



## Syllabus for B.COM.-LLB (Hons.)

## COURSE OUTLINE

### SEMESTER - I

| SUBJECT<br>CODE | SUBJECT NAME  | CREDI<br>T |
|-----------------|---|------------|
| 1312111         | Legal Methods   | 4          |
| 1312112         | Law of Torts including Consumer protection laws and M.V. Accident | 4          |
| 1312113         | Indian Legal and Constitutional History                           | 4          |
| 1311(c)11<br>4  | Principles of Management  | 4          |
| 1311(a)11<br>5  | Principles of Economics   | 4          |
| 1311(a)11<br>6  | General English   | 4          |

**SEMESTER - II**

| <b>SUBJECT CODE</b> | <b>SUBJECT NAME</b>               | <b>CREDI T</b> |
|---------------------|-----------------------------------|----------------|
| 1314121             | Law and Society                   | 4              |
| 1312122             | Legal Language and Legal Writing  | 4              |
| 1312123             | Jurisprudence                     | 4              |
| 1311(d)12<br>4      | Principles of Accounting          | 4              |
| 1311(d)12<br>5      | Business Mathematics & Statistics | 4              |
| 1311(c)126          | Business Communication            | 4              |

**SEMESTER - III**

| <b>SUBJECT CODE</b> | <b>SUBJECT NAME</b>              | <b>CREDI T</b> |
|---------------------|----------------------------------|----------------|
| 1312131             | Law of Contract - I              | 4              |
| 1312132             | Constitutional Law - I           | 4              |
| 1312133             | Family Law - 1                   | 4              |
| 1311(c)134          | Marketing Management             | 4              |
| 1311(d)13<br>5      | Cost and Management Accounting-I | 4              |
| 1312136             | Fundamentals of IT & E-Commerce  | 4              |

**SEMESTER - IV**

| <b>SUBJECT CODE</b> | <b>SUBJECT NAME</b> | <b>CREDI T</b> |
|---------------------|---------------------|----------------|
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|------------|---------------------------|---|
| 1312141    | Law of Contract - II      | 4 |
| 1312142    | Constitutional Law - II   | 4 |
| 1312143    | Family Law - II           | 4 |
| 1312144    | Environmental Law         | 4 |
| 1311(c)145 | Human Resource Management | 4 |
| 1311(d)146 | Advanced Accounting       | 4 |

**SEMESTER - V**

| <b>SUBJECT CODE</b> | <b>SUBJECT NAME</b>                                  | <b>CREDIT</b> |
|---------------------|--|---------------|
| 1312151             | Company Law - I                                      | 4             |
| 1312152             | Law of crimes - I                                    | 4             |
| 1312153             | Property Law   | 4             |
| 1313154             | Professional Ethics & Professional Accounting system | 4             |
| 1311(d)155          | Indian Financial System                              | 4             |
| 1311(d)156          | Cost and Management Accounting -II                   | 4             |

**SEMESTER - VI**

| <b>SUBJECT CODE</b> | <b>SUBJECT NAME</b>        | <b>CREDIT</b> |
|---------------------|----------------------------|---------------|
| 1312161             | Company Law - II           | 4             |
| 1312162             | Law of crimes - II         | 4             |
| 1314163             | Intellectual Property Law  | 4             |
| 1314164             | Interpretation of Statutes | 4             |

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| 1311(c)165 | Business Taxation    | 4 |
| 1311(d)166 | Auditing & Assurance | 4 |

**SEMESTER - VII**

| <b>SUBJECT CODE</b> | <b>SUBJECT NAME</b>       | <b>CREDIT</b> |
|---------------------|---------------------------|---------------|
| 1312171             | Law of Evidence           | 4             |
| 1312172             | Public International Law  | 4             |
| 1315173             | Honours Paper-I: Land Law | 4             |

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| 1314174 | Elective-I<br>Cyber law                               | 4 |
| 1314175 | Elective-II<br>Private International law              | 4 |
| 1313476 | Clinical Paper-I: Drafting, Pleading and Conveyancing | 4 |

**SEMESTER - VIII**

| <b>SUBJECT CODE</b> | <b>SUBJECT NAME</b>                          | <b>CREDITS</b> |
|---------------------|--|----------------|
| 1312181             | Administrative Law                           | 4              |
| 1312182             | Civil Procedure Code and Limitation Act      | 4              |
| 1315183             | Honours paper II: International Human Rights | 4              |

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| 1315184 | Honours Paper III<br>Law of Banking                     | 4 |
| 1314185 | Elective-III<br>Gender justice & Feminist jurisprudence | 4 |
| 1314186 | Elective-IV<br>International Criminal Law               | 4 |
| 1313487 | Clinical Paper-II: Alternative Dispute Resolution       | 4 |

#### SEMESTER - IX

| <b>SUBJECT CODE</b> | <b>SUBJECT NAME</b>                         | <b>CREDIT</b> |
|---------------------|---|---------------|
| 1315191             | Honours Paper IV: Labour and Industrial Law | 4             |
| 1315192             | Honours Paper V<br>Law of Insurance         | 4             |
| 1312193             | Law of Taxation                             | 4             |
| 1314194             | Elective -V                                 | 4             |

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|         | Competition Law  |  |
| 1313495 | Clinical Paper-III: Public Interest Litigation & Legal Aid Service |  |

### SEMESTER - X

| SUBJECT CODE | SUBJECT NAME  | CREDIT |
|--------------|---|--------|
| 13151101     | Honours Paper-VI: Law and Disability                  | 4      |
| 13141102     | Elective VI Offences Against Child & Juvenile Offence | 4      |
| 13141103     | Media & Law   | 4      |
| 13134104     | Clinical Paper-IV: Moot Court exercise and Internship | 4      |

### DETAIL SYLLABUS

## SEMESTER - I

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|---------------|---|
| Legal Methods | 4 |
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### UNIT 1: MEANING AND CLASSIFICATION OF LAWS 10 Hrs.

Meaning and definition; Functions of law; Classification of laws: Public and Private Law, Substantive and Procedural Law, Municipal and International Law.

Learning Outcome: On completion of this Unit, students will be able to have a conceptual understand on the meaning of law and to distinguish between the different types of laws.

### UNIT 2: SOURCES OF LAW 10 Hrs.

Meaning; Primary and Secondary sources; Custom; Precedent- Categories of precedents, dissenting and concurring opinion, overruling of judgments, Article 141 of the Constitution; stare decisis, Ratio decidendi- Tests to determine ratio decidendi, obiter dictum; Legislations, Juristic writings; Justice, Equity and Good Conscience, International law as a source of Municipal Law.

Learning Outcome: On completion of this Unit students will be able to tell the different sources of law and their relationship inter se.

### UNIT 3: LEGAL REASONING 6 Hrs.

Legal materials – Case law, Case Briefing; Statutes, Reports, Journals, Manuals, Digests etc.; Use of Law Library; Importance of legal research; New Dimensions in Legal Research- Use of Online Databases and e-resources; Techniques of Legal Research; Legal writings and citations; Judicial Reasoning; Analogizing – the application of principles laid down in similar cases, static and dynamic analogy; Case Synthesis.

Learning Outcome: On completion of this Unit, students will be able to read, analyse and understand different legal materials, and to narrate the reasoning employed by judges in their judgements.

### UNIT 4: READING AND ANALYSIS OF JUDGEMENTS AND STATUTES 10 Hrs.

Reading and analysis of various landmark judgements in Constitutional Law, Criminal Law and the Law of Torts; FILAC and IRAC methods; Reading and Understanding of Statutes- Aids to the interpretation of Statute (Internal and External Aids)

Learning Outcome: On completion of this Unit, students will be able to read and analyse judgments in order to understand the principles laid down in them and to read and interpret statutes using different aids.

#### UNIT 5: LEGAL RESEARCH 14 Hrs.

Research – Meaning – Reflective thinking – Dewey-Kelly system – Doctrinal and Non-Doctrinal Methods – Basic statistical tools

Learning Outcome: On completion of this Unit students will be able to understand the meaning of research and the steps involved in legal research. They will also learn to apply some basic statistical methods to analyse data.

#### UNIT 6: BASIC CONCEPTS OF INDIAN LEGAL SYSTEM 10 Hrs

Constitution as the Basic Law; Rule of Law; Separation of Powers; Delegated Legislation; Judicial system in India- Hierarchy of Courts in India, Jurisdiction of Courts (Territorial, Pecuniary, Subject Matter); Fora and Tribunals-Alternative Dispute Resolution Methods, Arbitration, Negotiation, Mediation and Conciliation, LokAdalats.

Learning Outcome: On completion of this Unit, students will be able to discuss the fundamental concepts underlying Indian law, and appreciate the working of the judicial system in India.

#### SUGGESTED READINGS

1. A.V. Dicey, An introduction to the Study of the Law of Constitution, Universal Law Publishing Co., 10th edn. 4th Indian Reprint, 2003
2. B S Hansai, A Critical Study of ADR System: Special Focus on LokAdalat in India
3. Benjamin Cardozo, Nature of Judicial Process, Universal Law Publishing Co., 9th Indian Reprint 2011
4. Bodenheimer, Jurisprudence; , Universal Law Publishing Co., 7th Indian Reprint, 2011
5. C K Takwani, Lectures on Administrative Law, 4th Edition, 2008, Eastern Book Company.
6. David Ingram, Law-Key Concepts in Philosophy, Continuum International Publishing Group, 1st edn. 2006
7. Friedmann, Law in a Changing Society, Universal Law Publishing Co. 4th Indian Reprint 2008
8. G. W. Paton, A Textbook of Jurisprudence, Oxford University Press, 2007

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|  | Law of Torts including Consumer protection laws and M.V. Accident | 4 |
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UNIT 1: EVOLUTION DEFINITION, NATURE, SCOPE AND OBJECTS OF LAW OF TORTS 5 Hrs. Learning Outcome: On completion of this Unit students will be able to describe tortious liability in general and distinguish the same from crimes and breaches of contracts.

Principles of justice equity and good conscience - un-codified character-advantages and disadvantages; a wrongful act - violation of duty imposed by law, duty which is owed to people generally (in rem) - *damnum sine injuria* and *injuria sine damno*; Tort distinguished from crime and breach of contract; Changing scope of law of torts: Principles of Liability - Fault; Wrongful intent; Negligence; Liability without fault; Place of motive in torts.

UNIT 2: DEFENCES IN ACTIONS FOR TORTS 8 Hrs. Learning Outcome: On completion of this Unit students will be able to frame defences to the hypothetical cases presented to them.

Justification - *Volenti non fit injuria*; Necessity, private and public; Plaintiffs default; Act of God; Inevitable accident; Private defense; Statutory authority; Judicial and quasi-judicial acts; Parental and quasi-parental authority.

Extinguishment of Liability in Certain Situation - *Actiopersonalismoritur cum persona* - exceptions; Waiver and acquiescence; Release; Accord and satisfaction; Limitation.

UNIT 3 - STANDING AND CAPACITY 3 Hrs. Learning Outcome: On completion of this Unit students will be able to advise whether the suit may be instituted by a hypothetical plaintiff and whether a suit is maintainable against a hypothetical defendant.

Who may sue - aggrieved individual - class action - social action group; Statutes granting standing to certain persons or groups

Who can be sued and who cannot be sued

UNIT 4: VICARIOUS LIABILITY 6 Hrs. Learning Outcome: On completion of this Unit students will be able to find the liability of an employer, a principal or government in cases of the given hypothetical facts.

Basis, scope and justification; Express authorization; Ratification; Abetment; Special Relationships: Master and servant - arising out of and in the course of employment - who is master? - the control test - who is servant? - borrowed servant - independent contractor and servant, distinguished; Principal and agent; Corporation and principal officer.

## Doctrine of Sovereign Immunity

UNIT 5: TORTS AGAINST PERSONS AND PERSONAL RELATIONS 10 Hrs. Learning Outcome: On completion of this Unit students will be able to discuss the liability of the defendant on hypothetical facts.

Assault, battery, False imprisonment; Defamation – libel, slander including law relating to privileges E-defamation; Marital relations, parental relations, master and servant relations; Malicious prosecution;

UNIT 6: WRONGS AFFECTING PROPERTY 10 Hrs. Learning Outcome: On completion of this Unit students will be able to discuss the liability of the defendant on hypothetical facts.

Trespass to Land, Trespass ab initio, Dispossession; Nuisance: Definition, Essentials and Types; Acts Which Constitute Nuisance – Obstructions of Highways, Pollution of Air, Water, Noise, and Interference with Light and Air.

Movable Property – Trespass to Goods, Detinue, Conversion; Torts Against Business Interests – Injurious Falsehood, Misstatements, Passing off.

UNIT 7: NEGLIGENCE 8 Hrs. Learning Outcome: On completion of this Unit students will be able to find the nature and extent of liability of the defendant on hypothetical facts.

Basic concepts, Theories of negligence, Standards of care, duty to take care, carelessness, inadvertence, Doctrine of contributory negligence, Res ipsa loquitur and its importance in contemporary law; Liability due to negligence: different professionals; Liability of common carriers for negligence; Product liability due to negligence: liability of manufacturers and business houses for their products. Nervous shock.

UNIT 8: STRICT LIABILITY AND ABSOLUTE LIABILITY 5 Hrs. Learning Outcome: On completion of this Unit students will be able to fix the liability even in the absence of negligence in certain cases.

The rule in Rylands v. Fletcher, Liability for harm caused by inherently dangerous industries. Development of Law beyond Strict Liability Absolute Liability M. C. Mehta vs. UoI.

UNIT 9: LEGAL REMEDIES 5 Hrs. Learning Outcome: On completion of this Unit students will be able to fix the liability for torts on a set of hypothetical facts.

Legal remedies, Award of damages – simple, special, punitive. Unliquidated Damages – Remoteness of damage-foreseeability and directness, Shortened Expectation of Life, Injunction, Specific restitution of property; Extra-legal remedies- self-help, re-entry on land, re-capture of goods, distress damage feasant and abatement of nuisance.

UNIT 10: CONSUMER PROTECTION ACT, 1986 – Objectives, Meaning of consumer, Protection of the rights of consumer, Deficiency in goods and services, Liability in Professional services, Public utility services, Consumer Councils - Consumer exploitation through Unfair trade practices.

UNIT 11: CONSUMER DISPUTES REDRESSAL AGENCIES.

District forum, State commission, National commission, Consumer Law Board - Constitution, Powers, Jurisdiction, Limitation and Procedure of the Adjudicatory bodies - Enforcement of Consumer rights through PIL , Consumer awareness & education in India.

UNIT 12: MOTOR VEHICLES Learning Outcome: On completion of this Unit students will be able to discuss the need for regulation and explain the regulatory framework.

Introduction, Necessity of licensing and regulation, Motor Vehicle Act, 1988 – objectives and framework, Licensing of drivers of motor vehicles, Licensing of conductors of stage carriages

UNIT 13: REGISTRATION OF MOTOR VEHICLES 10 Hrs. Learning Outcome: On completion of this Unit students will be able to describe the provisions of the Motor Vehicles Acts relating to registration of motor vehicles.

Necessity of registration, Procedure for registration, No-objection certificate, Age limit for motor vehicles, Control of transport vehicles, Provisions relating to state transport undertakings, Construction, equipment and maintenance of motor vehicles, Control of traffic, Motor vehicles temporarily leaving or visiting India

UNIT 14: LIABILITY 10 Hrs. Learning Outcome: On completion of this Unit students will be able to fix liabilities arising out of wrongful use of motor vehicles.

Liability to pay compensation, permanent disablement, insurance of motor vehicles, against third party risks, Motor Vehicles Claims Tribunal, offences and penalties under the Act

## SUGGESTED READINGS

1. Singh, Guru Prasanna. Ratanlal&Dhirajlal's Law of Torts, 26hed. New Delhi: Wadhwa& Co, 2013.
2. Jones, Michael A. Text book on Torts. New Delhi: Lawman. 1995.
3. Lakshminath, A. and Sridhar M. Ramaswamylyer's Law of Torts, 10thed. New Delhi: Lexisnexis, 2007.
4. Weir, Tony. Introduction to Tort Law, 2nded. New York: Oxford University Press, 2006.
5. Pillai, P. S. A. Law of Tort. 9th ed. Lucknow: Eastern Book-Co., 2004.
6. Dugdale, Anthony, ed. Clerk &Lindsell on Torts, 19th ed. London: Sweet & Maxwell, 2006.
7. Howarth, D. R., Hepple Howarth, and Mathews. Tort: Cases & Materials. London: Oxford University Press, 2005.
8. Weir, Tony. Case book on Tort. 10th ed. London: Sweet & Maxwell, 2004. Justice S N Aggarwal, Supreme Court on Consumer Protection Act, Universal Law Publishing Co., 2013.
9. Wadhwa, Justice D. P. (ed). The Law of Consumer Protection. New Delhi: Wadhwa and Company Nagpur, 2006.
10. Nayak, Rajendra Kumar. Consumer Protection Law in India: An Eco-legal Treatise on Consumer Justice. Bombay: N. M/ Tripathi Pvt Ltd., 1991.
11. Sheth, Dilip K. Treatise on Consumer Protection Law (Law & Practice). Mumbai: Snow White, 2003.
12. Agarwal, Dr V. K. Bharat's Consumer Protection (Law & Practice) 6th ed. New Delhi: B. L. H. Publishers and Distributors Pvt. Ltd., 2008.
13. Singh, Avtar. Law of Consumer Protection (Principles & Practice) 4th ed. Lucknow: Eastern Book Co., 2005.
14. Majumdar, P. K. Law of Consumer Protection in India 5thed. New Delhi: Orient Publishing Company, 2003.
15. Sarkar, UtpalRanjan. Sarkar's Motor Accidents: Motor Insurance Claims & Compensation. New Delhi :Sodhi Publications, 2004.

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|  | Indian Legal and Constitutional History | 4 |
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UNIT: 1 THE EAST INDIA COMPANY AND ITS EARLY SETTLEMENTS IN INDIA 10hrs

Historical background of East India Company, Settlements at Surat, Madras, Bombay and Calcutta. Judicial system in the settlements

UNIT: 2 ESTABLISHMENT OF CROWN'S COURTS IN INDIA 6 hrs

Charter of 1726, Main Features of the Charter, Mayor's Courts under the Charters of 1687 and 1726; Working of the Charter, Courts for the Natives

UNIT:3 BEGINNING OF THE ADALAT SYSTEM.(WARREN HASTINGS) 8hrs

Judicial Plan of 1772 and 1774, Judicial Plan of 1780 and its working, reforms by Sir Impey; Reforms in the Administration of Criminal Justice under Warren Hastings)

UNIT: 4 SUPREME COURTS AT CALCUTTA, MADRAS AND BOMBAY 6hrs

Regulating Act of 1773; Functioning and the difficulties faced by the Supreme Court at Calcutta.;RajaNand Kumar Case; The Patna Case; The Kasijora Case. Changes introduced by the Act of Settlement of 1781

UNIT: 5: ADALAT SYSTEMS UNDER LORD CORNWALLIS 6hrs

The Judicial Plan of 1793 – General features, Reorganization of Courts, Other Reforms. Evaluation of the Plan of 1793, Reforms by Lord Hastings under the Plan of 1793

UNIT: 6: HIGH COURTS AND THE PRIVY COUNCIL 6hrs

The Act of 1861 and the establishment of High Courts in India, Jurisdiction of the High Courts, The Working of the Privy Council; Appraisal of the Privy Council

UNIT: 7: LAW AND ITS CODIFICATION 8hrs

The Charter Act of 1833 and the First Law Commission; The Charter Act of 1853 and the Second, the Third and the Fourth Law Commissions, Development of Personal Laws during the British period: Personal Laws and Legislation, Adjudication, Legal works on personal laws.

UNIT: 8: CONSTITUTIONAL HISTORY OF INDIA 10hrs

The Minto Morley Reforms of 1908; the Government of India Act 1919 (the Central Government, the Provincial Governments, the Provincial Executive – the Diarchy) The Government of India Act 1935 (Federal Government, the federal court and the Provincial Government); Constitutional Developments after the Act of 1935 (The Cripps Mission, the Wavell Plan, the Cabinet Mission of 1946 and the Mountbatten Plan); Indian Independence Act, 1947.

#### SUGGESTED READINGS

1. Constitutional Assembly Debates
2. M.P. Jain – Outlines of Indian Legal History, Dhanwantra Mechanical and Law Book House, Delhi.
3. V.D. Kulashreshtha's Landmarks in Indian Legal and Constitutional History by, by B.M.Gandhi.
4. Dr.M.P.Singh, Outlines of Indian Legal & Constitutional History.
5. Keith A. B. A Constitutional History of India, 1600-1935, 2nd Ed. Allahabad: Central Depot, 1961.
6. Speeches and Documents on the Indian Constitution 1945 -1947 (2 Vols.) London OUP, 1957.
7. Pylee, M. V. Constitutional History of India (1600 -1950) Bombay: Asia 1967.

## SEMESTER - II

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|--|-----------------|---|
|  | Law and Society | 4 |
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### UNIT 1: RELIGION AND LAW 8 Hrs.

Learning Outcome: On completion of this Unit students will be able to have a clear understanding of the role of religion in Indian polity and the guiding principle of Secularism in India.

Religions in India; Freedom of Religion and non-discrimination on the basis of Religion; Religious Minorities and the Law; Rajinder Sachar Committee Report; Secularism as a solution to Religious conflicts in India; SR Bommai Case.

### UNIT 2: REGIONALISM AND LAW 7 Hrs.

Learning Outcome: On completion of the Unit the students will have a better understanding of Regionalism in Indian Nationalism, its role in matters of education and employment and identity.

Indian Nationalism and Regionalism; Equality in the matters of employment and Admissions to educational institutions, Impact of Regional Accommodation of Identity; Measures for Aboriginal self-governance (VIth Schedule of the Constitution of India.)

### UNIT 3: LANGUAGE AND LAW. 7 Hrs.

Learning Outcome: On completion of this Unit the students will have a better understanding of the language policy in India.

Language Policy and the Constitution; Constitutional Protection to Linguistic Minorities; Reorganization of States on Language basis; Implications of the VIIIth Schedule; Language as a divisive factor.

### UNIT 4: WOMEN AND LAW 7 Hrs.

Learning Outcome: On completion of this Unit the students will have a better understanding of various issues faced by women in our country and the Constitutional guarantees they have.

Crimes against Women (Domestic Violence, Female Foeticide and Infanticide, Dowry Harassment, Sexual Offenses, Protection of Women at Work Places); Constitutional Provisions and Privileges; Role of National Commission for Women.

#### UNIT 5: CHILDREN AND LAW 7 Hrs.

Learning Outcome: On completion of this Unit the students will have a better understanding of the issues related to children, such as child labour, sexual exploitation and juvenile justice and care.

Child Labour, Child Labour (Prohibition and Regulation) Act, 1986; Legal Protection against Sexual Exploitation; Adoption of children and related problems; Juvenile Justice (Care and Protection) Act, 2000; Offenses against children under Indian Penal Code.

#### UNIT 6: DALITS AND LAW 8 Hrs.

Learning Outcome: On completion of this Unit the students will have a better understanding of caste system and the efforts to remove the disabilities attached to varna ashram.

VarnashramVyavastha; Caste in Hindu and non-Hindu Communities; Legislations related to Article 17 (Caste Disabilities Removal Act, 1850; Protection of Civil Rights Act, 1955; SC & ST (Prevention of Atrocities) Act, 1989; Dalit Movements (JyotibaPhule, Dr.Ambedkar, Rise of BahujanSamaj Party)

#### UNIT 7: TRIBALS AND LAW 8 Hrs.

Learning Outcome: On completion of this Unit the students will have a better understanding of the issues related to the development and displacement of the adivasis and the rights offered to them under the constitution of India.

Development and Displacement of Tribal's; Causes for the Spread of Naxalism; The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006; Protection of Tribal lands under the Fifth Schedule to the Constitution of India; Samatha Case.

#### UNIT 8: SOCIAL MOVEMENT AND LAW 8 Hrs.

Learning Outcome: On completion of this Unit the students will have a better understanding of the various social movements that India has witnessed and their role in community development.

Social movements and social change; Characteristics, Types and Functions of Social Movement; Community Development.

Moot Court exercise: 30 marks.

#### SUGGESTED READINGS

1. Bhat, P. Ishwara, Law and Social Transformation. Lucknow, Eastern Book Co., 2009.

2. Baxi, Upendra. The Crisis of Indian Legal System. New Delhi: Vikas, 1982.
3. Mahmood, Tahir, Law of India on Religion and Religious Affairs: Introduction, Text & Cases Law. New Delhi: Universal Law Publishing Co. Pvt. Ltd., 2008.
4. Rao, M.S.A, Social Movements and Social Transformation. New Delhi: Manohar, 1987.
5. Deva, Indra ed., Sociology of Law. New Delhi: Oxford University Press, 2005.
6. Bhatnagar, R.P., Law and Language. Delhi: Macmillan, 1999.

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|  | Legal Language and Legal Writing | 4 |
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#### UNIT 1: INTRODUCTION: LANGUAGE AND THE LAW 10 Hrs.

Learning Outcome: On completion of this Unit, students will be equipped with an understanding of the interplay between language and the law, the flaws in legal language and the significance of the language of the law.

#### UNIT 2. LEGAL COMPREHENSION (SELECT JUDGEMENTS) 10 Hrs.

A study of several landmark decisions delivered by the Apex Court aimed at familiarising students with some fundamental and well established legal principles that guide the Indian legal system.

#### UNIT 3: LEGAL MAXIMS 13 Hrs.

A study of 25 Latin maxims of particular importance, with a view to familiarizing students with principles of law enshrined therein.

Learning Outcome: On completion of this Unit students will be able to explain the meanings of Latin maxims, elucidate fundamental legal concepts and principles through them, as also use them in advocacy.

#### UNIT 4. USE OF WORDS AND PHRASES IN LEGAL WRITING 7 Hrs.

A study of a selection of common legal terms, as used within and outside the legal context.

#### UNIT 5. GENERAL PRINCIPLES GOVERNING LEGAL DRAFTING 3 Hrs.

A study of the general rules and guidelines to be adhered to while writing and communicating in a formal legal manner

Learning Outcome: This Unit seeks to impart to students the tools and techniques necessary to communicate cogently, concisely, and persuasively as lawyers.

UNIT 6: BASIC LEGAL DRAFTING 5 Hrs.

A practically oriented Unit intended to introduce students to elementary drafting.

Learning Outcome: On completion of this Unit students will be able to draft simple notices and pleadings.

UNIT 7: ACADEMIC LEGAL WRITING 12 Hrs.

General principles of academic legal writing, through the study of eminent authors' works, as well as practical writing exercises.

Learning Outcome: This Unit seeks to place emphasis on developing students' academic research and writing skills, so as to enable them to write effective academic legal papers.

Research papers; Precis; Case Comments & Case Briefs; Student Articles for Law Reviews.

SUGGESTED READINGS:

1. B. M. Gandhi, Legal Language, Legal Writing and General English, Eastern Book Company, 2010.
2. Blacks' Law Dictionary, Universal Publishing Ltd., 2000.
3. Broom's Legal Maxims, Universal Publishing Ltd., 2011.
4. Broom's Legal Maxims. 11th ed. New Delhi: Universal Publishing Ltd., 2011.
5. C.R. Datta & M.N. Das, DeSouza's Conveyancing, Eastern Law House, 13th ed., 2004
6. Dr. A. Prasad, Outlines of Legal Language in India, Central Law Publications, 6th ed., 2011
7. Dr. S.C. Tripathi, Legal language, Legal Writing and General English, Central Law Publications, 6th ed.,
8. E. Volokh, Academic Legal Writing, Foundation Press, 4th ed., 2010.

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| JURISPRUDENCE | 4 |
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UNIT 1: NATURE AND SCOPE OF JURISPRUDENCE 8Hrs.

Learning Outcome: At the end of this Unit students will get clarity of the concept Nature and Scope of Jurisprudence.

Definition, meaning, nature, classification, and value of Jurisprudence, Meaning and purpose of law

UNIT 2: SOURCES OF LAW 8Hrs.

Learning Outcome: At the end of this Unit students will get clarity of the different sources of Law

Custom, Legislation and Precedent

UNIT 3: LEGAL THEORIES 8Hrs.

Learning Outcome: At the end of this Unit students will get clarity of the different theories of jurisprudence

Analytical Theory, Natural Law theories, Pure theory of Law and Sociological theories

UNIT 4: PERSONS 8 Hrs.

Learning Outcome: At the end of this Unit students will get clarity of the concept “persons” – legal and natural and rights and obligations attached to it will become clear to the students.

Nature of personality; Status of the unborn, minor, lunatic, drunken and dead persons; Corporate personality; Dimensions of the modern legal personality: Legal personality of non-human beings

UNIT 5: POSSESSION AND OWNERSHIP 10 Hrs.

Learning Outcome: After the completion of this Unit students will get clarity about ownership as a right, its components and rights attached to it

Possession: the Concept; Kinds of possession; Ownership: the Concept; Kinds of ownership; Difference between possession and ownership.

UNIT 6: PROPERTY AND TITLE 8 Hrs.

Learning Outcome: At the completion of this Unit students will be clear about concept of property in law, kinds of property, rights& duties arising out of and attached to it

Property: the concept; Kinds of property; Title

UNIT 5: LIABILITY 10 Hrs.

Learning Outcome: At the end of this Unit, various types of liabilities and how these arise and the degrees of liability will be clear to the students

Conditions for imposing liability; Wrongful act; Damnum sine injuria; Causation; Men's rea; Intention; Malice; Negligence and recklessness; Strict liability; Vicarious liability.

UNIT 6:LEGAL RIGHTS 8 Hrs.

Learning Outcome: At the end of this Unit students will get clarity about the concept of right and its jural correlatives

The concept and meaning: Kinds; Right and duty correlation; Natural Rights and Fundamental Rights.

#### SUGGESTED READINGS

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

## SEMESTER - III

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|  | Law of Contract - I | 4 |
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### UNIT 1: STANDARD FORM OF CONTRACTS 5 Hrs.

Learning Outcome: The development of law of contract as a common law and the basic principles should be appreciated by the students to get an introduction to the topic as such.

Meaning; Advantages and Disadvantages; History and nature of contractual obligations; Definitions; Elements and kinds; Proposal and acceptance - forms, essential elements, communication and revocation; Proposal and Invitations for proposal; Floating Offers; Tenders, 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; Law Commission of India's views.

### UNIT 2: CONSIDERATION 5 Hrs.

Learning Outcome: To get an overview of the concept of consideration and the necessity of consideration to form a valid contract.

. Meaning, Kinds, Essential Elements; Doctrine of nudumpactum; Privity of contract and of consideration; Its exceptions; Adequacy of consideration; Present, past and adequate consideration; Unlawful consideration and its effects; Views of Law Commission of India on consideration; Evaluation of the doctrine of consideration.

### UNIT 3: CAPACITY TO CONTRACT: MEANING 5 Hrs.

Learning Outcome: To understand the privileges and immunities available to the weaker sections of the society.

Incapacity arising out of status and mental defect; Minor's agreements; Definition of 'minor'; Accessories supplied to a minor; agreements beneficial and detrimental to a minor; Affirmation; Restitution in cases of minor's agreements; Fraud by a minor; Agreements made on behalf of a minor; Minor's agreements and Estoppel; Evaluation of the law relating to minor's agreements; Other illustrations of incapacity to contract.

### UNIT 4: FREE CONSENT 10 Hrs.

Learning Outcome: Learning the basic concept of consent.

Definition of Consent and Free Consent; Factors vitiating free consent: Coercion – Definition, Essential elements, duress and coercion; Doctrine of Economic Duress, effect of coercion; Undue Influence – Definition, essential elements, Presumed existence of Undue Influence in law, Illustrations of undue influence – independent advice, pardahanashin women, unconscionable bargains, effect of undue influence; Misrepresentation – Definition, misrepresentation of law and of fact, their effects and illustration; Fraud – Definition, essential elements, suggestiofalsi and suppressioveri, When does silence amounts to fraud, Active, concealment of truth, importance of intention; Mistake – Definition, kinds, fundamental error, mistake of law and of fact, their effects, when does a mistake vitiate free consent and when not.

#### UNIT 5: LEGALITY OF OBJECTS 5 Hrs.

Learning Outcome: Understanding object to a contract as an essential element.

Void agreements, lawful and unlawful considerations, and objects, void, voidable, illegal and unlawful agreements and their effects; Unlawful considerations and objects; Forbidden by law; Defeating the provision of any law; Fraudulent; Injurious to person or property; Immoral; Against public policy.

#### UNIT 6: VOID AGREEMENTS 5 Hrs.

Learning Outcome: To learn other kinds of agreements which are expressly declared as void under Indian Contract Act, 1872.

Agreements without consideration; Agreements in restraint of marriage; Agreements in restraint of trade, its exceptions, sale of goodwill, section 11 restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service; Agreements in restraint of legal proceedings, its exceptions; Uncertain agreements; Wagering agreement, its exception.

#### UNIT 7: DISCHARGE OF A CONTRACT 5 Hrs.

Learning Outcome: Concept of discharge and conclusion of contractual liability on discharge are introduced to students.

By performance- conditions of valid tender of performance, How? By whom? Where? When? In what manner? Performance of reciprocal promises, time as essence of contract; By breach, anticipatory breach and present breach; Impossibility of performance, specific grounds of frustration, application to leases, theories of frustration, effect of frustration, frustration and restitution; By period of limitation; By agreement, rescission and alteration, their effect, remission and waiver of performance, extension of time, accord and satisfaction.

#### UNIT 8: REMEDIES AND QUASI-CONTRACTS 5 Hrs.

Learning Outcome: To understand the remedies available in law of contract and to apply the conceptual understanding when the situation demands.

Damages, lands, remoteness of damages, ascertainment of damages; Injunction, when granted and when refused, Why? Refund and restitution; Specific performance, When? Why?

#### UNIT 09: SPECIFIC RELIEF 15 Hrs.

Learning Outcome: After the completion of this Unit students will be conversant with the principles underlying the grant of specific reliefs and the different remedies provided under the Specific Relief Act.

Specific performance of contract; Contract that can be specifically enforced; Persons against whom specific enforcement can be ordered; Rescission and cancellation; Injunction: Temporary and Perpetual; Declaratory orders; Discretion and powers of court.

#### SUGGESTED READINGS

1. Bharuka, G. C. Mulla on The Indian Contract Act. 12th ed. Nagapur: LexisNexis ButterworthsWadhwa, 2009.
2. Beatson, Sir Jack, et al. Anson's Law of Contract. 29th ed. Oxford: Oxford University Press, 2010.
3. P. S. Atiya, Introduction to the Law of Contract. Clarendon Law Series 1992 (reprint)
4. Markanda, P. C. The Law of Contract. 2 vol; New Delhi: Wadhwa and Company, 2006.
5. Singh, Avtar. Law of Contract. 10th ed. Lucknow: Eastern Book Company, 2008.
6. Cheshire, G. C., Fifoot H. S. and Furmston, M. P. Law of Contract ELBS with Butterworths, 1992.
7. Nair, M. Krishnan, Law of Contracts. Hyderabad: Orient Longman Private Limited, 1998.
8. Treitel, G. H. Law of Contract, Sweet & Maxwell, 1997 (reprint).

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|  | Constitutional Law - I | 4 |
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#### UNIT 1: INTRODUCTION 4 Hrs.

Learning Outcome: On completion of this Unit students will get a historical perspective about the concepts of constitutionalism and rule of law Constitutional Law; Constitutionalism; Rule of Law; Historical Perspective; Salient Features of the Indian Constitutions; Fundamental Law; Preamble.

#### UNIT 2: FUNDAMENTAL RIGHTS 18 Hrs.

Learning Outcome: By the completion of this Unit the evolution and development of fundamental rights will be made clear to the students.

Introduction; Concept Origin and Development; Magna Carta; The English Bill of Rights of 1689; The American Bill of Rights of 1791 The French Declaration of Rights of Man; The Universal Declaration of Human Rights, 1948, Need Fundamental Rights in India; Classification; State and Fundamental Rights (Article 12); Justifiability of Fundamental Rights (Article 13); Unconstitutionality of a Statute; Doctrine of Eclipse; Doctrine of Severability; Waiver of Fundamental Rights; Right to Equality (Articles 14-18); Equality Before Law and Equal Protection of Law (Article 14); Rule of Law Under Article 14; Rule of Law Under Article 14; Reasonable Classification; Administrative Discretion and Article 14; Reservation in India; Mandal Commission and Its Effect

#### UNIT 3: FUNDAMENTAL RIGHTS 18 Hrs.

Learning Outcome: On completion of this Unit the basic nature of fundamental rights in the constitution its origin etc., will become clear to the students. Right to Freedom (Articles 19-22); Right to Freedom (Article 19); Protection Against Conviction (Article 20); Ex Post Facto Law; Double Jeopardy; Prohibition Against Self-Incrimination; Protection of Life and Personal Liberty (Article 21); Right to Education (Article 21-A); Safeguards Against Arbitrary Arrest and Detention (Article 25-28); Cultural and Educational Rights (Articles 29-30).

Right to Property - Article 19(1) (f) and 19 (5) Article 31; Inter-Relation of – Article 31, Article 14 and Article 19(1) (f); Article 31-A and the Saving Clause; Article 31- B and the Ninth Schedule; Article 31-C, Article 300-A. constitutional law-making

#### UNIT 4: DIRECTIVE PRINCIPLES OF STATE POLICY 12 Hrs.

Learning Outcome: On completion of this Unit the nature and status of directive principles, state's obligations and their significance will be clear to the students.

Object and Purpose Nature; Directive Principles and Fundamental Rights Distinguished; Directive Principles and Fundamental Rights – The Supremacy Factor; Fundamental Duties. Basic structure of the Constitution, Ninth schedule of the Constitution

Moot Court exercise: 20 marks

#### SUGGESTED READINGS

1. Singh, M. P. Shukla V. N. Constitution of India, 12th ed. Lucknow: Eastern Book Co., 2013.
2. De, D. J. Constitution of India. 2 vols., 2nd ed. Hyderabad: Asia Law House, 2005.
3. Basu, D. D. Constitutional Law of India, 7th ed. Nagpur: Wadhwa, 1998.
4. Jain, M. P. Indian Constitutional Law, 7th ed. Nagpur: Wadhwa & Co., 2014
5. Seervai, H. M. Constitutional Law of India: A Critical Commentary. 3 vols., 4th ed. New Delhi: Universal Law Publishers, 2006.
6. Lok Sabha Secretariat. Constituent Assembly Debates. 5 vols. New Delhi: Lok Sabha Secretariat.

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|  | Family Law- 1 | 4 |
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UNIT 1: NATURE, ORIGIN AND SOURCES 7 Hrs. Learning Outcome: On completion of this Unit students will be able to connect the core concept relating to traditional law with the reformed modern personal law which is based on statutes.

Nature and Origin of Hindu Law, Sources and schools of Hindu law

UNIT 2: CONCEPT OF PROPERTY 10 Hrs. Learning Outcome: On completion of this Unit students will be able to appraise on the nature of property transaction that exist in personal Laws Hindu family relations and the importance of ancestral property and Karta in Hindu family, partition.

UNIT 3: MARRIAGE AND DIVORCE 20Hrs. Learning Outcome: On completion of this Unit students will be able to analyze the concept of marriage and relate it to the changing nature of marriage and Matrimonial remedies.

Concepts of Marriage & Divorce, Conditions for valid marriage, Void & Voidable marriages, Registration of marriage, Matrimonial home, Restitution of conjugal rights. Judicial Separation, separation agreements. Divorce, grounds for divorce,. Divorce by mutual consent, Maintenance pending litigation and litigation expenses, Permanent alimony. Under Hindu marriage Act, 1955

UNIT 4: ADOPTIONS AND MAINTENANCE 15 Hrs. Learning Outcome: On completion of this Unit students will be able to understand the core concepts of adoption laws. The Unit will help students analyze it from sociological perspective thereby understanding the importance of adoption law in the society.

Hindu Adoptions & Maintenance Act, 1956,. Adoption under Juvenile Justice Act, Maintenance under 125 Cr.P.C.

UNIT 5: MINORITY & GUARDIANSHIP 8 Hrs. Learning Outcome: On completion of this Unit the students will be able to appraise the law relating to guardianship and the importance of guardian in the matters relating to wards.

The Hindu Minority and Guardianship Act, 1956

UNIT 6: CONCEPT OF SUCCESSION: 20 Hrs. Learning Outcome: The outcome of this study would be a understanding the legal principles of testamentary succession and intestate succession.

Hindu Succession Act,1956, order of succession among males, distribution of property among heirs of Class I & Class II of the schedule. Property of Hindu Female and rules of succession in the case of Female Hindus.

#### SUGGESTED READINGS

1. Diwan, Paras (Dr). Dr. Paras Diwan on Hindu Law, 2nd Ed. New Delhi: Orient Publishing Co. 2006.
2. Diwan, Paras (Dr). Law of Marriage & Divorce, 5th Ed. Delhi: Universal Law Publishing Co, 2008.
3. Diwan, Paras (Dr). Law of Intestate and Testamentary Succession. 3rded. New Delhi: Universal Law Publishing, 2006.
4. Mulla. Hindu Law, 20thed. New Delhi: LexisNexis Butterworths, 2007.

#### SEMESTER - IV

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|  | Law of Contract – II | 4 |
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UNIT 1: INDEMNITY 2 Hrs. Learning Outcome: Understanding the special relationship between the indemnifier and indemnity holder & the need and importance of contract of indemnity.

The concept; need for indemnity to facilitate commercial transactions; methods of creating indemnity obligations; definition, nature and extent of liability of indemnifier; commencement of liability of the indemnifier; Situations of various types; indemnity agreements, clauses; indemnity in international transactions; indemnity by governments during inter-state transactions.

UNIT 2: GUARANTEE 8 Hrs. Learning Outcome: Contract of guarantee play a very important role in protecting the position of creditor and principal debtor. It would enable the students to be familiar with the nature of guarantee contracts and relation between various parties.

Concept, definition; as distinguished from indemnity; basic essentials. The place of consideration and criteria for ascertaining the existence of consideration in guarantee contracts Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety; continuing guarantee, nature of surety's liability. Duration and termination of such liability, illustrative situations of existence of continuing guarantee, creation and identification of continuing guarantees. Letters of credit and bank guarantees as instances of guarantee transactions. Rights of surety, position of surety in the eye of law, various judicial interpretations to protect the surety. Co-surety and manner of sharing liabilities and rights; extent of surety's liability, discharge of surety's liability.

UNIT 3: BAILMENT 8 Hrs. Learning Outcome: Students will understand the legal responsibilities and liabilities of bailor and bailee in a contract of bailment.

Identification of bailment contracts in day to- day life; manner of creation of such contracts. Commercial utility of bailment contracts. Definition of bailment; kinds of bailees; duties of bailor and bailee towards each other. Rights of bailor and bailee; finder of goods as a bailee. Liability towards the true owner, obligation to keep the goods safe, right to dispose off the goods.

UNIT 4: PLEDGE 8 Hrs. Learning Outcome: The need for security for payment of debt. Relation between parties to such contracts and their liabilities and responsibilities.

Pledge: comparison with bailment, commercial utility of pledge transactions. Definition of pledge under the Indian Contract Act, other statutory regulations under regarding pledge, reasons for the same. Rights of the pawner and pawnee. pawnee's right of sale as compared to that of an ordinary bailee. Pledge by certain specified persons mentioned in the Indian Contract Act.

UNIT 5: AGENCY 10 Hrs. Learning Outcome: Identification of certain kinds of agency transactions in commercial world. Methods, purpose and creation of agency contracts.

Identification of certain kinds of agency transactions in day to day life in the commercial world. Kinds of agents and agencies. Distinction between agent and servant; essentials of an agency transaction. Various methods of creation of agency. Delegation, duties and rights of agent. Scope and extent of agent's authority, liability of principal for acts of the agent. Misconduct and tort of the agent, liability of the agent towards the principal. Personal liability towards the parties. Methods of termination of agency. Liability of the principal and the agent.

UNIT 6: SALE OF GOODS 14 Hrs. Learning Outcome: Law governing sale of goods would enable the students to understand the essentials of a valid sale and the legal relationship between the parties to such contracts.

Concept of sale as a contract, instances, Essentials of contract of sale, Implied terms in contract of sale. The Rule of Caveat emptor, exceptions. Changing concept of caveat emptor; Effect and meaning of implied warranties in sale; Transfer of title and passing of risk; Delivery of goods: various rules regarding delivery of goods; Unpaid seller and his rights; Remedies for breach of contract.

UNIT 7: PARTNERSHIP 12 Hrs. Learning Outcome: Understanding various commercial associations. Legal regulation of partnership firms and joint and several liability of the partners.

Nature and definition of partnership; Distinct advantages and disadvantages vis-à-vis partnership and private limited company; Mutual relationship between partners; Authority of partners; Admission of partners; Outgoing partners; Registration of partnership; Dissolution of partnership; Limited Liability Partnership.

#### SUGGESTED READINGS

1. Abhichandani, R. K. (ed.), Pollock and Mulla on Contracts and Specific Relief Acts. Bombay: Tripathi, 14th Edition, 2013.
2. Singh, Avtar. Contract Act. Lucknow: Eastern Book Co. 2000.
3. Nair, Krishnan. Law of Contract. Orient, 1999.
4. Singh, Avtar. Principles of Law of Sale of Goods and Hire Purchase, 1998.
5. Singh and Gupta, Verma J. P. (ed.). The Law of Partnership in India. New Delhi: Orient Law House, 19

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|  | Constitutional Law – II | 4 |
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#### UNIT 1: EXECUTIVE 10 Hrs.

Learning Outcome: At the end of this Unit, the students are expected to gain the basic inputs on the composition and significance of the union and state executive.

President of India – Election, Powers and Functions, Vice-President, Legislative Powers, Advisory Opinion of Judiciary – Governors – Appointment, Powers and Functions, Relationship Between State Government and Cabinet, Power to Make Laws – Relationship between Union and State Executives.

#### UNIT 2: LEGISLATURE 12 Hrs.

Learning Outcome: Students, at the end of this Unit, are expected to learn about the law-making process among others.

Constitution, Compositions and Sessions, Powers and Privileges of Members of Parliament and state legislatures – Introduction and Passing of Bills, Joint Sitting, Money Bills, Budget.

#### UNIT 3: JUDICIARY 15 Hrs.

Learning Outcome: On studying this Unit, students would get the required analysis about the pivotal role played by the Supreme Court in dispensation of justice.

Supreme Court – Establishment and Constitution, Court of Record, Jurisdiction, Original and Appellate Jurisdiction, Special Leave Petition, Precedents.

High Courts – Establishment and composition, Writ jurisdiction, Power over lower courts

Prerogative Writs – Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo Warranto. – Writ Jurisdictions of Supreme Court and High Courts.

#### UNIT 4: RELATIONSHIP BETWEEN CENTRAL & STATE GOVERNMENT 8 Hrs.

Learning Outcome: The study of this Unit is instrumental in students' understanding of the struggle for constitutional space by the two governments in federalism.

Federalism, Administrative Relations, Financial Relations, Finance Commission, Trade Relations.

#### UNIT 5: CONTRACTS AND SERVICES 8 Hrs.

Learning Outcome: Students would be learning, at the end of this Unit, the role of government as party to a contract and its implications as well as conditions affecting the services.

Government contracts, Recruitment and conditions of service, Doctrine of pleasure

UNIT 6: ELECTIONS, EMERGENCY AND AMENDMENT 7 Hrs.

Learning Outcome: The study of this Unit makes students appreciate the legal nuances of emergency and amendment powers as well as the manner of conducting of elections.

Election commission – Composition, Powers and Functions, Role of EC in the Superintendence of Elections, Anti-defection Law, Representation of Peoples Act, 1951.

Emergency – National, state and financial, Suspension of Fundamental rights, Amendment – power and necessary procedure.

Moot Court exercise: 10 marks

#### SUGGESTED READINGS

1. Singh, M. P., and V. N. Shukla. Constitution of India. 11th ed. Lucknow: Eastern Book Co., 2010.
2. De, D. J. Constitution of India. 2 Vols. 2nd ed. Hyderabad: Asia Law House, 2005.
3. Basu, D. D. Constitutional Law of India. 7th ed. Nagpur: Wadhwa, 1998.
4. Jain, M. P. Indian Constitutional Law. 6th ed. Nagpur: Lexis NexisButterworthsWadhwa, 2010.
5. Seervai, H. M. Constitutional Law of India: A Critical Commentary. 3 vols. 4th ed. New Delhi: Universal Law Publishers, 2006.
6. Lok Sabha Secretariat. Constituent Assembly Debates. 5 Vols. New Delhi: Lok Sabha Secretariat.

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|  | Family law – II | 4 |
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UNIT 1: NATURE, ORIGIN AND SOURCES: 7 Hrs. Learning Outcome: On completion of this Unit students will be able to connect the core concept relating to traditional law with the reformed modern personal law which is based on statutes.

Nature and Origin of Muslim law, Sources and schools of Muslim Laws.

UNIT 2: CONCEPT OF PROPERTY 10 Hrs. Learning Outcome: On completion of this Unit students will be able to appraise on the nature of property transaction that exist in personal Laws

Gifts and Endowments. Concept of property under Islamic Law, Hiba, Wakfs, Will

UNIT 3: Marriage, Dower and maintenance

UNIT 4: Dissolutions of Marriage

UNIT 5: Parentage, Legitimacy and Guardianship

UNIT 6: Pre-emption

UNIT 7: Inheritance.

**Books Suggested :**

1. Abdur Rahim, Principle of Islamic Jurisprudence (1994)
2. Syed Ameer Ali, Mahommedan Law, Tagore Law Lectures
3. Baillie, Digest of Moohummudan Law
4. The Durrul Mukhtar, (Tr. By Brij Mohan Dayal)
5. Fyzee, A.A.A. , Outlines of Muhammadan Law
6. Hedaya, Tr. Into English by C.I. Hamilton
7. S. Mahmassani, The Philosophy of Jurisprudence in Islam.
8. Tyabji, F. B., Muhammadan Law, The Personal Law of Muslims.
9. I. A. Khan (ed). Muslim Law. 10. S. Khalid Rashid, Muslim Law.

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|  | Environmental Law | 4 |
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UNIT-I 10 Hrs.

1. The concept of Environment
2. Environmental Policies in India
- 3 International initiatives for Protection of Environment:
  - i) U.N Stockholm Declaration, 1992;
  - ii) RIO Declaration,1992;
  - iii) Kyoto Protocol, 1997

UNIT-2 10 Hrs.

1. Important principles relating to Environment
  - I) Sustainable development;

- II) Intergenerational equity;
- III) Polluter Pay Principle;
- IV) Precautionary Principle.

2. Constitutional Provisions on protection of environment & Judicial Interpretation:

- i) Relevant Provisions of the Part-III of Constitution of India;
- ii) Relevant Provisions of the Part-IV of Constitution of India;
- iii) Relevant Provisions of Constitution of India on power of Legislation on Environment related Issues.
- iv) Constitutional Remedies: Art.32 and Art.226

UNIT-3 10 Hrs.

1. Laws relating to Environmental Pollution under:

- I) Law of Torts:
  - a. Public Nuisance, Negligence;
  - b. Strict Liability and Absolute Liability;
  - c. Damages and Injunction.
- II) Indian Penal Code,1860
- III) Sections 91 and 133 of Code of Civil Procedure, 1908

UNIT-4 10 Hrs.

1. Specific Laws for Protection of environment:

- i) Environment Protection Act,1986:
- ii) The Air (Prevention and Control of Pollution) Act 1981
- iii) The Water (Prevention and Control of Pollution) Act,1974

- iv) Forest Conservation Act 1980
- v) Wildlife Protection Act, 1972
- vi) Public Liability Insurance Act, 1991
- vii) National Green Tribunal Act, 2010

**SUGGESTED READINGS:**

1. Introduction to Environmental law by Santhakumar S.
2. Environmental law in India by Leelakrishnan.P
3. Environmental law and Policy in India by Resencranz&Diwan
4. Environmental Law by Jaiswal P
5. Environmental Law by Shastri S.C

**SEMESTER - V**

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|  | Company Law - I | 4 |
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**UNIT 1: INTRODUCTION, HISTORY AND REGULATORY REGIME 8 Hrs.**

**Learning Outcome:** On completion of this UNIT students will be able to appreciate the importance of business associations, history and regulatory framework relating to the same.

Overview of the subject, Legal Vehicles available for business activities – Corporate Bodies, Un-incorporated associations, proprietary concerns and HUF – Characteristics of each, The corporate bodies governed by The Companies Act, 1956, Other Corporate Bodies including co-operative societies and LLPs

History of corporate law and recent developments, The Modern corporation, Its role and significance, comparison with other forms of business organization – Advantages and disadvantages of doing business through the corporate vehicle – The evolution of commercial corporations and its recent developments – History of Registered Companies in England and India – Twentieth Century developments, Emergence of mega multinationals, Stakeholders in the corporation, Organs of the corporation and the correlation between them – Corporate Governance –An overview

#### UNIT 2: COMPANY AS SEPARATE LEGAL ENTITY AND EXCEPTIONS 8 Hrs.

Learning Outcome: On completion of this UNIT students will get clarity about jurisprudential aspects of ‘company’ and classification of companies

Jurisprudential issues – Incidents of corporate personality, Lifting the corporate veil – Statutory and judicial inroads to corporate personality, Legal personality of group companies.

Classification of companies – Chartered, Statutory and Registered Companies, Limited by Shares, Limited by Guarantee and Unlimited, Private and Public Companies, S. 25 Companies, Government Companies, Foreign Companies, Producer Companies, Group Companies.

#### UNIT 3: PROMOTION ACTIVITY AND FORMATION OF COMPANIES 8 Hrs.

Learning Outcome: On completion of this UNIT the process of formation of different kinds of companies and commencement of business will be made clear to the students.

Company Promoters – Legal Position of Company Promoters, Remedies against breach of duties by promoters

Pre Incorporation Contracts – Ratification-Jurisprudential Issues, Scope of Sections 15 and 19 of Specific Relief Act, 1963, Rights and Liabilities of the Company, third parties and promoters in respect of pre incorporation Contracts, Comparison between Indian and English Law

Provisional Contracts – Meaning, Trading certificate –Distinction between private companies and Public companies, Effect of provisional contracts

Contracts made after the company is entitled to commence its business

Formation of Companies – Legal and procedural issues, Conclusiveness of the certificate of Incorporation.

Commencement of business – Distinction between Private and public company

UNIT 4: CONSTITUTIONAL DOCUMENTS AND THEIR AMENDMENT 8 Hrs.

Learning Outcome: On completion of this UNIT students will come to know about the law and procedure relating to the basic documents for a company, obligations arising out of these documents

Memorandum of Association and Articles of Association- nature and correlations

Contents of Memorandum and Articles of Association – Obligatory and non-obligatory provisions of the Memorandum of Association, Legal status of the non-obligatory provisions, Whether Articles of Association are mandatory-significance of Table A articles, Contractual effect of the Memorandum and the Articles of Association, Shareholders’ Agreements and their effect on the company, Amendment of provisions in the Memorandum and the Articles of Association- Law & procedure.

UNIT 5: IRREGULAR COMPANY TRANSACTIONS 8 Hrs.

Learning Outcome: On completion of this UNIT Students will get an understanding of about the ultra vires actions, consequences and remedies available to the companies and their agents.

Doctrine of ‘Ultra Vires’ – Significance of the Object clause, Effect of Ultra Vires Transactions, Remedies

Doctrine of Constructive Notice and Indoor management – Legal protection of the Company and third parties prejudiced by the un-authorized transactions by the Companies Agents.

UNIT 6: MEMBERSHIP 5 Hrs.

Learning Outcome: On completion of this UNIT students will have clarity about the membership in companies, requirements and procedures related to the same.

Members of a Company and Their Legal Status – Register of Members – Membership in Respect of Shares in the Dematerialized Form – Service of Notice to Members, Company and ROC – Publicity Requirements with Regard to Membership

UNIT 7: CORPORATE FINANCE 5 Hrs.

Learning Outcome: On completion of this UNIT students will be able to understand statutory requirements various financial funds and maintaining finance in a company.

Capital – Concept of Capital in Corporate Law – Quasi-capital Funds – share premium account and capital redemption reserve fund – Rules governing the raising and maintenance of capital – Buyback of shares – Reduction of capital

#### UNIT 8: CORPORATE SECURITIES 5 Hrs.

Learning Outcome: On completion of this UNIT students will get clarity about acquisition of corporate securities , types of shares and debentures.

Types of Corporate Securities – Shares, Debentures and Other Securities – Legal Nature of Shares and Debentures – Classes of Shares and Their Special Features – Variation of Class Rights – Shares as property – Trust and beneficial interest, Share certificate, Lien on shares, Forfeiture of shares – Shares as membership

Debentures – Types of debentures-secured and unsecured, Debenture trust deed and debenture trustees, Remedies of debenture holders, Redemption of preference shares and debentures, Distinction between equity shares, preference shares and debentures, Conversion of preference shares into equity and debentures

Modes of acquisition of Corporate securities – Allotment, Transfer, Transmission, Legal and Procedural aspects, Blank transfers, Transfers of securities in dematerialized form

#### UNIT 9: COMPANY CHARGES AND COMPANY DEPOSITS 5 Hrs.

Learning Outcome: On completion of this UNIT students will be able to have clarity about the method of giving security for repayment of loan or other liabilities of a company will be made clear to the students.

Types of charge-fixed and floating charge – Registration of charges and effect of non-registration – Crystallization of floating charges – Theories of floating charges – Vulnerability of floating charges – Effect of negative covenants in winding up

#### SUGGESTED READINGS

1. Gower, L. C. B. Principles of Modern Company Law. London: Sweet and Maxwell, 1997.
2. Palmer. Palmer's Company Law. London: Stevens, 1987.

3. Pennington R. R. Company Law. Butterworths, 1990.
4. Ramaiya, Guide to the Companies Act. Wadha, 1998.
5. Sealy, L. S. Cases and Materials in Company Law. 2007.

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|  | Law of Crimes – I | 4 |
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#### UNIT 1: GENERAL INTRODUCTION 4 Hrs.

Learning Outcome: Students are expected, at the end of this unit, to underline the relative importance of criminal law and of IPC in the light of their conceptual hues.

Nature and definition of crime, Constituent elements of crime, Extent and application of Indian Penal code, Structure of IPC, Understanding definitions, General Explanations

General Exceptions: Mistake, Principle of ignorantia facti excusat, Principle of ignorantia juris, Accident, Infancy, Insanity, Intoxication, Consent, Mistake, Private defence

#### UNIT 2: PUNISHMENTS 4 Hrs.

Learning Outcome: At the end of this UNIT, students would be in a position to examine the paramountcy of punishments as a means to achieve the stated ends of criminal law.

Fine; Imprisonment, Simple and Rigorous; Imprisonment for life; Solitary confinement; Capital Punishment.

#### UNIT 3: ABETMENT 4 Hrs.

Learning Outcome: This UNIT equips the students, with an understanding of the requirement to appreciate the role of abettors in a crime.

Meaning of abetment, Abettor, Punishment for abetment, harbouring.

#### UNIT 4: CRIMINAL CONSPIRACY AND OFFENCES AGAINST STATE 4 Hrs.

Learning Outcome: At the end of this UNIT, the students would learn the kernel of criminal conspiracy the importance of which can hardly be over-emphasized in a modern state.

Definition, Punishment, Offences against state, Waging war, Sedition, Responsibility of public servant, Offences relating Army, Navy and Air force

UNIT 5: OFFENCES AGAINST PUBLIC TRANQUILLITY 4 Hrs.

Learning Outcome: Students are expected to appreciate the nuances of public tranquility at the end of this UNIT.

Unlawful assembly, Rioting, Assaulting or obstructing public servant, Provocation and communal enmity, Affray

UNIT 6: OFFENCES RELATING TO HUMAN BODY 12 Hrs.

Learning Outcome: At the end of this UNIT, the students are expected to obtain a clearer understanding of one of the most vexed issues of life and liberty.

Homicide, Murder, Suicide, Causing Miscarriage, Hurt, Wrongful Restraint and Confinement, Force, Assault, Kidnapping, Abduction.

UNIT 7: SEXUAL OFFENCES 4 Hrs.

Learning Outcome: Students would be privy to the complex issues pertaining to different kinds of injuries- physical to emotional- that may be inflicted on the human beings after studying this UNIT.

Rape, Unnatural offences.

UNIT 8: OFFENCES AGAINST PROPERTY 12 Hrs.

Learning Outcome: Students are expected, on completion of this UNIT, to understand the different offences against property.

Theft, Extortion, Robbery, Dacoity, Misappropriation, Criminal Breach of Trust, Receiving Stolen Property, Cheating, Trespass, Forgery, Falsification of Accounts, False, Criminal Breach of Contract of Service

UNIT 9: OFFENCES RELATING TO MARRIAGES 8 Hrs.

Learning Outcome: Study of this UNIT gives a holistic idea of different marital offences.

Bigamy, Adultery, Cruelty by Husband and Relatives, Dowry Death.

UNIT 10: OTHER OFFENCES 4 Hrs.

Learning Outcome: Students would be in a position to learn the other offences that are detrimental to the health of society.

Defamation, Criminal intimidation, Insult and Annoyance, Attempt to Commit Offences.

Moot Court exercise: 20 marks.

SUGGESTED READINGS

1. Gaur, K. D. Criminal Law: Cases & Materials. 4th ed. New Delhi: LexisNexis Butterworths, 2005.
2. Ashworth, Andrew. Principles of Criminal Law. 5th ed. New York: Oxford University Press, 2006.
3. Suresh, V., and D. Nagasaila. P. S. A. Pillai's Criminal Law. 9th ed. New Delhi: LexisNexis, 2006.
4. Pillai, K. N. Chandrashekhar. General Principles of Criminal Law. Lucknow: Eastern Book Co., 2005
5. Gour, Hari Singh. Commentaries on the Indian Penal Code. 12th ed. Allahabad, Delhi Law Publishers, 2005.
6. Chandrachud, Y. V. RatanlalDhirajlal's Indian Penal Code. 31st ed. Nagpur: Wadhwa & Co., 2006.
7. Basu, N. D. Indian Penal Code (Law of Crimes). New Delhi: Ashoka Law House, 2006.
8. Gaur, K. R. A Textbook on the Indian Penal Code. 3rd ed. New Delhi: Universal Law Publishing Co. 2004.
9. Turner, J. W. Cecil. Kenny's Outlines of Criminal Law. 19th ed. New Delhi: Universal Law Publishing, 2006.
10. Sarkar, S. C. Commentary on the Indian Penal Code. 4 Vols. Allahabad: Dwivedi Law Agency, 2006.

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|  | Property Law | 4 |
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**MODULE I: HISTORICAL BACKGROUND & GENERAL INTRODUCTION**

**A: Meaning and Definition of Property & Transfer of Property**

**B: Interpretation of-**

- 1.Movable & Immovable Property
- 2.Instrument
- 3.Attestation
- 4.Registration
- 5.Attached to earth
  
6. Actionable claim
  
7. Notice

**MODULE II: GENERAL PRINCIPLES OF TRANSFER OF PROPERTY**

**A: Transfer of property, whether movable or immovable**

- 1.Movable and Immovable property
- 2.Transfer of property- meaning and elements
- 3.What kinds of property can be transferred .
4. Restrictions on alienation of property
  
- 5.Restrictions on enjoyment of property
- 6..Transfer to unborn person
- 7.Rule against perpetuity
- 8.Vested and contingent interests
  
- 9.Conditional transfers
- 10.Ulterior transfer
- 11.Doctrine of election
- 12.Rule relating to apportionment

**B. Transfer of immovable property**

- i. Doctrine of holding out
- ii. Feeding the grant by estoppel
- iii. Doctrine of priority
- iv. Transfer lispendens
- v. Fraudulent transfer
- vi. Doctrine of part performance

**MODULE III: SPECIFIC TRANSACTIONS**

**A: Sale**

- i. Meaning and essentials
- ii. Rights and liabilities of buyer and seller
- iii. Marshalling by subsequent purchaser

**B: Mortgage**

- i. Meaning, essentials and kinds of mortgage
- ii. Right to redeem
- iii. Right to foreclosure or sale
- iv. doctrine of priority
- v. Doctrine of marshalling and contribution
- vi. Doctrine of subrogation
- vii. Charges

### **C: Lease**

- i. Meaning and essentials
- ii. Determination of Lease
- iii. Rights and liabilities of lessor and lessee

### **D: Gifts-**

- i. meaning and essentials
- ii. Gift how made
- iii. Onerous Gift
  
- iv. Universal donee

### **Module – IV**

Indian Easement Act, 1882.

Definition and essential features of easement; Kinds of easement; Imposition, Acquisition and Transfer of Easements

Licenses.

### **REFERENCES:**

Prescribed Legislation: Transfer of Property Act, 1882.

Prescribed Books:

H. S. Gaur's Commentary of Transfer of Property Act.

G.C.V. Subbarao's Commentary on Transfer of Property Act.

Mulla, Transfer of Property Act.

R.K.Sinha, The Transfer of Property Act.

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|  | Professional Ethics & Professional Accounting system | 4 |
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#### UNIT –I

Importance of legal profession in society-Evolution of legal profession in India

#### UNIT-II

Professional ethics , duties and liabilities of the advocate in relation to court, client, opponent court-Right to practice of the Lawyer – and Bench and Bar relationship and the role of the Lawyer - -obligation to render legal aid.

#### UNIT-III

The liability of the Advocate for deficiency in service and other wrongs in his professional dealing-Rights and Privileges of Advocate and restrictions -Contempt of Court Act 1971 -Advocates Act 1961

#### UNIT-IV

Statutory position of Bar Council of India-Disciplinary power of Bar Council of India-Bar Council of India Rules- Lawyer and maintenance of Client's account-General principles of accountancy.

#### Acts

- Bar Council of India Rules 1961
- Contempt of court Act 1971
- Advocate Act 1961
- Consumer Protection Act 2019

#### Books

- Book On Advocacy - Krishna Murthy Iyer
- The Golden Book on Advocacy - Keith Evam
- Bar Council Code of Ethics

#### Case Laws

## SEMESTER - VI

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|  | Company Law - II | 4 |
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UNIT 1: DIVISION OF POWERS BETWEEN THE GENERAL MEETING AND BOARD OF DIRECTORS 9 Hrs. Learning Outcome: At the end of this Unit, students are expected to know the fundamentals of the working of Boards and General Meetings. Powers of the Board: The rule in Curningham's case, Restriction on the Powers of Board – Statutory & Contractual, Statutory Provisions Conferring powers on Board and General Meeting.

UNIT 2: BOARD OF DIRECTORS 9 Hrs. Learning Outcome: At the end of this Unit, students would be in a position to critically analyze the composition, powers and functions of a Board of Directors. Board of Directors – Legal nature of the office of directors, Composition of the board, Qualification, Disqualification of the Directors, Categories of Directors, Additional Directors, Alternate Directors, Directors who fill Casual Vacancies, Nominee Directors, Government Director, Executive and Non-executive Directors, Whole Time & Part Time Directors, Independent Directors and Their Role, Shadow Directors. – Structure of the Board, Appointment of Directors and Allied matters, Qualifications and Disqualifications of Directors, Termination of Office of Directors – Publicity Regarding Directorship, Functioning of the Board – Remuneration of Directors Other Than Managerial Personnel – Committees of Board of Directors – Audit Committee, Remuneration Committee – Constituencies to which the directors owe duties, Fiduciary duty, Duty of care and skill, Statutory duties UNIT 3: MEETINGS 8 Hrs. Learning Outcome: This Unit creates an understanding of the concept and modalities of General Meeting in students. General Meeting as an Organ of the Company and its Operation, Types of Meetings, Transaction of the Business by the General Meeting. Procedural Requirements with regard to General Meeting. UNIT 4: ACCOUNTS AND AUDIT 8 Hrs. Learning Outcome: This Unit teaches the students to conduct an audit of the Accounts and Audit of a company. Accounts: Statutory books of accounts to be kept by the companies – Documents to be attached to Balance Sheet – Significance of Balance Sheet, Prescription of Accounting Standards – National Advisory Committee on Accounting Standards, Balance sheet and Profit and Loss Account – Authentication, Significance, Statements in the Balance Sheet, Legal Implications, Accounts of Branch Offices – Publicity with Respect to Account – Persons Having the Right to Inspect Books of Account – Directors' Report and Responsibility statement. Statutory Auditing: Position, powers and duties of statutory auditors – Fiduciary Duties – Duties of Care and skill, Constituencies to Which Statutory Auditors Owe Duties, Qualifications & Disqualifications of Statutory Auditors, Mode of Appointment and Removal, Tenure, Remuneration, Auditing of Government Companies

UNIT 5: DIVIDEND 8 Hrs. Learning Outcome: Students, at the end of this Unit, will learn the financial implications of a company by studying about dividends. Meaning and Nature of Dividend – Entitlement to Dividend – Cumulative Dividend – Asset available for Declaration of Dividend – ‘Profits’ and ‘Distributable Profits’ – Declaration of Dividend – Interim Dividend – Effect of Declaration and Payment of Dividend not out of Distributable Profits – Effect of Non-payment of Dividend. UNIT 6: MAJORITY RULE 8 Hrs. Learning Outcome: This Unit makes the students appreciate the statutory as well as the judicial approaches towards majority rule. Rule in Foss v. Harbottle and exceptions, Ratifiability of irregular acts UNIT 7: COMPANY LIQUIDATION – COMPULSORY AND VOLUNTARY WINDING-UP ON OVERVIEW 10 Hrs. Learning Outcome: On the conclusion of this Unit, students would get an idea of the how, why and what aftermath of winding up of a company. Kinds of liquidation, Grounds for Compulsory Winding Up, Commencement and Consequences of Winding Up Order, Who can File Winding Up Petition, Position, Powers and Duties of Liquidator, The Role of Court in Compulsory Winding up. Voluntary Winding up – Member’s Voluntary Winding up, Creditor’s Voluntary Winding up, Declaration of Solvency, Appointment of Liquidator, Committee of Inspectors, Powers and Duties of liquidators in Voluntary winding up Fraudulent Trading, Misfeasance Proceedings, Public and Private examination, Effect of Winding Up on Antecedent Transactions, Realisation of Assets and Distributions of Assets in Winding Up Position of Secured Creditors, Government and Employees. – Contributories right to set off, Avoidance of transfers etc. Offences in winding up, Dissolution of companies through winding up, Defunct companies and Registrar’s power under section 560.

#### SUGGESTED READINGS

1. PrachiManekar, Insights into the new Company Law, Lexis Nexis 2013. 2. Nicholas Bourne, Bourne on Company Law, Routledge, 2013. 3. Gower, L. C. B. Principles of Modern Company Law. London: Sweet and Maxwell, 1997. 4. Palmer. Palmer’s Company Law. London: Stevens, 1987. 5. Pennington R. R. Company Law. Butterworths, 1990. 6. Ramaiya, Guide to the Companies Act. Wadha, 1998.

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|  | Law of Crimes – II | 4 |
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UNIT 1: INTRODUCTION & FUNCTIONARIES UNDER THE CODE 4 Hrs.

Learning Outcome: Through this unit the students are introduced to some preliminary considerations such as the applicability, functionaries under the code etc.

Object of the Code; Applicability, Territorial Divisions and Classification of Offenses. Functionaries under the Code: (Police, Prosecutors, Defense Counsel, Courts). (S. 1-2, 6-9, 24-29 Cr. PC)

UNIT 2: ARREST, SEARCH & SEIZURE. 6 Hrs.

Learning Outcome: At the conclusion of this unit the students will have clear understanding of various types of arrest, search and seizure under the Cr.PC.

Meaning and Purpose; Arrest with / without Warrant. Arrest how made; After arrest procedures; Rights of Arrested Persons, Consequences of non-compliance with provisions of arrest. Search & seizure with/without warrant & consequences thereof. (S. 41-60A, Cr. PC).

UNIT 3: INVESTIGATION. 8 Hrs.

Learning Outcome: Through this unit students come to know the various aspects of investigation.

Meaning & purpose; When to investigate, Information to the police, FIR, Procedure after recording the FIR, Power to require attendance of witnesses, Power to interrogate witnesses & to record their statements, Evidentiary value of statements made to police, Power of Judicial Magistrate to record confessions/ statements, Case Diary, Procedure to follow on completion of investigation, Investigations & inquiries into cause of unnatural deaths, suicides, of death in police custody etc. (S. 154- 176, Cr. PC.)

UNIT 4: BAIL & ANTICIPATORY BAIL. 8 Hrs.

Learning Outcome: This unit gives the students an understanding of how the provisions relating to bail work.

Mandatory Bail; Bail in cases of non-bailable offenses, Powers of High Court & Sessions Court in granting bail; Anticipatory Bail; Cancellation of Bail; Provisions regarding bond of accused and sureties. (S.436-439, Cr. PC).

UNIT 5: COGNIZANCE, CHARGE, TRIAL & PLEA BARGAINING. 10 Hrs.

Learning Outcome: in this Unit the students learn how the charge is made and how the trial is conducted.

Meaning and Object of Cognizance, Cognizance of offences by Magistrates and Court of Session, making over of cases to Magistrates, Meaning, Form and Content of Charge; Alteration of Charge, Basic rules regarding charge and trial; Trial of Warrant Cases: (a) before a Sessions Court, (b) before a Magistrate; Trial of Summons Cases, Summary Trials, Plea Bargaining. (S. 190-199, S.211-224, S.225-265, S.265A- 265L, Cr. PC.)

UNIT 6: JUDGMENT & APPEAL 6 Hrs.

Learning Outcome: In this Unit the students are given a picture of the process on how a judgment is pronounced and how an appeal is preferred. Form and Contents; Post Conviction Orders; Compensation & Costs; Pronouncement of Judgment. Appeal from convictions, Appeals to superior courts, Procedure for dealing with an Appeal and powers of appellate courts.(S.353-363, S.372-394, Cr. PC)

UNIT 7: REFERENCE, REVISION & TRANSFER. 6 Hrs.

Learning Outcome: This unit tells the students how the process of reference, revision and transfer protect the life and liberty of the accused.

Reference to High Court, Revision: Powers of the Sessions Court and High Court for Revision, Powers of the Supreme Court/ High Court and Sessions Court to transfer Cases and Appeals. Inherent Powers of High Court.(S.395-412, S. 482. Cr. PC.)

UNIT 8: EXECUTION, SUSPENSION, REMISSION & COMMUTATION OF SENTENCES 4 Hrs.

Learning Outcome: In this Unit the students are taught the process of execution of a sentence, suspension, remission & commutation of sentence etc once the trial court hands out a judgment.

Death Sentence, Imprisonment, Levy of Fine, Suspension, Remission & Commutation of sentences.( S.413-424 Cr. PC.)

UNIT 9: MISCELLANEOUS, MAINTENANCE OF WIVES, CHILDREN & PARENTS, PREVENTIVE MEASURES & SECURITY PROCEEDINGS 8 Hrs.

Learning Outcome: Under this Unit students are made aware of the ways by which law prevents starvation and vagrancy etc leading to commission of crimes. Students are taught under this unit how apart from having provisions leading to criminal trial, how the Code has also made provisions for the prevention of crimes.

Persons entitled to claim maintenance, Essential conditions for granting maintenance, Jurisdiction of Magistrates, Enforcement of the Order of Maintenance, Alteration of Allowance (S. 125-128. Cr.PC).

Preventive action of the Police: Security for keeping peace, for good behaviour, Action under S.107-110. Dispersal of Unlawful Assemblies, Removal of public nuisance, Urgent Cases of apprehended danger or nuisance.(S. 107-110, 129-153, Cr. PC.)

Moot Court exercise: 10 marks

SUGGESTED READINGS

1. The Code of Criminal Procedure, 1973. (Compulsory Reading)

2. Ratanlal and Dheerajlal. Criminal Procedure Code. Nagpur: Wadhwa, 2006. (Text Book)
3. KNC Pillai (Ed): RV Kelkar's Lectures on Criminal Procedure. Eastern Book Company, Lucknow, 2013.
4. SN Mishra: The Code of Criminal Procedure, 1973; Central Law Publications, Allahabad. (2013).
5. Mitra, B. B. Criminal Procedure Code. Kolkata: Kamal Law House, 2005.
6. Gaur K.D. Textbook on the Code of Criminal Procedure, Universal Law Publication, 2016.
7. RV Kelkar's Criminal Procedure, Eastern Book Company, Latest Edition.
8. Takwani Criminal Procedure, Lexis Nexis, 4th Edition, 2015.

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|  | Intellectual Property Law | 4 |
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#### UNIT 1: HISTORICAL EVOLUTION OF INTELLECTUAL PROPERTY RIGHTS

10 Hrs.

Learning Outcome: At the end of this Unit, students will be equipped to appreciate the territorial evolution and the international and global expansion of intellectual property together with its philosophical and economic underpinnings.

Historical Evolution of IPR Protection – Patent, Copyright, Trademark, Designs, GI, Plant Varieties, Lay-out designs of ICs; Philosophical & Theoretical Justifications; International Protection – Paris Convention, Bern Convention, Lisbon & Madrid Agreement, TRIPS Agreement

#### UNIT 2: PATENTS 12 Hrs.

Learning Outcome: This Unit enables the students to understand the fundamental aspects of patents, especially the criteria for patentability and patentees' rights together with the procedural aspects of acquisition and enforcement

Objectives of Patent Law; Meaning, Subject matter and eligibility; Procedure for Acquisition – Contents of Application; Provisional & Complete Specification; Procedure for Filing; Procedure for grant of patents – Anticipation; Ownership and assignment; Limitations and Exceptions to

Patent Rights – Government use, Compulsory Licensing; Infringement and acts not amounting to infringement (their relation to limitations and exceptions); maintenance surrender and revocation of patents; Powers of the Controller

#### UNIT 3: COPYRIGHT 12 Hrs.

Learning Outcome: On completion of this Unit students would be able to appreciate the various works protected by copyright, management and transfer of rights and law relating to infringement.

Objectives of copyright protection; eligibility; Meaning of copyright; originality and idea-expression dichotomy Works protected under copyright; Economic Rights, Moral rights and neighbouring rights; Registration of copyright; ownership, licensing and assignment; copyright societies; Limitations and Exceptions; Infringement; Technological Protection Measures

#### UNIT 4: TRADEMARK 12 Hrs.

Learning Outcome: This Unit makes the students understand the requisite conceptual as well as statutory provisions pertaining to trademarks and various trends in relation to passing off.

Objectives and functions of trademark protection – registration of trademarks and service marks; concept of distinctiveness and consumer deception – grounds for refusal of registration; well-known marks and dilution – passing off and infringement; Registration of domain names; Cyber squatting

#### UNIT 5: DESIGNS 6 Hrs.

Learning Outcome: Study of this Unit gives a holistic view of the different facets of designs.

Objectives of design protection – criteria for protection - grounds of refusal and element of functionality – rights – ownership and assignment of right – infringement; Overlap between copyright and designs

#### UNIT 6: EXPANDING HORIZONS OF IP 8 Hrs.

Learning Outcome: This Unit enables the students, at the end, to appreciate IP as a response to new technology and also the areas of conflict emerging out of IPR

Protection of Semiconductor Chips; Geographical Indications; Plant Varieties – Farmers’ Rights, Biodiversity, Traditional Knowledge and Traditional Cultural Expressions

## SUGGESTED READINGS

1. Subram, N. R. Demystifying Intellectual Property Rights. New Delhi: LexisNexis – ButterworthsWadhwa, Nagpur, 2009.
2. Bainbridge, David. Intellectual Property. 5th ed. Pearson Education, 2003.
3. Torremans, Paul, and Jon Holyoak, Intellectual Property Law. 2nd ed. Butterworths, 1988.
4. Bains, Willam. Biotechnology from A to Z. 2nd ed. VCH, Federal Republic of Germany, 1998.
5. Bainbridge, David. Intellectual Property. 5th ed. Addison-Wesley Longman Ltd, 2002.
6. Colston, Catherine, and Kirsty Middleton. Modern Intellectual Property Law. 2nd ed, Cavendish Publishing, 2005.

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|  | Interpretation of statutes | 4 |
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### UNIT 1: INTRODUCTION 8 Hrs.

Learning Outcome: On completion of this Unit students will be able to know the general principles and rules of statutory and Constitutional interpretation and explain their applicability.

Legislation: Meaning, process - Types of legislation: Codifying, Consolidating, by Incorporation, by Reference, Validating Act, Amending Act, General and Special Acts – Different Parts of Statutes – Interpretation v. Construction – Fundamental or Basic Principles/Rules of Interpretation: *sententia legis*, *ex visceribus actus* and *ut res magis valeat quam pareat* – Guiding Rules of Interpretation: Literary Rule, Golden Rule, Mischief Rule or Purposive Construction and Harmonious Rule – Subsidiary Rules: Same word same meaning, use of different words, *non obstante* clause, legal fiction, mandatory and directory provisions, conjunctive and disjunctive words, construction of words: *noscitur a sociis*, *eiusdem generis* and *reddendo singulari singularis* – Constitutional Interpretation: Doctrines of Severability-Reading down/in, Eclipse, Harmonious Construction, Colourable Legislation, Constitutional Silence, Pith and Substance and Ancillary Enroachment, Repugnancy, Prospective Overruling, and Basic Structure.

### UNIT 2: INTERNAL AIDS TO INTERPRETATION 8 Hrs.

Learning Outcome: On completion of this Unit students will be able to know the various intrinsic aids to statutory construction.

Long Title – Preamble – Headings - Marginal Notes or Section headings – Punctuation – Illustration – Definition – Proviso – Explanation – Transitional Provision – Schedule – Differences between Proviso and Exception

#### UNIT 3: EXTERNAL AIDS TO INTERPRETATION 10 Hrs.

Learning Outcome: On completion of this Unit students will be able to know the extrinsic material which can be used to interpret a statute and the circumstances in which they may be used for interpretation and its due weight as given in judicial decisions.

Legislative History: English, American and Indian Practices –Historical facts and Surrounding Circumstances - Later Social, Economic, Political and Scientific and Technological Developments – contemporaneaexpositio or executive construction - References to Statutes in parimateria, Use of Dictionaries, Legal Texts and Use of International Treaties and Foreign Decisions

#### UNIT 4: PRESUMPTIONS IN INTERPRETATION 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to know the various presumptions in interpretation of statutes.

Presumption regarding statutes: Constitutionality – Territorial Operation – Principles of International Law – Jurisdiction of Courts – Affect of Statute on State - Construction most agreeable to justice and reason: avoiding absurd, anomalous or inconvenient or unjust results - Presumption regarding Legislature: knows the existing law, does not commit mistakes or make omissions or precise in its choice of language

#### UNIT 5: STATUTES AFFECTING JURISDICTION OF COURTS 4 Hrs.

Learning Outcome: On completion of this Unit students will be able to the effect of exclusionary provisions in a statute.

General Principles – the extent of exclusion of jurisdiction of civil courts – exclusion of jurisdiction of superior courts

#### UNIT6: EXPIRY AND REPEAL OF STATUTES 8 Hrs.

Learning Outcome: On completion of this Unit students will be able to know the implications of repeal.

Perpetual and Temporary Statutes – Effect of Expiry of Temporary Statute - Repeal – Implied Repeal – Consequences of Repeal – Quasi repeal by desuetude

#### UNIT 7 : INTERPRETATION OF FISCAL STATUTES 4 Hrs.

Learning Outcome: On completion of this Unit students will be able to identify distinctly the various rules governing construction of fiscal statutes in particular.

Principles of Strict Construction – General Principles – Special Rules – Exemptions and Notifications – Machinery and Procedural Provisions – Other Principles: Double Taxation, Territoriality, Burden of Proof, Retrospectivity – Tax Statutes and Constitution – Tax Evasion

UNIT 8: INTERPRETATION OF REMEDIAL AND PENAL STATUTES 4 Hrs.

Learning Outcome: On completion of this Unit students will be able to clearly distinguish between construction of penal and beneficial pieces of legislation.

Remedial and Penal Statutes: Distinction – Liberal Construction of Remedial Statutes – Strict Construction of Penal Statutes – mens rea in statutory offences

UNIT 9: SUBORDINATE LEGISLATION AND MIMAMSA RULES 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to know the rules at play in delegated pieces of legislation. And will also acquaint themselves with the Mimamsa Rules of Interpretation as applied by the Indian courts.

Forms of Delegated Legislation–Constitutional Limits – Distinction between Conditional and Delegated Legislation – Delegated Legislation and Judicial Review Procedures and Powers under General Clauses Act, 1894 - Mimamsa Rules of Interpretation: Application, Maxwell v. Mimamsa

#### SUGGESTED READINGS

1. Singh, Guru Prasanna., Principles of Statutory Interpretation. 14th edition, Nagpur: Lexis Nexis, 2016.
2. Sarathi, Vepa P., Interpretation of Statutes. 5th ed. New Delhi: Eastern Book Company, 2010.
3. Langan, P. St. J. (Ed.), Maxwell on the Interpretation of Statutes. 12th ed. New Delhi: Lexis Nexis, 1969
4. Jone, Oliver (Ed.), Bennion on Statutory Interpretation 5th ed. London: Lexis Nexis, 2013
5. Dhanda, Amita (Ed.), N. S. Bindra's Interpretation of Statutes. 12th ed. New Delhi: Lexis Nexis, 2017.
6. Katju, Markandey., Interpretation of Taxing Statutes, 2nd Edition, Butterworths, 1998

7. Mukhopadhyay, Sukumar., Interpretation of Fiscal Statutes in India, 3rd Edition, New Delhi: Centax, 2010
8. Chopra, D.S., Interpretation of Statutes, 1st ed. New Delhi: Thomson Reuters, 2014.
9. Katju, Markandey, (Ed)., K.L.Sarkar's Mimamsa Rules of Interpretation. 4th ed. New Delhi: Thomson Reuters, 2013.
10. Scalia, Antonin., and Bryan A Garner., Reading Law: The Interpretation of Legal Texts, West Group, 1st Edition, 2012

## SEMESTER - VII

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|--|-----------------|---|
|  | Law of evidence | 4 |
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### A. Law of Evidence

#### UNIT 1: INTRODUCTION 6 Hrs.

Learning Outcome: At the end of this Unit students will be able to define the basic terms and show familiarity with their usage.

Objects and Reasons of India Evidence the Act 1972, definitions of: “fact”, “facts in issue”, “relevant”, “document”, “evidence”, “proved”, “disproved” and “not proved”, “may presume”, “shall presume” and “conclusive proof”.

#### UNIT 2: RELEVANCY OF FACTS 10 Hrs.

Learning Outcome: At the end of this Unit students will be able to give their opinions as to whether a fact is relevant as evidence.

Motive, preparation, previous or subsequent conduct, role of motive in an offence, facts necessary to explain or introduce relevant facts, identification of accused, existence of conspiracy, significance of common intention etc.

#### UNIT 3: ADMISSIONS AND CONFESSION 8 Hrs.

Learning Outcome: At the end of this Unit students will be able to give opinion as to the relevancy and effect of an admission or a confession as evidence in a case.

Admission defined. Oral admissions, admission in civil cases, confession, information received from accused etc.

#### UNIT 4: STATEMENTS BY PERSONS WHO CANNOT BE CALLED AS WITNESS

4 Hrs.

Learning Outcome: At the end of this Unit students will be able to advise as to the course available where the persons who have made statements relevant in a case cannot be produced before the court to give evidence.

Who is dead or cannot be found: Statements made under special circumstances Entries in books of account, public record or electronic record, maps, charts and plans, law contained in law books.

#### UNIT 5: JUDGMENT AND OPINIONS 8 Hrs.

Learning Outcome: At the end of this Unit students will be able to form opinion as to the admissibility of judgements and orders as evidence.

Previous judgements, judgements in probate etc, fraud or collusion in obtaining judgement or incompetence of court may be proved.

Opinion of experts, handwriting, digital signature, existence of right or custom, usages, tenets, opinion on relationship, grounds or opinion.

#### UNIT 6: CHARACTER 4 Hrs.

Learning Outcome: At the end of this Unit students will be able to tell when character may be proved and when it cannot be proved.

Civil cases and criminal case, previous bad character, character as affecting damages.

#### UNIT 7: WITNESSES AND PROOF OF FACTS 6 Hrs.

Learning Outcome: At the end of this Unit students will be able to tell who may be a witness in a case, what is the weight of his evidence and how the evidence may be recorded. They will also be able to tell whether a particular fact needs to be proved.

Witnesses, who may testify, judges and magistrates, communication during marriage, professional communications, confidential communication, accomplice.

Facts judicially noticeable, facts admitted

#### UNIT 8: ORAL EVIDENCE 4 Hrs.

Learning Outcome: At the end of this Unit students will be able to explain the rules of Evidence Act in respect of oral evidence.

Proof of facts by oral evidence. Direct and Hearsay Evidence. Exclusion of Oral by Documentary Evidence, Evidence of Terms of Contracts, Grants Etc.

Examination of Witness: Examination-in-chief, leading questions, cross examination, indecent and scandalous questions, impeaching credit of witnesses, refreshing memory, production of documents, judge's power to put questions etc. Improper admission and rejection of evidence.

#### UNIT 9: DOCUMENTARY EVIDENCE 4 Hrs.

Learning Outcome: At the end of this Unit students will be able to explain the rules of Evidence Act in respect of documentary evidence.

Contents of documents, primary & Secondary evidence, proof of signature, attesting witness – public & private documents, certified copies, official documents – Presumption as to Documents: Genuineness of certified copies, record of evidence, gazettes, books, collection of laws and report of decisions, powers-of-attorney, digital signature, foreign judicial records, maps, charts, telegraphic messages, documents 30 years old & electronic records 5 years old.

#### UNIT 10: BURDEN OF PROOF 6 Hrs.

Learning Outcome: At the end of this Unit students will be able to explain the rules of Evidence Act in respect of burden of proof.

On whom burden of proof lies, burden of proving fact to be proved to make evidence admissible, exceptions, presumption as to dowry death, presumptions in cases of rape.

#### SUGGESTED READINGS

1. Indian Evidence Act, 1872. New Delhi: Universal Law Publishing.
2. Nandi. Indian Evidence Act, Kolkata: Kamal Law House, 2005.
3. Mishra, Ranganath. Supreme Court on Evidence Act. New Delhi: Bharat Law House 2009.
4. Field. Field's Commentary on Law of Evidence. Delhi: D. L. House, 2006.
5. Woodroffe, Sir John, and Syed Amir Ali. Sir John Woodroffe and Syed Amir Ali's Law of Evidence. New Delhi: Universal Publishing Co., 2001.
6. Monir M., Text Book on the Law of Evidence. New Delhi: Universal Law Publishing, 2006.

7. Singh, Avtar. Principles of the Law of Evidence. Allahabad: Central law Publication, 2005.
8. Lal, Batuk. BatukLal's Law of Evidence. Allahabad: Orient Publishing Company 2004.

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|  | Public International Law |  |
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## Public International Law

### UNIT 1: INTRODUCTION TO INTERNATIONAL LAW 8 Hrs.

Learning Outcome: On completion of this Unit students will be able to understand the nature and definition of international law and its significance along with other related aspects. The Unit will help the students to analyse the scope and ambit of this discipline.

Definition, Nature, Relationship and Difference between Public International Law and Private International Law, Importance of International Law, Theory of Law of Nature, Theory of Positivism, True Basis of International Law, Theory of Consent, Theory of Auto Limitation, Pacta Sunt Servanda, New trends.

### UNIT 2: SOURCES OF INTERNATIONAL LAW 9 Hrs.

Learning Outcome: On completion of this Unit students will be able to analyse the various sources of international law along with its significance. The Unit also focuses on the evolving prominent sources of international law such as soft laws, jus cogens etc.

Conventions, Customs, General Principles of Law, Judicial Decisions, Works of Jurists.

### UNIT 3: RELATIONSHIP BETWEEN MUNICIPAL LAW AND INTERNATIONAL LAW 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to appreciate the enforceability and validity of international law within the national jurisdictions.

Relationship between international law and municipal law, Doctrines of Monism and Dualism, Automatic Adoption and Specific Adoption.

#### UNIT 4: LAW OF TREATIES 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to understand the significance of treaties and its validity, observance and termination.

Introduction to treaty law, Conclusion of treaties, Reservations, Observance, Application and Interpretation of Treaties, Modification and Amendment of Treaties, Invalidation, Termination and Suspension of Treaties.

#### UNIT 5: STATEHOOD AND RECOGNITION 8 Hrs.

Learning Outcome: On completion of this Unit students will have clarity on states and entities similar to states that are treated as subjects of international law. The traditional and modern incidence of statehood and the concept of recognition which follows statehood are also discussed with the help of significant case laws.

Subjects of international law: Individuals, States; International Organizations; Non State Entities; Entities Sui Generis, Definition and Incidence of Statehood; Rights and Duties of States; Recognition – Theories, Modes, Effects of Recognition.

#### UNIT 6: STATE TERRITORY AND STATE SUCCESSION 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to understand the concepts associated with state territory. Modes of acquisition and loss of territory and state succession also is dealt with in detail.

State Territory; Modes of Acquisition; Modes of Loss, Definition of State Succession;

Rights and Duties Arising out of State Succession

#### UNIT 7: STATE JURISDICTION AND RESPONSIBILITY 10 Hrs.

Learning Outcome: On completion of this Unit students will be able to gauge the scope and ambit of state jurisdiction, state responsibility and diplomatic and consular immunity under international law.

State Jurisdiction and Responsibility; Theories of Jurisdiction; Elements of Responsibility; Diplomatic and Consular Immunity in International Law.

#### UNIT 8: LAW OF THE SEA 10 Hrs.

Law of the Sea under UNCLOS, Territorial Sea, Contiguous Zone, EEZ, Continental Shelf and the High Seas. Exercise jurisdiction in various zones and exploitation of resources, common heritage of mankind.

#### UNIT 9: NATIONALITY, ASYLUM AND EXTRADITION 7 Hrs.

Learning Outcome: On completion of this Unit the learner will be able to decipher the principles related to nationality, extradition and asylum.

Nationality: Meaning; Modes of Acquisition of Nationality; Loss of Nationality; Principle of Effective Nationality (Nottebohm case); Statelessness; Extradition: Meaning; Basic Principles; Conditions; Asylum: Meaning and Definition; Conditions for seeking asylum; Relationship between Asylum and Extradition; Distinction between Asylum seekers and Refugees

#### UNIT 10: SETTLEMENT OF INTERNATIONAL DISPUTES 10 Hrs.

Learning Outcome: On completion of this Unit the learner will be able to understand the pacific means of settlement of disputes under international law. The jurisdiction of ICJ and other specialized chambers are also discussed in this regard.

Means of Settlement: Arbitration, Negotiation, Good Offices, Mediation, Conciliation, Enquiry; Settlement of International Disputes under the United Nations; International Court of Justice and other adjudicatory bodies.

#### SUGGESTED READINGS

1. Brownlie, Ian. Principles of Public International Law, by James Crawford, 8th ed. Oxford, 2012
2. Venzke, How Interpretation makes International Law, 2013, Oxford University Press.
3. Garcia-Salmones Rovira, Project of Positivism in International Law, 2014, Oxford University Press.
4. Walter et al (eds.), Self Determination and Secession in International Law, 2014, Oxford University Press.
5. Cassese, Antonio, International Law, 2nd ed. Oxford University Press.

6. Shearer, I. A. Starke's International Law. 11th ed. Eastern Book Co., 2007, Lucknow.

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|  | Land Law | 4 |
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Module-I: Land Reform

- Concept of Land Reform;
- Land Reforms and India.

## Module-II: Land Reforms in WB

- Land Reforms in West Bengal;
- Operation Barga.

## Module-III: THE WEST BENGAL LAND REFORMS ACT, 1956

- Definitions. (Section 2)
- Raiyats: Various rights; restrictions on rights (Sections 4-7)
- Pre-emption (Section- 8)
- Powers of Revenue Officer (Section 9, and powers under other provisions under the Act)
- Diluvated Land (Section 11)
- Partition of holding among Co- sharer Raiyats (Section 14)
- Restrictions on alienation of Land by Schedule Tribes (Sections 14A- 14I)
- Ceiling on Holding (Sections 14J- 14Z)
- Bargadars (Sections 15- 21E)
- Principles of Distribution of Land (Sections 49- 49A) Page-56

## Module-IV: THE LAND ACQUISITION ACT, 1894

- Definitions (Section 3)
- Acquisition (Sections 4- 10)
- Reference to Court and Procedure thereon (Sections 18- 28A)
- Acquisition of land for Companies (Sections 38A- 44B)

## Module-V: THE WEST BENGAL PREMISES TENANCY ACT, 1997

- Definitions (Section 2)

- Eviction: (Sections 6- 7)
  - Fair Rent: (Sections 17- 22)
  - Appointment of Controller,
  - Additional and Deputy Controller and Registrar: (Section 39)
  - Final Hearing of certain applications: (Section 42)
  - Appeal, Revision and Review: Fair Rent: (Section 43)
- Bare Acts:
- The West Bengal Land Reforms Act, 1956
  - The Land Acquisition Act, 1894
  - The West Bengal Premises Tenancy Act, 1997

RECOMMENDED READING:

- The West Bengal Land Reforms Act. : A. N. Saha,
- The West Bengal Land Reforms Act. :SusantaSen,
- The West Bengal Land Reforms Act. : D. P. Chatterjee,
- The West Bengal Land Reforms Act. :Ashutosh Mukherjee

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|  | Elective-I<br>Cyber Law | 4 |
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## **Module I: Introduction**

- Overview of Computer and Web Technology
- Need for Cyber Law
- Cyber Jurisprudence at International and Indian Level

## **Module II: Jurisdictional Aspects in Cyber Law**

- Issues of jurisdiction in cyberspace
- Types of jurisdiction
- Prerequisites of jurisdiction.
- The Test evolved
  - Minimum Contacts Theory
  - Sliding Scale Theory
  - Effects Test and International targeting □Jurisdiction under IT Act, 2000.

## **Module III: Cyber Crimes& Legal Framework**

- Introduction to Cyber Crimes
- Cyber Crimes Vs. Conventional Crime
- Reasons for cyber crimes and cyber criminals
- Cyber Crimes against Individuals, Institution and State
  
- Cyber Crimes
  - ✓ Hacking

- ✓ Digital Forgery
- ✓ Cyber Stalking/Harassment
- ✓ Cyber Pornography
- ✓ Identity Theft & Fraud
- ✓ Cyber Terrorism
- ✓ Cyber Defamation Viruses ( File Infectors, Boot record infectors, Boot and file viruses)
- ✓ Salami attacks- Web Jacking
- ✓ Denial of service attack
- Right to Privacy and Data Protection on Internet
  - Concept of privacy
  - Threat to privacy on internet
  - Ingredients to decide confidentiality of information
  - Breach of sensitive personal information and confidentiality under IT Act and penalties for the same.
  - Right of Interception under IT Act.
- Different offences under IT Act, 2000

#### **Module IV: Digital signature and Electronic Signature**

- Concept of public key and private key
- Certification authorities and their role
- Creation and authentication of digital signature
- Concept of electronic signature certificates □Electronic Governance
- Concept of electronic records and electronic signatures

- Rules for attribution, acknowledgement and dispatch of such records

### **Module V: E Contracting**

- Salient features of E-contract
- Formation of E-contract and types
- E-mail Contracting
- Indian Approach on E-contracts

### **Module VI: E Commerce**

- E-commerce-Salient Features and advantages
- Models of E-commerce like B2B, B2C
- Indian Laws on E-commerce

### **Module VII:E-Governance**

- E Government and E Governance
- Components of E Governance
- Types of interactions in E Governance
  - G2G
  - G2B
  - G2C
  - G2E
- Benefits of E Governance

- Governance
  - Public Service
  - Management
- 
- E Governance challenges specific to India
  - Legal Frame work for E Governance under IT Act
  - Initiatives taken in India ( Various E Governance Programs)

### **Module VIII: Intellectual Property Issues in Cyber Space**

- Interface with Copyright Law
- Trademarks & Domain Names Related issues
- Dispute Resolution in Cyberspace

### ***References***

- Karnika Seth, *Computers, Internet and New Technology Laws*, Lexis Nexis Butterworths Wadhwa Nagpur.
- Nandan Kamath, *Law Relating to Computer Network and E-commerce*, Universal Law Publisher.
- Apar Gupta, *Commentary on Information Technology Act*, Lexis Nexis.
- Chris Reed & John Angel, *Computer Law*, OUP, New York, (2007).
- Justice Yatindra Singh, *Cyber Laws*, Universal Law Publishing Co, New Delhi, (2012).
- Verma S, K, Mittal Raman, *Legal Dimensions of Cyber Space*, Indian Law Institute, New Delhi, (2004)
- Jonthan Rosenoer, *Cyber Law*, Springer, New York, (1997).
- Sudhir Naib, *The Information Technology Act, 2005: A Handbook*, OUP, New York, (2011)

- S. R. Bhansali, *Information Technology Act, 2000*, University Book House Pvt. Ltd., Jaipur (2003).
- Vasu Deva, *Cyber Crimes and Law Enforcement*, Commonwealth Publishers, New Delhi, (2003).

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|  | Elective II - Private international law | 4 |
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### **UNIT – I**

Introduction – Scope of Private International Law – Theories of Private International Law – Conflict of Law or Private International Law – Codification of Private International Law – Hague Conventions – Distinction between Public International Law and Private International Law.

### **UNIT – II**

Jurisdiction – Choice of Law – Domicile – Residence – Renvoi – Forum Conveniense.

### **UNIT – III**

Cases involving Private International Law – Marriage – Divorce – Adoption – Guardianship and Maintenance.

### **UNIT – IV**

Contract – Negotiable Instruments – e-contracts - Private International Law Relating to Corporations – Jurisdiction over Corporations – Insolvency Jurisdiction and effects of Foreign insolvency proceedings.

### **UNIT – V**

Enforcement of Foreign Judgements and Decrees – Enforcement of Foreign Arbitral Awards – Evidence and Procedure – Stay of Proceeding – Proof of Foreign Laws.

**Books for reference:**

V. C. Govindaraj – The conflict of Law in India, Oxford.

ParasDiwan – Private International Law, Deep & Deep Publication. Setalvad – Conflict of Laws, Lexis Nexis Publications.

Cheshire, North and Fawcett – Private International Law

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| 129176 | Clinical Paper-I: Drafting, Pleading and Conveyancing | 4 |
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**UNIT 1: DRAFTING**

Learning Outcome: At the end of this Unit, students would be in a position to appreciate the quintessential norms of drafting deviation from which would scuttle the prospects of a case.

General principles of drafting, Substantive rules

**UNIT 2: PLEADINGS (CIVIL)**

Learning Outcome: On studying this Unit, students will be able to write plaints as well as other civil pleadings.

Plaint, written statement, IA, OP, Affidavit, Execution Petition, Memorandum of Appeal and Revision Petition, petitions under Art. 226 and Art. 32 of the Constitution

### UNIT 3: PLEADINGS (CRIMINAL)

Learning Outcome: This Unit enables the students to understand the prerequisites of the criminal pleadings.

Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision Petition.

### UNIT 4: CONVEYANCE

Learning Outcome: At the end of this Unit, students would have an understanding of the principles of conveyancing and in fact draft these.

Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed

### UNIT 5: LEGAL SCRUTINY REPORTS

Learning Outcome: This Unit enables the students to acquire the relevant strategies for scrutinizing the reports.

### UNIT 6: JUDGEMENT WRITING

Learning Outcome: At the end of this Unit, students would be honing the skills of judgment writing.

The course will be taught through class instructions and simulation exercises, preferably with assistance of practising lawyers/retired judges.

Apart from teaching relevant provisions of law, the course may include not less than 15 practical exercises in drafting carrying a total of 45 marks (3 marks for each) and 15 exercises conveyancing carrying 45 marks (3 marks for each exercise) remaining 10 marks will be given for viva voce.

### SUGGESTED READINGS

1. Sengupta, Ajit K. Maumdar's Law Relating to Notices. Kolkata: Eastern Law House Pvt. Ltd., 2005.
2. Mogha G. C. Mogha's Law of Pleadings in India with Precedents. 17th ed. Lucknow: Eastern Book Company, 2006 (2009).
3. Shrivastava J. M. Mogha's Indian Conveyancer. 14th ed. Lucknow: Eastern Book Company, 2009.
4. Bindra, M. S. Bindra's Pleading & Practice Vol. 1 & 2. New Delhi: Universal Law Publishing, 2010.

5. Parimeswaran, S. Law of Affidavit. New Delhi: Universal Law Publishing, 2003.
6. Rathwade, Rajaram S. Legal Drafting, Pune: Hind Law House, 2010.

### SEMESTER - VIII

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|  | Administrative Law | 4 |
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#### UNIT 1: INTRODUCTION 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to discuss the basic doctrines of administrative law and to distinguish between the various functions of administration.

Evolution, Nature and Scope of Administrative Law, (Reasons for the growth of Administrative Law in 21st century In India) Laissez-faire State, Social Welfare State, and Modern State, Comparative evolution, Definition, Nature and Scope, Relationship between Administrative Law and Constitutional Law.

Classification of Functions of government, Doctrine of rule of Law, Doctrine of Separation of powers.

#### UNIT 2: DELEGATED LEGISLATION AND QUASI LEGISLATION 10 Hrs.

Learning Outcome: On completion of this Unit students will be able to describe delegated legislation and quasi legislation and distinguish between them

Concept, Growth and Development, Classification, Comparative position – UK; USA; India, Excessive Delegation, (Quasi Legislation and Sub – ordinate Legislation) – Constitutional Limits, Control Mechanism

#### UNIT 3: NATURAL JUSTICE 12 Hrs.

Learning Outcome: On completion of this Unit students will be able to discuss the concept and components of natural justice and explain the effect of failure of natural justice.

Concept, Growth, nemojudex in causasua – Rule against bias, audialterampartem – Right to be heard, Recent requirements of Natural Justice- Reasoned decision & Right to legal Representation, Expanding Horizon of Natural Justice, Duty to Act Fairly & Legitimate Expectation, Other procedural norms, Exclusion of Natural Justice, Exceptions to Principles of Natural Justice, Effect of failure to comply with principles of Natural Justice.

#### UNIT 4: ADMINISTRATIVE DISCRETIONARY POWERS 5 Hrs.

Learning Outcome: On completion of this Unit students will be able to explain the difference between discretionary functions and ministerial functions and the grounds for judicial review of discretionary functions.

Discretionary powers, Judicial Control over administrative discretion, Fundamental Right and administrative discretion, Reasonable Exercise of Power and Wednesbury principle.

#### UNIT 5: JUDICIAL REVIEW OF ADMINISTRATIVE ACTION 5 Hrs.

Learning Outcome: On completion of this Unit students will be able to enumerate grounds on which judiciary may review administrative actions and explain the related doctrines. Grounds of Judicial Review of Administrative Action, Writ Jurisdiction, Doctrine of Legitimate expectation, Doctrine of public accountability, Doctrine of Proportionality, Laches

#### UNIT 6: ADMINISTRATIVE ADJUDICATION 5 Hrs.

Learning Outcome: On completion of this Unit students will be able to discuss the importance, merits and demerits of quasi-judicial bodies.

Concept of administration adjudication, Reason for the growth, Administrative Tribunals. (The establishment of Tribunals Act, 1985 and its Main Objectives and Salient features)

#### UNIT 7: REMEDIES AGAINST ADMINISTRATIVE ACTION INCLUDING WRIT JURISDICTION 8 Hrs.

Learning Outcome: On completion of this Unit students will be able to explain the grounds to obtain remedies against government.

Remedies, Private Law Remedies, Constitutional Remedies, Exclusion of Jurisdiction.

#### UNIT 8: MALADMINISTRATION & ALTERNATIVE REMEDIES 5 Hrs.

Learning Outcome: On completion of this Unit students will be able to discuss the functioning of different institutions for redressal against maladministration.

Concept and Need, Ombudsman, Ombudsmen in India – Lokpal, Lokayukta in States, (Lokpal and Lokayukta Act, 2014 and its Salient features and the Main objectives) Central vigilance Commission, Right to Information (Right to Information Act, 2005 and its Salient features and the Main Objectives).

Cases – VineetNarain v. Union of India (1998) 1 SCC 226

#### UNIT 9: GOVERNMENT AS A LITIGANT 5 Hrs.

Learning Outcome: On completion of this Unit students will be able to fix the liability of government on the basis of hypothetical facts and frame defence on the part of the government.

Development of the concept of state liability, tortuous liability, contractual liability, privileges of government, doctrine of estoppel and waiver

#### SUGGESTED READINGS

1. Jain M. P., and S. N. Jain, Principles of Administrative Law. Nagpur: Lexis Nexis, India, 2010.
2. Jain, M. P. Cases and Materials on Indian Administrative Law. Nagpur: Lexis Nexis, India.
3. Basu, Durga Das. Administrative Law.
4. Sathe, S. P. Administrative Law. LexisNexis, India, 2004 (2010).
5. Massey, I. P. Administrative Law. Lucknow: Eastern Book Co., 2008.
6. Takwani, C. K. Administrative Law. Lucknow: Eastern Book Co., 1980.

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|  | Civil Procedure Code and Limitation Act | 4 |
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## A. Civil Procedure Code and Limitation Act

### UNIT 1: INTRODUCTION 3 Hrs.

Learning Outcome: On completion of this Unit students will be able to explain the basic terms used in civil proceedings.

Concepts, affidavit, order, judgement, decree, plaint, restitution, execution, decree-holder, judgement-debtor, mesne profits, written statement, Distinction between decree and judgement and between decree and order.

### UNIT 2: JURISDICTION 7 Hrs.

Learning Outcome: On completion of this Unit students will be able to identify the rank of a court in the hierarchy of courts and discuss the jurisdiction of various courts. They will also be able to tell in which court a case with hypothetical facts may be instituted.

Kinds, Hierarchy of courts, Suit of civil nature – scope and limits, Res subjudice and Res judicata, Foreign judgement — enforcement, Place of suing, Institution of suit, Parties to suit: joinder, mis-joinder or non-joinder of parties : representative suit, Frame of suit: cause of action, Alternative disputes resolution (ADR), Summons

### UNIT 3: PLEADINGS 7 Hrs.

Learning Outcome: On completion of this Unit students will be able to discuss about what may and what may not be pleaded. They will be able to enumerate different pleadings and their nature and essential contents.

Rules of pleading, signing and verification, Alternative pleadings, Construction of pleadings, Plaint: particulars, Admission, return and rejection. Written statement: particulars, rules of evidence, Set off and counter claim: distinction, Discovery, inspection and production of documents, Interrogatories, Privileged documents, Affidavits

### UNIT 4: APPEARANCE, EXAMINATION AND TRIAL 5 Hrs.

Learning Outcome: On completion of this Unit students will be able to discuss about the preliminary stages as well as trial stage in a civil proceeding.

Appearance, Ex-parte procedure, Summary and attendance of witnesses, Trial, Adjournments, Interim orders: commission, arrest or attachment before judgement, injunction and appointment of receiver, Interests and costs

#### UNIT 5: EXECUTION 8 Hrs.

Learning Outcome: On completion of this Unit students will be able to discuss about different modes of execution, powers of executing courts and properties is exempt from execution.

The concept, General principles, Power for execution of decrees, Procedure for execution, Enforcement, arrest and detection, Attachment, Sale, Delivery of property, Stay of execution

#### UNIT 6: SUITS IN PARTICULAR CASES 7 Hrs.

Learning Outcome: On completion of this Unit students will be able to discuss about special suits.

By or against government, By aliens and by or against foreign rulers or ambassadors, Public nuisance, Suits by or against firm, Suits in forma pauperis, Mortgages, Interpleader suits, Suits relating to public charities

#### UNIT 7: APPEALS REVIEW, REFERENCE AND REVISION 8 Hrs.

Learning Outcome: On completion of this Unit students will be able to suggest remedies available to a party aggrieved by the order of a court.

Appeals from original decree. Appeals from appellate decree, Appeals from orders, General Provisions relating to appeal, Appeal to the Supreme Court

#### UNIT 8: MISCELLANEOUS 5 Hrs.

Learning Outcome: On completion of this Unit students will be able to advice in respect of transfers of cases, caveats, invoking the inherent powers of courts and similar miscellaneous matters.

Transfer of Cases, Restitution, Caveat, Inherent powers of courts, Law Reform: Law Commission on Civil Procedure – Amendments

#### UNIT 9: LAW OF LIMITATION 10 Hrs.

Learning Outcome: On completion of this Unit students will be able to compute the periods of limitation in a given hypothetical case.

The concept – the law assists the vigilant and not those who sleep over the rights, Object, Distinction with laches, acquiescence, prescription, Extension and suspension of limitation, Sufficient cause for not filing the proceedings, Illness, Mistaken legal advice, Mistaken view of law, Poverty, minority and Purdha, Imprisonment, Defective vakalatnama, Legal liabilities, Foreign rule of limitation: contract entered into under a foreign law, Acknowledgement – essential requisites, Continuing tort and continuing breach of contract.

#### SUGGESTED READINGS

1. Mulla. Code of Civil Procedure. New Delhi: Universal Publishing Co., 1999.
2. Thacker, C. K. Code of Civil Procedure. New Delhi: Universal Publishing Co., 2000.
3. Mallick M. R. (Ed.). B. B. Mitra on Limitation Act. Lucknow: Eastern Book Co., 1998.
4. Majumdar P. K., and Kataria R. P. Commentary on the Code of Civil Procedure, 1908. New Delhi: Universal Publishing Co., 1998.
5. Saha A. N. The Code of Civil Procedure. New Delhi: Universal Publishing Co., 2000.
6. Sarkar's Law of Civil Procedure. New Delhi: Universal Publishing Co., 2000.

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|  | Honours Paper-II: International Human Rights | 4 |
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#### **Module 1: Introduction:**

- The Historical Development of Human Rights Law
- Human Rights Concepts and Discourse
- Human Rights Movements
- Rights, Duties and Dilemmas of Universalism

**Module-2. International Human Rights Organisations:**

- The UN Human Rights System
- Treaty Bodies
- Regional Arrangements (Comparison of Universal and Regional Systems, The European Convention System, InterAmerican System and the African System)
- the Role of the High Commissioner for Human Rights

**Module 3: Normative Foundation of International Human Rights**

- Universal Declaration of Human Rights,
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights

**Module 4: Aspects of Human Rights**

- Racial Discrimination
- Discrimination against Women
- The Rights of Child
- The Right against Torture
- Enforced Disappearance
- The Right to Development
- The Rights of Persons with Disability
- Vertical and Horizontal Interpretation to Human Rights Law and Its Enforcement
- Human Rights, Development and Climate Change
  
- National Security, Terrorism and Limitation on Human Rights
- IPR and Human Rights

**Module 5: Human Rights in India**

- Historical and Constitutional Development of Human Rights in India
- Fundamental Rights and Directive Principles of State policy under the Indian Constitution.
- Fundamental Duties under the Indian Constitution
- Role of Judiciary in Protection of Human Rights in India

- Role of National Institutions like National Human Rights Commission of India, Ombudsman etc.
- Protection of Vulnerable Sections of Society in India (Tribals, Women, Minorities, Children, Aged, Disabled)
- Right to Information
- Role of Non-Governmental Organizations in the Protection of Human Rights in India
- Poverty and Human Rights in India
- Career in Human Rights in India

**Suggestive Readings:**

1. Agarwal, H. O., Implementation of Human Rights Covenants with Special Reference of India {KitabMahal, Allahabad, 1983}.
2. Aggarwal. S. K., Public Interest Litigation in India (Indian Law Institute Publication, New Delhi, 1986).
3. Aiyar, S. P., and Raju, S.V., (ed.), Fundamental Rights of the Citizen (Academic Books Limited, New Delhi, 1972).
4. Alston, Philip (ed.), the Moduleed Nations and Human Rights: A Critical Appraisal (Clarendon Press, Oxford, 1992).
5. The Moduleed Nations and Human Rights (Clarendon Press, Oxford, 1955).
6. Anand, R. P., Sovereign Equality of States in International Law (Hope Publication, New Delhi, 2008).

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|  | Elective-III<br>Gender justice & Feminist jurisprudence | 4 |
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**INTRODUCTION**

- What is Gender justice o Notions of sex and gender o Deconstructing ‘\_Man’, ‘\_Woman’, ‘\_Other’ o Private-public dichotomy
- Women in ancient, medieval and modern India: An overview
- Current status of women:-

Indicators of status: Difference in - likelihood of survival; female foeticide, assigned human worth; and control over property, valued goods and services, working conditions, knowledge and information, political processes, symbolic representation, one’s body, daily lifestyles, reproductive processes

**TOPIC TWO: PATRIARCHY AND FEMINIST JURISPRUDENCE**

- Understanding Patriarchy
- Issues and contradictions in feminism
- Sameness and difference debate
- Liberal feminism
- Radical feminism
- Socialist/Marxist feminist approaches

#### **TOPIC THREE: INTERNATIONAL INSTRUMENTS AND WOMEN RIGHTS**

- UDHR, ICESCR, ICCPR
- UN Convention for the Elimination of Discrimination against Women.
- UN Human Rights Council Resolution on Human rights, sexual orientation and gender identity, 2011.

#### **TOPIC FOUR: SEXUALITY AND MORALITY IN LAW**

- Indian Penal Code 1860
  - Rape Laws
  - Adultery
- Immoral Traffic Prevention Act 1956 read with section 370 IPC
- Indecent Representation of Women (Prohibition) Act, 1986

#### **TOPIC FIVE: ECONOMIC EMPOWERMENT AND LAW**

- Labour Laws:
- Gender protective laws
- Gender neutral laws
- Gender corrective laws

- Law Protecting Women against Sexual Harassment at Work Place
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013
- Property Rights of Women

## TOPIC SIX: GENDER JUSTICE AND JUDICIARY

### Suggested readings:

1. Moira Gatens, —*A Critique of the Sex/Gender Distinction* in A Phillips ed. FEMINISM AND SUBJECTIVITY, pp. 139-154 (*Provided in reading material*)
2. Sunita Kishor and Kamla Gupta. 2009. *Gender Equality and Women's Empowerment in India*
3. Kamla Bhasin, *What is Patriarchy, Kali/Women Unlimited (2004) (Provided in reading material)*
4. Ratna Kapur and Brenda Cossman, *Subversive Sites: Feminist Engagements with Law in India* Ved Kumari, —*Gender Analyses of Indian Penal Code* in Amita Dhanda, Archana Parashar (ed) *ENGENDERING LAW Essays in Honour of Lotika Sarkar*, pp.139-160 (1999). Eastern Book Company.

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|  | Elective Paper-IV: International Criminal Law | 4 |
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**Module-I: Introduction to International Criminal Justice**

- Essentials of international criminal law
- International criminal courts
- ✓ Concept
- ✓ Formation
- ✓ Other Legalities

**Module-II: International and National Criminal Jurisdiction**

- The subjugation of international crimes in domestic jurisdictions
- International jurisdiction versus national jurisdiction
- International Criminal Jurisdiction
- Legal impediments to the exercise of criminal jurisdiction

**Module-III: Mens Rea and Defences available in International Criminal Law**

- The elements of international crimes, in particular the mental element
- Justifications and excuses
- War Crimes:
- ✓ Introduction to War Crimes
- International Criminal Procedure
- The essential features of the adversarial system

**Module-IV: General principles governing international criminal trials**

- Genocide and Interpretation in International Criminal Law.
- ✓ Genocide.
- ✓ The principle of legality.
- Command Responsibility.
- ✓ Omission liability and superior responsibility.
- ✓ Obedience to superior orders and official capacity.
- Immunity and State Responsibility.

**Module-V: Crimes against Humanity;**

- Co- perpetration in International Criminal Law.
- The concept of crimes against humanity.
- Perpetration in particular joint and indirect perpetration.

**Suggested Readings:**

1. Payam Akhavan, Peace vs. Accountability in Bosnia og D’Amato,
2. Peace vs. Accountability in Bosnia, American Journal of International Law (1992) p. 92-95
3. Martti Koskiennemi: Between ImpModuley and Show Trial, Marx Planck Yearbook of Moduleed Nations Law, 2002, Vol. 6,

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|  | Clinical Paper-II: Alternative Dispute Resolution | 4 |
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UNIT 1: NEGOTIATION SKILLS 20 Marks Learning Outcome: At the end of this Unit, students would acquire the conceptual as well as the necessary practical approach to the art of Negotiation.

Importance of Negotiation as a method of Conflict Resolution, Negotiation Skills and Behaviour, Rule of law; Ethics and Policies, Simulation Exercises.

UNIT 2: MEDIATION AND CONCILIATION SKILLS 20 Marks Learning Outcome: This Unit enables the students to learn the about Mediation and Conciliation skills.

Meaning of Mediation, Advantages, Characteristics, Appointment of Mediator, fixation of fee, restrictions on mediation, Mediation models- Med-Arb, Arb-Med, Role of Mediators, Simulation Exercises.

Conciliation-Meaning, conciliation as a mode of settlement of disputes, distinction between negotiation, mediation and conciliation, advantages, Appointment of conciliators, commencement of conciliation proceedings, submission of statements, communication between conciliator and the parties, Role of a conciliator, settlement agreement- status and effect. Termination of conciliation proceedings; costs and deposits, Simulation Exercises.

UNIT 3: ARBITRATION 60 Marks Learning Outcome: Upon studying this Unit, students would get the required knowledge about the legal regime on Arbitration.

Arbitration - Introduction to Arbitration– meaning, scope, concept, terminology, history of Arbitration, types of Arbitration, Arbitration agreement, seat of arbitration, Arbitral Proceedings, statement of claim and defense, Arbitral Tribunal - Composition, eligibility and qualifications of arbitrators. Termination or a mandate of arbitral Tribunal's and of arbitrators, appointment of arbitrators and filling up of vacancies, powers and functions of Arbitral Tribunal's, Arbitral award-recourse and enforcement, rules of procedure, Online Dispute Resolution, Simulation Exercises.

The course is required to be conducted by senior legal practitioners through simulation and case studies.

#### SUGGESTED READING:

1. A Practical Approach to Alternative Dispute Resolution. Stuart Sime , Susan Blake , Julie Browne: Oxford University Press, USA, 2014
2. Alternative Dispute Resolution: A Developing World Perspective. Albert Fiadjoe: Routledge, 2013.
3. Nolan-Haley, Jacqueline M. Alternative dispute resolution. St Paul, Minn : West Group, 2001.
4. Markanda, P.C. 7th ed. Law relating to arbitration and conciliation: commentary on the arbitration and conciliation act, 1996. New Delhi : LexisNexis ButterworthsWadhwa Nagpur, 2009

### **Semester - IX**

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|  | Honours paper IV : Labour & Industrial law | 4 |
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### UNIT 1: GENERAL INTRODUCTION 3 Hrs.

Learning Outcome: At the end of this Unit, students are expected to appreciate the evolution of industrial jurisprudence and the crusader's role played by our apex Court in this regard. They would be also able to analyze the philosophical undercurrents of social security, laced with the constitutional and international ethos.

Industrial Jurisprudence; Labour Policy in India; Industrial Revolution in India; Evils of Industrialisation, Economic Evils, Social Evils; Labour Problems; Industrial Peace and Industrial Harmony; Industrial Relations; Principles of Labour Legislation; Social Justice; Social Equity; Social Security; Growth of Labour Legislation in India; Industrial Adjudication; Globalization and Labour, The concept of Social Security, constitutional foundations and the role of ILO.

### UNIT 2: INDUSTRIAL DISPUTES ACT, 1947; THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946; TRADE UNIONS ACT, 1926 22 Hrs.

Learning Outcome: This Unit makes the students understand the brooding omnipotence of ID Act, 1947, in resolution of industrial disputes as a means to ensure industrial peace. Students would get, after studying this Unit, a comprehensive idea about the paramountcy of standing orders and domestic inquiry goaded by the principles of natural justice as an effective tool of ensuring workers' wellbeing. Study of this Unit imbibes in the students the requisite knowledge of the significance of tradeunionism and the crucial role played by collective bargaining in taking the labour philosophy to its logical conclusion.1

INDUSTRIAL DISPUTES ACT, 1947: Historical Development; Scope and applicability of Act; Definitions – Appropriate Government; Workman; Industry; Industrial Disputes; Award; Settlement; Public Utility Service; Strike; Lock Out; Retrenchment; Lay Off; Closure, etc.; Reference and Settlement of Industrial Disputes, Works Committee, Conciliation Officers, Board of Conciliation, Court of Inquiry, Labor Court, Industrial Tribunal, National Industrial Tribunal, Reference Power of Government, Voluntary Arbitration, Procedure and Powers and Duties of Authorities; Strikes; Lock Outs; Lay-Off; retrenchment; Unfair Labor Practices; Representation of Parties; Protection of Worker Representation.

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946: Draft Standing Order; conditions for certification of standing orders; appeals; Register of Standing Orders; Temporary application of model standing orders.

TRADE UNIONS ACT, 1926: History of Trade Union Movement; Definitions; Registration of Trade Unions; Rights and Liabilities of Trade Unions; Immunities and Privileges of a Registered Trade Union; Trade Union Funds Trade Recognition of Union; Collective Bargaining; Amalgamation; Dissolution of Trade Unions.

UNIT 3: FACTORIES ACT, 1948; EMPLOYEES STATE INSURANCE ACT, 1948 13 Hrs.

Learning Outcome: This Unit enables the students to view the health, safety and welfare measures contemplated for workers in a comprehensive manner, especially in light of the LPG, and to take stock of the reforms needed. Students would be invigorated to analyze the insurance requirements of the workers from a multifarious perspective after studying this Unit.

FACTORIES ACT, 1948: Introduction, Scope, Applicability, Definitions: factory, occupier, manufacturing process, hazardous process, worker, approval, Licensing and Registration of Factories, Notice by Occupier, Duties of Occupier and Manufacturer, Health, Safety and Welfare Measures, Working hours of Adults, Employment of Young Persons, Leaves and Wages, Special Provisions.

EMPLOYEES STATE INSURANCE ACT, 1948: Objects, salient features, application and definitions, dependent, employment, employee, apprentice, family manufacturing process, factory, occupier, disablement, wages, expenses from ESI fund, contribution; recovery of contributions, benefits

UNIT 4 – EMPLOYEES’ COMPENSATION ACT, 1923; MATERNITY BENEFIT ACT, 1961 12 Hrs.

Learning Outcome: This Unit enables the students to analyze the judicial delineation of an employer's liability, as against an accident arising out of and in the course of employment with special reference to the notional extension of employment, to pay compensation in certain cases. Study of this Unit cajoles the students to appreciate the maternity benefit in a holistic perspective.

EMPLOYEES’ COMPENSATION ACT, 1923: Employees’ Compensation – Employer’s Liability – Commissioners – Rules.

MATERNITY BENEFIT ACT, 1961: Objects, salient features, application and definitions, prohibition of employment during certain periods, right to payment of maternity benefit; powers and duties of inspectors;

UNIT 5: MINIMUM WAGES ACT, 1948; THE PAYMENT OF WAGES ACT, 1936; THE EMPLOYEES' PROVIDENT FUND & MISCELLANEOUS PROVISIONS ACT, 1952 10 Hrs.

Learning Outcome: By studying this Unit, students would be able to appreciate the *raison d'etre* behind the constitutional and societal craving for minimum wage. At the end of this Unit, students will be able to discuss the intricacies involved in the payment of wages, especially the deductions. Study of this Unit will enable the students to discuss, apart from the legal provisions, the contemporary debate on EPF and workers' vulnerability in this regard.

MINIMUM WAGES ACT, 1948: Objects, salient features, applications and definition of the Act, 'scheduled employment', minimum wages and fixation of minimum wages, employee, overtime, piece work, claims, offences and penalties, exemptions and exceptions;

THE PAYMENT OF WAGES ACT, 1936: Objects, salient features, application and definitions, Payment of wages and deductions from wages, authorities under the Act and procedures, penalty for offences under the Act.

THE EMPLOYEES' PROVIDENT FUND & MISCELLANEOUS PROVISIONS ACT, 1952: Objects, salient features, application and definitions; EPF Scheme; employees pension scheme, Protection against attachment, priority of payment if contributions over other debts, penalties, offences by companies, establishment exempted from EPF Act, Transfer of Account and liability in case of transfer of establishment.

Moot Court exercise: 20 marks

#### SUGGESTED READINGS

1. Bhatia. Constructive Industrial Relations and Labor Laws, 2003.
2. Kumar, Labour Problems and Remedies, 2007.
3. Kumar, H. L. Obligations of Employer Under Labour Law, Delhi 2005.
4. Kumar, Sanjeev. Industrial and Labour Laws, 2004.
5. Pillai, Madhavan. Labour and Industrial Law, 1998.
6. Pai G. B. Labour Law in India, 2001.
7. SharathBabu. Social Justice and Labour Jurisprudence, 2007.
8. Sharma, J. P. Simplified Approach to Labour Laws, 2006.

9. Srivastava. Commentaries on the Factories Act, 1948.
10. Srivastava. Labour Law & Labour Realties: Cases and Materials, 2007.

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|  | Honours paper V: Law of Insurance | 4 |
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#### UNIT 1: INTRODUCTION 6 Hrs.

Learning Outcome: On completion of this Unit students will have clear understanding of the business of insurance in India and the different aspects relating to insurance and the emerging trends in insurance.

Meaning of insurance and its importance, Historical background, Development and growth of insurance industry in India, Nationalization of insurance business in India, Entry of private players, Emerging trends in insurance sector – burglary and theft insurance, aviation insurance, liability insurance, group insurance, agricultural insurance.

#### UNIT 2: GENERAL PRINCIPLES OF INSURANCE LAW 8 Hrs.

Learning Outcome: On completion of this Unit students will have detailed knowledge of the basic principles of law of insurance in India. How insurance commences, the concept of premium and the risks covered under insurance. This Unit also distinguishes between Re-insurance and Insurance.

Essentials of insurance law, Provisions of the Constitution, obligations to the rural and social sector, Law relating insurance in India, Contract of insurance, Good faith, Misrepresentation, Warranties, Conditions, Indemnity and subrogation, Proximate cause, Insurance and consumer protection, Insurable interest, Commencement of insurance policy, Utmost good faith, Reinsurance, Proximate cause, Risks, Double Insurance, Premium- definition- mode of payment-days of grace-forfeiture- return of the premium.

### UNIT 3: LIFE INSURANCE 10 Hrs.

Learning Outcome: On completion of this Unit students will be able to describe the law relating to life insurance in India. The life insurance contract and the events insured under life insurance and the persons entitled to claim life policy amount will also be dealt in this Unit.

Introduction, Formation of Life insurance contract, General nature of Life Insurance Contract, LIC Policy and Art. 14, Mutual assent, Assignment and nominations, Risk covered in life insurance, events insured in Life Insurance, circumstances affecting the risk, amount recoverable under Life Policy, Persons entitled to payment, Settlement of Claim and Payment of Money.

### UNIT 4: MARINE INSURANCE 10 Hrs.

Learning Outcome: On completion of this Unit students will be able to describe the law relating to marine insurance in India.

Scope of marine insurance, Marine Insurance Act, Mixed sea and land risks, Carriage of goods by sea

### UNIT 5: FIRE INSURANCE 8 Hrs.

Learning Outcome: On completion of this Unit students will be able to describe the law relating to fire insurance in India.

Condition precedent in fire insurance, Standard fire Policy, Fire claim and amount recoverable.

### UNIT 6: OTHER TYPES OF INSURANCE 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to describe the other types of insurance in India and the law relating to the motor vehicles and liability insurance in India.

Insurance of motor vehicles, Motor Accident Claims Tribunal, Accident Insurance. Liability Insurance.

### UNIT 7: REGULATORY AUTHORITIES 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to describe the regulation of insurance business in India. The scope of FDI in insurance and the relevant changes enumerated in Insurance Act 1938.

Insurance Regulatory and Development Authority, Tariff Advisory committee, Insurance Association of India, Councils and Committees, Ombudsmen, Insurance intermediaries – insurance agents, surveyors, loss assessors, third party administrators, Amendments to the Insurance Act, scope of FDI in Insurance.

## UNIT 8: REGISTRATION OF INSURANCE COMPANY 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to explain the requirements of registration of insurance companies and the relevant IRDA Regulations concerning the topic.

General registration requirements, capital structure requirements, Certificate of Registration, renewal, cancellation and revival, deposits, investments, submission of returns, actuary, advertisements. IRDA Regulations.

### SUGGESTED READINGS

1. Srinivasan, Principles of Insurance Law. 8th ed. Wadhva& Co, 2006
2. Jaiswal, J. V. N. Law of Insurance. Lucknow: Eastern Book Co., 2008.
3. Bhargava, B. P. (Ed.) Rajiv Jain's Insurance Law & Practice. 2nded. New Delhi: Vidhi Publishing Pvt. Ltd., 2006.
4. Singh, Avtar. Law of Insurance. Lucknow: Eastern Book Co., 2004.
5. Murthy, K. S. N. and K. V. S. Sarma. Modern Law of Insurance. 4thed. New Delhi: LexisNexis Butterworths, 2002.
6. Srinivasan, M. N. Srinivasan's Principles of Insurance Law. 9th ed. Gurgaon: LexisNexisButterworthsWadhwa Nagpur, 2009.

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|  | Law of Taxation | 6 |
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#### UNIT 1: HISTORICAL AND CONSTITUTIONAL FOOTINGS OF TAXATION 8Hrs.

Learning Outcome: At the end of this Unit, students will be firmly ensconced in the historical and constitutional footings of taxation.

Historical Background of Taxation in India, Canons of a Good Taxing System, Characteristics of Tax, Reasons for Taxation, Kinds of Taxation, Types of Taxes, Merits and Demerits of Direct and Indirect taxes, Constitutional Provisions relating to Taxation.

#### DIRECT TAX LAWS

#### UNIT 2: FUNDAMENTAL NOTIONS OF INCOME TAX ACT, 1961 8 Hrs.

Learning Outcome: Students would be firmly rooted in the conceptual tone of taxation at the end of this Unit.

Basic concepts/Definitions – Assesse, Persons, Previous year, Assessment Year, Distinction between Capital and Revenue Receipts, Income, Basis of Charge and Scope of Total Income, Incomes which do not form part of the Total Income, Residential Status and Incidence of Tax, Agricultural Income and Taxability.

#### UNIT 3: TAX TREATMENT UNDER SALARIES AND HOUSE PROPERTY 8 Hrs.

Learning Outcome: At the end of this Unit, Students will get requisite knowledge about tax treatment under the two heads i.e., salaries and house property

Heads of Income, Basis of Charge of Salaries, Concept of Allowances and Perquisites, Profits in lieu of Salary, Computation of Salary in Tax, Deduction from Salaries, Basics relating to Income from House Property, Charging Section in House Property, Determination of Annual Value, Deductions under the head House Property.

#### UNIT 4: TAX TREATMENT UNDER BUSINESS OR PROFESSION AND CAPITAL GAINS 8 Hrs.

Learning Outcome: The Unit on profits on business or profession and capital gains would provide students, a complete view of the relevant statutory provisions.

Meaning of Business or Profession, Charging Section of Business or Profession, Computation of Profits and Gains of Business or Profession, Aspects of Depreciation under this head, Deductions, Special Provisions for Business or Profession, Concept of Capital Gains, Basis of Charge, Long Term and Short Term Capital Gains, Computation and Deductions.

UNIT 5: TAX TREATMENT UNDER INCOME FROM OTHER SOURCES AND ALLIED CONCEPTS 6 Hrs.

Learning Outcome: This Unit makes the students appreciate the computation of income in its proper perspective.

Income from Other Sources, Income from Other Persons included in Assessee's Total Income, Aggregation of Income and Set off or Carry Forward of Losses, Various Deductions to be made in computing Total Income, Tax Holiday, Rebates and Reliefs.

UNIT 6: DETERMINATION OF TAX LIABILITY AND INCIDENTAL CONCEPTS 8 Hrs.

Learning Outcome: At the end of this Unit, students would be in a position to appreciate the ways and means of determining tax liability and the incidental concepts.

Filing of returns, E-filing, Types of Returns, Permanent Account Number, Types of Assessment, Income Escaping Assessment, Tax Deduction at Source, Tax Collection at Source, Recovery and Refund of Tax, Provisions of Advance tax, Income Tax Authorities and their Powers including search and seizure, Appeals, Penalties.

UNIT 7: INTERPRETATION OF TAXING STATUTES 6 Hrs.

Learning Outcome: On completion of this Unit students will be able to distinguish between avoiding and evading tax and the techniques used by courts to discourage evasion.

Principles of Interpretation, Purpose of Interpretation, Rule to determine Tax Liability by way of Rule of literal Construction and Rule of Strict Construction, Interpretation of Charging and Machinery Provision, Interpretation of Retrospective and Prospective Provisions, Doctrine of substantial Compliance, External and Internal aids to interpretation, Precedents.

INDIRECT TAXES

UNIT 8: GOODS AND SERVICE TAX 8 Hrs.

Learning Outcome: The study of this Unit gives the student cogent information and knowledge about the relevance, desirability and procedural aspect of GST.

Legislative Background, Constitutional Amendment, Basic Concepts of GST, IGST, CGST, SGST, GST (Compensation to the States) Bill, Transitional Provisions, Rates of Tax, Computation and Procedural Aspects, Assessment, Offences and Penalties, Authorities and their powers.

#### SUGGESTED READINGS

1. Dr. Girish Ahuja and Dr. Ravi Gupta, Systematic Approach to Taxation, Bharat 33rd Edition, 2016-2017
2. Dr. Vinod Singhania and Dr .KapilSinghania, Direct taxes law and Practice, Taxmann, 43rd Edition
3. SampathIyengar, Law of Income tax ,Bharat Law House,2008
4. K N Chaturvedi, Interpretation of Taxing Statutes, Taxmann, 2008
5. Dr. A L Saini & Dinesh Saini, Practice Guide to Appeals and Petitions Under Income Tax Act, 2016
6. V.S.Datey, All About GST- A Complete Guide to New Model GST Law, 5th Edition, Taxmann, 2017

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|  | Elective V: Competition Law | 4 |
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#### UNIT- 1: INTRODUCTION TO COMPETITION LAW 6 hrs.

Concept of market, Open market- Regulated market, Market functions of role of competition law, Nature & Scope of competition law and policy, Evolution & Growth of competition law, Theoretical foundations of competition law, Competition Act, 2002- overview, definitions and ideas of agreement, dominant position, combination and effects of anti- competitive activities

## UNIT- 2: FUNDAMENTALS OF COMPETITION LAW 10 hrs.

Market definition and dimensions & Concept of relevant market, Tests for Market delineation- Demand Side Substitutability, Supply Side Substitutability, SSNIP Test, Efficiency of market and issues of agreements, combinations, Market failure,

Information asymmetry- moral hazard and adverse selection, Concept of market power, dominant position, Substantial degree of market power, Business rationale, Proscribe test, Tests for anti- competitive practices

## UNIT- 3: ANTI- COMPETITIVE AGREEMENTS 08 hrs.

Anti competitive agreements: Concept, forms and treatment in India, Parallel import, Treatment of anti- competitive agreements under USA, EU, UK, Australia

## UNIT- 4: ABUSE OF DOMINANT POSITION 08 hrs.

Abuse of dominant position: Concept, forms and treatment in India, Essential facilities doctrine, Refusal and abuse of dominant position, Pricing strategies and abuse of dominant position, Treatment of abuse of dominant position under USA, EU, UK, Australia

## UNIT- 5: COMBINATIONS 10 hrs.

Combinations: Concept, forms, reasons and regulatory framework in India

Different tests for studying the impacts of combinations in the market, Unilateral and co- ordinate effects of combinations, Foreclosure, Failing firm, Creeping acquisitions, Regulation of Cross- border combinations, Treatment of combinations under USA, EU, UK, Australia

## UNIT- 6: COMPETITION COMMISSION OF INDIA 4 hrs.

Composition, powers and function of CCI

Role of the DG, Appellate Tribunal, Penalties & remedies

## UNIT- 7: AUTHORIZATION AND NOTIFICATION 4 hrs.

Learning outcome: On the completion of this Unit students will have a clear understanding about the authorisation and notification in competition law.

Concept of authorization and notification, Process for notification and authorization, Treatment of authorization and notification under USA, EU, UK, Australia

#### UNIT- 8: IPR AND COMPETITION LAW 08 hrs

Theoretical basis of IPR and Competition law, TRIPs and its impact on competition law regime, Abuse of IPR and competition law (agreements, abuse of dominant position, combination), Doctrine of exhaustion and its treatment, Modern trend to the conflict in IPR and Competition law

#### UNIT- 9: MODERN DIMENSIONS OF COMPETITION LAW 08 hrs

WTO and its impacts on Competition Laws with reference to UNCTAD, International enforcement and judicial assistance, Applicability of competition law into agricultural sector, Dumping, State aid, Recession

#### SUGGESTED READINGS

1. Whish, Richard. Competition Law. London: Oxford University Press, 2009.
2. Furse, Mark. Competition Law of the EC and UK. London: Oxford University Press, 2008.
3. Rijn, Alphen aan den. The Reform of EC Competition Law: New Challenges, Austin.
4. Chao, Yang-Ching. International and Comparative Competition Law and Policies India. Kluwer Law International, 2008.

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|  | Clinical Paper-III: Public Interest Litigation & Legal Aid Service | 4 |
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#### UNIT 1 CONCEPT OF PUBLIC INTEREST LITIGATION 30 Marks

Learning Outcome: After completing this Unit, students will be able to discuss the different standings on which PILs are admitted and will be able to explain the differences between the adversarial and inquisitorial procedures.

Liberalisation of locus standi, suomotu intervention by the court – Epistolary jurisdiction, creeping jurisdiction – Adversarial and inquisitorial procedures – Research in support of public interest litigation.

#### UNIT 2 LEGAL AID AND PARA LEGAL SERVICES 30 Marks

Learning Outcome: After completing this Unit students will be able to describe the objects of Legal Services Authorities Act and the provisions of the Act which seek to realise these objects.

Legal Services Authorities Act, 1987.

#### UNIT 3 EXTENSION PROGRAMME 30 Marks

Learning Outcome: After completing this Unit students will have sufficient exposure to the real life conditions of the society and the problems of the common people.

The students shall take part in extension programmes like LokAdalats, Legal Aid Camps, Legal Literacy Camps, etc., under the guidance of the Course Teacher. Each student shall maintain a journal containing the details of his participation in the extension programmes.

#### SUGGESTED READINGS

1. Agrawala, S. K. Public Interest Litigation in India, Bombay: N. M. Tripathi, 2000.
2. Menon, N. R. Madhava, Clinical Legal Education.

3. Public Interest Litigation(PIL) & How to file PIL,CAVirendraPamecha, 2014
4. Public Interest Litigation (with Model PIL Formats), Dr. B.L. Wadhera, 2014
5. Law Relating to Public Interest Litigation, R. Chakraborty (Laymanns) ,2015
6. Public interest Litigation Legal Aid And LokAdalats , by Mamtarao. 2015

### SEMESTER – X

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|  | Honours Paper-VI: Law and Disability | 4 |
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#### **Module-I: Concept of disablement**

- Basic approaches to disability
- ✓ Traditional approach of sympathy and charity
- ✓ Modern approach of rationality and human dignity

#### **Module-II: Determination of disability**

- Varying criteria for determination of disabilities
- Administrative process for determination of disabilities
- Issues of Policy and law

- Reference to medical opinion
- Evaluation of disability by adjudicating authority

**Module- III: Responsibilities of mentally disabled persons**

- Civil responsibilities
- Criminal responsibilities - acts of person of unsound mind

**Module- IV: International concern for the Disabled**

- Universal Declaration of Human Rights
- Declaration on the Rights of Mentally retarded Persons (1971)
- Declaration on the Rights of Disabled Persons (1975)

**Module-V: Constitutional and Legal Framework**

- Directive Principles – Art 41 and art 46.

**Module-VI: The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995**

- Introduction
- Meaning of disability
- Prevention and detection of disability
- Free education
- Reservation of posts for persons with disabilities
- Affirmative actions
- Non-discrimination
- Social Security and rehabilitation

**Module –VII: The Mental Health Act, 1987**

- Introduction
- ✓ Meaning of Mentally Ill Person
- ✓ Admission and detention of certain mentally ill persons
- ✓ Judicial inquisition regarding alleged mentally ill person possessing property, custody of his person and management of his property
- ✓ Protection of human rights of mentally ill persons
- ✓ Legal aid to mentally ill person

- Other disabilities removal Acts
- ✓ The Hindu Inheritance (Removal of Disabilities) Act, 1928
- ✓ The Hindu Succession Act, 1956
- ✓ The Caste Disabilities Removal Act, 1850

**Module-VIII**

- Right of the disabled to marry and found family
- Incurably disabled persons and euthanasia
- Right not to be born of parent suffering from genetic diseases
- Institutionalization of the disabled as a substitute for the family shelter

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|  | Elective Paper-VI: Offences Against Child & Juvenile Offence | 4 |
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**Module-I Concept of Child and Juvenile**

- Definition and concepts of term child and Juvenile.
- Causes of offence against child.
- International protection to child and convention

## **Module-II Offences against Child**

- Child abuse
- Child labour and forced labour
- Kidnapping, abduction
- Abetment of suicide of child
- Sale of obscene objects to young.

## **Module-III Social relations and child**

- Child marriage (Child Marriage Restraint Act)
- Abandonment of child
- Custody of Child during matrimonial suit.
- Obligations to supply necessaries to children

## **Module-IV Protection of Child and Juveniles**

- Under the provisions of constitution (fundamental rights and directive-principles)
- Under IPC, 1860.
- Under CRPC, 1973.
- Under Contract Act, 1872
- Under Juvenile Justice Act, 2015

## **Module-V Juvenile Delinquency**

- Juvenile delinquency – Nature, causes,
- Juvenile Court System,
- Treatment and rehabilitation of juveniles
- Legislative and judicial protection of juvenile offender,
- Juvenile Justice Act, 2015.

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|  | Media & Law | 4 |
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## A. Media & Law

### Module 1: Need of Law in Media

- Freedom of Speech and Expression under the Indian Constitution and Restrictions
- Media Personal Privileges
- Print Media and Press Law
- Broadcasting and its privileges
- Performer's Rights

### Module 2: Copyright Law

- Copyright violation and Media Laws
- Copyright amendments and print media

### Module 3: Defamation

- Provisions embodied in the Indian Penal Code
- Indecent Representation Act, 1986

### Module 4: Media regulating bodies

- Print Media and Registration Act
- National Security Act Press Trust of India
- Censorship in India

### Module 5: Constitution of India and Media Laws

- Newspaper circulation and Fundamental Rights
- Art 19 of Indian Constitution and Reasonable restriction

□ Media Trial

Suggested Readings:

1. MadhaviGoradia, Facet of Media Law
2. Media, Press and Telecommunication Law, 2007
3. DR. A. Verma, Cyber Crimes & Law

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|  | Clinical Paper-IV: Moot Court and Internship | 4 |
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#### UNIT 1: MOOT COURT 30 Marks

Learning Outcome: On the conclusion of this Unit, the students would be able to appreciate the research, oratorical and articulation skills required of a lawyer.

Every student is required to present argument in at least three moot courts in the semester. The moot court problem will be assigned to the student by the course teacher and the student will be required to make a written submission for 5 marks and also make oral submission for 5 marks.

#### UNIT 2: COURT ATTENDANCE, INTERVIEWING TECHNIQUES, PRE-TRIAL PREPARATIONS 20 Marks

Learning Outcome: On completing this Unit, students will be able to comprehend the practicalities of the justice system and the pivotal role the courts play in dispensation of justice.

They will also get a practical exposure to the techniques of client interviewing and the substantive as well as procedural steps involved in preparation of a brief by lawyers.

Student are required to attend two trials, one civil and one criminal, in the course of last year of the course. They are required to maintain a record and enter the various steps observed by them during their attendance on different days in the court assignment. Records maintained in respect of each trial will be valued for 10 marks.

Each student will observe two interviewing sessions of clients at a lawyer's office or at the Legal Aid Office and record the proceedings in a diary, which will carry 5 marks.

Each student will further observe the preparation of documents and court papers by the advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 5 marks.

#### UNIT 3: INTERNSHIP 30 Marks

Learning Outcome: Students will have practical experience of the professional aspects of the subjects they have studied.

#### UNIT 4: VIVA VOCE 10 Marks

Learning Outcome: This Unit helps students unearth their potential for the profession and the desirable improvements for the same.

A viva voce test will be conducted on the above three aspects.