



# Third Year LL.B Semester – V Fifth Year B.A. LL.B Semester IX ( 2017 Pattern )

## **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

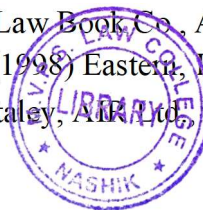


## **Module 08      The Limitation Act 1963 :**

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*, 5<sup>th</sup> 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. Chitale, AIR, 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 Socis*
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 :**

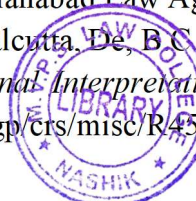
3. Commencement of statute
4. Retrospective operation of statute
5. Perpetual and temporary statutes
6. Effect of expiry of temporary statutes
7. Express or implied repeal
8. Consequences of repeal

### **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/R4529.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

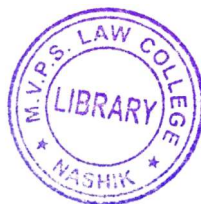
### **Part A : Syllabus for University Written Examination :**

#### **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) :**

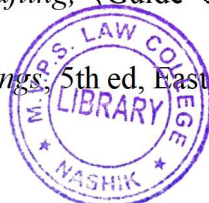
The Written Submissions (Journal) shall contain the writing of :

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. Kamyia 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*, 23<sup>rd</sup> 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*, 3<sup>rd</sup> 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).

