous People (Scheduled Tribes), Scheduled Caste, Minorities, Aged and Disabled
8. Vulnerable Groups - Sex Workers, Domestic Workers, Stateless Persons, Migrant Workers, HIV/AIDS patients, LGBTQ and Prisoners

Module 06 *Enforcement Mechanism of International Human Rights - Constitution, Powers and Functions :*

6. The Human Rights Committee under ICCPR
7. The Committee on Economic, Social and Cultural Rights under ICESCR
8. The Committee on Elimination of Discrimination Against Women under CEDAW
9. The Committee on the Rights of the Child under CRC
10. Role of Human Rights Council and Office of the High Commissioner for Human Rights

Module 07 *Human Rights Enforcement in India :*

5. The Protection of Human Rights Act, 1993 – Object, Nature, Scheme, Definitions, Landmark cases
 6. Constitution, Powers and Functions of -
 - a) National Human Rights Commission
 - b) National Commission for Women
 - c) National Commission for Protection of Child Rights
 - d) National Commissions for Scheduled Castes, Scheduled Tribes, Minorities and other disadvantaged groups
7. Role of Judiciary in Enforcement of Human Rights
8. Human Rights Courts and their importance

Module 08 *Significance of Human Rights Education :*

4. Meaning and Definition of Human Rights Education
5. Role of UN in the Promotion of Human Rights Education
6. Role of Government of India in the Promotion of Human Rights Education – UGC and Universities
- 10.

Recommended Reading:

10. V. K. Ahuja, *Public International Law*, LexisNexis, Noida, 2016.
11. Gurdip Singh, *International Law*, Eastern book company, Lucknow, 2016.
12. Editors, Eibe Riedgal, Gilles Giacca, Christophe Golay, *Economic social and Cultural Rights in International Law*, Oxford University Press, 2014
13. Walter Kailin and JorgKunzli, *The Law of International Human Rights Protection*, Oxford University Press, New York, 2010.
14. Peter N. Strarms, *Human Rights in World History*, Routledge, New York, 2010.
15. De Schutter, *International Human Rights Law, Cases, Materials Commentary*, Cambridge University Press, New Delhi, 2010.
16. V.R. Krishna Iyer, *The Dialectics and Dynamics of Human Rights in India - Yesterday, Today and Tomorrow*, Eastern Law House, New Delhi.
17. Manoj Kumar Sinha, *Implementation of Basic Human Rights*, LexisNexis.
18. Editors, Ian Brownlie and Guy S. Goodwin-Gill, *Basic Documents on Human Rights*, Oxford University Press.

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 USA, UK and EU) and thus provide a solid background for further studies on 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.

Module 01 Introduction :

1. Basic Concepts : Customer and Consumer, Market, Types of Market – Perfect Market, Monopoly, Oligopoly and Monopsony
2. Rationale behind Competition Law
3. Constitutional aspect of Competition Law with respect to Human Rights and Social Justice (Article 39 (b) and (c) of the Constitution of India)
4. Relation between Competition Policy and Competition Law
5. Objectives of Competition Law
6. Economic analysis of Competition Law

Module 02 Historical Development of Competition Law :

9. History and Development of Competition Law / Antitrust Law
10. Development of Competition Laws in USA, UK and EU
11. Sachar Committee Report, Raghavan Committee Report
12. Salient Features of the MRTP Act, 1969
13. The Competition Act, 2002 vis a vis the MRTP Act, 1969
14. The Competition Act, 2002 – Objectives and Salient Features
15. Important Definitions under the Competition Act, 2002
16. Brief overview of Competition Law in USA, UK and EU

Module 03 Anti-Competitive Agreements :

10. Anti-Competitive Agreements : Meaning and Scope
11. Types of Anti-competitive agreements - Horizontal and Vertical agreement
12. Per se Illegal Practices and Rule of Reason

13. Exemption from anti-competitive agreements
14. Prohibition of anti-competitive agreement / cartel / bid rigging
15. Practices, decisions and agreements resulting into cartels
16. Pro-competitive and anti-competitive effects of joint ventures
17. Pro-competitive and anti-competitive effects of vertical agreements
18. Prevention of anti-competitive agreements in USA, UK and EU

Module 04 Regulation of Abuse of Dominant Position :

10. Economics of abuse of dominance
11. Types of Abuse by a Dominant Player : Exploitative Abuses : Vertical restraints and Excessive pricing: Exclusionary Abuses - Price discrimination, discounts and predation Enterprise
12. Relevant Market
13. Dominance in Relevant Market
14. Relevance of sector specific competitive dynamics on dominant position
15. Predatory Pricing
16. Defenses against abuse of dominance
17. The remedies in case of abuse of dominance
18. Prevention of Abuse of Dominant Position in UK and USA

Module 05 Regulation of Combinations :

8. Combinations : Merger, Acquisition, Amalgamation and Takeover
9. Jurisprudence of Horizontal, Vertical and Conglomerate Mergers
10. Private Equity Investments
11. Notification of combinations
12. Jurisdictional test : Turn over, Asset, Domestic nexus, Exemptions
13. Regulations and Penalties
14. Position in USA, UK and EU

Module 06 Enforcement Mechanisms :

7. Establishment and Constitution of Competition Commission of India, Powers and Functions
8. Jurisdiction of the CCI
9. Director General of Investigation (DGI) - Penalties and Enforcement
10. Competition Appellate Tribunal
11. Adjudication and appeals
12. Competition Advocacy in India and International Perspective

Module 07 Interface of Competition Law with other Laws :

4. Intellectual Property Rights and Competition Law
5. International Trade and Competition Law
6. Consumer Law and Competition Law

Recommended Readings :

12. Richard Whish and David Bailey, *Competition Law*, Oxford University Press, 9th ed, 2018.
13. Avtar Singh, *Competition Law*, Eastern Book Company, 1st ed, 2012.
14. Vinod Dhall, *Competition Law Today*, Oxford University Press. 2nd ed, 2019.
15. Abir Roy, *Competition Law in India: A Practical Guide*, Kluwer Law International B. V., 2016.
16. Srinivasan Parthasarathy, *Competition Law in India*, Kluwer Law International B.V., 2017.
17. T. Ramappa, *Competition Law in India: Policy, Issues, and Developments*, Oxford University Press, 2014.
18. Alison Jones, Brenda Sufrin, *EU Competition Law: Text, Cases, and Materials*, Oxford University Press, 6th ed, 2016.
19. Barry Rodger, Angus MacCulloch, *Competition Law and Policy in the EU and UK*, Routledge, 5th ed, 2104.
20. Kirsty Middleton, Barry Rodger, Angus MacCulloch, *Cases and Materials on UK and EC Competition Law*, Oxford University Press, 2nd ed, 2009.
21. Maher M. Dabbah, *International and Comparative Competition Law*, Cambridge University Press, 2010.
22. Cedric Ryngert, *Jurisdiction Over Cross – Border Mergers : A US –EU perspective. Competition Law – Emerging Trends*, 94-124, P. Satyanarayana Prasad ed., The ICFAI University Press, Amicus Books, 1ST ed. 2007.

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 the vulnerable groups that face discrimination include- Women, Scheduled Castes (SC), Scheduled Tribes (ST) and Children. Since the British era, criminal law was used to eradicate social evils. The fear of punishment was a tool of social change. In post-Independence period the modern State has used criminal law to bring social change. This Course 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 :

1. Meaning of Vulnerable and Disadvantaged groups
2. Structural discrimination and vulnerable groups
3. Role of law to overcome discrimination
4. Criminal law as a tool of social change

Module 02 The Protection of Civil Rights Act, 1955 :

7. Social menace of Untouchability
8. Legislative history, objectives, definitions and scope of the Act
9. Practices of Untouchability and Punishments
10. Presumption of courts in some cases
11. Power of court to impose collective fine
12. Non application of Probation of offenders Act

Module 03 The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989

12. Legislative history, objectives, definitions and scope of the Act
13. Defining Atrocity against Scheduled Caste and Scheduled Tribes
14. Offences of Atrocities and punishments
15. Externment procedure
16. Collective Fine
17. Special Courts and Special Prosecutor

18. Presumption by courts in certain cases
19. Precautionary and Preventive measures under the Rules of 1995
20. Non application Anticipatory Bail and Probation of Offenders Act
21. Investigation and supervision
22. Personnel under the Act and their duties

Module 04 The Dowry Prohibition Act, 1961 :

8. Dowry a social menace
9. Legislative history, objectives, definitions and scope of the Act
10. Definition of Dowry
11. Penalty for giving and taking dowry
12. Dowry for benefit of wife or her heirs
13. Change in procedural law and Evidence Law
14. Dowry Prohibition officers

Module 05 The Protection of Children from Sexual Offences (POCSO) Act, 2012 :

9. Legislative history, Objective, definitions and Scope of the Act
10. Sexual offences against children
11. Using child for pornographic purpose
12. Abetment of an attempt to commit an offence
13. Procedure for reporting of cases
14. Procedure for recording statement of the child
15. Special courts: Procedure and powers of special courts and recording of evidence
16. Punishments under the Act

Module 06 The Immoral Traffic (Prevention) Act, 1956 :

8. Legislative history, Object, definitions and reasons of the Act
9. Social Landscape of Prostitution
10. Prostitute – Vaguely defined under the Act
11. Protection of Morals and Places of Residence
12. Ponce or Poncing under the Act
13. Corrective Institutions and Protective Homes
14. Personnel under the Act

Module 07 *The Pre-Conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 :*

11. Legislative History, Object and Reasons, and Definitions under the Act
12. Regulation of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics
13. Regulation of pre-natal diagnostic techniques
14. Written consent of pregnant woman and prohibition of communicating the sex of foetus
15. Prohibition of Determination
16. Constitution, Tenure, Meetings, Vacancies, Authentication of orders, Disqualifications, and Functions of Central Supervisory Board
17. Appropriate Authority and Advisory Committee
18. Registration of Genetic Counselling Centres, Genetic Laboratories and Genetic Clinics
19. Offences and Penalties
20. Maintenance of records and Power to search and seize records

Recommended Reading :

8. P.S. Narayana, *Commentary on the Protection of Children from Sexual Offences Act, 2002 and Rules*, Universal Law Publishing, New Delhi.
9. B. R. Beotra's *the Immoral Traffic (Prevention) Act, 1956 (With State Rules)*, The Law Book Company (p) Ltd, Allahabad.
10. Laita Dhar Parihar, *Women & Law from Impoverishment to Empowerment- A Critique*, Eastern Book Company, Lucknow.
11. B.P. Beri, *Commentaries on the Dowry Prohibition Act, 1961*, Eastern Book Company.
12. *The Dowry Prohibition Act, 1961*, by SCC Editorial, Eastern Book Company.
13. Smita Narula, *Broken People : Caste violence against India's Untouchables*, Human Rights Watch.
14. 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 needs to address very often. The aim of the course is to introduce the students the knowledge law with respect to Interest, Civil Courts, Suits Valuation, Court Fees, Registration of documents, Stamp duties and Negotiable Instruments

Module 01 The Interest Act, 1978 :

1. Object, application and definitions under the Act
2. Power of court to allow interest
3. Effect of provisions relating to interest in other statutes
4. Section 34 of the Civil Procedure Code
5. Powers of an arbitrator to award interest

Module 02 The Maharashtra Civil Courts Act, 1869 :

5. Object, application and definitions under the Act
6. District Courts, Joint District Judges and Additional District Judges
7. Civil Judges - Appointment, Jurisdiction, Classes of Civil Judges, Transfer of Suits and Appeals
8. Temporary Vacancies

Module 03 The Suits Valuation Act, 1887 :

5. Object, application and definitions under the Act
6. Valuation for Suits relating to Land
7. Valuation in other Suits
8. Objections in Appeals to over valuation or under valuation

Module 04 The Maharashtra Court Fees Act, 1959 :

10. Object, application and definitions under the Act
11. Rule Regarding to the Valuation of Suits
12. Court fees, Nature of levy
13. Documents chargeable to court-fees, Plaintiff and counter-claims
14. Exempted documents, Mandatory nature of payment
15. Computation of court fees, Fixed fees and ad-valorem fees, Modes of collecting court fees, Cancellation of stamp

16. Decision of questions as to valuation
17. Refund of court fees
18. Multifarious suits

Module 05 The Registration Act, 1908 :

10. Object, application and definitions under the Act
11. Establishment of Authorities, their Powers and Duties, Register - Books
12. Registrable Documents - compulsory, optional, contents of documents
13. Time of Presentation and place for Registration
14. Procedure of Registration
15. Registration and Deposit of wills
16. Inspection and copies of Books and Indexes Registration
17. Effect of Registration and Non-registration
18. Refusal to Register, Grounds for refusal

Module 06 The Maharashtra Stamp Act, 1958 :

10. Object, application and definitions under the Act
11. Authorities under the Act and their powers and functions
12. Liability of Instruments to Duty
13. Stamps and mode of using them
14. Valuations for Duty
15. Duty by whom Payable
16. Adjudication as to Stamps
17. Instruments not duly Stamped
18. Offence, Penalties and Procedure

Module 07 The Negotiable Instruments Act, 1881 :

16. A negotiable instrument, types, definitions
17. Essential features of negotiable instruments, and type of instrument, Instruments payable to order or to bearer, payable at specified time or on demand
18. Maturity of an instrument
19. Parties to negotiable instruments, their rights and liabilities
20. 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)

21. 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
22. Payment and Interest, Delivery of instrument, Immunity to bankers
23. Discharge from liability on negotiable instruments, Modes of discharge
24. Dishonour, Modes of dishonor, Notice of dishonor, Noting and protest
25. Acceptance and payment for honour and reference in case of need
26. Compensation
27. Rules of evidence, Presumptions and estoppel
28. Crossed cheques
29. Bills in sets
30. Penalties in case of dishonor, Criminal liability, Procedure

Recommended Readings :

11. Mulla, *The Registration Act*, 13th ed, K Kannan (ed), LexisNexis, 2016.
12. Malik's *Commentary on The Registration Act 1908 with State Amendments*, 4th ed, Delhi Law House, 2016.
13. Sanjiva Row, *Registration Act*, 15th ed, Law Publishers, 2015.
14. K Krishnamurthy's *The Indian Stamp Act*, 12th ed, M R Hariharan Nair and Boris Paul (ed), LexisNexis, 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 Law Publishing, 2011.
18. *MLJ Manual on the Court Fees Act 1870*, LexisNexis, 2017.
19. *Khergamvala on the Negotiable Instruments Act as amended by Negotiable Instruments (Amendment) Act 2015*, S Abdul Khader Kunju ed., 22nd ed, LexisNexis, 2017.
20. D S Chopra, *A Commentary on Sale of Goods, Partnership and Negotiable Instruments*, Thomson Reuters, 2016.

LO 0809 International Economic Law :

Objectives of the Course :

With the Changing dimensions of Globalisation and the increasing dependence on economic relations by the 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 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 get an overview of economic legal scenario of states.

Module 01 Introduction :

1. Definition and Nature of International Economic Law
2. Sources of International Economic Law
3. Relationship between national and international economic laws

Module 02 Developments in the context of De-colonization :

6. Origin and Development of International Economic Law - Bretton Woods Conference
7. Concern of Developing States: New International Economic Order (NIEO)
8. Significance of Resolution on Permanent sovereignty Over Natural Resources
9. The Charter of Economic Rights and Duties Law
10. Sustainable Development under United Nations

Module 03 International and Regional Financial Institutions :

7. IBRD Structure Powers and Functions - Significance of IRO
8. Structure Powers and functions of IMF
9. Structure Powers and Functions of World Bank
10. Structure powers and Functions of Asian Development Bank
11. Structure Powers and Functions of G-20
12. Structure Powers and functions of BRICS

Module 04 International Trade Law :

3. GATT :

- a) Historical origin
- b) Organs
- c) Uruguay round and its impact on International Economic Law
- d) Significance of most Favoured Nations Clause and National Treatment
- e) Objective Principles of GATT 1994 –Reduction of Tariff and Non- Tariff Barriers to Trade.
- f) General Exceptions to Article XX and XXI of GATT 1994
- g) Safe Guard Measures under XIX of GATT 1994

4. WTO and International Economic Law :

- a) Historical origins of WTO
- b) Structure Powers and Functions
- c) Role and Responsibility of Secretariat
- d) Dispute Settlement System under WTO
- e) Impact of WTO Law on Domestic Law

Module 05 International Investment Law :

- 5. Foreign Investment: Meaning and Types
- 6. BITs
- 7. Dispute Settlement Regime (ICSID)
- 8. Indian Perspective

Module 06 International Business Law :

- 4. International Sale and Carriage of Goods
- 5. Rome Convention
- 6. CISG (UN Convention on Contracts for International Sale of Goods)

Recommended Readings :

11. Asif H. Qureshi, *International Economic Law* (London: Sweet & Maxwell, 1998).
12. John Jackson, William Davey and Alan Sykes, *International Economic Relations* (West Academic Publishing, 1995).
13. Matthias Herdegen, *Principles of International Economic Law* (Oxford University, 2016).
14. Hazel Fox (ed.), *International Economic Law and Developing States: Some Aspects* (British Institute of International, 1992).
15. I.Seidi, Hohenveldern, *International Economic Law* (Kluwer Law International, 1992).
16. Bhandari and Sykes, *Economic Dimensions in International Economic Law* (Cambridge University Press, 1999).
17. Van Meerhaeghe, *International Economic Institutions* (Springer, 1998).
18. O'Connell, *International Law*, Vol. I & II, Oxford University Press.
19. Harves D.D., *Cases and Materials on International Law*, (Sweet & Maxwell; 1991).
20. Schwazenberger, *Foreign Investment and International law*, Article published by Modern Law Review, November, 1969.



Third Year LL.B Semester – V Fifth Year B.A. LL.B Semester IX Syllabus (2019)

LC 0901 Civil Procedure Code :

Objectives of the Course :

The Civil Procedure Code, 1906 is subject of daily use by the Civil 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 course is to give to a student a thorough knowledge of procedural law especially related to working of civil courts and other adjudicating authorities.

Module 01 Preliminary, Institution of Suits, Bar to Jurisdiction, Maintainability:

10. Objects, purposes and History of the Code of Civil Procedure
11. Definitions : decree, decree-holder, district, judge, judgment, judgment- debtor, legal representative, mesne profits, order
12. Subordination of courts
13. Jurisdiction, types of jurisdiction, issue of jurisdiction as preliminary issue, objections to jurisdiction, Bar to jurisdiction
14. Place of suing, Institution of suits
15. Res judicata and Res subjudice
16. Parties to a suit, Joinder, misjoinder and non-joinder of parties
17. Recognised agents and pleaders, Effect of death, marriage and insolvency of parties
18. 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 :

7. 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
8. Pleadings, purpose, forms, particulars in pleadings, mandatory particulars, Verification, amendment of pleadings
9. Plaint, particulars, contents, relief, grounds of relief, admitting plaint
10. Return of plaint, Rejection of plaint, Effect of return and rejection of plaint, Accompaniments to plaint: Documents, Address
11. Written statement, admission and denials, Counter claim, Set off, Grounds of defence
12. Registered addresses of parties, Appearance of parties and consequence of non-appearance, setting aside ex-parte decrees

Module 03 Preliminary Procedures, Issues, Hearing and Judgment and Orders :

11. Examination of parties by court, Discovery and inspection
12. Admissions and effect, Production, impounding and return of documents
13. Framing of issues, effect if parties not at issue
14. List of witnesses, Summons to witness, Expenses of witness, Witness to give evidence and production of documents
15. Hearing of suit, Right to begin, Order of appearance of witnesses,
16. Manner of taking evidence, Language, Recording questions and answers and objections, Demeanour of witness, recording evidence on commission, Affidavits and personal attendance, Adjournments
17. Withdrawal and adjustment of suits, Payment into court
18. Judgment, Its contents, Decision on each issue
19. Interest and Costs, Compensatory costs, Costs for causing delay
20. Inherent powers of a court, Open court and *in camera* proceedings

Module 04 Interlocutory, Incidental and Supplemental Proceedings :

8. Commissions
9. Settlement of disputes outside Court
10. Arrest and attachment before judgment, Security for costs

11. Interim injunction
12. Interlocutory orders
13. Receivers
14. Caveat

Module 05 Decrees and Execution of Decrees :

7. Decree, Meaning, Purpose, Court which passed the decree, Decrees granting particular reliefs
8. Execution of decrees, court by which decree will be executed, Transfer of decree, Persons by whom and against whom decree can be executed, Transferees, Legal representatives
9. Payment under decree, Procedure of executing a decree, Issue of process, Stay of execution
10. Property that can or cannot be attached
11. Modes of execution of different kinds of decrees, Attachment and Garnishee order, Sale, Arrest and detention
12. Questions to be determined by executing court, Resistance or obstruction to execution

Module 06 Special Suits :

8. Summary Suits
9. Suits by or against government and public officers
10. Suits by aliens and foreign states
11. Suits by or against corporations, partnership firms, persons carrying on business in names other than their own.
12. Suits by or against minors, lunatics
13. Suits by indigent persons
14. Interpleader suits

Module 07 Appeals, Revision and Review, Recognition of Judgments :

6. Appeals from original and from appellate decrees, Appeals to Supreme Court
7. Appeals from orders
8. Powers of Appellate Courts, Procedure in appeals, Filing appeal, Stay of proceedings or execution, Hearing, Judgment and decree in appeal
9. Reference, review and revision
10. Recognition of foreign judgments

Module 08 The Limitation Act 1963 :

7. Objects, Purposes and Definitions under the Act
8. Bar of limitation, Prescribed period and the Schedule, Continuous running of time, Special period of limitation for the government, Application to arbitration proceedings
9. Extension of period : court closed, for sufficient cause, legal disability, no bar in suits against trustees
10. Computation of period of limitation, Exclusion of time, Effect of death, defendant being out of India, fraud and mistake
11. Effect of acknowledgment in writing and payment on account of debt
12. Adverse possession - acquisition of ownership by possession

Recommended Readings :

16. Mulla, *Code of Civil Procedure*, Universal Law Publishing, Delhi.
17. C.K. Thakker, *Code of Civil Procedure*, Universal Law Publishing, Delhi.
18. Majumdar P.K. and Kataria R.P. *Commentary on the Code of Civil Procedure, 1908*, Universal Law Publishing, Delhi.
19. Shah A.N. *The Code of Civil Procedure*, Universal Law Publishing, Delhi.
20. Sarkar's *Law of Civil Procedure*, Universal Law Publishing, Delhi.
21. Sukumar Ray, *Textbook on the Code of Civil Procedure*, Universal Law Book Co.
22. Avtar Singh, *Code of Civil Procedure*, Central Law Publication, Allahabad.
23. Jain M P, *The Code of Civil Procedure*, Wadhwa, Nagpur.
24. Mathur D. N., *The Code of Civil Procedure*, Central Law Publication, Allahabad.
25. Shailendra Malik, *Code Of Civil Procedure*, 27 th Edition, 2011, Allahabad Law Agency.
26. Sarkars Commentary on *The Civil Procedure Code*, Dwivedi, Allahabad Law Agency.
27. Taxmann`s, *The Code of Civil Procedure 1908*.
28. Medha Kolhatkar, *M.P. Jain`s Civil Procedure Code*, 5th Edition, LexisNexis.
29. K. Takwani: *Civil Procedure*, 4th Edition, Eastern Book Co., Lucknow, 2007.
30. Mulla, *Code of Civil Procedure : Tripathi (Abridged Edition)*, and (Student Edition).
16. Sanjiva Row : *Code of Civil Procedure*, 3 rd Edn, (in 4 Vols), Law Book Co., Allahabad
17. U N Mitra, *Tagore Law Lectures - Law of Limitation and Prescription*, LexisNexis, 14th ed, 2016.
18. T R Desai, *Commentary on the Limitation Act*, 11th ed, Universal Law House, 2016.
19. Shriniwas Gupta, *The Limitation Act*, 3rd ed, Universal Law House, 2016.
20. B B Mitra`s *Limitation Act*, 23rd ed, M R Mallick (ed), Eastern Law House, 2014.
22. S. R. Myneni, *Law of Limitation*, Asia Law House, Hyderabad 90 LL.B. Semeste.
22. P.K. Mukharjee, *Limitation Act*, Allahabad Law Agency.
23. Medha Kolhatkar, *Commentary on Limitation Act by T.R. Desai*, LexisNexis.
24. sanjiva Row: *Limitation Act*, 7th Edn. (2 Vols), Law Book Co., Allahabad, 1973.
25. M.R. Mallik (ed), *B.B. Mitra on Limitation Act (1998)* Eastern, Lucknow.
26. *AIR Commentaries on Limitation Act*, W.W. Chitaley, AIR Ltd., Nagpur

LC 0902 Interpretation of Statutes :

Objectives of the Course :

This course aims to acquaint the students with basic principles of interpretation of statute. It focuses on general and specific rules of interpretation of statutes. It also 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 :

1. Meaning of Interpretation
2. Difference Between Construction and Interpretation
3. Object of Interpretation
4. Classification of Statutes
5. Consolidating and codifying statutes
6. The General Clauses Act, 1897 : An overview of important definitions and provisions

Module 02 General Principles of Interpretation :

8. Literal Rule
9. Golden Rule
10. Mischief Rule
11. Statute must be read as a whole in its context
12. Statute to be construed to make it effective and workable
13. Omissions not to be inferred
14. Every word in a statute to be given a meaning

Module 03 Subsidiary Rules of Interpretation :

12. Same word same meaning
13. Use of different words
14. Rule of last antecedent
15. Non-obstante clause
16. Legal fiction
17. Mandatory and directory provisions
18. Conjunctive and disjunctive words 'or' and 'and'
19. Construction of general words - *Noscitur a Sociis*
20. Rule of *ejusdem generis*
21. Words of rank
22. *Reddendo Singula Singulis*

Module 04 Internal Aids to Construction :

11. Preamble
12. Definition
13. Sections
14. Heading
15. Marginal notes
16. Punctuation marks
17. Illustrations
18. Proviso
19. Explanation
20. Schedule

Module 05 External Aids to Construction :

10. Parliamentary history
11. Debates and Proceedings of the Legislature
12. Historical facts and surrounding circumstances
13. Social economic and political developments
14. Reference to other statutes
15. *Contemporanea exposition*
16. Other external aids - codifying and consolidating statutes
17. International Conventions
18. Committee Reports

Module 06 Interpretation of Statutes affecting Jurisdiction of Courts :

4. General principles
5. The extent of exclusion
6. Exclusion of jurisdiction of superior Courts

Module 07 Construction of Penal and Taxing Statutes :

6. Rule of strict construction of taxing statutes
7. General principles of strict construction
8. Limits of rule of strict construction
9. *Mens rea* in statutory offences and Indian Penal Code
10. Vicarious liability in statutory offences

Module 08 Construction of Remedial Statutes :

3. Distinction between remedial and penal statutes
4. Liberal construction of remedial statutes

Module 09 Commencement and Operation of Statutes :

3. Commencement of statute
4. Retrospective operation of statute
5. Perpetual and temporary statutes
6. Effect of expiry of temporary statutes
7. Express or implied repeal
8. Consequences of repeal

Module 11 Modes of Interpretation of Constitution

4. Introduction : Meaning and Nature of Constitution
5. Different types of Constitutions
6. Modes of Interpretation of Constitution :
 - a) Textualist Interpretation
 - b) Originalist Interpretation
 - c) Judicial Precedent based interpretation
 - d) Pragmatist interpretation
 - e) Moral Reasoning based interpretation
 - f) National Ethos based interpretation
 - g) Structuralist interpretation
 - h) Historical Interpretation

Recommended Readings :

13. G.P. Singh, *Interpretation of Statutes* (LexisNexis, Butterworth Wadhwa).
14. Bindra N.S., *Interpretation of Statutes* (LexisNexis, Butterworth Wadhwa).
15. Vepa Sarathi, *Interpretation of Statutes* (Eastern Book Company).
16. Maxwell, *Interpretation of Statutes* (Sweet and Maxwell).
17. Rupert Cross, *Statutory Interpretation* (Butterworth).
18. Avtar Singh, *Introduction to Interpretation of Statutes* (LexisNexis, Butterworth Wadhwa).
19. Battacharya T., *Interpretation of Statutes* (Central Law Agency).
20. R.D. Shrivastava, *Textbook of Interpretation of Statutes* (Central Law Publication)
21. Swarup, *Legislation and interpretation* (University Book Agency).
22. M.P. Tondon, *Interpretation of Statutes* (Allahabad Law Agency).
23. Chatterjee on *Interpretation of Statutes*, (Calcutta, De, B.C.)
24. Brandon J. Murrill, *Modes of Constitutional Interpretation*, Congressional Research Service, March 2018, Accessible at <https://fas.org/sgp/crs/misc/R45129.pdf>

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 :

1. Historical origin of Environment Law, International and Indian Jurisprudence
2. Components of Environment, Ecology, Ecosphere and Biosphere
3. Protection of Environment in Ancient India and during British period
4. Meaning and definition of Environment, Environmental Pollution, Its kinds (Natural and artificial – Air, Water, Noise, Soil), causes and effects.
5. Nature of Environmental Law - Public law or private law
6. Common law aspects of environmental law - Nuisance, Trespass, Negligence, Absolute and Strict liability.
7. 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 the Constitution of India :

5. Fundamental Rights, Directive Principles of State Policies, Fundamental Duties, Implementation of International obligations
6. Distribution of Legislative Powers
7. Remedies - Writ Jurisdiction of High Court and Supreme Court
8. Public Interest Litigation and Environment Protection - Role of Indian Judiciary

Module 03 Principles of International Environmental Law - Relevance in India :

7. Stockholm Conference, 1972, Rio Summit or Earth Summit-I, 1992 - Impact in India
8. UNEP, Convention on Climate Change, Convention on Biological Diversity, Earth Summit - II, 1997 - Impact in India
9. World Summit on Sustainable Development, 2002, UNFCCC, 2015 - Position in India
10. Responsibility of States in Protection of Environment - Transboundary pollution and state's responsibility - Trail Smelter Arbitration
11. Significance and Protection of Ozone Layer - Global Warming - Acid Rain- Oil Spills - Gas Leak - Marine Pollution
12. Sustainable Development, Inter-generational Equity, Precautionary Principle, Polluter Pays Principle, Public Trust Doctrine - Position in India

Module 04 Resource Management I - Legislative and Judicial Perspective :

7. 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
8. 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
9. The Forest (Conservation) Act, 1980 - De-reservation of forest land for non- forest purpose, Advisory Committee, Penalties
10. 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
11. The National Forest Policies of 1952 and 1988
12. 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 :

5. 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
6. 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
7. The National Green Tribunal Act, 2010 - Establishment, jurisdiction, powers and proceedings of the tribunal, penalty, Role of NGT in Environment Protection
8. Environment Protection Rules -
 - a) The Noise Pollution (regulation and Control) Rules, 2000
 - b) Guidelines for Eco-Sensitive Zones around Protected Areas
 - c) CRZ Notification
 - d) Hazardous Wastes (Management and Handling) Rules
 - e) Manufacture, Storage and Import of Hazardous Chemical Rules
 - f) Municipal Solid Wastes (Management and Handling) Rules

Module 06 Environment and Development :

7. Environmental issues involved in the development projects like Silent Valley Project, Narmada Valley Project and Koondankulam Nuclear Power Plant
8. Human Rights Perspective - Displacement and Rehabilitation, Genetically
9. Modified Crops, Farmers and breeders rights
10. Environment and Protection of Cultural Rights
11. Environment Impact Assessment (EIA) - Meaning, Evolution and history, Process, Constraints, EIA Notification of 1994 and 2006
12. E-waste management

Recommended Readings :

14. Ritwick Dutta and Sanjeet Purohit, *Commentary on the National Green Tribunal Act, 2010*, Universal Law Publications.
15. P.S. Jaswal, *Environmental Law*, Allahabad Law Agency.
16. Majumdar, Nnandy, Mukherjee, *Environment and Wildlife Laws in India*, LexisNexis.
17. Maheshwara Swamy, *Textbook on Environmental Law*, Asia Law House, Hyderabad.
18. S. Shantakumar, *Introduction to Environmental Law*, Wadhwa & Company, Nagpur.
19. S.C. Shastri, *Environmental Law*, Eastern Book Company, Lucknow, 2005.
20. H. N. Tiwari, *Environmental Law*, Allahabad Law Agency.
21. Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India*, Oxford University Press, New Delhi.
22. P Leelakrishnan, *Environmental Law in India*, LexisNexis, New Delhi.
23. P Leelakrishnan, *Environmental Law Case Book*, LexisNexis, New Delhi.
24. Philippe Sands, *Principles of International Environmental Law*, Cambridge University Press, New York.
25. P. Ishwara Bhat, *Natural Resources Law: Concepts and Approaches*, Eastern Book.
26. 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 relates to essential skills required by an Advocate - the skill of drafting, conveyances and pleadings. An advocate can develop this skill by practicing purposive writing, articulation, legal research, qualities of language, its clarity and precision. The object of the course is to develop these advocacy skills amongst the students. This course will also acquaint the students the knowledge of substantive and procedural law in the context of pleadings and conveyance. This course aims to acquaint the students with basic principles as to the skill of drafting of various types of Applications, Petitions, Notices, Plaints, Written Statements, etc. The goal of the course is to help the students to understand application of substantive and procedural laws in drafting, pleading and conveyance.

Scheme of Marking :

Part A : University Written Examination : 80 Marks Part B
: Written Submissions (10 Marks) & Viva voce Examination (10 Marks) : 20 Marks

Part A : Syllabus for University Written Examination :

Module 01 General Principles relating to Conveyance :

1. Object of Conveyance, essentials of drafting
2. The drafting process - Know the laws, Know the transaction, Scheme of the draft
3. Ascertain facts, Language, Style, Form, Need for precision and clarity, Use of precedents
4. Contents of a draft conveyance - Commencement, Parties, Recitals, Parcels
5. Operative part, Arrangement of obligations, Signatures, Attestation
6. Formalities - Writing, Attestation, Notarisation, Registration
7. Investigation of title, Chain of title, Public notices and their purpose, search and title report

Module 02 Transfers / Conveyances :

7. Agreement to sell immovable property
8. Sale deed of immovable property
9. Lease deed of immovable property
10. Simple mortgage of immovable property
11. Gift of immovable property
12. Sale of raw materials by its supplier to a manufacturing company

Module 03 Drafts of Contracts :

7. Partition deed between members of a joint Hindu family
8. General power of attorney
9. Partnership deed
10. Agreement to transfer shares of a private limited company
11. Indemnity bond
12. Leave and licence agreement

Module 04 Notices and other Documents :

6. Will
7. Affidavit
8. Acknowledgment in writing under Section 18 of the Limitation Act 1963
9. Public notice inviting objections to a transaction of immovable property
10. Notices -
 - a) For dissolution of a partnership at will
 - b) Under Section 106 of the Transfer of Property Act 1882
 - c) Under Section 138 of the Negotiable Instruments Act, 1882
 - d) Reply to notice under Section 138 of the Negotiable Instruments Act, 1882
 - e) Notice under Section 80 of the Civil Procedure Code

Module 05 General Principles relating to Pleadings :

6. Meaning and purpose of pleadings, Importance of pleadings in the administration of justice
7. Rules of pleadings, Types of pleadings, Orders VI to VIII of Civil Procedure Code 1908, Relationship between pleadings and evidence
8. 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
9. Jurisdiction, Limitation, Valuation, Court fees calculation
10. Prayers, Verification

Module 06 Plaints, Applications and Petitions in Civil Proceedings :

8. Suit for recovery of price of goods sold
9. Suit for declaration of share and partition of property of a joint Hindu family
10. Suit for specific performance
11. Application for probate
12. Petition for divorce by mutual consent
13. Petition for divorce alleging grounds of divorce
14. Caveat application

Module 07 Written Statements and Reply in Civil Proceedings :

8. Written statement in a suit for recovery of price of goods sold
9. Written statement in a suit for declaration of share and partition of property of a joint Hindu family
10. Written statement in a suit for specific performance
11. Reply to an application for probate contesting the will
12. Reply to an application for succession certificate giving consent to grant of succession certificate
13. Reply contesting a petition for divorce
14. Reply to a petition for restitution of conjugal rights

Module 08 Pleadings in Criminal Proceedings :

7. Application for bail
8. Application for anticipatory bail
9. Criminal complaint alleging defamation, or affray and simple hurt
10. Application to court for recovery of motor vehicle seized by police
11. Application for compounding an offence of defamation or an offence under Section 498A of the Indian Penal Code
12. Application by a wife for maintenance for herself and her children

Module 09 Appeals, Petitions and other Proceedings :

6. Consumer complaint alleging defect in goods or deficiency in services
7. Reply to consumer complaint about defect in goods or deficiency in services
8. Writ petition under Article 14 or Article 19 or Article 21 of the Constitution of India
9. Appeal from a judgment and decree dismissing a suit for specific performance
10. Appeal from a judgment refusing to grant divorce

Note :

4. The college shall organise a visit to the office of Registrar / Sub-Registrar under the Registration Act, 1908. Alternatively, the college may organise interaction session(s) of experts in the concerned area with the students.
5. The purpose of the visit / interaction session should be to provide or to enhance the practical knowledge of the students with respect to the course.
6. The concerned teacher is advised to orient the students, before organisation of visit / interaction session, as to purpose of visit / interaction, concerned legal provisions, etc.

Part B : Contents of Written Submissions (Journal) :

The Written Submissions (Journal) shall contain the writing of :

3. Seven Drafts - Those seven drafts must be on the topics given in Module Nos. 02, 03, 04, 06, 07, 08 and 09. The concerned teacher may have discretion to assign topics for those seven drafts.
4. Report on visit to office of Registrar / Sub-Registrar or on interaction session. A Report on visit / interaction session shall consists of : (a) Purpose of the Visit / Interaction, (b) Observations / Information Collected by the student, (c) Relevant Provisions of Law, (d) Comments on Linkage between Law and Practice. A concerned teacher may add in or modify the specified contents of report.

Recommended Readings :

28. Medha Kolhatkar, *Drafting, Pleading and Conveyancing*, LexisNexis, 2015.
29. S P Aggarwal, *Pleadings, an Essential Guide*, 2nd ed, LexisNexis, 2013.
30. S P Aggarwal, *Drafting and Conveyancing*, LexisNexis 2015.
31. Nayan Joshi, *Legal Writing and Drafting*, Kamal Publications, 2017.
32. K M Sharma and S P Mago, *Criminal Courts, Pleadings and Practice*, 3rd ed, Kamal Publishers, 2014.
33. A B Kafaltiya, *Textbook on Pleadings, Drafting and Conveyancing*, Universal Law Publishing, 2015.
34. DeSouza's *Forms and Precedents of Conveyancing*, C R Datta and M N Das (eds), Eastern Law House, 2017.
35. G M Divekar's *Practical Guide to Deeds and Documents*, S K Katariya and Gaurav Sethi (eds), Hind Law House, 2014.
36. A S R Rao, *Modern Commercial Draftsman*, Eastern Book Company, 1989.
37. A B Majumder, *Law relating to Notices*, Eastern Law House, 1993.
38. S K Mitra, *Law of Notices*, Orient Publishing Company, 2004.
39. Mogha's *Indian Conveyance*, 14th ed, G C Mogha (ed), Eastern Law House, 2009.
40. Mogha's *Law of Pleadings in India*, 18th ed, P C Mogha et al (ed), Eastern Law House, 2013.
41. P S Narayana, *Criminal Pleadings and Practice*, 9th ed, Asia Law House, 2013.
42. R.K. Sahni & B.L. Bansal, *Criminal Pleadings & Art of Better Drafting*, Capital Law House, 2015.
43. Rahul Mhaskar, *Guide to Practical Criminal Drafting*, Current Publications, 2015.
44. Rodney Ryder, *Drafting Corporate & Commercial Agreements*, 2nd ed, Universal Law, Publishing, 2011.
45. Tina Stark, *Drafting Contracts - How & Why Lawyers Do What They Do*, Indian Reprint, Wolters Kluwer, 2007.
46. N S Bindra's *Pleadings and Practice*, 12th ed, H K Saharay (ed) Universal Law Publishing, 2017.
47. P K Majumdar, *Law of Pleadings, Conveyancing & Advocacy*, 5th ed, Orient Publishing Company, 2013.
48. P S Narayana, *Civil Pleadings and Practice*, 11th ed, Asia Law House, 2017.
49. P S Narayana, *Pleadings and Practice (Civil and Criminal)*, 11th ed, Asia law House, 2017.
50. Hargopal's *Legal Draftsman - A Comprehensive Guide to Deeds and Documents*, 13th ed, Universal Law Publishing, 2013.
51. Kamy Chawla Gill, *Drafting Pleading and Conveyancing*, 2nd ed, Universal Law Publishing, 2016.
52. Murli Manohar's *Art of Conveyancing and Pleading*, 2nd ed, R Prakash (ed), Eastern Book Company, 2004.
53. P Butt and R Castle, *Modern Legal Drafting*, (Guide to using clearer Language), Cambridge University Press, 2011.
54. S C Ghosh's *Principles and Forms of Pleadings*, 5th ed, Eastern Law House, 2011.

Optional Subject 5 (Any one from the following) :

LO 0905 Law on Education :

Objectives of the Course :

This course aims to acquaint the students with constitutional provisions guaranteeing the right to education and other statutory provisions. It also 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 Constitutional Provisions Introduction :

1. Right to Education - Constitutional and Judicial Perspectives
2. Free and Compulsory Education for children
3. Equality of Opportunity in Admission in Educational Institutions
4. Right to Establish and Administer Educational Institutions of Minorities
5. The National Commission for Minority Educational Institutions Act, 2004 : an Overview
6. Educational Institutions and Article 12
7. Competency to make Law on Education – Concerned Entries in VII Schedule

Module 02 The Right to Free and Compulsory Education Act, 2009 :

8. Object, Application and Definitions under the Act
9. Nature of Right to free and compulsory education
10. Duties of Appropriate Govt., Local Authority and Parents
11. School Management Committees
12. Academic Responsibilities of Teacher
13. School Norms and Facilities
14. Completion of Curriculum and Learning Outcome

Module 03 The Maharashtra Educational Institutions (Prohibition of Capitation Fee) Act, 1987 :

8. Object, Application and Definitions under the Act
9. Prohibition of Demand or Collection of Capitation Fee
10. Regulation of Fees
11. Offences and Penalties
12. Offences by Companies
13. Procedure of Trial of Offences
14. Compensation for Accusation without Reasonable Cause

Module 04 The University Grants Commission Act, 1956 :

6. Object, Application and Definitions under the Act
7. Establishment of the Commission
8. Powers and Functions of the Commission
9. Right to confer degrees
10. Delegated legislation under the Act - Examples with an Overview

Module 05 The Maharashtra Public Universities Act, 2016 :

8. Kinds of University : Central universities, or Union universities, State Universities, Private Universities, Deemed University
9. Object, Application and basic Definitions under the Act
10. Salient Features of the Act - an Overview of Officers and Authorities of the University
11. Objects of the University (Section 4)
12. Board of Students' Development and its Powers and Duties (Sections 55-56)
13. Grievances of Teachers and Employees (Sections 79-85)
14. Delegated legislation under the Act - Examples with an Overview

Module 06 Government Control over Universities and Educational Institutions :

7. Governor - Chancellor of Universities
8. Appointment of Vice-Chancellor
9. Control of State Government on Universities
10. Rule making Power of Government under the Maharashtra Public Universities Act, 2016
11. Authorities of Government of Maharashtra in Higher Education - Powers and Role - an Overview
12. Funding to Education, Concessions, Scholarship, Freeship, etc.

Module 07 Prohibition of Ragging :

3. The Maharashtra Prohibition of Ragging Act, 1999 :
 - a) Object, Application and Definitions under the Act
 - b) Offences, Abatement of Offences and Punishments
 - c) Dismissal, Suspension of Student
 - d) Procedure of Trial of Offences
4. The UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009 :
 - a) Object, Application and Definitions
 - b) Salient Features of the Regulations
 - C) Measures of Prevention of Ragging at Institutional Level

Module 08 Prevention of Malpractices at Examination :

Recommended Readings :

9. R.D. Agarwal, *Law of Education and Educational Institutions in India* (Law Book).
10. B.M. Sankudhar, *Encyclopedia of Education System in India* (Deep and Deep Publication).
11. P.L. Mehta, R. Poonga, *Free and Compulsory Education* (Deep and Deep Publication).
12. S.P. Sathe, *Fundamental Rights and Directive Principles of State Policy - Constitutional Developments Since Independence* (Indian Law Institute, 1974).
13. G.S. Sharma (ed.), *Educational Planning : Its Legal and Constitutional Implications in India*, (1967).
14. Sita Ram Sharma (ed.), *U.G.C. Schemes - A Manual for Universities, Colleges and Research Institutions* (Mangal Deep Publications, Jaipur, 2003).
15. N. Sudaarshan (ed.), *Right to Education Emerging Scenario* (The ICFAI University Press, Hyderabad, 2007).
16. Sumeet Malik, *Supreme Court Educational Institutions Cases* (Eastern Book Company, Lucknow, 2008).

LO 0906 Principles of Taxation Law :

Objectives of the Course :

This course 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 Central Goods and Services Tax Act and Integrated Goods and Services Tax Act.

Module 01 Introduction and Basic Aspects of the Income Tax Act, 1961 :

1. Importance and Significance of Taxation
2. Constitutional Provisions Relating to Taxation (Articles 265-289)
3. Types of Tax Laws – Direct and Indirect Taxes
4. Scope and Objectives of the Act
5. Some of the Basic Definitions -
Agricultural Income, Advance Tax, Asset, Capital Asset, Divided-Income,

The Maharashtra Prevention of Malpractices at Examination Act, 1982 :

6. Object, Application and Definitions under the Act
7. Offences, Abetment of Offences and Punishments
8. Procedure of Trial of Offences
9. Procedure of Investigation and taking Disciplinary Action (Section 48 of the Maharashtra Public Universities Act, 2016)
10. University Ordinances relating to unfair means or lapses (Malpractices at Examination)
Person, Previous Year, Assessment Year, Revenue Receipts, Revenue Expenditure
6. Residential Status of Persons

Module 02 Heads of Income and Computation of Income :

15. Income from Salaries
16. Deductions from Salary and Computation of Salaries
17. Income from House Property: Self Occupied, Let Out
18. Exemption of property income from tax
19. Computation of Self Occupied Property
20. Capital Gains
21. Profits and gains of Business or Profession
22. Income from other Sources Clubbing of Income
23. Set off and carry forward of losses
24. Deductions from gross total income
25. Rebates and Reliefs
26. Advance tax
27. TDS
28. Tax rates

Module 03 Taxation of Natural and Legal persons - an Overview :

Individuals, Hindu Undivided Family, Companies and Firms, Association of Persons, Trust and Cooperative Societies, Charitable and Religious Institutions

Module 04 Assessment and Appeal Procedures :

5. Return of Income
6. Types of assessment
7. Appellate procedures
8. Authorities under the Income Tax Act:
 - a) Director General of Income Tax
 - b) Director of Income Tax-Additional Directors
 - c) Joint Director
 - d) Deputy Directors
 - e) Assistant Directors
 - f) Income Tax Officers
 - g) Tax Recovery Officers
 - h) Inspectors of Income Tax

Module 05 Powers and Functions of Various Authorities :

4. Concepts of Tax Avoidance, Tax Evasion and Tax Planning - Meaning and Distinction
5. Inspections Search Seizure
6. Penalties for Tax Evasion and Tax Avoidance

Module 06 The Central Goods and Services Tax Act, 2017 - I :

6. Scope and object of CGST
7. Important Definitions
 - a) Aggregate Turnover
 - b) Business
 - c) Capital Goods
 - d) Casual Taxable Person
 - e) Composite Supply
 - f) Continuous Supply of goods and services
 - g) Input Tax
 - h) Output Tax
 - i) Outward Supply
 - j) Persons under GST
 - k) Place of Business
 - l) E- Contract
 - m) E- Filing
8. Levy and Collection of tax
9. Tax liability on composite and mixed supplies
10. Composition Levy

Module 07 The Central Goods and Services Tax Act, 2017 - II :

12. Time and value of supply
13. Input tax credit
14. Procedural Compliances
15. Registration
16. Accounts and records
17. Returns
18. Payment of tax
19. Refunds

20. Assessment
21. Audit
22. Offences and Penalties for certain offences under Section 122

Module 08 The Integrated Goods and Service Tax Act, 2017 :

8. Scope and Object of IGST
9. Important Definitions
10. Nature of Supply
11. Place of Supply
12. Zero rated Supply
13. Apportionment of Tax and Settlement of Funds
14. Powers and Functions of GST Council

Recommended Readings:

9. Kanga & Nani Palkhivala : *The Law and Practice of Income Tax*, 2014 Lexis Nexus.
10. Chaturvedi and Pithisaria : *Companion to Chaturvedi & Pithisaria's Income Tax Law - Wealth Tax Act, 1957*, 2016 Easter Book Company.
11. Dr. Girish Ahuja and Dr. Ravi Gupta : *Concise Commentary on Income Tax including Wealth Tax with Tax Planning / Problems & Solutions*, 2014, Eastern Book Company.
12. Dr. Girish Ahuja and Dr. Ravi Gupta : *A Compendium of Issues on Income Tax & Wealth Tax* (in 2 Vols.), 2010 Eastern Book Company.
13. CA Atul Kumar Gupta : *Goods and Services Tax – Law, Practice and Procedures*, LexisNexis 2017.
14. Dr Girish Ahuja & Dr Ravi Gupta : *Systematic Approach to Income Tax*, 37th Paperback - 2016, Walters Kluwer.
15. Taxmann : *Latest Edition on Income Tax*.
16. V.S. Datey : *GST Ready Reckoner*, Taxmann 2017.

LO 0907 Law of Forensic Science :

Objectives of the Course :

Forensic science plays a very important role in criminal law justice system. It helps in determination of the guilt of a suspected criminal, and ascertains various facts in a case by scientifically testing various types of evidences collected during criminal investigation. A Prosecutor or a Judge is an expert in the field of law but may lack in-depth scientific knowledge, which may be necessary in different cases to ascertain the facts and circumstances of the case in order to prove the case “beyond reasonable doubts” and to attribute criminal liability to the accused person. Therefore, expert opinion of scientists and doctors are invited by the courts whenever evidences are scientifically examined.

The aim of this course is to explain the concept of forensic science and its role in criminal law. This course will give an overview as to what kind of evidences are collected and scientifically tested in various crimes, how the result of these tests and expert opinion are useful in investigations and trials and its evidentiary value.

Module 01 Constitutional Rights and Law of Forensic Science :

1. Right to Privacy and Right against Self Incrimination - with leading cases
2. Meaning of Forensic Science
3. Development of forensic science
4. Scope of forensic science
5. Importance of forensic science in Criminal Law
 - a) Role of forensic science in understanding criminal psychology
 - b) Role of forensic science in criminal investigation
 - c) Role of forensic science in court of law
 - d) Role of forensic science with respect to questioned documents
 - e) Digital evidences and forensic science
 - f) Role of forensic science in cyber crimes
6. Forensic Experts and Relevancy of their opinion:
 - a) Crime scene investigator
 - b) Firearms Examiner
 - c) Document Examiner
 - d) Forensic Anthropologist
 - e) Computer Forensics Expert
 - f) Psychiatrist and behavioural scientist, etc.

Module 02 Criminal Psychology and Forensic Science :

5. Brain Fingerprinting :
 - a) Meaning of brain mapping
 - b) Underlying principle behind brain mapping
 - c) Importance of brain mapping
 - d) Lie detection technique
 - e) Use of Brain fingerprinting in criminal investigation
 - f) Brain fingerprinting in India-Guidelines by Supreme Court and NHRC
 - g) Evidentiary Value in the court of law
6. Narcoanalysis :
 - a) Meaning of Narcoanalysis
 - b) Scientific Theory behind narcoanalysis
 - c) Precautions before conducting the tests
 - d) Presence of Experts
 - e) Narcoanalysis in India-Guidelines of Supreme Court, NHRC
 - f) Rights of the accused person
 - g) Importance of Narcoanalysis in criminal investigation
 - h) Evidentiary value in Court of Law
7. Polygraph Test :
 - a) Meaning of polygraph test
 - b) Theory behind polygraph test
 - c) Application and utility
 - d) Legal and Constitutional Status in India
 - e) Evidentiary Value
 - f) Judicial Precedents related to polygraph test
8. Handwriting Analysis:
 - a) Meaning of handwriting analysis
 - b) Underlying principles for handwriting analysis
 - c) Uses of Handwriting Analysis in understanding the character and personality traits of a criminal and ascertaining certain facts during investigation and as an alternative method for lie detection.
 - d) Evidentiary value of handwriting analysis
 - e) Judicial approach
 - f) Role of handwriting expert and evidentiary value of expert opinion on handwriting

Module 03 Role of Forensic Science in Investigation of Crime :

7. Introduction :
 - a) Types of Crimes
 - b) Importance of forensics in various types of crimes
8. Legal Procedure after Commission of a Crime :
 - a) Inquest-by Police and Magistrate
 - b) Courts of Law
 - c) Summons
 - d) Record of evidence
 - e) Medical evidences - certificates, reports, dying declaration, etc.
 - f) Witnesses - common, experts, conduct and duties of doctors
 - g) Preservation of medico - legal evidence at the crime scene
9. Autopsy :
 - a) Objectives of Autopsy
 - b) Requirements
 - c) Protocol
 - d) Exhumation
 - e) Identification
 - f) Time of death
 - g) Sudden unexpected deaths
 - h) Instantaneous psychological deaths
 - i) Autopsy in traffic accidents
 - j) Age estimation
 - k) Starvation deaths
 - l) Burns
 - m) Asphyxial deaths
 - n) Rape
 - o) Abortion
 - p) Poison
10. DNA Finger Printing :
 - a) Meaning of DNA fingerprinting
 - b) Principles
 - c) Status of DNA fingerprinting in India
 - d) Powers of Investigating agency
 - e) Role in crime investigation
 - f) Judicial Approach
 - g) Evidentiary Value

11. Fingerprint Forensics :
 - a) Meaning of fingerprint forensics
 - b) Importance and role in criminal investigation
 - c) Techniques for collection
 - d) Law relating to fingerprints
 - e) Power of investigating officers
 - f) Power of Courts
 - g) Provisions under Criminal Procedure Code, and Indian Evidence Act - Section 45
 - h) Judicial Approach
 - i) Evidentiary Value
12. Forensic Detection Dogs :
 - a) Concept of sniffer dogs
 - b) Role of such dogs
 - c) Evidentiary value

Module 04 Law Relating to Ballistics :

4. Meaning and Scope
5. Firearms :
 - a) Definition of arms under the Arms Act, 1959;
 - b) Prohibited Arms under the Arms Act, 1959;
 - c) Definition of firearms;
 - d) Types of firearms;
 - e) Evidence collection
 - f) Evidentiary value of firearm examination
6. Ballistics Expert :
 - a) Role of a ballistics expert
 - b) Opinion
 - c) Reliability and admissibility of such opinion

Module 05 Questioned Documents and Forensic Science :

8. Meaning of questioned documents - (offences related to documents)
9. Sources of questioned documents
10. Proof of signature
11. Handwriting analysis with respect to the documents
12. Report of an expert
13. Evidentiary Value
14. Typewritten Documents

Module 06 Modern Techniques for Collection of Evidences and Role of Forensic Science :

6. Digital and Video Recordings
7. CCTV Cameras
8. Mobile Phone forensics
9. Voice Analysis
10. Evidentiary value of each of the above

Module 07 Cyber Forensics :

10. Meaning of cyber forensics
11. Role of cyber forensics
12. Importance of cyber forensics
13. Relevant Provisions under -
 - a) The Information Technology Act, 2000
 - b) The Indian Evidence Act, 1872
14. Cyber Crimes :
 - a) Pornography
 - b) Cyber Stalking
15. Crime Investigation
16. Digital Evidence Collection
17. Evidentiary Value of such Evidence
18. Judicial Approach - Landmark Cases

Recommended Readings :

9. Martin D'Souza and R.P Kataria, *Forensic Science in Criminal Trial and Investigation*, Orient Publishing Co.
10. Kevin J. Strom and Mathew J. Hiceman, *Forensic Science and the Administration of Justice - Critical Issues and Directions*, SAGE Publications, (Chapters: 1, 7, 8, 9, 11 and 13).
11. *Modi's Medical Jurisprudence and Toxicology*, 23rd Ed. Publisher - LexisNexis Butterworths Wadhwa.
12. C.K Parikh, *Parikh's Textbook of Medical Jurisprudence, Forensic Medicine and Toxicology*, CBS Publishers and Distributors.
13. B.R Sharma, *Forensic Science in Criminal Investigation and Trials*, Universal Law Publication,
14. Dr R. Krishnamurti, *Forensic Science in Crime Investigation*.
15. B.S Nabar, *Forensic Science in Crime Investigation*, Asia Law House.
16. Medico-Legal Manuals.

LO 0908 Land Laws I :

Objectives of the Course :

Land rights refer to the inalienable ability of individual 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 in two semesters, is to acquaint the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land.

This course 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 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 Ownership Flats Act, 1963 :

1. Objects and Application of the Act
2. Definitions : flat, construct a block or building of flats or apartments, and promoter
3. Duties, liabilities, responsibilities and disabilities of a promoter
4. Alterations, additions and defects to structure and building
5. Flat purchase agreement, and its registration
6. Rights, liabilities of a flat-taker
7. Essential supplies and services
8. Offences by promoters and by companies

Module 02 The Maharashtra Apartment Ownership Act, 1970 :

11. Objects and Application of the Act
12. Definitions of - apartment, apartment owner, building, common areas and facilities, common expenses, common profits, declaration, limited common areas and facilities, and property
13. Apartment as transferable property, its ownership, separate assessment
14. Declaration, its contents, formalities, registration; Amendment to Declaration
15. Common areas and facilities, encumbrances against apartments
16. Contribution to common expenses, charge

17. Rights, duties, liabilities and disabilities of an apartment owner, tenants and users
18. Bye-laws, Management of Apartments Condominium
19. Disposition of property, destruction or damage
20. Distinction between ownership of apartment, ownership of share in joint property, and holding of flat in a cooperative housing society

Module 03 The Real Estate (Regulation and Development) Act, 2016, and the Maharashtra Real Estate Rules, 2017 - Introduction, Registration of Projects and Real Estate Agents :

6. Objects and Application of the Act, Enactment scheme (Central and State) : Act, Rules and Regulations, Housing Policies of Governments
7. Meaning of the 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
8. Registration of real estate project, procedure, consequences of non registration
9. Registration of real estate agents, procedure and consequences of non registration
10. Functions, duties and liabilities of real estate agents

Module 04 The Real Estate (Regulation and Development) Act, 2016, and the Maharashtra Real Estate Rules, 2017 - Relationship Between Parties :

6. Functions, duties, obligations and liabilities of a promoter - from advertisement to completion of project
7. Publication on web-site, effect
8. Transfer of title, Agreement for sale
9. Rights, duties and liabilities of allottees
- 10.

Module 05 The Real Estate (Regulation and Development) Act, 2016 - Authorities, Tribunal, and Remedies :

11. Real Estate Regulatory Authority: Establishment, Incorporation, Composition
12. Qualification of Chairpersons and members, Meetings, Powers and functions
13. Filing of complaints, Enforcement of orders, Appearance in person and legal representation (Sections 20-23, 29, 31, 32, 34-38, 40, 56)
14. Effect of the Act (Sections 88-89), Bar of jurisdiction (Section 79)

15. Appeals
16. Real Estate Appellate Tribunal, Establishment, Composition
17. Application to Tribunal, Powers, Execution of orders (Sections 43- 45, 53-54)
18. High Court (Section 58)
19. Offences and Penalties by promoter, allottee and real estate agents (Sections 59-68)
20. Power to adjudicate compensation (Sections 71-72)

Module 06 The Maharashtra Regional and Town Planning Act, 1966 :

4. Object, Application, and General Scheme of the Act
5. Development Plan, its contents and implementation (Sections 21, 22 and 42)
6. Control of Development and use of Land included in Development Plans (Sections 43-58)

Module 07 The Maharashtra Rent Control Act, 1999 - Forfeiture and Recovery of Possession :

8. Rent Control in urban areas, Object and Historical background of the Act
9. Application of the Act and Exemptions
10. Definitions : Landlord, legal representative, licensee, paying guest, premises, tenant
11. Relief against forfeiture
12. Recovery of possession by landlord (Sections 16, 18-22)
13. Landlord's rights, duties and liabilities : enter for inspection, essential supplies, conversion of use, receipt for rent, registration of agreements, lawful charges
14. Jurisdiction of courts, Appeals

Module 08 The Maharashtra Rent Control Act, 1999 - Standard Rent, Repairs, Sub- Tenancies :

5. Definition: standard rent, permitted increase
6. 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
7. Landlord's duty to repair, Recovery or possession for repairs (Sections 16(1)(h), 17)
8. Prohibition on sub-letting, assignment or transfer; Sub-tenants to become tenants

Module 09 The Maharashtra Rent Control Act, 1999 - Special Cases and Licenses :

4. Special provisions for recover of possession by licensors, effect of non registration of agreement
5. Special provisions for recover of possession by members of armed forces
6. Competent Authority, its powers and functions, bar of jurisdiction, no appeal, summary disposal of applications, special procedures, enforcement of orders

Recommended Readings:

13. J V N Jaiswal, *Housing Law in India*, Eastern Book Company, 2007.
14. Abhay M Shah, *The Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management & Transfer) Act, 1963*, Current, 2010.
15. M C Jain and H M Bhatt, *Law Relating to Ownership of Flats and Apartments in the State of Maharashtra*, Noble Law House, 2014.
16. Sunil Dighe, *Maharashtra Housing (Regulation and Development) Act, 2012 and the Maharashtra Ownership of Flats Act, 1963*, Snow White Publications, 2016.
17. G M Divekar, *Law of Ownership Flats*, 2000.
18. K Goyal, *Guide to Real Estate (Regulation and Development) Act, 2016*, 2nd ed, Commercial Law Publishers, 2017.
19. A K Gupte, *Real Estate (Regulation and Development) Act, 2016*, Hind Law House, 2016.
20. A B Puranik, D R Choudhari, and A N Choudhari, *Maharashtra Regional and Town Planning Act, 1966*, CTJ Publications, 2017.
21. S Desai, *Maharashtra Regional and Town Planning Act, 1966*, Snow white, 2017.
22. S Dighe, *Maharashtra Rent Control Act, 1999*, Snow white, 2016.
23. A S Chandurkar, *Maharashtra Rent Control Act, 1999*, Shanti Law House, 2015.
24. 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 percept's of these areas with current developments.

Module 01 Introduction to Air and Space Law :

1. Development of Air Law
2. Definition, Nature, Scope and Sources of Air Law
3. Freedom of Air and Sovereignty over Air Space

Module 02 Conventions relating to Aerial Navigation :

6. The Paris Convention, 1910
7. The Paris Convention, 1919
8. The Havana Convention, 1928
9. The Warsaw Convention, 1929
10. The Chicago Convention, 1944

Module 03 International Civil Aviation Organization(ICAO) :

4. Organizational Structure
5. Legislative-Administrative and Judicial Functions
6. Dispute Settlement Mechanism of ICAO

Module 04 Domestic Air Law :

3. The Aircraft Act, 1934 and Related Amendments
4. The Aircraft Rules, 1937 (with updates)

Module 05 Introduction to Space Law :

4. Nature, Definition and Scope of Space Law
5. Development of the Space Law
6. Fundamental Principles of Space Law

Module 06 Space Treaties :

7. The Space Treaty, 1967
8. The Rescue Agreement, 1968
9. The Liability Convention, 1975
10. The Registration Convention, 1975
11. The Moon Treaty, 1979
12. The Partial Test Ban Treaty, 1963

Module 07 International and Inter-Governmental Organizations :

5. Bilateral Agreement in Space Activity
6. Organization of Space Activities
7. Department of Space (DOS)
8. Indian Space Research Organisation (ISRO)

Module 08 Emerging Issues of Space Settlements and Property Rights :

7. Question of State Sovereignty and Claim of Property Rights
8. Human Habitation on the Moon and Other Celestial Bodies
9. Protection of the Space Environment
10. Demilitarization of the Outer Space
11. International Space Station
12. Inventions in Outer Space

Module 08 Law of Sea :

10. Historical background of Law of Sea
11. UN Conferences on the Law of the Sea
12. Territorial Sea
13. Passage through International Straits
14. Contiguous Zone
15. Continental Shelf
16. Exclusive Economic Zone
17. High Seas
18. Seabed Mining

Recommended Readings :

15. 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>
16. Shawcross and Beaumont, *Air Law*, Vol 1. Butterworths (1977).
17. Bin Cheng, *Studies in International Space Law*, Clarendon Press, Oxford, (1997).
18. B. Sandeep Bhat (Ed), *Space Law: The Emerging Trends*, Eastern Law House, (2018).
19. Thomas Gangale, *The Development of Outer Space*, ABC-CLIO, Inc, California (2009)
20. Mark J. Sundahal & V. Gopalakrishnan (eds.), *New Perspectives on Space Law*, Paris: International Institute of Space Law (2011).
21. Diederiks - Verschoor, I., *An Introduction to Air Law*, 9th ed., The Hague: Kluwer (2012).
22. Mani V.S. et al. (eds.), *Recent Trends in International Space and Policy*, New Delhi: Lancer Books (1997).
23. G. S. Sachdeva, *Outer Space : Law, Policy and Governance*, Delhi: KW Publisher (2013).
24. Ruwantissa Abeyratne, *Convention on International Civil Aviation: A Commentary*, Heidelberg: Springer (2014).
25. Francis Lyall & Paul B Larsen, *Space Law : A Treatise*, London: Ashgate (2009).
26. Gurdip Singh, *International Law*, 3rd ed., Eastern Book Company, (2015).
27. R. R. Churchill, A. V. Lowe, *The Law of the Sea*, 3rd ed., Manchester University Press: Manchester, (1999).
28. D. Freestone, R. Barnes, D. Ong (eds.), *The Law of the Sea: Progress and Prospects*, Oxford University Press: Oxford, (2006).



Third Year LL.B Semester – VI Fifth Year B.A. LL.B Semester X Syllabus (2019)

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 :

5. Objects, Application and Definitions under the Code
6. The rationale of criminal procedure: the importance of fair trial
7. Constitutional perspectives - Article 14, 20 and 21
8. 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 :

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

Module 03 Provision for Investigation :

5. Arrest, Search and Seizure
6. Processes to Compel Appearance
7. Information to Police
8. Power to Investigate

Module 04 Process to Compel Appearance and Production of things :

9. Summons for Appearance
10. Warrant of arrest
11. Proclamation and attachment
12. Other rules regarding processes
13. Summons procedure
14. Search Warrants
15. General provisions as to search and seizure
16. Miscellaneous

Module 05 Proceedings before Magistrate :

6. Conditions requisite for initiation of proceedings
7. Complaints to Magistrates
8. Commencement of proceedings before Magistrates
9. Provisions as to enquiry and Trial
10. Security Proceedings

Module 06 Charge :

6. Framing of charge
7. Form and content of charge
8. Separate charges for distinct offence
9. Discharge - pre-charge evidence
10. Final Report

Module 07 Trials and Execution Proceedings :

9. Conception of fair trial
10. Trial before a court of session
11. Trial of warrant cases by magistrates
12. Trial of summons cases by Magistrates
13. Summary Trials
14. Provision as to Bail
15. Submission of death sentences for confirmation
16. Execution, suspension, remission and commutation of sentences

Module 8 Judgment :

6. Form and content
7. Post-conviction orders in lieu of punishment - emerging penal policy
8. Compensation and cost
9. Modes of providing judgment
10. Certified copy of judgment

Module 9 Appeal, Review, Revision :

8. No appeal in certain cases
9. The rationale of appeal, review and revision
10. 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
11. Judicial power in disposal of appeals
12. Legal aid in appeals
13. Revisional Jurisdiction
14. Transfer of cases

Module 10 Miscellaneous Provisions :

8. Maintenance of wives, children and parents
9. Transfer of criminal cases
10. Irregular proceedings
11. Limitations of taking cognizance
12. Compounding of Offences and Plea-bargaining
13. Security for peace and good behaviour
14. Maintenance of Public order and tranquility

Module 11 The Probation of Offenders Act, 1958 :

10. Object, Application and definitions under the Act
11. Power of court to release certain offenders after admonition
12. Power of court to release certain offenders on probation of good conduct
13. Power of court to require released offenders to pay compensation and costs
14. Restrictions on imprisonment of offenders under twenty-one years of age
15. Variation of conditions of probation and procedure in case of offender failing to observe conditions of bond
16. Courts competent to make order under the Act, appeal and revision and powers of courts in appeal and revision
17. Removal of disqualification attaching to conviction
18. Probation officers – appointment, duties and report

Recommended Books :

8. Chandrasekharan Pillai, (Ed.), *Kelkar's Outline of Criminal Procedure*, Eastern Book Company, Lucknow.
9. Ratanlal and Dirajlal, *Code of Criminal Procedure*, LexisNexis.
10. Woodroffe, *Commentaries on Criminal Procedure Code*, Universal Law Publishing, Delhi.
11. Chandrasekharan Pillai ed., *Kelkar's Lectures on Criminal Procedure*, Eastern Book Company, Lucknow.
12. D. D. Basu, *Criminal Procedure Code 1973*, Vol I & II, LexisNexis (2017).
13. *Sarkar on Criminal Procedure Code*, Vol I & II, LexisNexis.
14. 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 :

9. Reasons for Growth of Delegated Legislation
10. Constitutional validity of Delegated Legislation
11. Forms or types of delegated legislation
12. Restraints on Delegation of Legislative powers - Comparative position – UK, USA and India
13. Doctrine of Excessive Delegation
14. Powers of exclusion and inclusion and power to modify statute
15. Safeguards and Controls on delegated legislation – Legislative, Judicial and Other Controls
16. Sub-Delegation of Legislative Power

Module 03 Administrative Adjudication :

5. Need of adjudicatory powers of administration
6. Administrative Tribunals – Constitution, powers, procedures
7. 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
8. 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 :

5. Need for conferring discretion on administrative authorities
6. Rule of law and administrative discretion, Constitutional imperatives and exercise of discretion
7. Grounds of judicial review - Abuse of discretion, and Failure to exercise discretion,
8. Doctrine of legitimate expectations, Doctrine of Proportionality, Public Accountability

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

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

Module 06 Corporations and Public Undertakings:

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

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

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

Module 08 *The Right to Information Act, 2005 :*

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

Recommended Readings:

13. C. K. Allen, *Law and Orders* (Universal Law Publishing, 1985).
14. D.D. Basu, *Comparative Administrative Law* (1998).
15. Franks, *Report of the Committee on Administrative Tribunals and Inquiries* (HMSO, 1959).
16. Peter Cane, *An Introduction of Administrative Law* (Oxford 1996).
17. Wade, *Administrative Law*, 7th Edn, Indian Print, (Universal Law Publishing, 1997).
18. J. C. Garner, *Administrative Law*, ed. B.L. Jones, (Butterworth, 1998).
19. S. P. Sathe, *Administrative Law*, (Butterworth, 1998).
20. C. K. Takwani, *Lectures on Administrative Law*, (Eastern Law Book, Luuknow).
21. M.A. Fazal, *Judicial Control of Administrative Action in India, Pakistan and Bangladesh* (Butterworth, 2000).
22. Jain and Jain, *Principles of Administrative Law*, (Universal Law Publishing, 1997).
23. M. P. Jain, *Cases and Materials on Indian Administrative Law*, Vol. I and II, (Universal Law Publishing, 1996).
24. 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 :

8. Types of Company - One Person Company, Company Limited by Shares, Unlimited Company, Private and Public Company, Foreign Company
9. Formation of Company
10. Certificate of Incorporation
11. Pre-incorporation contracts
12. Commencement of Business
13. Memorandum of Association (MOA), Alteration of MOA and Doctrine of Ultra vires
14. Articles of Association, Doctrine of constructive notice and Indoor Management

Module 03 Promoters, Securities (Shares), Debentures :

16. Promoters - Fiduciary relationship, Duties and liabilities
17. Prospectus and Kinds of Prospectus
18. Shares - Meaning and Nature
19. Kinds of Shares
20. Securities (Shares) - Allotment of securities and Share Holdings
21. Issue of shares
22. Certificate of shares
23. Shareholders and voting rights
24. Transfer of shares
25. Shareholders and Members
26. Share Capital and kinds of share capital
27. Publication of Authorized, Subscribed and paid up capital
28. Buy back of shares
29. Dividends
30. Debentures - Meaning, Kinds and Characteristics

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

11. Role, Appointment and Types of Directors
12. Board of Directors
13. Independent Directors
14. Legal Position of Directors
15. Appointment of directors and Managerial Staff
16. Powers and Duties of Directors
17. Civil and Criminal Liability of Directors
18. Inspection, Inquiry and Disqualification
19. Removal of Director
20. Types of Meetings

Module 05 Compromise, Reconstruction, Amalgamation and Mergers :

9. Compromise, Arrangements and Amalgamations
10. Sanction, Duties and Powers of Tribunal
11. Power to Compromise or make arrangements with creditors and members
12. Reconstruction and Amalgamation of Company
13. Modes of reconstruction
14. Declaration and Payments of dividends in above cases

15. Fast track Mergers
16. Amalgamation of companies by Central Government in public interest

Module 06 Accounts of Company :

8. Books of accounts, etc, to be kept by the Company
9. System of maintenance of accounts in Company
10. Audit and Auditors
11. Protection of Minority Share Holders
12. Prevention of Oppression and Mismanagement
13. Removal of names of companies from register of companies
14. Revival and Rehabilitation

Module 07 Winding up Process :

13. Meaning of Winding up
14. Procedures for winding up
15. Winding up process by Tribunal
16. Consequences of winding order
17. Company liquidator and their appointments
18. Report of the liquidator
19. Custody of company's property
20. Company Dissolution
21. Voluntary Winding up
22. Declaration of Insolvency
23. Procedure for voluntary Winding up
24. Appointment of Liquidators

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

12. Constitution of National Company law Tribunal
13. Appellate Tribunal
14. Selection of members, terms of office, salary
15. Removal of members
16. Order of Tribunal
17. Powers of Tribunal

18. Appeal from orders of Tribunals
19. Establishment of special courts
20. Offences trial by special courts
21. Mediation and Conciliation Panel
22. Corporate Social Responsibility

Recommended Readings :

8. A. Ramaiya, *Guide to the Companies Act*, LexisNexis, Butterworths Wadhawa, Nagpur.
9. C.R. Datta, *Datta on the Company Law*, LexisNexis, Butterworths Wadhawa, Nagpur.
10. Avtar Singh, *Company Law*, Eastern Book Company, 2013.
11. Agrawal S., *Corporate Governance & Concept & Dimensions*.
12. Singh R. K., *Amalgamation & Merger of Companies & the WTO: An Indian Perspective*, Eastern Law House 2013.
13. Kapoor G.K. and Dhamija Sanjay, *Taxmann's Company Law & Practice*, Taxmann, 2017.
14. 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 –
- l) Framing / selection of moot court problem
 - m) Identifying the legal provisions applicable
 - n) Formation of moot court teams
 - o) 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.

3. 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 :
 - c) To begin internship and observance of trials at the beginning of the academic year
 - d) 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 -

- e) To begin internship and pre-trial preparations at the beginning of the academic year
- f) Observation of interviewing sessions of client in the office of advocate or the legal aid office
- g) Observation of Advice given to the client by the advocate or authority of legal aid office
- h) Maintaining confidentiality of the parties

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

Note :

- 4. The activities under this course shall be conducted throughout the academic year though the course is shown in last semester in a course component.
- 5. 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.
- 6. 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 :

4. 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

5. 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
6. 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 :

10. Nomita Aggarwal, *A Beginner's Path to Moot Court*, Universal Law Publishing, 2014.
11. Abhinandan Malik, *Moot Courts and Mooting*, Eastern Book Company, 2017.
12. Kailash Rai, *Moot Court (Pre-Trial Preparation and Participation in Trial Proceedings)*, 5th ed, Central Law Agency, 2015.
13. K L Bhatia, *Moot Court and Mock Trial - Art to and Art of Advocacy: Essentials of Court Craft*, Universal Law Publishing, 2013.
14. K Evans, *Language of Advocacy*, 1st Indian Reprint, Universal Law Publishing, 2000.
15. J Hill, *Practical Guide to Mooting*, 1st Indian Reprint, Palgrave Macmillan, 2009.
16. J Snape and G Watt, *How to Moot - a Student Guide to Mooting*, Oxford University Press, 2005.
17. B Malik, *Art of a Lawyer - Cross Examination, Advocacy, Courtmanship*, Universal Law Publishing, 2014.
18. 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 :

7. Establishment of Election Commission - a Constitutional Body
8. Powers and functions of Election Commission
9. Importance of Independence of Election Commission
10. Election Commission and Power of High Court under Article 226
11. Preparatory process for conduct of election
12. Conduct of elections under the Conduct of Election Rules, 1961

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

6. Election of President - Constitutional Provisions
7. Election of Vice President - Constitutional Provisions
8. Election to the House of People and the Council of States
9. Election to the Legislative Assembly and Legislative Council of State
10. Election to Local Authorities

Module 04 Election Disputes :

6. Election petition
7. Jurisdiction of High Court in election petitions
8. Qualification for setting aside elections
9. Disqualifications for setting aside elections
10. Statutory procedure : implications of non-compliance

Module 05 Electoral Reform and Judicial Activism :

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

Module 06 Constituencies and Delimitation :

5. Delimitation – meaning
6. Bar to interfere by Court
7. Delimitation of Constituencies for House of People and State Assembly
8. Delimitation of Assembly Constituencies in Jammu and Kashmir

Module 07 Electors and Electoral Rolls :

5. Preparation and revision of electoral rolls
6. Electoral rolls for House of People and Assembly
7. Language, form and manner of preparation of electoral rolls
8. Claims and objections of electoral rolls

Module 08 Nominations, Scrutiny and Withdrawal of Candidature :

6. Nomination : form, proposer
7. Procedure for setting up by Political Parties
8. Disclosure of information by candidates and right to information : criminal antecedents, assets, liabilities, educational qualifications
9. Scrutiny of nomination : date, time, place
10. Withdrawal of candidature : period for withdrawal, notice, authorized persons

Module 09 Political Parties and Election Symbols :

7. Evolution of symbol system
8. Registration of political parties
9. Recognition of political parties
10. Promulgation of Election Symbols (Reservation and Allotment) Order, 1968
11. Splits and mergers of political parties and allotment of symbols
12. Disputes relating to allotment of symbols and role of Election Commission

Module 10 Campaign, Poll and Result :

7. Model code of conduct : evolution, application, violation
8. Use of media, loudspeaker vehicles
9. Opinion polls and exit polls
10. Poll : law and order, voting systems, voting procedure, adjournment, fresh Poll
11. Right to vote : in person, by post, preference votes, assistance to blind, illiterate or infirm
12. Declaration of result : uncontested returns, contested returns, publication of result, notification

Recommended Readings :

19. S.K. Mendiratta, *All You Want to Know About Indian Elections* (LexisNexis, 2009).
20. Herman Finer, *Theory and Practice of Modern Government*, (Greenwood, 1970).
21. Rajni Kothari, *Rethinking Democracy* (Orient Longman, 2005).
22. Manoranjan Mohanty, *Theorizing India's Democracy, in Indian Democracy: Meanings and Practices*, Rajendra Vohra, ed. et al., (Sage, 2004).
23. RajendraVora, Suhas Palshikar, *Indian Democracy Meaning and Practices* (Sage Publication, 2005).
24. V.S. Rama Devi & S.K. Mendiratta, *How India Votes - Election Laws Practice and Procedure* (LexisNexis, 2017).
25. Dobia & Dobia, *Law of Elections and Petitions* (Two vols) (LexisNexis, 2016).
26. B.S. Chowdhury, *Law of Elections in Indian Republic* (1967).
27. G.S. L. Srivastava, *Elections and Election Petitions* (1969).
28. I. Narain, *Election Studies in India : An Evaluation* (1978).
29. M. Krishnaan Nair, *The Law of Elections in India* (1981).
30. P.M. Bakshi (ed.), *Chawla's Elections : Law and Practice* (1985).
31. MW Fisher, JV Bondurant, John V, *Indian Experiences with Democratic Elections* (1956).
32. B. Holden, *Nature of Democracy* (1974).
33. Lakeman, Enid, *How Democracies Vote : a Study of Electoral Systems* (1974).
34. Z.M. Quraishi, *Struggle for Rashtrapatibhawan : a Study of Presidential Elections* (1973).
35. R. Kothari, *Party System and Election Studies* (1967).
36. 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 :

4. Corporate insolvency resolution process
5. Liquidation process
6. Fast track insolvency resolution process

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

4. Insolvency resolution process
5. Bankruptcy order for individuals and partnership firms
6. Administration and distribution of the estate of the bankrupt

Module 04 Authorities under the Code :

6. Insolvency and Bankruptcy Board of India
7. Powers and functions of the Board
8. Insolvency professional agencies
9. Information utilities
10. Inspection and investigation

Module 05 Adjudicating Authorities under the Code :

4. Adjudicating Authorities for Corporate Persons
5. Adjudicating Authorities for Individuals and Partnership Firms
6. Appeals

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

6. The Companies Act, 2013
7. The Sick Industrial Companies (Special Provisions) Repeal Act, 2003
8. The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002
9. The Recovery of Debts Due to Banks and Financial Institutions Act, 1993
10. The Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920

Module 07 Offences and Penalties for Contravention of the Provisions :

4. By the debtor
5. By the creditor
6. By the bankrupt

Module 08 Cross Border Insolvency :

4. UNCITRAL Model Law on Cross Border Insolvency
5. World Bank Principles for Effective Insolvency and Creditor Rights
6. Asian Development Bank Principles of Corporate Rescue and Rehabilitation

Recommended Readings :

7. UNCITRAL *Legislative Guide to Insolvency Law*.
8. Mulla, *The Law of Insolvency in India*, 6th ed., LexisNexis, 2017.
9. Sumant Batra, *Corporate Insolvency – Law and Practice*, Eastern Book Company, 2017.
10. *Guide to Insolvency and Bankruptcy Code*, Taxmann, 2016.
11. *The Report of the Bankruptcy Law Reforms Committee*, Nov 2015, available at www.ibbi.gov.in/Reports.html.
12. *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 :

4. Police and policing
5. Policing and crime control:
 - a) Community policing
 - b) Zero tolerance policing
 - c) Policing corruption
6. Rise of private policing

Module 03 Transnational and Global Policing :

3. Transnational policing
4. 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 :***

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

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

4. Inquisitorial trials in France
5. Adversarial trials in England and India
6. Trial in Islamic Legal Tradition

Module 06 ***Jury System :***

5. The English jury
6. The American jury
7. Jury system in India
8. Juris in inquisitorial system

Module 07 ***Sentencing :***

6. Death penalty and Human Rights
7. Death Penalty in USA and UK
8. Death Penalty in India
9. Suspended Sentence System
10. Plea Bargaining System

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

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

- d) Role of Courts
 - 4. Due Process Model :
 - a) Rights of Victim
 - b) Rights of Accused Person
 - c) Power of investigation agencies
 - d) Role of Courts

Recommended Readings :

20. Nelken D (2010) *Comparative Criminal Justice Making Sense of Difference*, London Sage.
21. Nelken D (ed) (2011) *Comparative Criminal Justice and Globalisation*, Farnham Ashgate.
22. Crawford A (ed) (2011) *International and Comparative Criminal Justice and Urban Governance Cambridge*, Cambridge University Press.
23. Haberfeld M.R. & Cerrah I (ed) (2008) *Comparative Policing : the Struggle for Democratization*, London, Sage.
24. Jones J & Newturn I (ed) (2006) *Plural Policing a Comparative example London*, Routledge.
25. Andreas P and Nadelmann E (2006) *Policing the Globe: Criminalization and Crime Control in International Relations*, New York, Oxford University Press.
26. Bowling B, Sheptyck J (2012) *Global Policing*, London: Sage.
27. Choe D.H. (2013) *Discretion at Pretrial Stage - A Comparative Study*, European Journal of Criminal Policy and Research, 20.
28. Schonteich M. (2008) *The Scale and Consequences of Pretrial Detention Around the World in : Open Society Foundations* (Ed) Justice Initiatives London.
29. Terrill R.J. (2012) *World Criminal Justice Systems: A Comparative Survey*, Oxford Newness.
30. Vogler R (2005) *A World View on Criminal Justice Aldershot*, Ashgate.
31. Van Koppen P.J. and Penrod S.D. (eds) (2003) *Adversarial Versus Inquisitorial Justice*, New York, Kluwer.
32. Hans V (2008) *Jury System around the World*, Annual Review of Law and Social Science.
33. Vidmar N (ed) (2001) *World Jury System*, Oxford University Press.
34. Garland D (2001) *The Culture of Control, Crime and Order in Contemporary Society*, University of Chicago.
35. Pratt J Brown, D Brown, S Hallsworth, and W Morrison, (eds) (2013) *The New Punitiveness*, London, Routledge.
36. Zimring F (2003) *The Contradictions of American Capital Punishment*, Oxford University.
37. Francis Pakes, (2015), *Comparative Criminal Justice*, Routledge, London.
38. 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 :

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

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

4. Record of rights (Sections 147-159)
5. Rights in unoccupied lands (Sections 160-167)
6. 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 :*

5. Revenue Officers, their powers and duties
6. Procedure of Revenue Officers
7. Appeals, Revision and Review
8. Maharashtra Revenue Tribunal

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

7. Historical background, object and application of the Act
8. Concepts - Deemed tenants, Protected tenants, Ceiling area, Economic Holding, Irrigated land, Maximum and minimum rent, Certificated Landlord
9. Rights, liabilities, duties and disabilities of landlord
10. Rights, liabilities, duties and disabilities of tenant
11. Restriction on holding of lands, restrictions on transfer of lands
12. Management of estates

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

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

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

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

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

8. Historical background, object, application and definitions under the Act
9. Ceiling on holding of land, Exempted land, Prohibition on holding land beyond ceiling limits
10. Restrictions on transfers and acquisitions, and consequences of contravention
11. Surplus land, Submitting returns, Selection of land, Procedure of determining surplus land, Declaration of surplus land, Compensation
12. Distribution of surplus land
13. Collector and Maharashtra Revenue Tribunal, Powers and functions,
14. Appeals

Module 09 *The Mamlatdars' Courts Act, 1906 :*

7. Historical background, object, application and definitions under the Act
8. Mamlatdar and Joint Mamlatdars, their appointment and powers
9. Cause of action and limitation
10. Procedure from filing of plaint till enforcement of orders
11. Injunction and its disobedience
12. Collector and his powers and functions

Recommended Readings :

11. S Dighe, *Land Laws in Maharashtra*, Snow White, 2016.
12. A K Gupte, G Sethi, *Land Laws in Maharashtra*, Hind Law House, 2016.
13. A K Gupte, G Sethi, *Maharashtra Land Revenue Code, 1966*, Hind Law House, 2017.
14. S Dighe, *Maharashtra Land Revenue Code, 1966*, Snow White, 2016.
15. S Dighe, *Maharashtra Tenancy and Agricultural Lands Act with Rules, 1956*, Snow White, 2017.
16. K S Gupte and A K Gupte, *Maharashtra Tenancy and Agricultural Lands Act, 1948*, Hind Law House, 2015.
17. D M Parulekar, *The Bombay Tenancy and Agricultural Lands Act, 1948*, Chaudhari Publishers, 2008.
18. R M Tagare, *Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947*, Mukund Prakashan, 1991.
19. A R B Kher, *Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947*, Nasik Law House, 1999.
20. 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 :

9. Wounded, The Sick, The Shipwrecked
10. Prisoners of War
11. Medical, Religious and Relief Personnel
12. Protection of Civilians
13. Protection of Women and Protection of Children
14. Protection of Cultural Property
15. Means of Warfare
16. Methods of Warfare

Module 03 Implementation of IHL and Institutional Mechanisms :

9. Basic issues involved in Implementation of IHL
10. Implementation of Law at National Level
11. Grave Breaches of Geneva Conventions and Additional Protocols
12. Role of ICRC
13. War Crimes Tribunals - an Overview
14. International Criminal Court - Jurisdiction, Powers and Functions
15. 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
16. 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 :

5. Respect for IHL
6. IHL and Terrorism
7. Private Military Contractors
8. New Methods of Warfare – Drones, Cyber Warfare, Autonomous Weapon Systems

Module 05 Introduction to International Refugee Law :

5. Historical Background of Refugee Law
6. Meaning and Definition of Refugee under various International Documents
7. Difference between Refugees and Internally Displaced Persons
8. Human Rights and Refugees – an overview

Module 06 International Framework for Refugee Protection :

9. Asylum
10. Protection
11. Non-refoulement
12. Non-discrimination
13. Family Unity
14. Durable Solutions
15. International Cooperation, Burden Sharing, Extradition of Refugee, voluntary, Repatriation, Naturalization
16. Role of UNHCR in the Protection and Promotion of Refugee Rights - an Overview

Module 07 Refugees in Indian Context :

5. Legal and Constitutional Provisions
6. Reasons for non Signatory to Refugee Convention,
7. Role of Indian Government in Protecting Refugees
8. Role of NHRC and Judiciary

Recommended Readings

20. Kavin M. Cahill, *Basics of International Humanitarian Missions* (2003).
21. V. K. Ahuja, *Public International Law*, LexisNexis (2016).
22. ICRC, *International Humanitarian Law : A Comprehensive Introduction* (2016) : Available at : <https://www.icrc.org/en/publication/4231-international-humanitarian-law-comprehensive-introduction>.
23. ICRC, *International Humanitarian Law : Answers to your questions*, (2015) Available at: <https://shop.icrc.org/droit-international-humanitaire-reponses-a-vos-questions-2616.html>
24. ICRC, *Summary of the Geneva Conventions of 12 August 1949 and their Additional Protocols* (Second Edition, 2012).
25. M.K. Balachandran and Rose Varghese, eds., *Introduction to International Humanitarian Law* (1997).
26. Fleck, Dieter, ed., *The Handbook of Humanitarian Law in Armed Conflicts* (1998).
27. Frits Kalshoven, Liesbeth Zegveld, *Constraints on the Waging of War : An Introduction to International Humanitarian Law* (2001).
28. Durham, Helen, McCormack, Timothy L. H., eds., *The Changing Face of Conflict and the Efficacy of International Humanitarian Law* (1999).
29. 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.
30. B.S. Chimni, ed., *International Refugee Law : A Reader* (2000), Sage Publications.
31. Carlier, Jean Yves, et. al., *Who is a Refugee? A Comparative Case Law Study* (1997).
32. Goodwin, Gill, Guy S., McAdam, Jane, *The Refugee in International Law* (3rd edn,) 2014, Oxford.
33. James C. Hathaway, *The Rights of Refugees Status under International Law* (2014) Cambridge.
34. Arjun Nair, *National Refugee Law for India : Benefits and Roadblocks* (2007).
35. South Asia Human Rights Documentation Centre (SAHRDC), *Human Rights and Humanitarian Law: Developments in Indian and International Law* (2008).
36. UNHCR and IPU, *Refugee Protection : A Guide to International Refugee Law* (2001).
37. Ragini Trakroo, et. al., *Refugee and the Law* (2005).
38. Bimal N. Patel : *The State Practice of India and International Law* (2016).

Note for Syllabus of all Subjects

3. 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.
4. 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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