



JSS LAW COLLEGE

AUTONOMOUS

MYSORE

LL.B.

SYLLABUS

2009 - 10

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I 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

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

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 IV
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 V
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

II 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
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 73rd and 74th 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 III
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 IV
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

COURSE V

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

III 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:

1. Misra. S.N – Labour and Industrial Laws
2. 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

JURISPRUDENCE

UNIT – I

Meaning and nature of ‘Jurisprudence’ - Purpose and value of Jurisprudence
Schools of Jurisprudence: Natural law, Imperative Theory, Legal Realism, Historical School, Sociological School.

UNIT – II

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 – III

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

UNIT – IV

Legal Concepts: Right and Duty, Kinds, Meaning of Right in its wider sense - Possession: Idea of Ownership, kinds of Ownership, Difference between Possession and Ownership - Nature of Personality, Status of the Unborn, Minor, Lunatic, Drunken and Dead Persons.

UNIT – V

Liability: Conditions for imposing liability - Wrongful act: Damnum Sine injuria, causation, mens rea, intention, malice, negligence and recklessness, strict liability, vicarious liability, obligation.

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 III

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 IV

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.

COURSE V

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.
Law Commission reports.

IV 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' Etate, (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 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 IV

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, 2nd ed. London, Pitman Publishing 1999.
3. Cornish W.R. Cases and Materials in Intellectual Property Law, 3rd 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 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.

**V 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, 10th 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, 3rd 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

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

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.