



**Maratha Vidya Prasarak Samaj's  
Law College, Nashik**

**BA.LL.B III ( SEM IV )**

**LL.B I ( SEM II )**

Sr. No.	Course Code	Subject	Activity			Credit	Evaluation Scheme		
			L	T	P		Internal	External	Total
1	LCC 0601	Constitutional Law - II	3	1	0	4	30	70	100
2	LCC 0602	Law of Contract – II	3	1	0	4	30	70	100
3	LCC 0603	Family Law - II	3	1	0	4	30	70	100
4	LCC 0604	Jurisprudence	3	1	0	4	30	70	100
<b>Law Discipline Specific Elective Course (Any One from the following)</b>									
5	LDSE 0605	Election Law	3	1	0	4	30	70	100
6	LDSE 0606	Insurance Law							
7	LDSE 0607	Penology and Victimology							
8	LDSE 0608	Comparative Constitution							
<b>Law Generic Elective Course</b>									
9	LGE 0609	Media Laws	3	1	0	4	30	70	100
<b>Total</b>			<b>18</b>	<b>6</b>	<b>0</b>	<b>24</b>	<b>180</b>	<b>420</b>	<b>600</b>



**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 1. Nature of Indian Federalism:***

1. Essential characteristics of Indian Federalism.
2. Indian Federalism distinguished from American Federalism.
3. Federalism and Basic Structure Doctrine.

***Module 2. Distribution of Legislative and Executive Powers:***

1. The Scheme of Distribution of Legislative powers.
2. Territorial extent of Union and State Legislature.
3. Limitations to the territorial jurisdiction of the Parliament.
4. Distribution of Legislative subjects.
5. Residuary powers.
6. Expansion of Legislative powers of the Union under different circumstances.
7. Interpretation of Legislative lists.
8. Distribution of Executive powers.
9. Centre – State Co-ordination.
10. Inter-Governmental Delegation of Powers.
11. Delegation by the Centre.
12. Entrustment of State's Power to the Centre.
13. Centre's direction to the State.
14. All India Services.
15. Inter-State Council.



***Module 3. Distribution of Financial Powers:***

1. Allocation of Taxing Powers.
2. Restriction of State's Power to levy Taxes.
3. Distribution of Revenue between the Union & the States.
4. Assignment of Union Revenue to the State.
5. Compulsory Tax Sharing.
6. Permissive Sharing of Taxes.
7. Grant-in Aid.

***Module 4. Structure, Powers and Functions of Union and State Legislature:***

1. Bicameral Legislature.
2. Composition, Powers, and Functions of Union Legislature
3. Composition, Powers, and Functions of State Legislature
4. Qualification, Disqualification and Privileges of Members of Parliament Members of
5. Legislative Assembly Anti-Defection Law
6. Law making procedure - Types of Bills - Ordinary, Financial, Money and Appropriation Private Member Bills and Government / Public Bills

***Module 5. Structure, Powers and Functions of Supreme Court, High Court and Tribunals:***

1. Independence of Judiciary and Judicial Activism
2. Appointment of Judges, Structure, Jurisdiction, Power and Functions of Supreme Court
3. Appointment of Judges, Structure, Jurisdiction, Power and Functions of High Court and Subordinate Courts
4. Tribunals - Administrative tribunals, Tribunals for other matters
5. Judicial accountability and demand of National Judicial Appointments Commission

***Module 6. Structure Powers and Functions of Union and State Executive:***

1. Union Executive – Appointment, Qualification, Powers, and functions of President and Vice-president Union Council of Ministers
2. State Executive - Appointment, Qualification, Powers, and functions of Governor of the State, State Council of Ministers
3. Interaction between the Executives and the Legislature.
4. Conduct of Governments Business.



***Module 7. Other Constitutional Institutions / Authorities:***

1. UPSC and State Public Service Commission
2. Attorney General, Advocate Generals
3. Election Commission of India
4. Comptroller and Auditor General of India
5. Local Self-governing Bodies: Panchayats and Municipalities, Co-operative Societies
6. National Commissions for SC, ST and Backward Classes

***Module 8. Emergency Provisions:***

1. National Emergency.
2. Failure of Constitutional Machinery in a State.
3. Financial Emergency.

***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. Granville Austin, *The Indian Constitution – Cornerstone of a Nation*, Oxford University Press.



**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 Dayabhaga 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, Lucknow.
14. Bhartiya V P, Sayyad Khalid Rashid's Muslim Law, Eastern Book Company, Lucknow.
15. Darrett, Introduction to Modern Hindu Law, Universal Law Publishing.



**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 1932. 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. Meaning and definition of the contract of indemnity
3. Formation and essential features
4. Nature and extent of liability of the indemnifier
5. Commencement of liability of the indemnifier
6. 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 & kinds of guarantee
2. Formation, essential features & parties to the contract of guarantee
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, termination & discharge of Surety.
7. Surety's rights against the principal debtor
8. Surety's rights against the creditor.
9. Letters of credit and bank guarantees
10. 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, essential features and parties to the contract of bailment.
3. Kinds of Bailment
4. Examples of contracts of bailment: for benefit of bailor, for benefit of bailee
5. 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
6. Termination of bailment, and consequences of termination
7. Finder of goods as a bailee



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

1. Meaning and definition of a contract of Pledge
2. Essential features and parties to the contract of pledge.
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;
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. Meaning and 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, sub-agent & Substituted agents
7. Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party
8. Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party
9. Personal liability of an agent. Pretended agent. Undisclosed principal
10. Revocation and other modes of termination of agency, Irrevocable agency, Effect of termination of agency, Liability of the principal and agent before and after termination of agency.



***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, Goods, Price, Delivery, Risk and Property (ownership).
3. Sale as a transfer of property, Sale and agreement to sell. Effect of perishing of goods
4. Goods – Meaning, existing and future goods, specific, ascertained, unascertained & contingent goods.
5. Implied conditions and warranties, Express conditions and warranties
6. The rule of ‘caveat emptor’ and exceptions to the rule
7. Transfer of title, Transfer by non-owners (*Nemo Dat Quod Non Habet*) & Passing of risk
8. Rules as to delivery of goods, various modes of delivery and their effect, Inspection of goods and Rejection of goods
9. Rights and liabilities of the buyer and seller, Unpaid seller and his rights against the goods and buyer
10. Remedies for price and for breach of contract of sale, Interest and taxes
11. Auction sales

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

1. Meaning and definition of a contract of partnership
2. Essential features of a contract of partnership, the firm, firm name, business, property of the firm and the partners, Minor as a partner
3. Kinds of partnership
4. Relations of partners with one another: their rights, liabilities, duties, immunities and disabilities



- 5 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
6. 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, Lexis Nexis.
6. Nilima Bhadbhade, *Contract Law of India*, 2nd ed 2009, Kluwer, available free on Google books.
7. Pollock and Mulla's *The Sale of Goods Act*, Akshay Sapre ed., 9th ed, 2014, 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*, Shrinivas 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,
14. Mulla's *The Sale of Goods Act and the Indian Partnership Act*, K Kannan ed., 10th ed, 2012, LexisNexis.
15. Avtar Singh, *Introduction to Law of Partnership (including Limited Liability Partnership)* 10th ed., 2011, Eastern Book Company.
16. S T Desai's *The Law of Partnership in India*, Satyajee Desai ed., 7th ed., 2009, LexisNexis.
17. C L Gupta, *Law of Partnership including Limited Liability Partnership*, Palok Basu ed., 5th ed., 2016, LexisNexis.
18. P C Markanda, *The Law of Partnership in India*, 2010, LexisNexis.
19. D S Chopra, *A Commentary on Sale of Goods, Partnership and Negotiable Instruments*, 2016, Thomson Reuters.



## **Objectives**

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 because it sensitizes the students to adopt a pragmatic approach in legal study by way of clubbing theory with practice. So, it is a subject which forms the foundation of the law degree. It accommodates copious subjects of intellectual enquiry. This course identifies and elucidates several of the major preoccupations of legal theory. This course also creates an understanding of basic legal concepts like Rights, Person, Property, Title, Possession, Ownership, Liability, Obligation which are basic to the study of Law. So, this paper will give an overview to the students about law and legal systems prevalent in the world and India in particular, so that they can understand the jurisprudence of all subjects taught to them over a span of three years.

## **Outcomes:**

1. Students will be acquainted with the basic ideas and fundamental principles of Law in the given society.
2. Knowledge of Law and Legal precepts will help the students to face exigencies of life boldly and courageously.
3. Students will be inculcated with standards of ideal for human conduct in terms of law for the maintenance of public conscience.
4. Students will be able to identify such pressing demand or problems which require solution within the parameters of the law, justice and other social norms

## **Module 01 Introduction to Jurisprudence:**

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



***Module 02 Sources of Law:***

Sources of Law –

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

***Module 03 Natural Law Theories and Revival of Natural Law:***

1. Classical Natural Law theory: Plato to 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. Kelson's Pure Theory of law

***Module 05 Sociological, Realist, Historical Schools of Law and Critical Legal Studies:***

1. Sociological school of law - Roscoe Pound
2. Realist school of law – American Realism: W Holmes, Karl Llewellyn, Jerome Frank
3. Historical school of jurisprudence - Savigny and Maine. - Comparison of Historical and Analytical School of Law
4. Critical Legal studies – Brief study of - (1) Feminist Legal theory and (2) Critical Race theory



***Module 06 Concept of Person, Right and Duties:***

1. Nature of Personality - Natural and Legal, Legal Status of Lower Animals, Dead persons, Unborn Persons, Kinds of Legal Persons, Uses and Purposes of Incorporation, Theories of Legal Personality
2. Meaning of Wrong, Duty and Right, Characteristics of Legal Rights, Kinds of Legal Rights, Theories of Legal Rights, Hohfeldian Classification of Legal Right

***Module 07 Concepts of Ownership, Possession and Title:***

1. Meaning of Ownership, Characteristic of Ownership, Subject-matter of Ownership, Kinds of Ownership, Modes of acquiring Ownership
2. Meaning of Possession, Kinds of Possession, Modes of acquiring Possession, Possessory Remedies, Comparison between Ownership and Possession
3. Definition and Nature of Title, Classification of Titles, Importance of Agreements, Kinds of Agreements, Validity of Agreement

***Module 09 Obligations and Liability:***

1. Definition of Obligation, Solitary Obligations, Sources of Obligations
2. Nature of Liability, Kinds of Liability, General Conditions of Liability, Measure of Penal Liability, Measure of Civil Liability, Theory of Strict and Absolute Liability, Vicarious Liability in Civil and Criminal Law, Liability of Corporations

***Recommended Readings:***

1. Bodenheimer Jurisprudence—The Philosophy and Method of Law (1996) Universal, Delhi.
2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999), Tripathi, Bombay.
3. W. Friedmann, Legal Theory (1999), Universal, Delhi.
4. V.D. Mahajan, Jurisprudence and Legal Theory (1996 reprint), Eastern, Lucknow.
5. M.D.A Freeman (ed.), Lloyd's Introduction to Jurisprudence, (1994), Sweet & Maxwell
6. Paton G.W., Jurisprudence (1972), Oxford, ELBS
6. H.L.A. Hart, The Concepts of Law (1970) Oxford, ELBS
7. Roscoe Pond, Introduction to the Philosophy of Law (1998 Re-print) Universal, Delhi.
8. Dias, Jurisprudence (1994 First Indian reprint), Adithya Books, New Delhi. Dhyani S.N., Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.





**Law Discipline Specific Elective (Open Elective) course (Any One from the following) :**

**LDSE 0605 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 -
4. The Government of India Act, 1861
5. The Government of India Act, 1892
6. The Government of India Act, 1902
7. The Government of India Act, 1935
8. Election and its statutory significance under the Representation of People Act, 1951
9. Modes of election -
10. Single nontransferable vote
11. 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, importance of Independence of Election Commission
3. Election Commission and Power of High Court under Article 226
4. Preparatory process for conduct of election
5. 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. HassanUzzaman*, AIR 1985 SC 1233
3. Corrupt electoral practice: *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC2299
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, freshPoll
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. Rajendra Vora, Suhas Palshikar, *Indian Democracy Meaning and Practices* (Sage Publication, 2005).
6. V.S. Rama Devi & S.K. Mendiratta, *How India Votes - Election Laws Practice and Procedure* (LexisNexis, 2017).
7. Dobia & Dobia, *Law of Elections and Petitions* (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).



Objectives of the Course: This course provides an in-depth analysis of the principles, regulations, and practices governing insurance law. Students will gain a thorough understanding of the legal framework that governs insurance contracts, claims, and the rights and responsibilities of insurers and policyholders.

***Module 1: Introduction to Insurance Law:***

1. Historical development of insurance law & Growth of Insurance in India, Nationalization of life and general insurance, Opening up of the insurance sector, foreign investment in insurance
2. Definition, Nature and Significance of Insurance.
3. Classification of Insurance: Voluntary and compulsory insurance
4. Insurance Regulatory and Development Authority of India, its constitution, role, powers and functions
5. The Life Insurance Corporation of India, the General Insurance Corporation of India, the General and the Life Insurance Councils
6. Registration of insurers, Capital and voting structure; Investments by insurers
7. Functions and benefits of insurance

***Module 2: 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
4. Doctrine of proximate cause
5. Risk & Risk Handling: Risks, Risk-handling



***Module 3: Contract of Insurance:***

1. Contract of insurance, subject-matter of insurance; Contingent nature 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
3. Reinsurance: Role and importance of reinsurance, Types of reinsurance agreements
4. Insurance agents and insurance brokers, and their role in contract formation
5. Premium, calculation, return and forfeiture of premium, Tariff
6. Nomination and Assignments

***Module 4: Life & Health Insurance:***

1. History & evolution of Life Insurance
2. Kinds of Life Insurance-Whole life Policy, Endowment Policy, Term Policy, Unit-Linked Insurance Plans (ULIPs)Free Look Period Provisions
3. Types of Health Insurance: Individual Health Insurance, Family Floater Health Insurance: Senior Citizen Health Insurance, Group Health Insurance

***Module 5: Fire & Marine Insurance:***

1. Meaning, Need and Advantages of Fire Insurance-
2. Special terminologies in Fire Insurance Claims – Insurer/Insurance Company, Insured/Policyholder, Premium, Salvage, Insurance Policy, Sum Assured, Under Insurance, Average Clause, Claim.
3. Definition & Meaning of Marine Insurance –
4. Types of marine insurance- cargo and hull insurance-
5. Types of marine policies: specific policy, open policy-, duty policy, special storage policy, annual policy



***Module 6: The Motor Vehicle Insurance:***

1. Scheme of compulsory insurance
2. Certificate of insurance, Transfer of insurance policy
3. Right of an insurer to defend Duty to satisfy judgments
4. Road Safety Measures:
5. Categories of offences
6. National transportation policy
7. Motor Vehicle Accident Fund

***Module 7: Agricultural Insurance:***

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

***Module 8: Emerging Issues in Insurance Law, Insurance Fraud And Ethics:***

1. Cyber insurance and data protection
2. Climate change and insurance implications
3. Insurtech and digital disruption in the insurance industry
4. Types of insurance fraud
5. Measures to prevent and detect insurance fraud
6. Ethical considerations in insurance practices





***References:***

1. Principles and Practice of Non-Life Insurance by P.K. Gupta, Himalaya Publication House.
2. Insurance Principles and Practice by M.N. Mishra, S. Chand.
3. Mishra. M.N.: Insurance Principles and Practice– (Delhi, Vikas Publishing house)
4. R.N Choudhary's, General Principles of Law of Insurance, Central Law Publications
5. Periya Swamy; Principles and Practice of Life Insurance
6. Raman B, Your Life Insurance Hand Book
7. William C. Arthur, Risk Management and Insurance
8. Krishna Swamy: A Text book on Principles and Practices of Life Insurance
9. Gopal Krishnan, Liability Insurance
10. Aramvalarthan: Risk Management I.K. Intl
11. Mishra M.N, Insurance Principles and Practice
12. Bose A.K, Engineering Insurance
13. Fire Insurance Claim – Insurance institute of India
14. P. K Gupta; Insurance & Risk Management I
15. Insurance Institute of India, National Insurance Academy



**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*, Allahabad Law Agency.

5. Ahmad Siddique, *Criminology and Penology*, Eastern Book Company.

6. Davis Lurigo Herman, *Victims of Crime*, Sage Publications.

7. Schuffner'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.



**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-Monarchical
2. Types of Constitutions
3. Scope and significance of comparative study of Constitution in Constitution making of comparative study of Constitution in interpretation
4. Common law of England
5. American Constitution
6. The Common law heritage
7. 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. Pylee, *Constitutions of The World*, Universal Law Publishing, Delhi, Vol.1&2.
5. M.P. Jain, *Indian Constitutional Law*, Wadhwa and Company, Nagpur.
6. H.R. Khanna, *Making of India's Constitution*, Eastern Book Co., Lucknow.





**Law Generic Elective (Open Elective) course:**

**LGE 0605 Media Laws:**

**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: 101<sup>st</sup> 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
9. Free Speech and Fair Trial under Criminal Procedure Code, 1973 – An Overview)
  - a. String Operation and Media
  - b. Broadcasting Rights
  - c. Taxation and Media
  - d. Media and Convergence
  - e. Infringement of Intellectual Property Rights
  - f. Internet and freedom of media
  - g. Violence against Media persons and Law
  - h. 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.

