



**JSS LAW COLLEGE**

**AUTONOMOUS**

**MYSORE**

**B.A., LL.B (Hons.)**

**SYLLABUS**

**2009 - 10**

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## ***SPECIAL ENGLISH***

### **Objectives:**

One of the significant aspects of unity in legal ordering is legal language. From time immemorial, legal terms and concepts are giving the uniform and universal ideas through the centuries irrespective of time and place. Today, English is an international language through which legal language has a common understanding. To avoid discrepancies in connotation, English has to be studied to serve the purpose of administering justice. Hence forth, the literature and linguistics of English is utilized as a tool and technique for understanding, comprehending and interpreting law

### **UNIT-I**

Advice to a young man...-Felix Frankfurt

In the court: Anton Chekhov

Grammar: Parts of speech (Same word used as different parts of speech), sentence linkers, Models.

### **UNIT-II**

The five functions of the Lawyer: Arthur Vanderbilt

Grammar: Synonyms and antonyms, homonyms and homophones.

### **UNIT-III**

A plea for severest penalty: M. K.Gandhi

Composition, Paragraph writing, Report writing

### **UNIT-IV**

On the Entirely reasonable Murder of a Police constable: G.B.Shaw

Composition: dialogue Writing, refutation of arguments.

### **UNIT-V**

The law as a Jealous Mistress: Joseph Planck

Composition: Interpretation of Notices.

### **Text:**

R.P.Bhatnagar and R.Bhatnagar, Law and Language, Mac Millan India Pub.

### ***Books Prescribed:***

1. David Grene, contemporary English Grammar: Structure and Composition, Mac Millan India Pub.
2. R.P.Bhatnagar and R.Bhatnagar, English for Competitive Examinations, Mac Millan India Pub.

## ***COURSE II***

### ***GENERAL PRINCIPLES OF CONTRACT***

#### **Objectives:**

Contracts are the foundation for most of the transactions especially transactions dealing with the property. The general principles governing contracts remain the same, whether the transaction is in the ordinary course of life or in the electronic world (e-commerce). For this reason it is very important to introduce the students to the basic principles governing contracts and lay a powerful foundation for their study of other transactional and related laws in higher semesters.

#### **UNIT – I**

Introduction: Sources of Law - Judicial Precedents, Customs, usages, legislation.

Introduction and English Law in India: History, Formation of Contract (S.10). Agreement and Contract; Definitions, Classification, Offer and Acceptance, Communication, Revocation, Essential elements, Invitation to Offer, Tenders.

Consideration: Nudum Pactum, Essential elements, Privity of Contract and of Consideration, Exceptions, Unlawful Consideration and its effect.

Contractual Ability: Electronic Documents as Web Pages, Digital Certificates as Entry Passes, Time and Place of Contract, Secured Custody of Electronic Records.

#### **UNIT – II**

Capacity to Contract: Minor's Agreements and its effects, Persons of unsound mind, Persons disqualified by Law.

Free Consent; Coercion, Undue influence, Misrepresentation, Fraud, Mistake, Legality of Object; Void Agreements, Agreements against Public Policy, Wagering Agreements: its exceptions, Contingent Contracts.

#### **UNIT – III**

Discharge of Contracts and its various Modes: by performance, Time and place of performance, Performance of reciprocal promises, Appropriation of Payments, Discharge by Agreement, by operation of Law, By frustration (Impossibility of Performance), by Breach (Anticipatory and Actual).

#### **UNIT – IV**

Remedies for Breach of Contracts: Damages, Remoteness of damages, Ascertainment of damages, injunction, When granted and when refused, Restitution, Specific performance when granted.

Quasi Contracts.

## **UNIT – V**

### ***The Specific Relief Act***

Nature of Specific Relief: Recovery of Possession of movable and immovable Property, Specific performance when granted and not granted, Who may obtain and against whom, Discretionary remedy, Power of Court to grant relief.

Rectification of instruments; Cancellation, Declaratory decrees, Preventive relief,

Temporary injunctions; Perpetual and mandatory Injunctions.

Government as a contracting party: Constitutional provisions, Government powers to contract, Procedural requirements, Kinds of Government Contracts, their usual clauses, performance of such contract, settlement of disputes and remedies.

#### ***Prescribed Books:***

1. Avtar Singh - Law of Contracts
2. Pollock Mulla - Indian Contract Act
3. Avtar Singh - Specific Relief Act

#### ***Reference Books:***

1. P. S. Atiya - Introduction to the Law of Contract
2. G. C. Cheshire - Law of Contract
3. M. Krishnan Nair - Law of Contract
4. G. H. Treitd - Law of Contract
5. R. K. Abichandarai - Contract and Specific Relief Act
6. Bannarjee. S. C - Law of Specific Relief
7. Navijayashankar – Cyber Laws
8. Justice Yatinder Singh – Cyber Laws.
9. William Anson - Law of Contract
10. Venkatesh Iyer - Law of Contract
11. Sarkar - Specific Relief Act

## ***COURSE III***

### ***LEGAL METHODS AND RESEARCH***

#### **Objectives:**

Law is undoubtedly an autonomous discipline and has its own materials and methods. However, law is related to other processes in the society mainly social, political and cultural. This course is designed to familiarize the students with basic research skills and sources of legal materials. It enables them to discover authority for principles of law in cases and else where. The course may help the student to develop and apply skills of an advocate.

#### **UNIT- I**

1. Introduction to Law: Natural law theory, Imperative School, Realistic School
2. Kinds of Law: Criminal Law, Civil Law, Substantial Law, Procedural Law, Constitutional Law, International Law.
3. Sources of Law;
  - a. Statute: Meaning of legislation, legislation as source of law, Supreme and subordinate legislation, Delegated legislation.
  - b. Precedent: Nature, Authority of precedent, Circumstances which destroy or weaken the binding the force of precedent, Authoritative and persuasive precedents.
  - c. Custom: Definition, Origin of custom, Binding force of custom, Kinds of custom-Requisites of a valid custom.

#### **UNIT-II**

1. Methods of Social Control through law: Penal technique, Grievance remedial Technique, Private arranging technique, Constitutive technique, administrative regulatory technique, Fiscal technique, Social benefits technique.
2. Law library: Law reports, Digest, Law Journals, Commission reports, Law Lexicon, Legal encyclopaedia, Dissertation and research works, Internet use

#### **UNIT-III**

1. Highlighting important legal terms and maxims.
2. Legal research: Meaning and its objective
3. Types of Research: Doctrinal and Non- Doctrinal research

## **UNIT-IV**

### **Research Skills- Some chapters would consist of written and oral skills**

1. Methods of research: Historical, Analytical, Statistical and Comparative
2. Research Techniques (Tools of Research):
  - i. Observation, Participant and non-participant, Controlled and uncontrolled observation, Structured and unstructured observation.
  - ii. Interview, Structured and unstructured interview.
  - iii. Questionnaire, Characteristics of a good questionnaire, Structured and unstructured questionnaire.
  - iv. Survey, Characteristics of a good survey, advantages and disadvantages of survey, Interview survey, Questionnaire survey, Group survey
  - v. Sampling, Characteristics of a good sample, advantages of sampling, Simple random sampling
  - vi. Case Study method, Meaning, Advantages and disadvantages of case study method.

## **UNIT-V**

- a. Hypothesis: meaning, characteristics of a good hypothesis.
- b. Report Writing: Meaning of Research report, Style and Language, Page, Size, Spacing and Numbering, Parts of a Research Report, Preliminary Text and Reference Materials, Title Page, Preface, Foreword, Introduction, The Texts, Conclusion, Bibliography, Appendix and Footnotes.
- c. Law and Morality- Concept of Morality- Distinction between law and morals.

### ***Prescribed Books:***

1. John. H. Farrar & Anthony .M. Dagdale- Introduction to Legal Method.
2. V.D Mahajan- Jurisprudence and Legal theory
3. M. Gandhi, L. Solomon Raja – Introduction to Legal Method and Legal Research.

### ***Reference Books:***

1. Glanville Williams- Learning the Law.
2. W. Friedman- Law in a Changing Society.
3. Dr. H. N Tewari- Legal Research Methodology.
4. Legal Research and Methodology Published by Indian Law Institute.
5. Dr. S. R. Myneni- Legal Research and Methodology.
6. Victor Tunkell- Legal Research.
7. Dr. H.N Tewari- Legal Research Methodology.
8. B.A.V Sharma- Research Methods in Social Sciences.
9. Dr. S.C Tripathi- Legal Language, Legal writing, General English.
10. Morris L. Cohen- Legal Research.
11. N. Sadhu – Research Methodology in Social Sciences.
12. Srikanth Mishra – Legal Language, Legal Method and General English

***COURSE IV***  
***POLITICAL THOUGHT AND ORGANIZATION***

**Objectives:**

The study of Political science as a core subject in legal education has definite significations. Legal system is ultimately an expression of Political power policy at a given time. Therefore study of Political Organization is inevitable as it is the source of Positive Law. At the same time Political systems are influenced by ideas of justice and change. Hence, learning of thoughts and concepts which have evolved political power and knowing of organizations which materialize the thoughts into systems will be focused in this course.

**UNIT – I**

Meaning and nature of the State: Theories of the origin of the State, The State as conceived by different schools of Thought

Government: Forms of Government, Constitution of Government.

**UNIT – II**

Main currents of Western Political Thought: Concepts of Natural Law and Natural Rights, Liberalism, Socialism, Marxism and Idealism.

Conceptions of Political and Legal Sovereignty: the totalitarian State.

**UNIT – III**

Main currents of Indian Political Thought: Hindu concept of the state, Islamic concept of the State, Liberalism, Marxism, Gandhism and Sarvodaya in Indian Political Thought

**UNIT – IV**

Organization of Government: Unitary, Federal, Quasi-Federal and Confederal, One party Democracies, Military rule, Presidential and Parliamentary forms with reference to the Constitution of U.S.A, Switzerland, Australia, U.K, France, Canada, India and the United Nations Organization.

**UNIT – V**

Organs of State: Legislature, Executive and Judiciary.

Doctrine of Separation of Powers: Parliamentary Sovereignty, Independence of the Judiciary.

Conception of representation: Public opinion and participation.

***Prescribed Books:***

1. S.P. Verma – Modern Political Theory
2. H. Finer – The Theory and Practice of Modern Government
3. K.C. Wheare – Federal Government
4. Brecht – Political Theory
5. A.C. Kapoor – The Principles of Political Science

***Reference Books:***

1. Ebenstein – Today's Issues
2. Dunning – History of Political Thought
3. F.W.Coker – Recent Political Thought
4. H.J. Lakshi – The State in Theory and Practice
5. R.G. Gettell – History of Political Thought
6. Karl Loewenstein – Political Power and the Government Process

## ***COURSE V***

### ***HISTORY***

#### **Objectives:**

The course detailed below is intended to give a broad idea to the student about the main currents of social, political, legal and cultural movements, which influenced the legal system and its institutions. It is expected that the teacher instead of describing mere chronology of events will acquaint the student with the Indian cultural heritage in the above fields so that he may be able to critically appreciate the relevance of the present institutions of Indian democracy.

#### **UNIT – I**

Importance of the study of history. Major sources of Indian history, role of history in the evolution of legal systems. Contribution of Harappan Civilization. The Vedic period: Shrutis, the Smritis and Vedanta. The Varnashrama Hierarchy. Purusharthas, contributions of Manu. The Epics, the birth of new religion: Buddha and Mahaveera

#### **UNIT – II**

The Greek invasion: the Mauryan Empire; the features and administration of justice, the civic system, the Ashokan legacy. The Gupta Empire and its contributions to justice and administration. The Harsha era: foreign visitors, Pulakeshi and his achievements, the cultural contributions of Deccan Dynasties: Cholas, Pallavas and Chalukyas, Rashtrakutas and Hoysalas.

#### **UNIT – III**

The advent of Islamic culture: The Slave Dynasty, Khilji Dynasty – administrative reforms of Alla – ud –din Khilji, The Tughlaqs – Muhammad Bin Tughlaq – Failures of the reforms system. The Moghuls – arrival of Barbar – Contribution of Akbar to religion and culture. Administration system in Shershah's regime – Moghul's contribution to art, architecture, literature, law and justice.

#### **UNIT – IV**

The Bhakthi movement – the legacy of Shivaji, the great Vijayanagara Empire, advent of Europeans, the Portugese, the French, the English, the Dutch. The battle of Plassey. The expansion of English Company, the war of Independence 1857, various reforms in administration. Dalhousie's dominance, Bentinck's contribution.

Socio religious reforms: the Brahma Samaj, Arya Samaj and Prarthana Samaj, Ramakrishna Mission, Social reformers.

## **UNIT – V**

The impact of British rule on education: Macaulay.

Impact on administration.

Impact on Law: Contracts, Crimes and Civil laws.

Genesis of Indian National Congress, Home Rule Movement. Revolutionary movement, Gandhian Spell, Khilafat movement 1922, Non Co Operation movement 1932, and Quit India Movement 1942.

Constitutional development from 1919 to 1935, Constituent Assembly, Achievement of Independence.

### ***Prescribed Books:***

1. H. V. Sreenivasa Murthy – History of India part I and II
2. R. C. Agarwal – Constitutional Development and National Movement of India
3. Iswari Prasad – Medieval India
4. Bipin Chandra – Freedom Struggle
5. T.S.R. Sharma - The Crescent in India
6. Anil Chandra Banerjee - A New History of Medieval India
7. V.D. Mahajan – British Rule in India
8. V.D. Mahajan – Muslim Rule in India
9. L.P. Sharma - Indian National Movement

### ***Reference Books:***

1. A. S. Altekar- State and Government in Ancient India.
2. R. C. Majumdar – (Ed) – History and Culture of the Indian People (Relevant chapters on Political, Socio, Economic, cultural and legal understanding in India)
3. Griffith - Impact of British Rule on India
4. Sumith Sarkar – Modern India. A. R. Desai – Social Background of Indian Nationalism

**II SEMESTER**  
**COURSE I**  
**ENGLISH**

**Objectives:**

One of the significant aspects of unity in legal ordering is legal language. From time immemorial, legal terms and concepts are giving the uniform and universal ideas through the centuries irrespective of time and place. Today, English is an international language through which legal language has a common understanding. To avoid discrepancies in connotation, English has to be studied to serve the purpose of administering justice. Hence forth, the literature and linguistics of English is utilized as a tool and technique for understanding, comprehending and interpreting law.

**UNIT-I**

The Shaping of my Character: Dr.S.Radhakrishnan

What I Cherish Most: Rt. Hon. Shrinivas Shastry

Grammar: Kinds of sentence: simple, compound and complex sentences and use of connectives.

Basic transformations.

**UNIT-II**

Eating for Health: Rajkumari Amrit Kaur

T.V.Should never be held out as a carrot: the week.

Grammar: Active and passive voice. Direct and indirect speech (Reported speech)

**UNIT-III**

Indian crowds: Neeraj Choudhary

Our rising population: Causes and consequences: Dr.R.B.Sahay

Grammar: Propositions, determiners, question tags.

**UNIT-IV**

A dispassionate analysis of the Quit India Movement: V.M.Tarkunde

Federalism in India: Theory and Practice: Prof.S.C.Gangal

Grammar: Some common errors, vocabulary, legal terms, Idiomatic expressions.

## **UNIT-V**

The development of Indian Literature: C.Rajagopalachari

Headache: R.K.Narayan

Composition skills: Paragraph writing, Note taking, formal correspondence.

### **Text:**

1. M.Nagarajan, T.Shashishekhara & S.Ramamurthy, ed., Indian Prose for effective Communication: A practical Programme for Colleges, Macmillan India Ltd.

### **Prescribed Books:**

1. R.W.Zandvoort, A handbook of English Grammar
2. Quirk et. al., Contemporary English grammar- Structure and Composition.
3. Michael Swan, Practical English Usage.

## ***COURSE II***

### ***SPECIAL CONTRACTS***

#### **Objectives:**

In the society wherein all major ventures are getting corporatised, a law student should acquaint himself with the knowledge of special contracts apart from equipping himself with general principles of contract. The student is enabled to comprehend several legislations apart from the Indian Contract Act. The practical business in day-to-day life requires the legal provisions relating to agency, indemnity, bailment, pledge, partnership and hire purchase.

#### **UNIT – I**

Contract of Indemnity: Agreements of Indemnity, Definition, Nature and Scope, Rights of indemnity holder, Commencement of the indemnifier's liability.

Contract of Guarantee: Definition, Nature and Scope, Difference between contract of indemnity and Guarantee, Rights of surety, Discharge of Surety, Extent of Surety's liability, Co-surety.

Contract of Bailment: Definition, Kinds, Duties of Bailer and Bailee, Rights of Finder of goods as Bailee, Liability towards true owner, Rights to dispose off the goods.

Contract of pledge: Definition, Comparison with Bailment, Rights and duties of Pawnor and Pawnee

#### **UNIT – II**

Agency: Definition, Creation of Agency, Kinds of Agents, Distinction between Agent and Servant, Rights and Duties of Agent, Relation of Principal with third parties, Delegation, Duties and Rights of Agent, Extent of Agents authority, Personal liability of Agent, Termination of Agency.

#### **UNIT – III**

Indian Partnership Act: Definition, Nature, Mode of determining the existence of Partnership, Relation of Partner to one another, Rights and duties of partner, Relation of partners with third parties, Types of partners, Admission of partners, Retirement, Expulsion, Dissolution of Firm, Registration of Firms.

Principles of Service contracts.

## **UNIT – IV**

Sale of Goods Act: The Contract of sale, Conditions and Warranties, Passing of property, Transfer of title, Performance of the Contract, Rights of Unpaid Seller against goods and Remedies for Breach of Contract.

## **UNIT – V**

General principles of Hire Purchase: Rights and Obligation of the Hirer and Owner, Form and contents of Hire Purchase Agreements, Conditions and Warranties.

Standard Form of Contracts: Nature, Advantages, Unilateral Character, Principles of Protection against the possibility of exploitation, Judicial Approach to such Contracts, Exemption Clauses, Clash between two standard forms of contracts.

Relevant provisions of Carriage of Goods Act

### ***Prescribed Books:***

1. Avtar Singh - Law of Contract
2. J. P. Verma - The Law of Partnership in India
3. Saharay. H. K - Indian Partnership and Sale of Goods Act
4. Krishnan Nair - Law of Contract

### ***Reference Books:***

1. Pollock and Mulla - Indian Contract Act
2. Anson - Law of Contract
3. Avtar Singh - Sale of Goods Act
4. Mulla - Sale of Goods Act
5. S. D. Singh and S. P. Gupta - Law of Partnership
6. Rajagopalachari - Partnership Act

***COURSE III***  
***FOUNDATION OF POLITICAL OBLIGATIONS***

**Objectives:**

The concept of the state has prevailed because of obedience and duties on the part of the community. Theoretically, a state can survive only on the basis of its legitimacy. Great political thinkers have propounded theories on the concepts of power, obligations, duty to obey etc., This course is an analysis of ideas of great thinkers and it will enable the students to comprehend the evolution of state and transformation of political system due to changes in ideas and thoughts.

**UNIT – I**

Meaning and Nature of Political Obligation: Theories of Political Obligation, Conceptions of power, Authority and legitimation.

**UNIT – II**

Legitimacy of Power: the Classical theory (Hobbes, Locke and Rousseau), Modern approaches to the notion of political obligation (Max Weber, Karl Marx, Emile Durkheim), Theories of political legitimacy.

**UNIT – III**

The Problems of Civil Disobedience and Political Obligation, with particular reference to Gandhian and Neo-Gandhian thought, Henry David Thoreau, Martin Luther King

**UNIT – IV**

Utilitarianism as an approach to Political Obligation, Jeremy Bentham and J.S.Mill, Foundation of Promissory and Contractual liability.

Idealism, its philosophy, merit and limitations, Kant, Hegel, T.H.Green

**UNIT – V**

The problem of Punishment: Use of force by State against the citizen, The basis of criminal sanction, Theories of Punishment.

The Contemporary crisis of legitimation: power v/s authority, authority and responsibility and legitimation.

Legitimation of power: classical thought, Hobbes, Locke and Rousseau.  
Max Weber: theory of bureaucracy and authority.

***Prescribed Books:***

1. Rajni Kothari - Democratic Policy and Social Change in India, Crisis and Opportunities (Allied Publishers, 1976).
2. Karl Loewenstein - Political Power and the Governmental Process.
3. J. C. Johari - Contemporary Political Theory
4. T. H. Green – Lectures on Political Obligation

***Reference Books:***

1. Flatman -Political Obligation, 1972, Crom-Helm, London, Richard.
2. Leiser Burton (Ch. 12, Civil Disobedience), Liberty, Justice and Morals, 1979, McMillan, London and New York.
3. D. Entrives, the Nation of the State, 1967, Oxford University Press, pages 1-10 Introduction, Part I, Ch. 10, pp. 141-155, Legality and Legitimacy.

## ***COURSE IV***

### ***HISTORY OF COURTS***

#### **Objectives:**

Court is the agency of the state for the administration of justice. In any legal system, court is the authority for adjudication of disputes. Court is also a source of law. This course is a brief analysis of how courts have evolved power and exercise jurisdiction. Importance is given in this study as to the development of judicial agencies from the days of East India Company administration.

#### **UNIT – I**

Advent of British and establishment of East India Company.

Administration of justice in the Presidency Towns (1600-1773) and the development of Courts and Judicial Institutions under the East India Company.

Warren Hastings Plan of 1772 and the Adalat system of Courts, Reforms made under the plan of 1774 and re-organisation in 1780.

Regulating Act – 1773 – Supreme Court at Calcutta: Its composition, power and functions, Failure of the Act of 1781, Supreme Court vis-à-vis Mofussil Courts.

#### **UNIT – II**

##### **Judicial Reforms**

Judicial measures of Cornwallis 1787; 1793 progress of Adalat system; under Sir. John Shore Conflicts arising out of the Dual Judicial System; Tendency for amalgamation of the two systems of Courts; The Indian High Courts Act 1861; The Government of India Act 1935; High Courts under the Government of India Act 1935; High Courts under the Indian Constitution; Development of Rule of Law; Separation of powers; Independence of Judiciary.

Judicial Committee of Privy Council as a Court of Appeal and its jurisdiction to hear appeals from Indian decisions, Abolition of the Jurisdiction of the Privy Council to hear appeals from India.

#### **UNIT – III**

##### **Legislative Reforms**

Legislative authority of the East India Company under the Charter of Queen Elizabeth, 1601 (Changes under Regulating Act 1773- Act of 1781 - Recognition of the powers of the Governor and Council to make regulations by the British Parliament.)

Act of 1813 and the extension of the legislative power conferred on all the three councils and subjection of the same to greater control.

Act of 1833 – Establishment of a legislature of an all India Character in 1834 - The Indian Council Act, 1861

Central Legislative Council: its composition, powers and functions - powers conferred on the Governor.

Government of India Act of 1909, Government of India Act 1919, Setting up of bicameral system of Legislature at the centre in place of the Imperial consisting of one House.

#### **UNIT – IV**

##### **Legislative Reforms (Contd.)**

Government of India Act 1935

The Federal Assembly and the Council of States: its composition, powers and functions, legislative assemblies in the provinces and the powers and functions, Legislative Councils in the provinces, power and functions.

Law Reforms and the Law Commissions.

Legal Profession in Pre-British India: Rules, Training and functions - Law practitioners in the Mayor's courts established under the Charter of 1726 -

Organisation of legal profession under the Charter of 1774, Legal Profession in Company's Court.

#### **UNIT – V**

##### **History of Legal Profession**

Provision for Enrolment of Advocates - vakils and attorneys under Legal Practitioner's Act 1853.

High Courts under the Act of 1861 and provision for the enrolment of the Advocates under the letters patent issued.

Legal Practitioners Act 1879 – Report of the Indian Bar Committee, 1923.

The Indian Bar Councils Act, 1926; The All India Bar Committee, 1951 and The Advocates Act, 1961.

The development of Legal Education - History of Law Reporting in India.

##### ***Prescribed Book:***

1. M. P. Jain - Outlines of India Legal History.

##### ***Reference Books:***

1. Herbert Cowelle - The History and Constitution of the Courts and Legislative Authorities in India, 6<sup>th</sup> Edn. Rev. S.C. Begchi, Calcutta, Macker, Spink, 1936.
2. Sir Courtenay Lebert - The Government of India, 2<sup>nd</sup> Ed. London OUP 1907.
3. A. B. Keith - A Constitutional History of India, 1600-1935. Allahabad, Central Book Depot. 1961.
4. Gwyer and Appadori - Speeches and Documents on the Indian Constitution 1945-1947 (2 Vols.) London, OUP, 1957.
5. M. V. Pylee - Constitutional History of India (1600-1950- Bombay, Asia 1967).
6. Kulsreshta .V. L - Indian Legal and Constitutional History.
7. N. R. Madhava Menon - History of Courts.
8. Rama Jois – Indian Legal and Constitutional History

## ***COURSE V***

### ***PRINCIPLES OF ECONOMICS***

#### **Objectives:**

The objective of the course at the B.A.,LL.B (Hons.) level would be to sharpen the analytical faculty of the students, by highlighting an integrated approach to the conceptual and functioning aspects of the Economic Theory. The students will be informed of the basic terms in economics. They will be made aware of the fundamental laws such as utility, demand and pricing. This course will enable the students to understand and interpret economic statutes in proper perspective.

#### **UNIT-I**

Definitions and scope of Economics. Micro and Macro Economics: Importance and Limitations. Economic Systems: Capitalistic, Socialistic and Mixed Economy.

#### **UNIT - II**

Utility: Cardinal and Ordinal Approach, meaning, measurement.

The Law of Diminishing Marginal Utility: application, The Law of Equi-Marginal Utility, Consumers Surplus.

Indifference Curves: Meaning and Properties.

#### **UNIT - III**

Demand: Meaning, Kinds, Law of Demand, Exceptions, Factors influencing Demand, Increase and Decrease, Extension and Contraction of Demand, Elasticity of Demand, Types, Measurement of Elasticity of Demand.

Supply: Meaning, Law of Supply, Causes of Changes in Supply, Elasticity of supply.

#### **UNIT - IV**

Production: meaning and scope.

Factors of production: Land, Labour, Capital and Organization, Inequalities of Income.

Distribution: Rent, Wages, Interest and Profit

Laws of Returns: Law of Diminishing, Increasing and Constant Returns to Scale.

National Income: Definition, Concepts of National Income, Importance, Measurement, Difficulties to Calculate National Income.

## **UNIT - V**

Market: Meaning, Forms of Market, Equilibrium of Firm and Industry, Importance of the Time Element: Price and Output determination Under Perfect Competition, Monopoly (Simple and Discriminating) Monopolistic and Oligopoly Market.

Economic Fluctuations: Meaning, Phases of a Trade Cycle, Theories of Trade Cycle, Policy for the Trade Cycle.

### ***Reference Books:***

1. Dewett K.K- Modern Economic Theory.
2. Paul A, Samuelson- Economics
3. Gopalkrishnan K.C.-Economics for Law Students
4. Stonier and Hague- A Text Book of Economic Theory
5. Lerner A. P.-Micro Economic Theory
6. Sankaran S.- Economic Analysis.
7. Seth M. L.-Principles of Economics.
8. Anderson W.H . Locke, Ann Putallaz and William G. Shepherd{1983} Economics,{ Prentice Hall, New Jerse}

**III SEMESTER**  
***COURSE I***  
***CONSTITUTIONAL FEATURES AND PRINCIPLES***

**(Constitutional Law – I)**

**Objectives:**

The purpose of the course is to acquaint the students with the idea that the Indian Constitution is a normative Constitution with value aspirations. The Indian Constitution envisages to establish a justice system with legal technique. The basic postulate of Constitution like the Constitutional Supremacy, Rule of law and Concept of Liberty are emphasized in this paper. Exhaustive analysis of Fundamental Rights and committed approach to Directive principles would form the essence of the course.

**UNIT-I**

Historical background: Minto Morley Reforms 1909, Montague Chelmsford Act 1919, The Government of India Act 1935, Indian Independence Act 1947, Constituent Assembly (features and various committees)

Definition and meaning of Constitution: kinds of Constitution, meaning of Constitutionalism, features of Indian Constitution.

Preamble: Meaning, Scope, Importance, Objectives and Values enshrined in the Preamble.

**UNIT- II**

Citizenship: Citizenship Act 1955.

State: Definition and meaning, Article 12, New Judicial trends on concept of State Action.

Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws, Various Doctrines, Judicial Review and Article 13.

Equality and Social Justice: General Equality Clause under Article 14, New Concept of Equality, Judicial Interpretation on Equality.

**UNIT- III**

Equality (contd): Protective Discrimination Clause, Reservation, Social Justice under Articles 15 and 16, New Judicial trends on Social Justice, Equality and Reservation, Constitutional Provisions on Untouchability under Article 17.

Right to Freedom: Freedom of Speech and Expression, Right to Information, Judicial Interpretation on Strike and Bandh, Freedom of Assembly, Association, Movement and Residence, Profession, Occupation, Trade or business, Reasonable restrictions on Right to Freedom of under Articles 19(2) to 19(6)

## **UNIT- IV**

Rights of the Accused: Article 20 (Rights of the arrested person, Preventive Detention Laws (Article 22), Right to Life and Personal Liberty, Judicial Interpretation on Life and Liberty, Various facets of Life and Liberty, Right against Exploitation, Articles 23-24, Freedom of Religion, Judicial interpretation on Secularism, Restrictions on Freedom of religion, Cultural and Educational Rights, Recent trends on Minority Educational Institutions.

## **UNIT -V**

Right to Constitutional Remedies: Article 32 and 226, Emergency and Fundamental Rights, Law of Writs, Right to property, prior to 1978 and the present position, Article 31 and 300(A), Directive Principles of State Policy and Fundamental Duties, Safe guards to Minorities, Schedule Castes, Schedule Tribes and Backward classes.

### ***Prescribed Book:***

1. M. P. Jain- Indian Constitutional Law- Vol I and II

### ***Reference Books:***

1. H. M. Seervai – Constitutional Law of India
2. Dr. V. N. Shukla – Constitution of India
3. T. K. Tope – Constitutional Law
4. S. Shiva Rao- Framing of Indian Constitution
5. Subhash. C. Kashyap - Parliamentary Procedure
6. Subhash. C. Kashyap – History of Indian Parliament
7. R. C. Agarwal-Constitutional Development and National Movement
8. A. B. Keith- Constitutional History of India.
9. D.J. De – The Constitution of India Vol. I and II.
10. J.N. Pandey - Constitutional Law of India

**COURSE II**  
**LAW OF TORTS AND CONSUMER PROTECTION**

**Objectives:**

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connected there with. Further, this course is designed to study specific torts against the individual and property. With rapid industrialization, inadequacy of the law to protect the individual is exposed. An attempt shall be accorded to the individuals against mass torts and industrial torts. Keeping in the expensive character of judicial proceedings the students should reflect on the alternative forms and also the remedies provided under the *Consumer Protection Act, 1986*.

**UNIT-I**

Evolution of law of torts: Meaning, nature and scope, Torts distinguished from Contract and Crime.

Development of Ubi- jus ibi- Remedium principle.

Mental elements: Intention, Motive, Malice in Law and in Fact.

**UNIT-II**

General Defences.

Vicarious Liability.

Torts against persons and personal relations.

**UNIT-III**

Negligence.

Nuisance.

Strict and Absolute liability

Legal Remedies: damages, Awards, Remoteness of damage.

**UNIT-IV**

Consumer Protection and Consumerism, Historical development, Philosophical background, Aims and Objectives.

Protection of Consumers and provisions on Consumer remedies under different statutes.

Relevant provisions of Contract Act 1872, Sale of Goods Act 1930, Drugs and Cosmetics Act, Prevention of Food Adulteration Act 1954, Essential Commodities Act 1955, Competition Act 2002, Weights and Measures Act.

## **UNIT- V**

Consumer Protection Act, 1986: Rules, Definition of Consumer, Complaint, Complainant, Defect, Deficiency in Service.

Consumer Disputes: Liability of Doctors and Lawyers and other professionals.

Consumer Protection Councils: Consumer Disputes Redressal Agencies, District Forum-State Commission, National Commission its composition, jurisdiction, appeals, complaints and penalties.

### ***Prescribed Books:***

1. Ratan Lal and Dhiraj Lal - The law of torts-1997 Universal, Delhi.
2. Avtar Singh - The law of torts
3. D. N. Saraf - Law of consumer protection in India
4. Dr. Gurubax Singh - Law of consumer protection-
5. Winfield and Jolwiz - Law of Torts.

### ***Reference Books:***

1. Winfield - Law of Torts
2. D. D. Basu - The law of torts
3. Salmond and Heuston - Law of torts
4. Gurjeet Singh - Consumer protection Act
5. R. M. Vats - Consumer and the law
6. Achuthan Pillai - The law of torts

## ***COURSE III***

### ***PRINCIPLES OF SOCIOLOGY***

#### **Objectives:**

While giving an idea of the general principles of Sociology in the context of Indian society and its institutions, the course shall strive to reveal to the students the role of law as Social engineering. The essential moorings of law in society will be identified and the limitations of law as an instrument of social change will be highlighted through illustrations and empirical studies.

#### **UNIT – I**

##### Introduction

- a. Subject matter and scope.
- b. Sociology as a Science (Data, concepts and theory)
- c. Branches of Sociology
- d. Methods of Sociology (Comparative Method)
- e. Sociology and other Social Sciences
  - i. Sociology and History
  - ii. Sociology and Law
  - iii. Sociology and Psychology

#### **UNIT – II**

##### Concepts

- a. Social structure and social function
- b. Latent and manifest functions
- c. Role and Status
- d. Social Norms and Social values
- e. Institutions
- f. Community
- g. Association

#### **UNIT – III**

##### Social Institutions

- a. Marriage and family
- b. Kinship and usages of kinship
- c. Political Institution
  - Power, Status and authority
- d. Economic Institutions: Property, Contract, Work, Division of Labour, Wages, Socialist, Capitalist and Mixed Economy
- e. Religious Institutions: Morality and Magic Theories of the origin of Religion
- f. Educational Institutions: Formal and Informal Education, Education and society, Sociological Perspectives of Education

#### **UNIT – IV**

- a. Social Stratification: Meaning, Definition and features of Stratification and Social Mobility
- b. Caste System : Caste in Modern India
- c. Social Class System: Class Structure in India, Rural to Urban India, Ancient to Modern, Difference between class and caste, Coercion: Social Conflict, Social Change in Modern India
- d. Social Control: Agencies of Social Control, Formal and Informal means of Social Control
- e. Social Order and Stability

#### **UNIT – V**

- a. Sociological Implications of Major Laws: Impact of Social Laws on Indian Society positive and negative implications of social laws, Sociology as a discipline
- b. Law and Society: Sociology of law, law and social change, Sociology of legal profession and organization  
Relationship with the public in society relationship with the court, client, with the opponent party and colleagues.
- c. Legal literacy through camps by legal services authorities
- d. Legal Aid to the poor and weaker sections of the Society.

#### ***Prescribed Books:***

1. S. R. Myneni - Sociology for law students.
2. Vidyabhushan and Sachdev - A Systematic Introduction to Sociology.

#### ***Reference Books:***

1. U. S. Singh - Hand book on Sociology
2. Mac Iver and Page - Society
3. Bottomore. T. E. - Sociology, a guide to problems and literature
4. Johnson. H - Sociology – A Systematic Introduction
5. R. N. Sharma - Introduction to Sociology

## ***COURSE IV***

### ***INTERNATIONAL RELATIONS***

#### **Objectives:**

The emphasis of this course is to encourage the student to develop the spirit of internationalism and world community. The approach is to understand the causes for hostile international relations and to search for the modes to create better relations among the states. The course aims at evolving and developing institutes of international harmony. The course appraises human achievements via institutions to provide better conditions for bettering international community life.

#### **UNIT – I**

The World Political Community of Sovereign States: Transnational political parties and transnational non-official organization such as the Churches, Multinational Corporations, scientific, cultural and other organizations. Components of national power: population, geography, resources, economic organization, technology and military force.

#### **UNIT – II**

Limitations on national power: International morality, public opinion, International law, fear of violence and destruction, war with conventional and nuclear weapons.

Major sources of conflicts: Territorial claims, Resources, Population migrations. International Trade: Balance of Payments and Protectionism.

#### **UNIT – III**

Avoidance of war and facilitation of peaceful change: Alliances and balance of power approach, Collective security and disarmament, Diplomacy and peaceful resolution of conflicts by negotiation, mediation, conciliation and recourse to international organizations, arbitration and judicial settlement.

Promotion of international co-operation and the functional approach: the case for and against World Government.

#### **UNIT – IV**

UNO and its Principal Organs: The General Assembly, Security Council, ECOSOC, Trusteeship Council, ICJ, International Criminal Court, the Secretariat, The relationship between the United Nations and Regional Organisations.

## **UNIT – V**

The Specialised Agencies such as UNESCO, WHO, IAO and the Special features of the ILO - Specialized agencies and International non-governmental organizations.

### ***Prescribed Books:***

1. D. W. Bowett - International Institutions.
2. Sakti Mukherjee - International Organization.
3. Vermon Van Dyke - International Politics.
4. Palmer and Perkins- International Relations.
5. F. H. Hartman - The Relations of Nations.

### ***Reference Books:***

1. Quincy Wright - Study of International Relations, New York, Appleton Century Crafts.
2. Hans Morgenthau - Politics Among Nations, the Struggle for power and Peace, 2<sup>nd</sup> Ed., Newyork, 1955.

## ***COURSE V***

### ***INDIAN ECONOMY***

#### **Objectives:**

Our country is emerging as a global power in the areas of science and technology. India is no more a poor and a backward country economically. The country is a force to reckon with in International politics and trade. So, the students must be equipped with the awareness regarding the strength of Indian progress. Therefore to instill a spirit of confidence and achievements the subject matter of Economics is stipulated for motivation, research and knowledge of economic laws.

#### **UNIT –I**

Basic Characteristics of the Indian Economy: National Income- Meaning and Estimation, Trends and Growth, Distribution, Limitations of National Income Estimation.

Population: Size, Growth, Causes and Consequences of Population, Population Explosion, Population Policy.

Poverty and Unemployment: Meaning, kinds, Causes and Effects, Measures to alleviate Poverty and Unemployment.

#### **UNIT-II**

The Place of Agriculture in the National Economy, National Agricultural Policy, Trends in agricultural Productivity, Factors determining agricultural Productivity, Institutional and Technological: Land holdings and Land Reforms, Agricultural Finance and Agricultural Marketing, problems of Agricultural labour.

#### **UNIT-III**

Role of Industry in Indian Economy: New Industrial Policy 1991, Industrial Growth and Importance.

Cottage and small Scale Industries: Meaning, Importance, Problems, Measures.

Large Scale Industries: Growth and problems of Cotton Textile Industries: Jute, Sugar, Iron and Steel Industry.

Industrial Finance, Industrial Labour, Industrial Disputes, Causes and Settlement of Industrial Disputes. Trade Union Movement, National Commission on Labour.

#### **UNIT - IV**

Indian Foreign Trade: Export and Imports, Export Promotion and Import Substitution, Balance of Payments.

New Economic Policy: Features and evaluation

Globalization and its effects on Indian Economy.  
GATT and WTO, Foreign Exchange Reserves.  
Indian Transport: Railways and Roadways, Airways and Waterways.  
Co-ordination among modes of transport. Nationalization of Transport.

#### **UNIT – V**

Budget: Relevance and Types, Concept of Zero Base Budgeting, Deficit Financing, Recent trends in revenue and expenditure of the Central and State Governments.

The Finance Commission: Functions, Financial relations between Central and State.

India's Public Debt.

Planning in India : objectives, 11<sup>th</sup> Five Year Plan, Objectives and performance of 10<sup>th</sup> plans. An analysis of 11<sup>th</sup> plan.

#### ***Reference Books:***

1. Ruddar Dutt and K. P. M. Sundharam
2. Agarwala A.V.-Indian Economy
3. Misra and Puri-Indian Economy
4. World Bank Report-Published by World Bank

**IV SEMESTER**  
**COURSE I**  
**CONSTITUTIONAL INSTITUTIONS & DIMENSIONS**  
**(Constitutional Law – II)**

**Objectives:**

This course gives the students a picture of Constitutional Parameters regarding the organization, powers and functions of the various organs of the Government. The emphasis is also on the study of the nature of federal structure and its functioning. A critical analysis of the significant judicial decisions is offered to highlight judicial restraint, judicial activism and judicial balancing. Finally, the students should be able to articulate their independent views over contemporary crucial Constitutional issues.

**UNIT-I**

Federal system: Organization of State.

Relationship between the Centre and the State: Legislative, Financial and Administrative, Co-operative Federalism and recommendation of Commission.

Freedom of Trade and Commerce, Official Language, Local self-government with special emphasis on 73<sup>rd</sup> and 74<sup>th</sup> Amendment.

Constitutional provision of Jammu and Kashmir (Art. 370)

**UNIT-II**

Executive: Centre and State; President and Governor; powers and functions.

Parliament and State Legislature: Bicameralism, Composition, powers and function.

Councils of ministers: collective responsibility, Position of Prime Minister and Chief Minister.

**UNIT-III**

Speaker: Parliament and State Legislature, Powers and Functions, Privileges Anti-Defection Law.

Judiciary: Union and States, appointment, powers, jurisdiction and Transfer of judges.

**UNIT-IV**

Subordinate Judiciary, Administrative Tribunals.

Public Service Commission: services under the center and the state, Constitutional protection to Civil Servants.

Election Commission: Powers and functions.

State liability for Torts and Contract.

## **UNIT-V**

Emergency: Types, Effects and effects on Fundamental Rights.

Constitutional Interpretation

Amendment: Basic structure theory.

Schedules.

Review of working of the Constitution.

### ***Prescribed Book:***

1. M. P. Jain - Indian Constitutional Law Vol I& II

### ***Reference Books:***

1. H. M. Seervai - Constitutional Law of India
2. V. N. Shukla - Constitution of India
3. T. K Tope - Constitutional Law
4. S. Shiva Rao - Framing of Indian Constitution
5. Subash .C. Kashyap - Parliamentary Procedure
6. Subash. C. Kashyap - Constitution of India
7. D.J. De – the Constitution of India, vol. I and II.
8. J.N. Pandey - Constitutional Law of India
9. D.D. Basu - Constitutional Law of India

## ***COURSE II***

### ***PSYCHOLOGY OF CRIME***

#### **Objectives:**

Legal science is a social study dealing with human nature and behavior. Every legal system from time immemorial has been baffled by evil motives and violent behavior of human beings. The progress of the science of Psychology has created a better insight into the area of human mind. As there is an eternal necessity to comprehend criminal tendencies and consequences and to provide solutions and treat, Psychology of crimes is introduced in legal education. The study tries to analyze whether punishment is the only remedy or whether different constructive modes of dealing with Psychology of criminal behavior would be necessary.

#### **UNIT I**

Correctional Psychology: Introduction, Evolution, Scope & its Importance, its relation with Psychology, Criminology, and Medical Psychiatry.

Mental Disorders and Crime (a) Neurosis, (b) Psychosis, (c) Personality Disorder: Mental Deficiency and Crime, Psychotherapy.

#### **UNIT II**

Concept of Punishment: Theories, Conceptual Development of Punishment.

Types: (a) Corporal Punishment (b) Capital Punishment.

Police Science: Meaning, Nature, Scope, Objectives, and Development.

Application of Science and Technology in Police Work.

Methods of Investigation: Use of Informers, Crime Charts/Maps, Criminal Intelligence, Interrogation of Suspects, Interviewing of Witness and Narco Analysis, Lie Detector, Brain Mapping.

#### **UNIT III**

Community Based Correction and Correction in Institutional Setup: Relevance and Importance, Probation and Parole as a theme of Community Correction.

Correctional Programs for Children in the Community.

Unusual Problems in Prison Setup and Juvenile Correctional Institutions.

Prison Administration, Functions and Salient Features.

Relationship between the inmates and the correctional officers.

#### **UNIT IV**

Victimology: Nature, Scope, Objectives, Historical Development, Pioneers and Victimological Theories: Factors of Victimization, Victims Offender relationship, Classification of Victims, Restitution and Compensation to

Victims, Victim Compensation in India, Victim Welfare Programmes - Government & NGO's.

## **UNIT V**

Introduction to Contemporary Crimes: Concept of Cyber Crimes, Criminological Perspective as a type of Economic Crime.

Methods of Crime Prevention: Traditional Methods, Police Beat, Patrolling and Surveillance.

Modern Methods: Interpol, Use of Media ( Press, Radio, TV, Cinema etc), Use of Information Technology (Video Conference), Computer-friendly Police-Internet etc.

### ***Reference Books:***

1. Crime, Correction, and the Society – Johnson.
2. Correctional Psychology – Robert J. Wicks.
3. Corrections – An issue approach- Schwartz and Travis-4ed.
4. Psychology and the dilemma of crime – Hallick.
5. Psychological disorders and crime – Neustatter.
6. General Psychology – P. Nataraj.
7. Criminology & Penology – R. N. Sharma
8. Crime Problem – W. C. Reckless
9. Criminology – Ram Ahuja.
10. Criminology and Penology – Paranjape
11. Criminology – Ruth S. Cavan
12. Police Administration – H.L. Kapoor
13. Criminal Investigation – O'Hara
14. Victimology in India – V. N. Rajan
15. Surveying Victims – Sparks
16. Taxman's Law of Information Technology – D. P. Mittal.
17. Karnataka Police Manual – Government Publication.
18. Karnataka Police Act, 1963 – Government Publication.
19. IT Act, 2000 (Amended Act, 2008).
20. CBI Bulletins.
21. Hand book of Forensic Science – KPA Publications.
22. IPC, CrPC, and IEA – Jhabwala.

***COURSE III***  
***GENDER JUSTICE AND FEMINIST JURISPRUDENCE***

**Objectives:**

It is a historical fact that women constitute the vulnerable section and they have been exploited in patriarchal and feudal systems. But in the last two centuries, in all democratic countries, law has been considered as a tool and technique to provide social justice to women. This course attempts to highlight the struggle for equality of women and the efforts of social legislation to provide solutions, remedies and redressal.

**UNIT I**

The status of women in the course of history: Roman period, ancient India, Islamic ideals

The Socio religious movements for the uplift of women

The role of women in the struggle of Indian Independence

Constitution and women: fundamental rights, directive principles, fundamental duties towards women.

**UNIT II**

Feminist theorizing and legal order: distinction between “sex” (nature) and “gender” (culture).

Equality approach: Equality in wages, work-place, access to public services, matrimonial remedies, inheritance and property rights, reservation in legislative representation

**UNIT III**

Political rights of women: The British experience, Article of Universal Declaration of Human Rights, the 1952 Convention on Political Rights of Women, the 1979 Convention on the Abolition of all forms of discrimination against women.

The programme of action by the United Nations

Convention on traffic in women and children 1949

**UNIT IV**

Law as a factor-affecting fertility; rising the minimum age of marriage through the law: problems and prospects

Women and Inheritance Right: Personal laws

Marriage and Divorce: Personal law

Maintenance: Personal laws

## **UNIT V**

Social Legislation: Family Courts Act, Dowry Prohibition Act, Sex Determination Act, Medical Termination of Pregnancy, Exploitation of Women in working places.

Domestic Violence Act

National Commission for Women Act, 1990: role, powers, functions and constitution.

National Human Rights Commission, State Human Rights Commission, NGO and Women Empowerment.

### ***Prescribed Books:***

1. Indu Prakash Singh, Women, Law, and Social Change in India, 1989, Radiant Publishers, New Delhi.
2. Paras Dewan, Dowry and Protection to Married Women, 1995, Deep and Deep Publications, New Delhi.

### ***Reference Books:***

1. S.P.Sathe, Towards Gender Justice, 1993, RCWS, SNTD W.V. Bombay.
2. Dwarka Nath Mittal, Position of Women in Hindu Law, 1989, Inter-India Publications, New Delhi.
3. Shaukat Nasir, Muslim Women and their Rights, 1992, Ashoka Law House, New Delhi.
4. Paras Diwan and Piyush Diwan, Women and Legal Protection.
5. Kelly.D.Askin, Dorean.M.Koenig, Women and International Human Rights Law, (1999).
6. Janaki Nair, Women and Law in Colonial India, (1996).
7. Susan Edwards (ed.), Gender, Sex, Law (1985).
8. E. Diane Pask, Kathleen E. Mahency and Catherine A. Brown (ed.), Women, the Law and Economy (1985).
9. Catherine A. Mackinnon, Toward a Feminist Theory of the State (1989).
10. Ratna Kapur and Brinda Crossman, Subversive Sites: Feminist Engagements with Law in India (1996), Sage.
11. Patricia Smith (ed.), Feminist Jurisprudence (1993), Oxford.
12. Manushi, A Journal about Women and Society.
13. Basu, D.D., Human Rights in Constitutional Law, (1994).
14. Krishna Iyer, V.R., Human Rights – A Judge's Miscellany, (1995).
15. Rama Jois, M., Human Rights: Bharatiya Values, (1998).
16. S. R. Bakshi and Kiran Bala, Development of Women, Children and Weaker Sections 1999, Deep and Deep Publications.

## ***COURSE IV***

### ***INDIAN SOCIETY***

#### **Objectives:**

Indian civilization is, undoubtedly, the most ancient in the world. It has experienced innumerable invasions, interferences, intrusions and influences throughout the course of history. The process of acceptance and assimilation is continuous. Indian society has experienced exploitation and exposure due to the forces of class and caste. So, the present paper aims at analyzing the reforms and rehabilitation which have occurred in Indian society. The study looks at the directions and dimensions of our society in the areas of family, village community and the emerging urban build up. Indian society is a course to enable the student to grasp social changes brought by legislations and vice-versa.

#### **UNIT – I**

- a. Basic concepts of Hindu Society: Purusharthas, Ashramadharma, Vedas, Shruthi's and Smrithis
- b. Development of Indian Society: Geographical composition, Racial, Religious, Cultural, Linguistic composition
- c. Unity and Diversity of India: Varieties of cultural diversities, religious pluralism
- d. Indian cultural values and development: Meaning of Culture, Traditional characteristics of culture, culturalisation

#### **UNIT – II**

##### **Major Institutions of Indian Society**

- a. Joint family system: Definition, types, structural features, Advantages and Disadvantages of Joint family, Factors responsible for the disintegration of joint family, Causes for the changing family system in India, Features and problems of modern family
- b. Caste System: Traditional features of Caste System, Concept of Varna, The Jajmani System in India, Theories of origin of Caste System, Casteism and Reasons for the changes of Caste System in India
- c. Village: Indian villages through the Ages: Vedic period, Buddhist period, Mughal period, British period, Important village studies and the main issues involved in them, Land Tenure System, Land Reform Measures, Problems of Indian Villages

### **UNIT – III**

- a. Tribes: Definition of Indian Tribes, Characteristics, Geographic distribution of Tribes, Tribal Zone and Distinction between Tribes and Caste, Measures for the upliftment of Scheduled Tribes, The Tribal Panchasheela, Brief Assessment of the Tribal Welfare programmes and projects.
- b. Class and Caste in the Traditional order: Definitions and Nature of Social class, Origin and Development of class, Class Structure in India, Class and Social change, Differences between class and caste
- c. Backward Classes: Definitions of backward classes and description of backward classes, The Constitutional Provisions regarding backward classes, Problems of backward castes/classes/OBC's, Various schemes and measures for the welfare of the backward castes/classes particularly the OBC's, Backward classes movement: Main goals, nature and characteristics, factors contributing to the movement.

### **UNIT – IV**

- a. Trends of change in Indian Society: Westernization as a process of Social change in India (Definition, features, effects), Modernization: Definition, process of modernization, Comparative views, Westernization and Modernization, Sanskritization: meaning, definition, an analysis of process of Sanskritization
- b. Rural Community: Meaning and essential aspects of rural development, Important rural development programmes – CDP, IRDP, NREP, TRYSEM, RLEGP, JRY, SFDA, PMRY, EAS, SGSY, JGSY  
Community Development Programmes: aims, objectives and evaluation of CDP  
Rural change in India: major trends in rural social changes, Impact of Rural Development Programmes
- c. Urban Community: Meaning, definitions and characteristics of Urban System, Concept of “Urbanism” and “Urbanization” ,Factors or Causes of Urbanization in India, Problems of Urban Society, Suggestions to face and to solve Urban problems, Differences between Rural Society and Urban Society.

### **UNIT – V**

- a. Indian Society through the ages
- b. Impact of Buddhism on Indian Society – Meaning and Features
- c. Impact of Islam: Impact of Impressive Islamic values, Emergence of Bhakti Cult, Influence on the fields of music and gardening and art and architecture, The gifts (contributions) of the muslim age to India.

- d. Impact of the West (British Culture): Miraculous changes in the field of technology, Selection of new values and ideologies, Restructuring of political values, Inspiration to freedom struggle and to social reform movements, Negative and Positive effects of Western contact, Continuity and change in relation to the Broad features of Hindu Society, Factors contributing to continuity and change.

***Prescribed books:***

1. S. R Myneni – Sociology for law students
2. M. N. Srinivas – Study of Indian Society
3. H. M. Johnson - Sociology – A systematic study
4. N. K. Bose - The structure of Hindu Society
5. G. S. Ghurye - Caste, Class and Occupation
6. C.N. Shankar Rao (S. Chand) – Sociology of Indian Society
7. V.S. Singh – Sociology for law students
8. C.N. Shankar Rao – Introducing sociology (First Edition 2004)

***Reference Books:***

1. Peter Worsley - Introducing Sociology
2. Romesh Thapper - Tribe, Caste and Religion in India
3. R. Desai - Rural Sociology
4. M. N. Srinivas - Social change in modern India
5. D.M. Kapadia - Marriage and family in India
6. Kingsley Davis - Human Society
7. Mac Iver and Page - Society
8. Andre Beteille - The backward classes and the social order
9. M. N. Srinivas - Caste in Modern India

## ***COURSE V***

### ***MONEY AND BANKING***

#### **Objectives:**

One of the aspirations of the Constitution of India is to create economic justice. The purpose of welfare state is to realize an Egalitarian society. The purpose of creation of equality in the society is possible only by understanding the market situation. Money is the center around which all economic activities revolve. So, the working of money and banking is important as a skill so that all economic legislation can be analyzed and interpreted beneficially.

#### **UNIT – I**

The Evolution of money: Definitions of Money, Kinds of Money, Grasham's Law, Functions of Money, Money and Near money, Importance of money in a modern economy, Role of money in a Capitalist and Socialist economy, Demand for money:  $M_1$ ,  $M_2$  and  $M_3$  concepts of Supply of money, Characteristics of Good money, Defects of money.

#### **UNIT-II**

Paper currency Standard: Merits and Demerits, Principles of Note - Issue, Essentials of a Sound Currency System.

Index numbers: Meaning and preparation of Simple and Weighted Index numbers, Uses and limitations of Index numbers.

Theories of Values of Money, Fishers Equation of exchange, The Cambridge cash Balance Approach, Friedman's Theory.

#### **UNIT- III**

Inflation: Meaning, Inflationary gap, Types, Demand – Pull inflation, Cost-Push Inflation, Cause of Inflation, Full Employment and Inflation, The Phillip's Curve, Nature of Inflation in a developing Economy.

Deflation: Meaning, Causes, Control of Deflation

Banking Regulation Act 1949, Banking Commission, Banking Structure: Unit, Branch, Mixed, Core and Merchant banking-

#### **UNIT – IV**

Functions of Commercial Banks, Nationalization of Commercial Banks, Credit Creation of Commercial Banks, Investment Policy of a Bank, Role of Commercial Banks in a developing economy.

Central Banking: Structure and Organization, Functions, Objectives and Methods of Credit control, Role of Central Bank in a developing Economy.

## **UNIT-V**

Money and Capital Markets: Meaning, Importance and Working.

Monetary policy: Objectives, Limitations, Role of monetary policy in Indian Economic Development.

Credit trends in banking operations in India (Internet Banking, ATM, Debit card, Credit card, Cheques, Demand Draft and other Instruments.)

International Banking Organization: IMF, IBRD, IDA, IFA.

### ***Prescribed Book***

1. Dewett k.k-Modern Economic Theory.
2. Jhingan M. L.- Money, Banking, International Trade and Public Finance

### ***Reference Books***

1. Crowther G- An outlines of money
2. Sayers R.S. - Modern Banking
3. Robertson D.H.- Money.
4. Seth M.L.-Monetary Economics.
5. Mithani M.-International Economics.
6. Edward Shapiro{1997}Macro Economic Analysis.
7. Jhingan M. L.- Monetary Economics

**V SEMESTER**  
**COURSE I**  
***ECONOMIC OFFENCES***

**Objectives:**

This course focuses on the criminality of the privileged classes – the wielders of all forms of state and social power. The course focuses on the relation between privilege, power and deviant behaviour. The traditional approach of criminology is inadequate to deal with white collar offences, socio-economic offences or crimes of powerful. The dimension of deviance associated with the bureaucracy, the new rich religious leaders and organisations, professional classes are to be focused. In teaching this course, current developments in deviants reflected in press and media, law reports and legislative proceedings are to be considered.

**UNIT – I**

Social and Economic Offences:

Genesis

Nature and Scope-sutherland's white collar crimes – Syre's Public Welfare Offences – Distinction between Social and Economic crimes – organized crimes.

Criminal Policy in India

Need for new Criminal Jurisprudence

**UNIT – II**

Corruption:

Concepts of 'corruption' 'nepotism' and 'bribery'

Concept of corruption under the Indian Penal Code (Ss.161-165) and Prevention of Corruption Act

Investigation (under Criminal Laws Amendment Act 1952)

Sanction for prosecution of Public Servants

Sentencing policies and patterns

Black Money:

Concept of Black Money

Legal Provisions for Investigation into Black Money

Disproportionate Assets

Role of the Central Vigilance Commission

Sentencing Policies and Patterns

Amnesty – Retroactive Legislations on Black Money (through voluntary disclosure schemes, bearer bonds etc.,)

### **UNIT – III**

Organised Crime:

Drug Trafficking, Addiction and Abuse

Smuggling

Chit Fund Swindles

Begging

Trafficking in Human beings

Bootlegging

Terrorism and law

Cyber crimes

Crimes Against Consumer of Goods:

Food Adulteration

Drug Adulteration

Offences Relating to Weights and Measures

Environmental Offences

Medical Malpractice/ Negligence

### **UNIT – IV**

Crimes against disadvantaged and vulnerable groups:

Dowry Deaths

Offences and atrocities against scheduled castes and scheduled tribes

Bonded Labour

Domestic Violence Law

### **UNIT – V**

Legal regimes of investigation and enforcement:

Differentiation in onus of proof through Presumption of guilt and due process problems.

Regime of Special Courts

Group Liability

Strict and Vicarious liability

Quantum of punishment

Variety of enforcement mechanisms, specialized and general

Monetary Compensation for the victim of crimes

Alternative additional Strategies:

Reform of Prosecutorial Structure

Alternate Sentencing Policies

***Prescribed Books:***

1. Chandra Mahesh, Socio-Economic Crimes (Bombay: N. M. Tripathi Pvt. Ltd 1979)
2. Ramakrishna P.V., A treatise on Anti Corruption Laws in India (Hyderabad: S. Gorgia & Co., 1996)
3. Forty Seventh Report, Law Commission of India
4. Baxi Upendra, Law & Poverty: Critical Essays (Bombay N.M. Tripathi, 1988)

***Reference Books:***

1. Dowry Prohibition Act, 1961
2. Immoral Traffic (Prevention) Act, 1956
3. Protection of Civil Rights Act, 1955
4. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
5. Terrorists and Disruptive Activities (Prevention) Act, 1985
6. Prevention of Corruption Act, 1988
7. Standards of Weights and Measures Act, 1976
8. Foreign Exchange Regulation Act, 1973
9. Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1976
10. Central Excise and Salt Act, 1994
11. Prevention of Food Adulteration Act, 1954
12. Drugs and Cosmetics Act, 1940
13. Drugs (Control) Act, 1950
14. Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954
15. Narcotic Drugs and Psychotropic Substances Act, 1985
16. Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1988
17. Opium Act, 1978
18. Economic Offences (Inapplicability of Limitation) Act, 1974
19. Railway Property (Unlawful Possession) Act, 1966
20. Telegraph Wires (Unlawful Possession) Act, 1950
21. Suppression of Unlawful Acts against Safety of Civil Aviation Act, 1982
22. Transplantation of Human Organs Act, 1994
23. Public Gambling Act, 1867
24. Tax Legislations

## ***COURSE II***

### ***HINDU LAW***

#### **Objectives:**

India is a country of various religions and faiths. The Constitution of India has guaranteed the right of religion. So there are different sets of laws, secular and personal. Hindu law is a personal law applied to Hindus for their personal and family rights and obligations.

#### **UNIT – I**

Introduction: Concept of Dharma, Sources of Hindu Law, Modern and Ancient, Importance of Dharma Shastra on Legislation, Two Principal Schools of Hindu Law, Application of Hindu Law.

#### **UNIT – II**

Marriage and Kinship: Evolution of the Institution of Marriage and Family, Law Prior to Hindu Marriage Act, A detailed study of Hindu Marriage Act, 1955, Matrimonial Remedies, Maintenance and Alimony.  
Customary Practices and State Legislation relating to Dowry Prohibition Act.

#### **UNIT – III**

Hindu undivided family: Mitakshara Joint Family, Formation and Incidents, Property under both Schools.  
Karta: His Position, Powers, Privileges and Obligations, Debts – Doctrine of Pious Obligation, Partition and Reunion, Religious and Charitable Endowment.

#### **UNIT – IV**

Inheritance and Succession: Historical perspective of traditional Hindu Law relating to Inheritance, A detailed study of Hindu Succession Act, 1956.  
Stridhana: Woman's Property, Recent State Central Amendments to Hindu Succession Act  
Gifts and Wills.

#### **UNIT – V**

Law relating to Hindu Minority and Guardianship.  
Kinds of Guardians: Duties & Powers of Guardians.  
Hindu Adoption and Maintenance Act, 1956.  
Adoption: its concept and scope.  
Maintenance: its concept and scope

***Prescribed Books:***

1. T. R. Desai – Introduction to Hindu Law
2. Paras Diwan – Modern Hindu Law

***Reference Books:***

1. John D. Mayne – Hindu Law Usages
2. Mulla – Principles of Hindu Law
3. Venkataraman – Treatise on Hindu Law
4. N. R. Raghavachariyar – Principles of Hindu Law
5. Paras Diwan – Law of Adoption, Ministry Guardianship's custody
6. Basu .N. D – Law of Succession
7. A. M. Bhattachargee – Hindu Law's Constitution
8. J. D. M. Derrett – Hindu Law – Past and Present

## ***COURSE III***

### ***JURISPRUDENCE - I***

#### **Objectives:**

Any academic discipline, worthy of the name, must develop in the student the capacity for critical thought. Legal education needs to impart both law and its context- social, political and theoretical. Without deep understanding of the concept of law neither legal practice nor legal education can be a purposive activity. This course in Jurisprudence is designed, primarily, to induct students into a realm of questions concerning nature of law. Therefore, this course is concerned with important questions like, What is law? What are the purposes of law? the relationship between law and justice and the like. This course also deals with the source of law as authority for the administration of justice.

#### **NATURE AND SOURCES OF LAW**

##### **UNIT – I**

Nature of Law: Introduction, Nature and Scope, Need to study legal theory, Meaning of Law, The relationship between law and justice.

Natural Law: Central notion, Strength and weakness, Relevance to contemporary society.

Positivism and analytical jurisprudence: Theories of John F. Austin, Hans Kelsen and H.L.A. Hart

Sociological jurisprudence: Theories of H. Ihering and R. Pound

##### **UNIT - II**

Legal realism: American realists, Critical legal studies.

Historical and Anthropological school of law: Von Savigny's theory and Henry Maine's theory

##### **UNIT – III**

Feminist jurisprudence

Basic premises of Ancient and Modern Indian legal thought

Territorial Law: Nature of Constitutional Law and International Law

##### **UNIT – IV**

Functions and purpose of law, questions of law, fact and discretion, Justice and its kinds, Civil and Criminal Administration of Justice, Theories of Punishment and Secondary functions of the Court.

## **UNIT - V**

### **Sources of Law: Legislation, Precedent and Custom: A Comparative study**

#### ***Prescribed Books:***

1. Hart H.L.A. Concept of Law (Oxford Clarendon Press, 12979), Introductory Chapter
2. Fitzgerald F.J., Salmond's Jurisprudence, (London:stevans, 1962) (12<sup>th</sup> Edn) Ch.1-14
3. Dias R. W. M., Jurisprudence (London:Butterworths, 1984) (5<sup>th</sup> Ed.) Chapters 16-22
4. Baxi U. Introduction to "All India Workshop on Jurisprudence Dharwad, 19790
5. Freeman M. D. A. Lloyd's Introduction to Jurisprudence, (London: Sweet and Maxwell, ) (6<sup>th</sup> Ed.,) Chapter on Feminist Jurisprudence

#### ***Reference Books:***

1. Paton, Jurisprudence, (Oxford: "Clarendon Press, 1972) (4<sup>th</sup> Ed)
2. Bodenheimer, Jurisprudence, (Cambridge:Harvard University Press, 1974, 1996 Re. Pt.)

## ***COURSE IV***

### ***LAW OF CRIMES***

#### **Objectives:**

This course is designed to understand the meaning of crime, methods of controlling them and the essential principles of criminal liability by a study of a range of offences under the Indian Penal Code. The study signifies that intention for a crime is vital for fixing criminal liability. The course will highlight the logical relationship between the crime and punishment.

#### **UNIT – I**

Concept of Crime: Distinction between Crime and other wrongs under common Law, Crime and morality, Circumstances when morality amounts to crime, State's responsibility to detect, control and punish crime.

Principles of criminal liability: Actus non facit reum nisi mens sit rea, statutory offences.

Variations in liability: Mistake, intoxication, compulsion, legally abnormal persons

Possible parties to the crime: Principal in the I degree, Principal in the II degree, Accessories before the fact, Accessories after the fact

Indian Penal Code: Background, Introduction and Applicability.

General Explanation: SS. 6 – 33 and 39 – 52A

Punishment: SS. 53 – 75- social relevance of Capital Punishment, Discretion in awarding punishment and minimum punishment in respect of certain offences with relevance to precedents.

#### **UNIT – II**

General Exceptions: SS. 76 – 106

Criminal acts by several persons or group: SS. 34 – 38

Abetment: SS. 107 – 120, Criminal Conspiracy: SS. 120A & 120B, Offences against State: SS. 121 – 130, Offences against the public tranquility: SS. 141 – 160, Offences relating to election: SS. 171A – 171 I, Contempt of lawful authority and public servants: SS. 172 – 190, False evidence and offences against public trust: Sections 172 – 229, Offences relating to coins and Government Stamps: SS. 230 – 263A, Offences relating to weights and measures: SS. 260 – 294A, Offences relating to religion SS. 295 – 298

#### **UNIT – III**

Offences affecting human life: Culpable Homicide, Murder, Death cause by negligence, Causing miscarriage, injuries to unborn children, Exposure of

infants, concealment of birth, Hurt, grievous hurt, Wrongful restraint, Wrong confinement, Criminal force and Assault etc., (SS.299 – 358)

**UNIT – IV**

Offences affecting human life (Contd.): Kidnapping, Abduction, Slavery and forced labour. Rape, Prohibition of indecent representation of women, Unnatural offences.

Offences against property: theft, robbery, dacoity, Criminal Misappropriation of property, Criminal breach of trust, Receiving of stolen property, Cheating, Fraudulent deeds and disposition of property etc., (SS. 378 – 424)

**UNIT – V**

Mischief (SS.425 – 440), Criminal Trespass (SS. 441 – 462), Offences relating to document and property marks (SS.463 – 480), Offences relating to marriage (SS. 493 – 498 A), Defamation (SS. 499 – 502).

Criminal intimidation and annoyance and attempt to commit such offences, SS.506 – 511

Law reforms and their effect on the society.

***Prescribed Books:***

1. Rathanlal and Dhirajlal - Indian Penal Code
2. Kenny's Outlines of English Criminal Law

***Reference Books:***

1. K. D. Gaur - A Text Book on the Indian Penal Code
2. P. S. Achuthan Pillai - Criminal Law.
3. Law Commission reports.

## ***COURSE V***

### ***PUBLIC HEALTH LAW***

#### **Objective:**

In modern times, particularly after the beginning of globalization and liberalization, science and technology are having impact on the community. Along with traditional legal subjects, there is a need to incorporate emerging sectors in legal education. Public Health Law is one such subject. This subject should be viewed as one of the measures of welfare legislation. At the same time the control and regulation of medicines and drugs is vital. Therefore a comprehensive legal study of different dimensions of medical area is introduced for the purpose of fixing liabilities and distribution of medical benefits to the public at large.

#### **UNIT – I**

Introduction to Public Health, State responsibilities for community health in a welfare state, factors affecting Public Health: Sanitation, waste management, water management, rural sanitation, causes for ill health in rural India. The right to health emergent from parts III and IV of the Constitution, National Health Policy, Allopathic and Alternative Medical Systems

#### **UNIT – II**

Common law remedies for medical negligence.  
Major Industrial Accidents causing health hazards and fixation of liability, epidemics and control, natural calamities causing health problems.  
Disablement and health care.  
National Disasters Management Authority.

#### **UNIT – III**

The Regulation of Pharmaceutical Industry: Select problems under the Drugs Act.  
Drugs and Cosmetics Act  
Regulation of research development  
Patenting of Drugs and Medicines  
Advertising and consumer protection  
Regulation of drug testing procedures in India.  
Multinational drug industry in India: Patent law aspects and dumping of unsafe drugs.

#### **UNIT – IV**

Legal organization of public hospitals  
Medico-legal cases and duties of hospitals

Liability for medical negligence in public hospitals  
Mental health care in public hospitals: duties and liabilities  
Rural health care: Primary health centre  
The model of National Health Service (NHS) in Great Britain

#### **UNIT – V**

Need for Public Health Insurance in India.  
Important projects and schemes of State and Central Governments (Janani, Madilu, Yashaswini etc.,)  
Health Care and Weaker Sections of Society  
Medical Jurisprudence with special reference to women; Amniocentesis  
Community awareness programme. International health hazards and control programmes- AIDS, Bird Flu, H1N1 Influenza, Chikun Gunya.  
Market economy and public health law.

#### ***Suggested readings:***

Reading materials may be derived from the studies of local health care organization.  
Modi's Medical Jurisprudence.  
Relevant Statutes like Indian Patent Act, Drugs Control Act.

**VI SEMESTER**  
***COURSE I***  
***LAW OF BANKING***

**Objectives:**

Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions into agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance.

The course is designed to primarily acquaint the students with operational parameters of banking law and to teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well case law in this area.

**UNIT – I**

Indian Banking Structure: Origin, Evolution of Banking Institutions, Types and functions of banks, Commercial banks, functions, Banking companies in India, RBI: Constitution, Management and Functions.

Banking Regulation Act, 1949: State Bank of India, UTI, IDBI, RRBs, Local banks

**UNIT - II**

Negotiable Instruments, 1881 Act.

Negotiable Instruments, Kinds, Holder and holder in due course , Parties, Negotiation, Assignment, Presentment, Endorsement, Liability of parties, Payment in due course, Special rules of evidence, Material alteration, Noting and protest.

**UNIT – III**

Banker and customer Relationship: Definition of banker and customer, General relationship, Special relationship, Banker's duty of secrecy, banker's duty to honour cheques, banker's lien, banker's right to set off, Appropriation of payments, Garnishee order, Customer's duties towards his banker, Paying banker and collecting banker, Bills in sets, Penal provisions under NI Act, Banker's Book Evidence Act.

**UNIT – IV**

Opening of New Accounts: Special types of customers, Minor's A/C, Joint A/C, Partnership A/C, Company's A/C, Married women's A/C, Trust A/C, Joint

Hindu family A/C, Illiterate persons, lunatics, executors, Precautions required in case of administrators, clubs, societies and charitable institutions to open an account.

Ancillary Services and E- Banking: Remittances - General, DD, MT, TT, Traveller's cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest

E – Banking: Definition – E – Banking includes, Internet banking, mobile banking, ATM banking, computerized banking, E- banking services: retail services, wholesale services, E- Cheque-authentication, Cyber Evidence, Banking Ombudsman.

## **UNIT – V**

Employment of funds: Loans and Advances, Guarantees, Advances secured by Collateral securities, Agency Services- Financing of Exports, Special Banking Services, Advances to Priority Sectors and Credit Guarantee schemes, Securitisation Act, 2002.

### ***Prescribed Books:***

1. M. L. Tannan - Law of Banking
2. Khargamvala - Negotiable Instruments Act – M. S. Parthasarathy (Ed.)
3. Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of financial assets and Enforcement of Security Interest Act, 2002

### ***Reference Books:***

1. Avtar Singh – Negotiable Instruments Act.
2. Basu - Review of current banking theory and practise, Macmilan.
3. Pagets Law of Banking - Butterworths, London.
4. L. C. Goyle – The Law of Banking and Bankers – Eastern Book Co.
5. K. Subramanyan – Banking Reforms in India
6. R. K. Talavar- Report of working group on customer service in Banks
7. S. N. Gupta - The Banking law in theory & practice.
8. G. S. N. Tripathi (Ed.) Sethi's commentaries on Banking Regulation Act 1949 and allied Banking Laws.
9. Bashyam and Adiga – The Negotiable Instruments Act.
10. Mukherjee. T. K. - Banking Law and practice.
11. Chorley – Law of Banking
12. Paget – Law of Banking
13. Bashyam and Adiga - The Negotiable Instruments Act
14. Information System for Banks - Taxmann
15. Vasantha Desai and Joshi - Managing Indian Banks.  
Relevant provisions of Information Technology Act, 2000

***COURSE II***  
***CORPORATE LAW***

**Objectives:**

The course is designed to understand the formation, management and other activities of the companies. In view of the important developments that have taken place in the corporate sector. Important regulations pertaining to the issue of shares and the capital raising have come into force. This course aims to impart to the students the idea of the corporate management, control, possible abuses, the remedies and government regulation of corporate business and winding up of companies.

**UNIT – I**

Modes of Business Organization: History of Company legislation (England and India).

Companies Act, 1956: Corporate personality, Classification of Companies, Promoters, Registration & Incorporation, Pre-incorporation Contracts

**UNIT – II**

Memorandum of Association, Articles of Association, Prospectus, Directors, Meetings, Role of Company Secretary and Corporate Ethics

**UNIT – III**

Corporate Fund Raising: Equity Capital,

Shares: Meaning, Nature, Kinds, Issue of shares, Dividends, Debt Capital, Debentures and its kinds, deposits, Procedure for allotment of shares and debentures.

Rights and Privileges of shareholders, majority rule and minority protection, prevention of oppression and Mis-management.

Winding up of companies: different modes.

**UNIT - IV**

Securities Market in India: Primary and Secondary market.

Regulatory Mechanism: SEBI, ROC, Ministry of Company affairs securities contracts (Regulation) Act, 1956, SEBI Act, 1992.

Functioning of BPO's and LPO's in India - need for regulation.

**UNIT - V**

FEMA, 1999: Objectives, Regulations and Management of Foreign Exchange, Contravention and penalty Provisions, Adjudication and Appeal, Enforcement of Appeal Orders.

***Prescribed Books:***

1. Taxman's Corporate Laws
2. Avtar Singh - Company Law
3. Study materials of ICSI – Corporate Law and Secretarial Practice
4. Internet study material – LPO and BPO's

***Reference Books:***

1. Ramaiah, Company's Act, PART I and II
2. Shah - Lectures on Company Law
3. K. C. Anantharaman – Lectures on Company Law
4. Taxman's Company Law
5. Dr. H.K. Saharai – Company Law
6. Datta. C. R. - Company Law
7. Bhandari. M. C. – Guide to Company Law Procedures.
8. S. C. Kuchal – Corporation Finance : Principles and problems.
9. V. G. Kulkarni - Corporate Finance.
10. Y. D. Kulshreshta – Government regulation of financial management of private corporate sector in India.
11. S. K. Roy - Corporate Image in India
12. Tone Hosmer - Ethics in Management
13. Gower - Company Law
14. Datta - Company Law
15. Sen – New Horizons in company law
16. D. L. Majumdar - Towards a philosophy of modern corporation.
17. Pennington - Company Law
18. Rajiv Jain - Guide on foreign collaboration – Policies & Procedures.
19. C. Singhanian – Foreign collaborations and Investments in India – Law and procedures.
20. Joyant M Thakur – Comparative Analysis of FEMA – FEMA Act, 1999 with FERA
21. S. M. Dugar – Law of Monopolistic, Restrictive and unfair Trade Practices.
22. Sanjiv Agarwal - Bharat's guide to Indian capital.

***JOURNALS:*** Journal of Indian Law Institute, Journal of Business Law, Company Secretary, Company Law Journal, Law and contemporary problems.

***STATUTORY MATERIALS:*** Companies Act and laws relating to SEBI, Depositories Act.

***COURSE III***  
***LEGAL CONCEPTS***  
***(Jurisprudence – II)***

**Objectives:**

This course emphasizes the analysis of legal concepts. The law of contract and tort is concerned with different rights which one person may have against another. Jurisprudence, on the other hand, studies the meaning of the term “rights” in the abstract and seeks to distinguish various kinds of rights which are in theory possible under a legal system. Similarly, it investigates other legal concepts and tries to build up a general and more comprehensive picture of each concept as a whole. This course is designed primarily on English model but native Indian orientation is given wherever possible.

**UNIT – I**

Right: Duty, Kinds, Meaning of Right in its wider sense.

Possession: Meaning, Possession in law, Possession in fact.

Ownership: kinds of Ownership, Difference between Possession and Ownership.

Title.

**UNIT – II**

Person: Nature of Personality, Legal Status of the unborn person, Minor, Lunatic, Drunken, Dead Persons and lower animals.

Corporate Personality: its kinds and liability both civil and criminal

**UNIT – III**

Liability: Conditions for imposing liability, Wrongful act: Damnum Sine injuria and injuria Sine Damnum

**UNIT – IV**

Causation: mens rea, intention, malice, negligence and recklessness, strict liability, vicarious liability.

**UNIT – V**

Property: kinds, vestitive facts, investitive facts.

Agreement and its kinds.

Evidence, Law of obligation, substantive and procedural law.

***Prescribed Books:***

- 1 Fitzgerald – Salmond on Jurisprudence
- 2 R. W. M. Dias – Jurisprudence

***Reference Books:***

1. W. Friedman – Legal Theory
2. V. D. Mahajan – Jurisprudence and Legal Theory
3. Paton – Jurisprudence
4. Edgar Bodenheimer – Jurisprudence

## ***COURSE IV***

### ***LAW OF INSURANCE***

#### **Objectives:**

The idea of insurance is an old-institution of transactional trade. Insurance is a method of transferring risk to capable persons and bodies to bear the loss. Recently insurance is growing enormously as a service in India. This course deals with the concepts of insurable interests and the different types of insurance. The course is designed to incorporate the changing trends in contracts of insurance on the basis of improvement in science, technology and transport.

#### **UNIT – I**

Introduction to Insurance Laws: Definition, History of Insurance, development of Insurance in India, The Main provisions of Insurance Act, 1938.

Insurance Regulatory Authority Act, 1999: Its role and functions.

General principles of Contract of Insurance, Classification of contract of Insurance, Parties to Insurance Contract.

#### **UNIT – II**

Principles of good faith, non disclosure, Misrepresentation in Insurance Contract, Insurable Interest.

Premium: Definition, method of payment, days of grace, forfeiture, return of premium. Risk: Meaning and scope of risk, Causa of Proxima, Assignment of the subject matter.

Life Insurance: Nature and scope of Life Insurance, development in India, Kinds of Life Insurance. The policy and formation of a life insurance contract, Event insured against Life Insurance contract, Circumstance affecting the risk, Amount recoverable under the Life Policy, Persons entitles to payment, Settlement of claim and payment of money. Assignment of life Insurance.

#### **UNIT-III**

Fire Insurance and Miscellaneous Insurance Business:

Nature and scope of Fire Insurance, Basic Principles, Kinds of policies. Standard Fire Policy, Conditions & Warranties, Right & Duties of Parties, Claims, Reinsurance, Double Insurance, Insurable Interest in Fire Insurance, Special doctrines: doctrine of subrogation, contribution and reinstatement. Burglary and Theft insurance (including Robbery and Dacoity)

#### **UNIT-IV**

Marine Insurance: Nature and Scope, Classification of Marine policies, Insurable interest, Insurable values, Conditions and warranties, Voyage deviation, Perils of sea.

Loss: Kinds of Loss.

### **UNIT-V**

**Motor Vehicle Insurance:** Introductory, Absolute or No fault liabilities, Third party or compulsory insurance, Claims Tribunal, Public Liability Insurance, coverage of third party risk.

Surveyors and Loss Assessors.

Agriculture Insurance, Medical claim Insurance, Insurance of Livestock.

#### ***Prescribed Books:***

1. E. R.Hardy Ivamy - General Principles of Insurance Law, relevant Chapters.
2. K. S. N. Murthy and K. V. S. Sharma - Modern Law of Insurance in India
3. M. N. Srinivasan - Principles of Insurance Law
4. J.V.N Jaiswal – Law of Insurance

#### ***Reference Books:***

- Insurance Principles and Practice-M.N.Mishra & S.B.Mishra.
1. Insurance Act, 1938
  2. The Marine Insurance Act, 1963
  3. General Insurance (Business) (Nationalization) Act, 1972
  4. The Life Insurance Corporation Act, 1956
  5. Motor Vehicle Act, 1988

***COURSE V***  
***MOHAMMEDAN LAW AND INDIAN SUCCESSION ACT***

**Objectives:**

This course deals with the laws which are applicable to Mohammedans in India. Muslims in India are governed by their personal law contained in Shariat Act. Personal laws of Muslims are protected by the Constitution. This course analyzes the Islamic laws related to marriage and divorce, gifts and wills, maintenance and inheritance which create rights and obligations of individual Muslims etc.,

Indian Succession Act creates rights and obligations of Indians who are not Hindus or Muslims in relation to Succession. It is a secular law of succession.

**UNIT – I**

Advent of Islam and Development of Muslim Law: history, origin and schools of Muslim Law, Application, operation and interpretation of Muslim Law : Shariat Act, 1937; definition of ‘Muslim’ ; conversion to Islam and its effect; Sources of Muslim law; Primary sources and secondary sources; Marriage: definition, object, nature; essential requirements of a Muslim marriage, classification of marriage; the legal effects of valid, void and irregular marriages, Muta marriage.

**UNIT – II**

Dower: definition, nature and objects, classification, enforcement of dower and wife’s rights of retention.

Divorce: Classification, Talaq, Talag-I-tafweez, Khul, Ila, Mubarat, Zihar, Lian, Faskh, formalities of Talaq.

Judicial divorce.

Parentage: legitimacy and acknowledgements, establishment of Paternity and maternity, special rules regarding presumption of legitimacy, conditions of valid acknowledgement.

Guardianship: kinds and duties of guardians.

**UNIT – III**

Maintenance : traditional and present law, Gifts, Pre-emption, Wakf, Will and gift made in death or illness, limitation on testamentary disposition

Muslim law of inheritance.

#### **UNIT – IV**

Indian Succession Act: preliminary; domicile (SS. 1-19) and Consanguinity (SS.23-28, intestate Succession (SS.29-56), Testamentary Succession (SS. 57 – 191)

#### **UNIT – V**

Protection of property of the deceased (SS. 192 – 210) Probate Letters of Administration and administration of their assets of the deceased (SS. 217-369), Succession Certificate (SS. 370 – 390)

#### ***Prescribed Books***

- a. Mulla, Principles of Mohammadan Law
- b. B.B. Mitra, Indian Succession Act
- c. Mulla, Principles of Mohammadan Law
- d. A.A.A. Fyzee, Outlines of Mohammadan Law
- e. Indian Divorce Act

#### ***Reference Books***

1. Indian Succession Act, Paruck
2. Indian Succession Act, Basu
3. Indian Succession Act, Paras Diwan
4. Indian Succession Act, Sen
5. Indian Succession Act, Gangooli
6. Outlines of Mohammadan Law, A.A. Fyzee
7. A Modern Approach to Islam, A.A.Fyzee
8. Mohammadan Jurisprudence, Abdur Raheem

**VII SEMESTER**  
***COURSE I***  
***INDUSTRIAL LAW***

**Objectives:**

In this course, the students are to be acquainted with the Industrial relations framework in our country. Further, the importance of the maintenance of Industrial peace and efforts to reduce the incidence of Strikes and Lockouts are to be emphasized. This course deals with the protection of workers who form trade unions. There is an emphasis on the safety and security measures provided by the Factory Act.

**UNIT – I**

The Industrial Disputes Act, 1947:

History, scope and features, award and settlement.

Area of interaction and participants: Industry, workmen and employer, Industrial dispute and individual dispute.

Settlement of industrial dispute: works committee, conciliation machinery, court of enquiry, voluntary arbitration.

Adjudication: Labour court, tribunal and national tribunal.

Power of the appropriate government, unfair labour practice.

**UNIT – II (contd.)**

Modes of coercion: strike: Kinds of Strike, right to strike, general prohibition of strikes in public utility services, illegal strikes.

Lock-out: general prohibition of Lock-outs in public utility services, illegal Lock-outs. Gherao and Bandh

Lay-off, retrenchment and closure: retrenchment compensation, compensation to workmen in case of transfer of undertaking.

**UNIT – III**

Concept and nature of standing orders

Scope and coverage of the Industrial employment (standing orders) Act, 1946.

Certification process: procedure for certification, appeals against certification, condition for certification, date of operation of standing orders, building nature and effect of certified standing orders, posting of standing orders.

Modification and temporary application of model standing orders.

Interpretation and enforcement of standing orders.

Penalties and procedure

## **UNIT – IV**

Trade union and collective bargaining

Trade unionism in India

Definition of trade union and trade disputes

Registration of trade unions, legal status of registered trade union, mode of registration, powers and duties of Registrar, cancellation and dissolution of trade union, procedure for change of name, Amalgamation and dissolution of trade union.

Disqualification of office-bearers, rights and duties of office – bearers and members.

General and political funds of trade union

Civil and criminal immunities of registered trade unions.

Recognition of trade union

Collective Bargaining

## **UNIT – V**

Factories Act, 1948: Concept of “factory”, “Manufacturing Process” “Worker” and “Occupier”, General duties of occupier, Measures to be taken in factories for health, safety and welfare of workers, Working hours of adults, Employment of young persons and children, Annual leave with wages, Additional provisions regulating employment of women in factory.

### ***Prescribed Books:***

5. Misra. S.N – Labour and Industrial Laws
6. Dr. V. G. Goswami- Labour and Industrial Laws

### ***Reference Books***

1. Memoria and Memoria “Dynamics of Industrial Relations”, Himalaya Publishing House, C.7,11,14 & 16 (2001)
2. Malhotra.O.P “The Law of Industrial Disputes” Vol-I and II, Universal Law Publishing Co., Pvt., Ltd (1999)
3. S.C. Srivastva “Industrial Relations and Labour Law” Vikas Publishing House Pvt., Ltd., Part IV (1999)
4. Markandey Katza “Domestic Enquiry” N.M. Tripathi Pvt Ltd., Bombay
5. V.B. Karnik- “Strikes in India”.

## ***COURSE II***

### ***INTERNATIONAL TRADE LAW***

#### **Objectives:**

After 1990's the protectionist policy of states has been replaced by Liberalization and Globalization. There is a world market of international competition. The survival of the economy of a country depends upon its trade and balance of payment situations. This course enables the students to be aware of rules and regulations of international law and institutions to face the competition with competence.

#### **UNIT – I**

Evolution of World Trade Organization from 1947 to 1995: Organization, Structure, Power and Objectives of World Trade Organization, Most favoured Nation Treatment and National Treatment; Tariffs and Safeguards.

#### **UNIT – II**

Technical Barriers to Trade; Sanitary and Phyto-Sanitary measures, Trade related Investment Measures, Anti-Dumping, Subsidies and Countervailing Measures, Dispute Settlement Process.

#### **UNIT – III**

International Sale of Goods: Various Forms and Standardization of Terms, Formation and Performance of International Contracts, Acceptance and Rejection of Goods, Rights of unpaid seller, Frustration of Contract.

#### **UNIT – IV**

Insurance of exports, Marine and other insurance, Law on Carriage of goods by sea, land and air, Container transport, Pre-Shipment Inspection, Export and Import Licensing.

#### **UNIT – V**

Importance of legal regime governing finance and investments. Foreign Collaboration and Investment Policy, Foreign Direct Investment in Industries and Governing Policies, Foreign Technology Agreement, Investment by Non-resident Indians and Overseas Corporate Bodies, Engagement of Foreign Technicians, Foreign Collaboration Agreement, Foreign Companies and Foreign Nationals in India.

#### ***Prescribed Books:***

1. Bhagirath Lal Das – The World Trade Organization.
2. Clive M Schmitthoff – The Law and Practice of International Trade.
3. Rajiv Jain – Guide on Foreign Collaboration: Policies and Procedures.
4. C. Singhanian – Foreign Collaborations and Investments in India: Law and Procedures.

## ***COURSE III***

### ***LAW OF COMPETITION***

#### **Objectives:**

It is necessary to introduce students to the laws that are designed from time to time in keeping with the policy of the government to prevent unfair trade competition and protection of consumers. These laws have changed over a period of time in accordance with the demands of changing times. The laws are to be geared up to pass on the benefit of competition to consumers. These laws are to be reviewed and appreciated in this course.

#### **UNIT-I**

Competition law in India: Introduction, growth, historical background and need for change.

Globalization and competition Policy in India, Monopoly and the new change.

#### **UNIT-II**

Anti-competition agreements and the freedom of Contract (SS.23&27), Constitutional initiatives in the protection of monopolistic activities. Competition laws in U.K., U.S.A and European Union, Cartel system and law. Anti trust laws: introduction, the Sherman Act, Clayton Act, and Federal Trade Commissions Act, Relevant provisions of the said laws with comparative analysis.

#### **UNIT-III**

The short comings of MRTP: Monopolistic Trade Practices, Restrictive Trade Practices and Unfair Trade Practices, protection of consumer interests.

An over view of the Competition Act 2002- preliminary

#### **UNIT-IV**

Competition laws: Core issues, Dominant Position and its abuses, comparative analysis with UK and US.

The Prohibition of anti-competitive agreements, Indian position and remedies. Combinations and regulations of combination-Merger between enterprises-comparative perspectives-Accommodative approach and protection of people from anti-competitive arrangements.

WTO and Competition law- International initiatives.

#### **UNIT-V**

Competition Act-2002: Authorities, Composition, Duties of Director General, Powers, Functions and jurisdiction of Competition Commission of India. Disposal of cases and remedies through the Commission, Some important judgments of the Commission and the Supreme Court, Future initiatives, challenges.

***Prescribed Books:***

1. Competition Law in India - T.Ramappa.
2. Competition Act, 2002- Law and Practice. Suresh T.Vishwanathan.

***Reference Books:***

1. Competition Law-Emerging Trends—P.Satyanaraya Prasad
2. Competition Act, 2002.

## ***COURSE IV***

### ***LAW OF ENVIRONMENT***

#### **Objectives:**

Environmental problems have attained alarming proportions. It is essential to sensitise the students to environmental issues and the laws. The important principles in the field like inter-generation equity, carrying capacity, sustainable development and precautionary, polluter pays principles are to be appreciated. The law in practice is to be analysed and evaluated. The course is designed towards these objectives.

#### **UNIT – I**

The Idea of Environment:

The concept of Environment, the basic concepts of ecology and ecosystem, Biosphere and Biomes. Ancient and Medieval Writings; Ancient Indian approach to Environment, Traditional approach. Natural and Biological Sciences. Perspectives: Modern concept, Conflicting dimensions, Anthropogenic V. Anthropocentric approaches- Recent issues relating to Environment, Environment and sustainable development, National and International Perspectives, Population and Developmental impact on environment.

#### **UNIT – II**

Environmental Law and Policy:

An over view of Environmental Policy during Pre & Post Independence era, present policy. The Role of Central and State Governments - Five year Plans – Implementation of the policies. Forest Policy - Conservation strategy – National Water Policy, National Environment Policy-Conservation of Natural Resources and its Management.

Indian Constitution and Environment: Right to Environment, Constitutional provisions on Environment and its Protection, Role of Judiciary on Environmental issues, Evolving of new Principles, Absolute liability, Polluter pays principle, Precautionary principle, Public trust doctrine.

#### **UNIT – III**

International Law and Environmental Protection:

International conventions in the development of Environmental Laws and its Policy - From Stockholm to recent conventions (Special Emphasis on Major conventions & Protocols) Brown and Green agreements-Multilateral environmental agreements- Control on Marine Pollution- Common Law aspects of Environmental Protection- Riparian rights and prior-appropriation. Relevant Provisions of I.P.C., CR.P.C, C.P.C, for preventing pollution.

## **UNIT – IV**

The Pollution Prevention Laws:

Prevention and Control of Pollution through Scientific methods; prevention of Water pollution- Ground water conservation. Legal Control of Water and Air pollution; The Water Act 1974 - The Air Act, 1981. Pollution controlling mechanisms- Modalities of control, - Noise Pollution and its control, Noise Pollution control order. Disposal of Waste, laws on waste, disposal and its control - Trans-boundary Pollution hazards & Regulation on Bio-Medical Waste.

Laws relating to Conservation of Flora and Fauna:

Bio-diversity and Legal regulation - Authorities under Biological Diversity Act -Utilization of flora and fauna - Experimentation on animals; Legal and Ethical issues. Depletion of natural resources; Genetic Engineering-legal and ethical issues. Major provisions relating to Indian Forest Act, 1927- Wildlife Protection Act 1972 - Forest (Conservation) Act, 1980 - Prevention of Cruelty against animals - Problems in Legal regulation of medicinal plants – objectives of the Plant Varieties Act - Wetland Conservation and law.

## **UNIT – V**

Environment Protection and Legal Remedies:

Environment Protection Act, 1986 including Environment Protection Rules- Major Notifications relating to Coastal Zone Management, ECO-Mark, Environment Impact Assessment, Environmental Audit, Public Participation in Environmental decision making, Environment information, public hearing. Legal remedies for environmental problems: Environmental Disputes and its Redressal agencies: Environmental Tribunals, Public liability Insurance and Environment Relief Fund and remedies under other Laws. Green Benches, National Environment Appellate Authority -United Nations Initiatives, Civil society and environment, Role of NGO's (National and International level) and voluntary organizations, Funding agencies, Complex problems in administration of Environmental Justice.

### ***Prescribed Books:***

1. Armin Rosen Cranz - Environmental Law and Its Policy in India.
2. Leelakrishnan - Environmental Law in India /Cases
3. Introduction to Environmental Law – S. Shantha Kumar

### ***Reference Books:***

1. Simon ball Stuart Bell - Environmental Law.
2. Sanjay Upadhyay and Videh Upadhyay - Handbook on Environmental Laws
3. Environmental Law – Dr.S.R.Myneni.
4. Relevant Bare Acts/Notifications.

## ***COURSE V***

### ***LAW OF PROPERTY***

#### **Objectives:**

The focus of this course is on the study of the concept of 'Property', the 'nature of property rights' and the general principles governing the transfer of property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange and gift will also be undertaken. The course also deals with the law of trust.

#### **UNIT – I**

Transfer of Property: General principles, Concept and meaning of immovable property, Transferable Immovable Property, Persons Competent to transfer, Operation of Transfer, Conditions restraining alienation and restrictions repugnant to the interest created, Rule against perpetuity and exceptions, Direction for accumulation, Vested and Contingent interest.

#### **UNIT – II**

Doctrine of election: transfer by ostensible and co-owner.  
Apportionment: Priority of rights, Rent paid to holder under defective title, Improvements made by bonafide holder.  
Doctrine of Lis pendense: Fraudulent transfer and part-performance

#### **UNIT – III**

Mortgage: Definition, Kinds and features.  
Rights and liabilities of mortgagor and mortgagee: Priority of securities, Marshalling and contribution  
Charges.  
Sale: Rights and liabilities of seller and buyer before and after completion of sale, Difference between sale and contract for sale.

#### **UNIT – IV**

Lease: Definition, creation, rights and liabilities of lessor and lessee, Determination and holding over.  
Exchange : Definition and mode.  
Actionable Claims.  
Gift: Scope, meaning, mode of transfer, universal gifts, onerous gifts.  
Easement rights.

## **UNIT – V**

Law of Trusts with Fiduciary Relations: Definitions of Trust and its comparison with other relationships like Debt, Ownership, Bailment, Agency and Contract.

Kinds of Trusts, Creation of Trust, Appointment of Trustees, Duties and Liabilities of Trustees, Rights and Powers of Trustees, Disabilities of Trustee, Rights and Liabilities of the Beneficiary, Vacating the office of trustee and Extinction of Trusts.

### ***Prescribed Books:***

2. Mulla – Transfer of Property Act, 1882.
3. M. P. Tandon – Indian Trust Act.

### ***Reference Books:***

1. Subbarao – Transfer of Property
2. Shah – Principles of the Law of Property
3. Shukla – Transfer of Property Act
4. Menon – Property Law
5. M. P. Tandon – Indian Trust Act.

## **VIII SEMESTER**

### **COURSE I ADMINISTRATIVE LAW**

#### **Objectives:**

One of the perennial problems of the civilized society is to control the exercise of public power. Administrative Law is concerned with controlling the misuse of public power, by laying down general norms of administrative behaviour. This course will deal with the nature, scope and functions of Administrative Law, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of Administrative adjudication. The focus is on the role of the courts in protecting the rights of individuals against abuse of administration. In addition, adjudicatory powers of the administration and liability of administrative authorities are also studied in this course.

#### **UNIT – I**

Evolution: Nature and Scope of Administrative Law, Relation with Constitutional Law, Separation of powers and concepts, Rule of law.

Council d' Eate, (French system)

Classification of Administration Action: functions, Administrative Directions and Discretion.

#### **UNIT –II**

Legislative power of the administration: Extent of delegation, control over delegated Legislation, Sub-delegation, Judicial and Parliamentary control over delegated Legislation.

#### **UNIT - III**

Judicial power of Administration: Nature of procedure, Principles of Natural justice.

Effect of non-compliance with principle of natural justice: exception to principle of Natural justice

#### **UNIT – IV**

Judicial control of Administrative action: Writs, Principles and Procedure, Public Law review and Private Law review of Administration action, Liability of States for Torts and Contract.

Promissory Estoppel, Government Privileges, Right of information, Doctrine of Legitimate expectation, Doctrine of Accountability, Doctrine of Waiver and Doctrine of Proportionality.

## **UNIT –V**

Corporations and Public undertaking

Commission of Enquiry: Ombudsman in India (Lokpal and Lokayuktha), Central Vigilance Commission, Parliamentary Committees, Civil services in India- Accountability and responsibility, Problems of Prospectives, Administrative deviance, Corruption, Mal- administration and Control mechanism of Accountability.

### ***Prescribed Books:***

1. I. P. Massey - Administrative Law
2. M. P. Jain & S. N. Jain - Principles of Administrative Law

### ***Reference Books:***

1. Wade - Administrative Law
2. Desmith - Judicial Review of Administrative Action
3. S. P. Sathe - Administrative Law
4. Kelkar - Administrative Law

## ***COURSE II***

### ***LAW OF INFORMATION AND TECHNOLOGY***

#### **Objectives:**

Free exchange of ideas is a basic pillar of a democratic society. Corruption thrives in sacred places, therefore it is stated that sunlight is the best disinfectant. There should be governance in sunshine. The course is designed to convince the students how the right to information infuses transparency and accountability in governance, preventing abuse of power. The second part of the course deals with the rules and regulations regarding the technologies dealing with transfer of information.

#### **UNIT-I**

Right to Information Act, 2005:

Historical background: Colonial and Post Independent Scenario, British and American experiences, NGO activism.

Significance of Right to Information in democracy, Constitutional basis, Supreme Court on right to information.

Other related laws: The Official Secrets Act, 1923; The Public Records Act, 1993; The Commission of Inquiry Act, 1952.

#### **UNIT-II**

RTI Act: definitions, Right to information and obligations of public authorities.

Central information commission, State information commission, Powers and functions of information commissions, Appeals and penalties.

Best practices: A study of decisions rendered by state commissions and central Commission in the following areas of: Police, Revenue, PWD, Irrigation, Secretariat, BSNL, Posts and Telegraphs, Scheduled Banks, CPWD, Income Tax Department, Central Excise Department, Local Authorities.

#### **UNIT-III**

Information Technology Act, 2000:

Preliminary, digital signature, Electronic Governance, attribution acknowledgment and dispatch electronic records, secure electronic records and secure digital signature

#### **UNIT-IV**

Regulation of verifying authorities, digital signature certificates, duties of subscribers, Penalties and adjudication.

## **UNIT-V**

Cyber Regulations Appellate Tribunal, Offences, networks, service providers and their exemption from liability, miscellaneous provisions and amendments.

### ***Prescribed Books:***

1. J.H.Barowalia - Commentary on the right to Information Act, Universal Law Publications.
2. Information Technology Act, 2000
3. Vakul Sharma – Information Technology law and practice

### ***Reference Books:***

1. S.V. Joga Rao - Law Relating to Right to Information, vol.1.
2. Ian J Lloyd – Information Technology law, Edn. IV
3. Yatindra Singh – Cyber Laws
4. Vijay kumar. Na – Cyber laws for every netizen in India.

## ***COURSE III***

### ***LAW OF INTELLECTUAL PROPERTY***

#### **Objectives:**

Intellectual Property Law has assumed great importance in recent times as a result of the recognition that “knowledge is property”. This new branch of law aspires to protect the creation of human intellect. The syllabus encompasses all relevant IP legislations. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India.

#### **UNIT – I**

Intellectual Property and Industrial Property: Historical evolution of Intellectual Property law, the main forms of Intellectual property, Rationale for protection of rights. Intellectual property and economic development.

#### **UNIT – II**

Meaning of Patent. Historical evolution of the concept of patent, Acquisition and loss of the right to the patentee, Grounds of opposition, Wrongfully obtaining the invention, Prior publication, lack of inventive step, insufficient description. Rights conferred by patents and obligation of patentee, Patents as chose in action, Duration of patent, Use and exercises of rights, right to secrecy, Abuse of patent rights, Compulsory licensing. Remedies.

#### **UNIT - III**

Historical evolution of Trademark Law: Definition, Registration, Rights conferred, Registered user, Assignment and transmission, Well-Known trademarks, domain name, collective trademark, action for passing off and infringement of trademarks. Remedies.

#### **UNIT – IV**

Historical evolution of Copyright law: Definition, Copyright in literary, dramatic and musical works, cinematograph films, computer software, etc- Ownership of copyright, Author’s Special rights, Infringement-Fair use provisions. Remedies.

#### **UNIT – V**

Provisions of TRIPS on IPR and its impact on India.

Plant varieties protection.

Utility models: Transfer of technology patents, Patenting Biotechnological Inventions, Integrated Circuits, Industrial designs, Geographical Indications. Protection of Traditional Knowledge.

Legal Practice in IPR

***Prescribed Books***

1. P. Narayanan - Intellectual Property Law
2. B. L. Wadehra – Intellectual Property Law Handbook

***Reference Books:***

1. WIPO Reading Material on Intellectual Property Law
2. Brainbridge, David – Cases and Materials in Intellectual Property Law, 2<sup>nd</sup> ed. London, Pitman Publishing 1999.
3. Cornish W.R. Cases and Materials in Intellectual Property Law, 3<sup>rd</sup> Ed, Sweet & Maxell 1999.
4. Patents(Amendment) Act, 2002
5. Copy Right Act, 1957
6. Trade Marks Act, 1999.
7. The Biological Diversities Act, 2002
8. The Protection of Plant Varieties and Farmers' Right Act, 2001
9. Geographical Indications of Goods (Registration and Protection Act, 1999.

## ***COURSE IV***

### ***LAW OF TAXATION***

#### **Objectives:**

The direct taxation is a powerful incentive or disincentive to economic growth, a lever which can rise or depress savings and capital formation, and instrument of reducing income disparities. A student of taxation will have to make a detailed study of tax policy and tax in India. Our tax laws are said to be the most complicated ones in the world. An analysis of this aspect will have to be made so that the reasons for such complications can be known. The following course content has been designed to provide a comprehensive picture of taxation in India.

#### **UNIT-I**

Concept of Tax, Nature and characteristics of taxes

Distinction between tax and fee, tax and cess

Direct and Indirect Taxes

Tax evasion and tax avoidance

Scope of taxing powers of Parliament, State Legislatures and Local bodies.

Income Tax Act: Basic Concepts, Assessee, Assessment Year, Previous Year. Residential Status and Incidence of Tax, Capital and Revenue Receipts, Incomes Exempted from Tax, Income from Salaries, Income from House Property, Income from Business or Profession, Income from Other Sources.

#### **UNIT-II**

Deductions from Gross Total Income, Computation of Total Income of Individuals and tax liability, Computation of Total Income of HUF and tax liability, Computation of Total Income of Partnership Firms and tax liability  
Income Tax Authorities, Their Appointment, Jurisdiction, Powers and functions.

Advance Tax: Tax Deduction at Source, Provisions relating to Procedure for assessment/re-assessment, Appeals and Revision Provisions, Offences and Penalties.

#### **UNIT-III**

Central Excise Law: Introduction, Difference between Central/State Excise, Customs and Sales Tax: Definitions, Meaning of goods, Manufacture, manufacturer, Liability of Excise Duty. Classification and Valuation of goods  
Kinds of Excise Duty, Procedure of Registration and Clearance of goods under Central Excise. Concept of CENVAT

#### **UNIT-IV**

Customs Law: Introduction, Definition, G.A.T.T., W.T.O., Prohibition on Importation and Exportation of Goods, Levy, Exemption and collection of customs duties and overview of law and procedure, Clearance of goods from the port, including baggage, goods imported or exported by post and stores and goods in transit, Duty Drawback provisions.

#### **UNIT-V**

Central Sales Tax Laws: Evolution and scope of levy of Central Sales Tax, Inter-state sale and sale in the course of import and export, Registration of Dealer under Central Sales Tax, Determination of taxable turnover and tax liability under Central Sales Tax

Introduction to Value Added Tax (VAT): Service-Main features of Service Tax

#### ***Prescribed Books:***

- Dr. V. K Singhanian - Students Guide to Income tax, Taxmann Publications.
- V. S. Datey - Indirect taxes- Law and Practice, Taxmann Publications.

#### ***Reference Books:***

1. Girish Ahuja and Ravi Gupta- Systematic Approach to Income – tax and Sales –tax, Bharat Law House.
2. T. N. Manoharan- Students Handbook on Income tax law, Snowwhite Publications pvt. Ltd.
3. B. Lal – Direct Taxes- Practice and Planning; Konark Publishers Pvt Ltd., Delhi.
4. Dr. H. C Malhotra and Dr. S. P. Goyal- Direct taxes, Sahitya Bhawan, Agra.
5. Sharad Bhargava- Income tax for Students, Mashbra Industires (P) Ltd., New Delhi.
6. V. Balachandran- Indirect Taxes, Sultan Chand and Sons, New Delhi.
7. J. K. Jain and Anand Jain- Law of Central Sales Tax in India, Anand prakashan, Jaipur.
8. P. L. Malik- Commentaaries of Customs Act, Eastern Book Company, Lucknow.
9. G. Sarangi- Introduction to Indian Tax System and Central Excise Law and Procedure, Censes Publications, New Delhi.

***COURSE V***  
***PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS***

**Objectives:**

The course deals with the study of general principles of international law including law of peace. Third world concerns in respect of security and development and the role of U.N. and International Agencies in structuring solutions in the context of changing balance of power are also to be appreciated.

The objectives of the course are to prepare for responsible citizenship with awareness of the relationship between Human Rights, democracy and development; to foster respect for international obligations for peace and development; to impart education on national and international regime of Human Rights; to sensitize students to human suffering and promotion of human life with dignity; to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.

**UNIT-I**

Definition of International Law by eminent Jurists.

Sources of International Law.

Relationship between Municipal and International Law: Theories

Subjects of International Law.

**UNIT- II**

Position of State in International Law

State Jurisdiction

Recognition of States

State Responsibility

**UNIT -III**

State and Individual: Extradition, Asylum and Nationality.

Diplomatic privileges and immunities: Consular privileges and immunities.

International treaties

Law of the Sea.

**UNIT – IV**

League of nations: formations and failures.

UNO Charter: Objectives

Principal organs and their functions.

Specialized Agencies

## **UNIT - V**

Development of concept of Human Rights.

Provisions relating to Human Rights in:

Charter of United Nations

Universal Declaration of Human Rights, 1948

International Covenant on Civil and Political Rights, 1966 and  
International Covenant on Social, Economic and Cultural Rights, 1966.

European Court of Human Rights: case laws

Human Rights Commission in India: constitution, powers and functions,  
case laws

### ***Prescribed Books:***

1. J. G Starke - An Introduction to International Law
2. Dr. H. O. Agarwal- Human Rights
3. Dr. S.R. Myneni - World Trade Organisation

### ***Reference Books:***

1. J. B. Brierly - The Law of Nations
2. D. H Harris - International Law ( Cases and Materials)
3. Oppenheim - International law, Volume I, Peace,
4. S. K. Kapoor - International Law
5. Goodrich and Hambro - A Study of United Nations
6. V. R. Krishna Iyer- Human Rights, Eastern Law House, 2000.
7. Dr. S. K. Kapoor - Human Rights under International law and Indian law,  
Central Law Agency.
8. Gokulesh Sharma- Human Rights and Social Justice.
9. Paras diwan - Human Rights.
10. Chiranjivi .J. Nirmal- Human Rights in India.
11. Dr. S. Mehartaj Begum- Human Rights in India.
12. Veena Pani Pandey- International perspectives on Human Rights.
13. Bani Borgohain- Human Rights – Social Justice and Political Challenge
14. M. G. Basavaraja - World Trade Organization
15. George Schwarzenberger – A Manual of International Law
16. Bhagirathal Das – World Trade Organization
17. Justice Palok Basu – Law relating to protection of Human Rights under the  
Indian Constitution.

## **IX SEMESTER COURSE I**

### ***CIVIL PROCEDURE CODE AND LIMITATION ACT***

#### **Objectives:**

Study of procedural law is important for a law student. This course is designed to acquaint the students with the various stages through which a civil case passes through and the connected matters. The course also includes law of limitation. The course teacher shall endeavour to familiarise the students with the case papers (like plaints, written statements, Interlocutory applications, etc.) involved in civil cases and touch upon the provisions of Evidence Act wherever necessary.

#### **UNIT – I**

Civil Procedure Code

Introduction: Distinction between procedural law and substantive law- History of the code, extent and its application, definition.

Suits: Jurisdiction of the civil courts- Kinds of jurisdiction-Bar on suits- Suits of civil nature (Sec.9)

Doctrine of Res sub judice and Res judicata (SS. 10, 11 and 12)

Foreign Judgement (SS. 13, 14)

Place of Suits (SS. 15 to 20)

Transfer of Cases (SS. 22 to 25)

#### **UNIT – II**

Institution of suits and summons: (SS. 26, 0.4 and SS. 27, 28, 31 and 0.5)

Interest and Costs (SS. 34, 35, 35A, B)

Pleading: Fundamental rules of pleadings, Plant and written statement, Return and rejection of plaint, Defences- Set off- Counter claim.

Parties to the suit (Order 1): Joinder, misjoinder and non-joinder of parties- Misjoinder of causes of action- Multifariousness.

#### **UNIT – III**

Appearance and examination of parties (O.9, 0.18): Discovery, inspection and production of documents (O.11 & 13), First hearing and framing of issues (O.10 and 14), Admission and affidavit (O.12 and 19), Adjournment (O.17), Death, marriage, Insolvency of the parties (O.22), Withdrawal and compromise of suits (O.23)- Judgement and Decree (O.20).

Execution (SS. 30 to 74, O.21): General principal of execution: Power of executing court, Transfer of decrees for execution.

Mode of execution a) Arrest and detention, b) Attachment, c) Sale.

## **UNIT – IV**

Suits in particular cases

- a. Suits by or against Governments (SS. 79 to 82 O.27)
- b. Suits by aliens and by or against foreign rulers, ambassadors (SS. 85 to 87)
- c. Suits relating to public matters (SS. 91 to 93)
- d. Suits by or against firms (O.30)
- e. Suits by or against minors and unsound persons (O.32)
- f. Suits by indigent persons (O.33)
- g. Inter-pleader suits (SS. 88, O.35)

Interim Orders

1. Commissions (SS. 75, O.26)
2. Arrest before judgement and attachments before judgement (O.38)
3. Temporary injunctions (O.39)
4. Appointment of receivers (O.40)

Appeals (SS. 90 to 109, O.41, 42, 43, 45)

Reference- Review and Revision (SS. 113, 114, 115, O.46, O.46)

Caveat (SS. 144.A)- Inherent powers of the court (SS. 148, 149, 151)

## **UNIT – V**

The Indian Limitation Act, 1963

### ***Prescribed Books:***

1. Mulla - Civil Procedure Code
2. Sanjiwa Rao - Civil Procedure Code
3. Mitra. B - Limitation Act

### ***Reference Books:***

1. P. M. Bakshi - Civil Procedure Code
2. C. K. Takwani - Civil Procedure Code

**COURSE II**  
**INTERPRETATION OF STATUTES AND PRINCIPLES OF**  
**LEGISLATION**

**Objectives:**

Enacted laws, i.e. Acts and rules are drafted by legal experts. Language used will leave little or no room for interpretation or construction. But the experience of all those who have to bear and share the task of application of the law has been different. Courts and lawyers are busy in unfolding the meaning of ambiguous words and phrases and resolving inconsistencies. The statute is to be construed according 'to the intent of them that make it.' To ascertain the true meaning, intent of the maker, numerous rules of interpretation have been formulated by courts. The objective of this course is to make the student familiar with various rules of interpretation.

**UNIT – I**

The meaning and purpose of a Statutes.

Interpretation and construction of Statutes.

Parts of a Statute: Title, Preamble (with a special reference to the preamble of Indian Constitution), Heading, Marginal notes, Schedule, Punctuation, Illustrations and Explanations.

External aids of Construction: Parliamentary history, historical facts, reports of committees and commissions, International Conventions, text books and commentaries, dictionary, practice and usages,

**UNIT – II**

The primary rule (Literal Constructions), the Golden rule, mischief rule, Intention of the Legislature

**UNIT – III**

Beneficial construction, Restrictive construction, Harmonious construction, construction of a penal statute: presumption of Mens Rea.

Retrospective Operation.

**UNIT – IV**

Doctrine of Ejusdem Generis, Bonam Partem, Directory and Mandatory provisions, contemporanea expositio, construction of General words, Non-obstante clause,

Operation of Statutes: Commencement, repeal and Expiry, Operation and constitutionality (Indian Constitutional Perspective), territorial application, Statutes affecting jurisdiction of courts: General Principle, Extent of exclusion, Exclusion of jurisdiction, Jurisdiction of Superior Courts.

## **UNIT – V**

Remedial and penal statutes.  
Codifying and consolidating legislation

### **Judicial Process:**

Evaluation of Judicial Process as an instrument of Social Order.  
Public Law and Social Philosophy.  
Characteristics of Judicial Legislation.  
Judicial Process and Public Policy.  
Law and Public Policy.

The General Clauses act, 1897. (Special Emphasis on SS. 5 to 13, 14 to 19, 20, 24, and 28)

### ***Prescribed Book:***

1. G. P. Singh – Principles of Statutory Interpretation., VII Ed. (Nagpur -Wadhwa and co., 1999)

### ***Reference Books:***

1. Maxwell on the interpretation of Statutes, XII Ed. (Bombay : N.M. tripathi, 1976)
2. V. P. Sarathi – Interpretation of Statute – General Clauses Act 1897 Bindra, Interpretation of Statutes
3. Avtar Singh- *Interpretation of Statute.*

## ***COURSE III***

### ***LABOUR WELFARE LEGISLATIONS***

#### **Objectives:**

In the colonial era, before independence Indian psyche was negative and the social and legal efforts were merely imitative and not creative. But after becoming a republic and adopting a normative Constitution, the present look is positive and progressive. Our country has gone far ahead in implementing welfare measures of social justice. One such area is enactment of legislations dealing with social securities to help vulnerable sections of the community including labour. The present paper is a specimen for creating awareness as to social securities and legislative aspirations for creating a welfare society.

#### **UNIT- I**

Minimum Wages Act, 1948:

Concept of Minimum Wages, fair wage, living wage and need based minimum wage, constitutional validity, procedure for fixation and revision of minimum wages, fixation of minimum rates of wage by time rate or by price rate, procedure for hearing and deciding claims.

The Payment of Wages Act, 1936: object, scope and application of the Act, definition of wage, responsibility for payment of wages, fixation of wage period, time of payment of wage, deductions which may be made from wages, minimum amount of deduction.

The Employees State Insurance Act, 1948: definitions, dependent, employment injury, employee, wages, medical benefit council, contributions, benefits

#### **UNIT – II**

Workmen's Compensation Act, 1923:

Definition of dependent, workman, partial and total disablement, employers liability for compensation, scope and arising out of and in the course of employment, doctrine of notional extension, doctrine of added peril, when employer is not liable, Employer's liability when contract is engaged, amount of compensation, distribution of compensation, procedure in proceedings before commissions, appeals.

#### **UNIT – III**

The Child Labour (Prohibition and Regulation) Act, 1986:

Object and scope, definitions, child, family, workshop, prohibition of employment of children in certain occupations and processes, regulation of conditions of work of children.

The Maternity Benefit Act, 1961: Definition, child, delivery, maternity benefit, medical termination of pregnancy, miscarriage, wages, women, employment of or work by women prohibited during certain period, right to payment of

maternity benefit, continuance and payment of maternity benefit in certain cases, notice of claim for maternity and payment thereof, payment of maternity benefit in case of death of a women, payment of medical bonus, leave for miscarriage, leave with wages for tubectomy operation, other leaves, nursing breaks, dismissed during absence of pregnancy, deduction of wages.

The Contract Labour (Regulation and Abolition) Act, 1970: object and scope, definitions, contract labour, contractor, controlled industry, principal employer, wages, workmen, registration of establishments employing contract labour, licensing of contractors, welfare and health of contract labour.

#### **UNIT – IV**

The Employees Provident Funds and Miscellaneous Provisions Act, 1952: object and scope of the Act, definitions, basic wages, contributions, employer, employee, exempted employee, exempted establishment, fund, pension fund and scheme, superannuation, determination of escaped amount, of recovery of moneys due form employers.

The Payment of Bonus Act, 1965: object of the Act, definitions, payment of wages and deductions from wages, Inspectors powers and functions.

The Payment of Gratuity Act, 1972: Object and scope, definitions, employee, employer, factory, family, wages, continuous service, payment of gratuity, protection of gratuity.

#### **UNIT – V**

ILO: Objectives, Constitution, organs, impact of ILO on Indian labour Legislation.

ILO and Social security, problems of unorganized sector, anxieties of employees in call centers and out sourcing centres.

#### ***Prescribes Books:***

1. Dr. V.G. Goswami – Labour and Industrial Laws
2. Misra. S.N – Labour and Industrial laws.

#### ***Reference Books***

1. Jiwitesh Kumar Singh, “Labour Economics” – (Principles, problems and Practices) Deep and Deep Publications Pvt. Ltd – New Delhi-27.
2. Robert M.Ball, Social security today and tomorrow, New York, Columbia University Press, 1978.
3. John Munkman, Employer’s Liability at Common Law, 10<sup>th</sup> edn, London; Butterworths, 1985
4. K.D. Srivastava “Compensation on Factories Act, 1948, Lucknow; Eastern Book Company, 1990.
5. S.C. Srivastava “Treaties on Social Security and Labour Laws”, Lucknow; Eastern Book Company.
6. V.K.Kharaband, Commentary on payment of gratuity act, 1972, 3<sup>rd</sup> edn; Allahabad; Law Publishing House, 1998.

## ***COURSE IV***

### ***CLINIC I: DRAFTING, PLEADING AND CONVEYANCING***

#### **Objectives:**

Translation of thoughts into words, spoken and written, is an essential ingredient of a successful advocate. The students should be trained in drafting of pleadings and conveyances and other essential documents. The skill of drafting can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field. The course aims at equipping the students with drafting skills.

#### **Drafting, Pleadings and Conveyancing:**

- A. General Principles of Drafting
- B. Pleadings

#### **I. *Civil Cases:***

- a. Complaint
- b. Written Statement
- c. Interlocutory Application
- d. Affidavit
- e. Original Petition
- f. Execution Petition
- g. Memorandum of Appeal, Revision
- h. Petitions under Article 226 and 32 of the Constitution of India
- i. Issue of notices of demand/and statutory notices under section 138 of NI Act, 80 of CPC and under Rent Act, Caveat under section 148A of CPC

#### **II. *Criminal Cases:***

- 1. Complaints
- 2. Criminal Miscellaneous petition
- 3. Bail Application
- 4. Memorandum of Appeal and Revision
- 5. Application for release of property
- 6. Application for exemption from personal appearance
- 7. Advancement, recall of warrant

#### **III. *Conveyance:***

- a. Sale Agreement
- b. Sale Deed
- c. Lease Deed
- d. Mortgage Deed
- e. Gift Deed

- f. Release Deed
- g. Partition Deed
- h. Adoption Deed
- i. Power of Attorney
- j. Trust Deed
- k. Partnership Deed
- l. Will

Note:- Test shall be conducted once in a week, i.e., for every 5 hours of teaching, the sixth hour will be for the test.

Assignment shall be given for every topic and it shall be valued by the subject teacher.

**COURSE V**  
**CLINIC II: PROFESSIONAL ETHICS AND PROFESSIONAL**  
**ACCOUNTING SYSTEM**

**Objectives:**

Professions are noble. The movement of all professions, hitherto, has been from chaos to organization, organization to consolidation and consolidation to autonomy and monopoly. Same is true of the law profession also. The prime reason for conferring autonomy and monopoly by the society on the professionals is the fact that they are a body of learned persons and the interest of society and individuals is safe in their hands. The Bar should set enviable standards of ethics and scrupulously adhere to them. The trust reposed by the society in this profession is to be zealously guarded. The Bar should live up to the expectations of the society. The course is designed to imbibe students with these high values forming the basis of the profession so that they can live up to the standards.

**UNIT-I**

Advocates as professionals:

Introduction, Importance of legal profession, Lawyers's Role in Accelerating and facilitating the social change visualized by the Indian Constitution, Categories of Advocates, Restrictions imposed on Senior Advocates, Admission and enrolment of advocates, Professional opportunities, Women Lawyers, Opportunities and Handicaps

Advocates' right to practise, to act and to plead - The right of pre-audience  
Advocates' duty to society, to render legal aid, to educate and to accept public office.

Restrictions on other employment and penalty for illegal practice

Trial Advocacy- Important tools of successful advocacy- Study, preparation and presentation of case- Art of examination (chief, cross and re-examination), Arguments on facts and law- How to address the court.

Appellate advocacy- Original side Advocates- Supreme Court Advocates- Advocates on record- Mofussil Advocates- Retired Judges as Advocates.

**UNIT-II**

Professional ethics - Advocate and Client:

Acceptance of brief, withdrawal from engagement, advocate's role as potential witness- Duty of advocate to make full and frank disclosure to client- Breach of obligation to client- Advocate to act only on the instruction of the client- Contingent fee- Advocate's lien for fee- Share in claim or purchase of property

sold in execution- Financial dealing between advocate and client- Prohibition on lending or borrowing money- Prohibition on changing of sides- Legal Profession and Strike.

### **UNIT-III**

Bar-Bench relationship-Duty towards Court:

Duty to conduct himself with dignity and self-respect and not to commit contempt of court, Avoidance of illegal and improper means to influence decisions, Advocate not to be mere mouth piece of client- Dress code- Prohibition on practising before relatives, Other duties, powers and obligations of Notary public.

Duty of advocates towards colleagues in the profession:

Bar council of India Rules governing professional conduct and etiquette, Soliciting and advertising, Professional services and name not to be used for unauthorised practice of law, Fees not less than fees taxable under the rules, Restriction on entering appearance without the consent of the advocate already engaged, Advocates not to demand fees for imparting training to juniors, Advocate's duty to opponent counsel, Advocates duty to report disqualification.

### **UNIT-IV**

Law of contempt of court: Meaning, nature and categories of contempt of court, Constitutional validity of the Contempt of Court Act, 1972, Salient features of the Act, Contempt jurisdiction of Supreme Court, High Court and Subordinate Courts- Contempt by lawyers, judges and by State- Contempt procedure- Punishment for contempt- Defence open to contemnor and remedies against punishment.

### **UNIT-V**

Accountancy for lawyers:

Need for maintenance of accounts- Books of accounts that need to be maintained- Cash Book, journal and ledger

Elementary aspects of bookkeeping: Meaning, object, journal, double entry system, closing of accounts.

The cash and bulk transaction: The Cash book, Journal proper especially with reference to client's accounts, Ledger, Trial balance and final accounts, Commercial mathematics.

There shall be a written examination for this course for a maximum of 75 marks, which shall be conducted by the College and viva voce examination for a maximum of 10 marks, 5 marks for seminar and 10 marks for assignment. The Clinical Examination Board shall conduct the viva voce examination.

***Prescribed Books:***

1. N. R. Madhava Menon, (ed.) - Clinical Legal Education(1998), Code of Ethics for Advocates published in the Appendix-II and other relevant articles
2. Judgements of Supreme Court on professional ethics
3. Decisions of the Disciplinary committee of the Bar Council of India reports in the Indian Bar Review
4. Dr. B. Malik, (Ed.) - Art of Lawyer (New Delhi, Universal Book Agency, 1999)- Relevant articles
5. Contempt of Court Act, 1971
6. Pre-University text books on Accountancy

**X SEMES8TER**  
**COURSE I**  
**LAW OF CRIMINAL PROCEDURE**

**Objectives:**

Fair procedural Law is pre requisite for a just society. The course is designed to clarify how pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The course will acquaint the student with organization of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised. The students will also undertake the study of two cognate Act as a part of this course viz.; *Juvenile Justice Act and Probation of Offenders Act*. The course teacher shall endeavour to familiarise the students with FIR, Police statement, charge sheet, etc.

**UNIT – I**

**Introductory and Pre-trial Process**

1. Concept of procedure.
2. The rationale of Criminal Procedure: the importance of fair trial.
3. The organisation of the functionaries under the Code; their duties, functions and powers.
4. First Information Report, complaint
5. Arrest
6. Types of trial and Features of a fair trial

**UNIT - II**

**Trial Process-I**

1. Magisterial Powers to take cognizance.
2. Commencement of proceedings.
3. Dismissal of complaints.
4. Charge
5. Processes to compel appearance and production of things
6. Bail
7. Preliminary pleas to bar trial

**UNIT - III**

**Trial Process-II**

1. Provisions as to Inquiries and Trials
2. Judgement
3. Appeals, Revision and Reference
4. Security for keeping peace and good behaviour
5. Maintenance

## **UNIT - IV**

### **Miscellaneous**

1. Transfer of cases
2. Execution, suspension, remission and commutation of sentences
3. Disposal of property
4. Preventive action of the police
5. Irregular proceedings
6. Limitation of taking cognizance
7. Compounding of offences and plea bargaining
8. Criminal Rules and Practice.

## **UNIT - V**

1. Salient features of the Juvenile Justice (Care & Protection of Children) Act, 2000
2. Salient features of the Probation of Offenders Act, 1958.

### **Prescribed Books:**

1. Ratnalal & Dhiraj Lal - The Code of Criminal Procedure, Nagpur: Wadhwa & Co.
2. Juvenile Justice (Care & Protection of Children) Act, 2000 -Bare Act
3. Probation of Offenders' Act, 1958-Bare Act

### **Reference Books:**

1. R.V.Kelkar, Criminal Procedure, Lucknow: Eastern Book Co.
2. Report of the Committee on Reforms of Criminal Justice System.

## ***COURSE II***

### ***LAW OF EVIDENCE***

#### **Objectives:**

The law of Evidence has its own significance amongst Procedural Laws. The knowledge of law of Evidence is indispensable for a lawyer. The course is designed to acquaint the students with the rules of evidence in relation to relevancy of facts and proof. In addition they are introduced to law relating to production of evidence. The course teacher shall familiarize the students with appreciation of evidence and use innovative techniques like simulation exercises wherever necessary.

#### **UNIT-I**

Introduction: Distinction between substantive and procedural law, Evidence in customary law systems, Introduction to the British 'Principles of Evidence'. Salient features of the Indian Evidence Act, 1861, Applicability of the Indian Evidence Act.

Central Conceptions in Law of Evidence: Facts, Facts in issue and relevant facts, Evidence, Circumstantial and Direct evidence, Presumptions, Proved, Disproved, Not Proved, Witness, Appreciation of evidence.

Relevancy: Facts connected with facts in issue, Doctrine of Res gestae; SS 6, 7, 8 and 9 of Evidence Act, Evidence of Common Intention, Sec.10, Relevancy or otherwise irrelevant facts- Facts to prove right or custom (sec-13)-Facts concerning state of mind/state of body or bodily feelings (SS. 14 and 15) - Relevancy and admissibility of admissions, privileged admissions- evidentiary value of admissions (SS. 17 to 23, IEA).

#### **UNIT-II**

Relevancy and admissibility of confessions: Admissibility of information received from an accused person in custody, Confession of co-accused (SS. 24 to 30), Admitted facts need not be proved (58).

Dying declaration: Justification for relevance, Judicial standards for appreciation of evidentiary value-32 (1) with reference to English Law, Other statements by persons who cannot be called as witnesses (SS. 32(2) to (8) 33)- Statement under special, circumstances (SS. 34 to 39)

Relevance of judgements: General principles, Fraud and Collusion (SS. 40 to SS. 44)

Expert testimony: General principles (Sec. 45-50), Who is an expert, Types of expert evidence, Problems of judicial defence to expert testimony.

### **UNIT-III**

Character evidence: Meaning – Evidence in Civil Criminal cases

English Law (SS. 52-55), Oral and Documentary Evidence.

Introduction on Proof of facts, General principles concerning oral

Evidence (59-60), General principles concerning documentary

Evidence (61-90), General principles regarding exclusion by evidence (SS. 91-100)

### **UNIT-IV**

Burden of Proof:

The general conception of onus probandi (SS. 101), General and Special exception to onus probandi (SS. 102-106)- The justification of presumption and burden of proof (SS. 107 to 114) with special reference to presumption to legitimacy of child and presumption as to dowry death- Doctrine of judicial notice and presumptions.

Estoppel

Scope of Estoppel, Introduction as to its rationale (SS. 115), Estoppel distinguished from Resjudicata, Waiver and Presumption, Kinds of Estoppel- Equitable and Promissory Estoppel, Tenancy Estoppel (Sec. 116)

### **UNIT-V**

Witness, Examination and Cross Examination:

Competence to testify (SS. 118 to 120), Privileged communications (121 to 128), General principles of examination and cross examination (SS. 135 to 166), Leading questions (141- 145), Approver's testimony (SS.133), Hostile witnesses (SS. 154), Compulsion to answer questions (147, 153), Questions of corroboration(156-157), Improper admission of evidence.

#### ***Prescribed Book:***

1. Ratanlal and Dhirajlal - Law of Evidence

#### ***Reference Books:***

1. Best - Law of Evidence
2. Sarkar - Law of Evidence
3. M. Rama Jois - Legal and Constitutional History of India.
4. Batuklal - Law of Evidence
5. Wodroff and Amir Ali - Law Evidence

## ***COURSE III SEMINAR***

### **Objectives:**

The paper on seminar gives training to the students to develop inclination towards research. The students are encouraged to select topics in which they have interest and curiosity. The students are trained in methods of data collection in both doctrinal and empirical research. They are guided in the preparation of questionnaire, surveying, sampling and interview. The students are encouraged in the preparation of reports and in the method of classifying and analyzing the data. They are taught in the skills of presentation and assertion of ideas. This emphasises constant and consistent supervision, control and direction in research pursuits.

Week	Research Activity Tasks
1	<ul style="list-style-type: none"> <li>a. Concept of research</li> <li>b. Explanation of various stages of research</li> <li>c. Indication of the preparation of synopsis in brief, exact idea and vision statement.</li> </ul>
2	<ul style="list-style-type: none"> <li>a. Examination of synopsis</li> <li>b. Corrections and suggestions</li> <li>c. Collection of synopsis</li> </ul>
3	<ul style="list-style-type: none"> <li>a. Guidance for the preparation of research projects action plan               <ul style="list-style-type: none"> <li>1. Methodology</li> <li>2. Expected outcomes</li> <li>3. Expected constraints</li> <li>4. Areas of data collection</li> </ul> </li> </ul>
4	<ul style="list-style-type: none"> <li>a. Examination of project plan</li> <li>b. Corrections and suggestions</li> </ul>
5	<ul style="list-style-type: none"> <li>a. Guidance on data collection               <ul style="list-style-type: none"> <li>1. Doctrinal</li> <li>2. Non Doctrinal</li> </ul> </li> <li>b. Documentation of the data</li> <li>c. Target groups</li> <li>d. Areas covered</li> </ul>
6	Guidance on <ul style="list-style-type: none"> <li>a. Preparation of questionnaire</li> <li>b. Administration of questionnaire</li> <li>c. Survey methods</li> </ul>

7	a. Examination of questionnaire b. Action plan for survey
8	Submission of I Report
9	Submission of II Report
10	Classification and analysis of data
11	Submission of III report
12	Submission of Draft Report
13	Submission of Final Report
14	Seminar Presentation

## **COURSE IV**

### **CLINIC III: ALTERNATIVE DISPUTE RESOLUTION SYSTEMS**

#### **Objectives:**

Today alternative disputes resolution systems have become more relevant than before at local, National and International levels. Certain of the disputes, by nature are fit to be resolved through specific method of resolution. Each of these dispute resolution system involves different style of planning and execution. The skills involved are also different as also preparation. The course teacher shall administer simulation exercises for each of the methods.

The students are required to study:

1. The different methods of ADR
2. The provisions of Arbitration and Conciliation Act 1996
3. Art and techniques of Mediation
4. Essential processes of Mediation
5. Qualities of a good Mediator
6. Models of Mediation
7. The role of advocate in Mediation
8. Code of Conduct for Mediators
9. Techniques of Negotiation
10. Virtues of a good Negotiator.
11. Stages in Negotiation

Theory:

The students are required to attempt theory papers based on the above mentioned topics to the extent of 60 marks. (30 marks for Arbitration and Conciliation Act, 1996 and 15 marks each for Negotiation and Mediation).

Clinic Exercise:

The course teacher will have to provide simulation and skill development exercises to the extent of maximum 40 marks (10 marks each for Arbitration, Conciliation, Mediation and Negotiation).

#### **Prescribed Books:**

1. Sridhar Madabhushi, *Alternative Dispute Resolution*, 2006, Lexis Nexis Butterworths, New Delhi.
2. Rajan R.D., *A Primer on Alternative Dispute Resolution*, 2005, Barathi Law Publications, Tirunelveli.

#### **Reference Books:**

1. Sampath D.K., *Mediation*, National Law School, Bangalore.
2. Gold Neil, et.al., *Learning Lawyers Skills*, (Chapter-7)
3. Michael Noone, *Mediation*, (Chapters-1,2&3)

**COURSE V**  
**CLINIC IV: LITIGATION ADVOCACY AND INTERNSHIP**

**Objectives:**

This course is designed to hone advocacy skills in the students. Moot Courts are simulation exercises geared up to endow students with facility in preparation of written submissions and planning, organising and marshalling arguments in the given time so as to convince the presiding officer.

The students should familiarize themselves with the various stages of trial in civil and criminal cases. They should be exposed to real court experience. Further they should imbibe the skills of client interviewing. This component may be planned to be part of the internship. Each student enrolled in 3 year course shall undergo an internship for minimum 12 weeks (20 weeks for 5 year LL.B. course) during the entire course under NGO, trial and appellate advocates, legal regulatory authorities, legislatures and parliament, other legal functionaries, market institutions, law firms, companies, local self government and other such bodies. However, the internship shall not be for a period of more than four weeks continuously in an academic year.

**Litigation Advocacy**

**Moot Courts:** Every student shall do at least 3 moot courts in the semester with 10 marks each. Each moot court shall be on an assigned problem and it shall be evaluated for 5 marks for written submission and 5 marks for oral advocacy. Total : 30 Marks.

The Clinical Evaluation Committee shall evaluate two moot courts at the end of the semester, one for civil problem and another for criminal problem, for 20 marks.

**Client's interview and Counselling:** The student shall attend court proceedings for at least three days in a week. Each student shall maintain a record, and enter the various steps observed during their attendance on different days in the court assignment. The course teacher shall evaluate this record for a maximum of 25 marks.

**Litigation Planning, Investigation and Strategy:** Each student shall observe the interviewing sessions of events when they visit the Chambers of Advocates or legal aid offices and shall record the proceedings in a diary. The course teacher shall evaluate this record for a maximum of 10 marks. The student shall also observe the preparation of documents and court papers by the advocate and the procedure for filing of the suit or petition and record this. The course teacher shall evaluate this record for a maximum of 15 marks.