



**RANI DURGAWATI UNIVERSITY**

Saraswati Vihar, Pachpedi, Jabalpur,

Madhya Pradesh (INDIA) -482001



**Department of PG Studies in Law**

**Syllabus of All Programme**

**INDEX**

<b>S.No.</b>	<b>Subject</b>	<b>Page No.</b>
1	<b>B.A. LL.B. (Hons.) Syllabus</b>	Page No. 2 to 124
2	<b>LL.M. Syllabus</b>	Page No. 125 to 194
3	<b>Pre. Ph.D. Course Work Syllabus</b>	Page No. 195 to 205

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

## **Five years Integrated Course**

### **Program Outcome**

1. To equip students with a sound understanding of the foundations of legal knowledge
2. To expose students to a wide range of disciplinary approaches to legal study, encouraging them to reflect on the complexity of legal practice.
3. Interpret And Analyze the legal and social problems and work towards finding solutions to the problems by application of laws and regulations.
4. Inculcate values of Rights and Duties, and transfer these values to real-life through legal and judicial process for promoting community welfare.
5. Apply ethical principles and commit to legal professional ethics, responsibilities and norms of the established legal practices.

### **Program Specific Outcome**

1. Acquire advance knowledge in the specific field of law chosen for the specialization.
2. Interpret And Analyze the legal and social problems and work towards finding solutions to the problems by application of laws and regulations.
3. Students are equipped with the knowledge of teaching methods through the subject on Teaching Pedagogy thereby enabling them to enter the teaching profession.
4. Through compulsory research component in the form of Dissertation, the students learn to conduct research study.

## **B.A. LL.B. (Hons.) Five years Integrated Course**

### **B.A. LL.B. (Hons.) First Semester**

1. General English
2. Political Science-I (Major)
3. History-I (Minor)
4. Economics– I (Minor)
5. Law of Torts
6. Law of Contract

### **B.A. LL.B. (Hons.) Third Semester**

1. Political Science-III (Major)
2. History-III (Minor)
3. Hindi/French Language-I
4. Company Law
5. Jurisprudence (Legal Method, Indian Legal System and Basic Theory)
6. Family Law – I (Hindu Law)

### **B.A. LL.B. (Hons.) Fifth Semester**

1. Political Science-V (Major)
2. Hindi/French Language-III
3. Environmental Law
4. Labour & Industrial Law – I
5. Law of Crimes–I(Indian Penal Code)
6. Intellectual Property

### **B.A. LL.B. (Hons.) Second Semester**

1. English Literature
2. Political Science-II (Major)
3. History-II (Minor)
4. Economics– II (Minor)
5. Special Contract
6. Constitution – I

### **B.A. LL.B. (Hons.) Fourth Semester**

1. Political Science-IV (Major)
2. Economics– III (Minor)
3. Hindi/French Language-II
4. Constitution - II
5. Administrative Law
6. Family Law – II (Muslim Law)

### **B.A. LL.B. (Hons.) Sixth Semester**

1. International Relation & Organization (Major)
2. Legal Language & Legal Writing
3. Civil Procedure Code & Limitation Act
4. Labour & Industrial Law – II
5. Law of Crimes -II (Criminal Procedure Code)
6. Interpretation of Statues

**B.A. LL.B. (Hons.) Seventh Semester**

1. Property Law
2. Human Right Law & Practice
3. Media & Law
4. Banking Law/Forensic Science/  
International Organization
5. Drafting Pleading & Conveyancing  
(Clinical Course)

**B.A. LL.B. (Hons.) Ninth Semester**

1. Principles of Taxation
2. Local Self Government -  
including Panchayat Administration
3. Direct Taxation/ Probation & Parole/  
Maritime Law
4. Insurance Law/Offence against  
Child & Juvenile/ Private International Law
5. Alternative Dispute resolution  
(Clinical Course)

**B.A. LL.B. (Hons.) Eighth Semester**

1. Law of Evidence
2. Gender Justice & Feminist –  
Jurisprudence
3. Health Law
4. Investment & Security Laws/Penology  
& Victimology/ International-  
Human Rights
5. Professional Ethics, Accountability  
For Lawyers & Bar Bench Relation  
(Clinical Course)

**B.A. LL.B. (Hons.) Tenth Semester**

1. Public International Law
2. Right to Information
3. Indirect Taxation/Comparative  
Criminal Procedure/ Humanitarian  
Refugee Law
4. Information technology Law /  
Women & Criminal Law/ International  
Environmental Law
5. Moot Court (Clinical Course)

## **B.A. LL.B. (Hons.) Semester – I**

### **Paper – I GENERAL ENGLISH**

#### **Course Outcomes**

1. Understand the language and literary conventions through various texts.
2. Develop analytical and critical thinking through reading and discussion.
3. Acquire competence in both spoken and written language.
- 4 . Participate actively in discussions, debates, & research ventures.
5. Understand concept better and also develop ability to write effective propositions in legal context.

#### **UNIT- I & UNIT – II**

Grammar and usage

#### **UNIT – III**

Comprehension of an unseen passage

#### **UNIT- IV**

Précis writing

#### **UNIT- V**

Paragraph writing

## **B.A. LL.B. (Hons.) Semester – I**

### **PAPER – II POLITICAL SCIENCE – I (MAJOR)**

#### **Course Outcomes**

1. Understands the world, their country, their society
2. Have the knowledge about various political concepts .
3. To Understand the connection between Law and Political Science
4. Understand the broad and varied nature of Political Science
5. To Understand the concepts of rights duties equality etc.

#### **UNIT – I**

Political Science - Definition, Nature and Scope, Behaviourism

#### **UNIT- II**

Meaning of State- Social contract and evolutionary theory, Sovereignty- Austin's theory of Sovereignty, Pluralistic attack of Sovereignty

#### **UNIT- III**

Power, Authority and Legitimacy

#### **UNIT- IV**

Rights, Theories of rights and duties

#### **UNIT-V**

Law, Liberty, Equality, Rule of law

#### **Suggestions Readings:**

Sir E. Barker	:	Principle of Social and Political Theory
Las	:	Grammar of Policies
Verma S.P.	:	Modern Political Theory
Ashirvadam E.	:	Modern Political Theory
Tripti Jain	:	Foundations of Politics
V.D. Mahajan	:	Political Theory
A.C. Kapoor	:	Principles of Political Science

## **B.A. LL.B.(Hons.) Semester – I**

### **PAPER – III HISTORY – I (MINOR)**

#### **Course Outcomes**

1. Read and learn to distinguish between primary and secondary written texts (sources) in the field of History
2. Learn about the Vedic history
3. To have an idea about the administrative system of the Mourays, Guptas, & Harshvardhanas
4. To study the history of the Indian Rajput dynasties
5. To learn about the vedic system and era

#### **UNIT – I**

History of India – Up to 320 B.C.

Vedic Age- A brief introduction of the social, political, legal and religious infrastructure in Vedic times

The organization of Central Government in ancient India

The village republics, *mahajanspadas*

The ancient law givers- *Manu, Vrihaspati, Yaghyavalakya, Katyayana*

The *Varnashram* system

Position of women in ancient India

#### **UNIT- II**

320 B.C. to 648 A.D.

The sources, the administrator system of the Mourays, Guptas, & Harshvardhanas with special reference to-

The Central Government

Provincial administration

Local administration

Economy, revenue, agriculture, military organization, feudal system, law and justice, social infrastructure- Caste system, position of women education

#### **UNIT – III**

648 A.D. to 1206 A.D.

Historical Sources

A brief political history of the work Indian Rajput dynasties

The parthiharas, chahmanas, polas, senas. Chaulukyas (Solanki)

Paramars and Kalchuris of chedi with special reference to their- Administration System, Central, provincial, village

Economic system: agriculture, revenue

Law and justice

Military organization  
Caste system: position of women, education

#### UNIT- IV

648 A.D. to 1206 A.D.

The South Indian Dynasties, Sources

A brief political history of the Chalukayas

The Cholas and the Rashtrakutas with special reference to their- administrative system central, provincial, local

Economy: agriculture, revenue, trade and commerce

Law and justice

Military organization

Social system: caste system, position of women, education

#### UNIT-V

Religion & Philosophy

Vedic Religion

Buddhism

Jainism

Indian school of Philosophy

#### Books Recommended

- |   |   |                  |
|---|---|------------------|
| 1. History of India                         | : | Elliot & Downson |
| 2. Ancient India                            | : | V.D. Mahajan     |
| 3. Ancient India                            | : | R.C. Majumdar    |
| 4. History of India                         | : | L.P. Sharma      |
| 5. Comprehensive history of India           | : | Henry Bemeridge  |
| 6. Private & Government in Ancient India    | : | A.S. Altelkar    |
| 7. Background of Indian criminal law        | : | T.K. Banarjee    |
| 8. The political legal and military history | : | H.S. Bhatia      |
| 9. Evolution of Indian culture              | : | B.N. Luniya      |
| 10. Indian history                          | : | L. Prasad        |



**B.A. LL.B. (Hons.) Semester – I**  
**PAPER – IV ECONOMICS – I (MINOR)**

**Course Outcome**

1. Relate the micro-economic theory concepts to the practical world.
2. Understand and interpret the prevailing market conditions
3. Analyse the demand-supply scenario; production and cost scenario
4. Illustrate the problems and solution for social and economic welfare of the country
5. Describe the efficient distribution patterns for sustainable economy

Micro Economics

UNIT – I

Introduction:

Definition & Scope of Economics

Inductive and deductive methods of study of Economics

Basic Concepts: Utility, Demand, Supply

Law of demand

UNIT- II

Consumer Behaviour

Law of diminishing marginal utility, law of equity- marginal utility, consumer's surplus, - (classical approach only)

Elasticity of demand and its measurement and factors affecting elasticity of demand

Price elasticity, cross and income elasticity

UNIT- III

Production

Factors of production and their characteristic

Concept of cost and revenue curves

Law of returns

UNIT- IV

Product Pricing

Market and its classification

Price determination under perfect competition

Price determination under monopoly

Price determination under monopolistic competition

UNIT – V

Factor Pricing

Rent – Ricardian theory and modern theory of rent

Wages – marginal productivity and modern theory of wages

Interest – net and gross interest liquidity preference theory of Keynes

Profit – net and gross profit, theories of profit – schumpeteric’s clark’s knight’s

Books Recommended

P.N. Chouhan	:	Micro Economics
M.L. Seth	:	Micro Economics
M.L Sinha	:	Micro Economics
K.K Deweth	:	Micro Economics

**B. A. LL.B. (Hons.) Semester -I**  
**PAPER –V LAW OF TORTS**

**Course Outcome**

1. To understand the principles of Tortious liability, the defences available in an action for torts.
2. Study specific torts against the individual and property.
3. Critically analyse damages and liability.
4. Analyse the impact of law of Tort on different entities.
5. Develop knowledge on defamation, malicious prosecution, conspiracy etc..

**UNIT – I**

Evolution of Law of Torts

1. England forms of action – specific remedies from case to case
2. India – principles of justice equity and good conscience - unmodified character- advantages and disadvantages

Definition, Nature, Scope and objects

1. A Wrongful Act- violation of duty imposed by law, duty that is owed to people generally (in rem)- damnum sine injuria and injuria sine damnum
2. Tort distinguished from crime and breach of contract
3. The contact of unliquidated damages
4. Changing scope of law of torts : expanding character of duties owed to people generally due to complexities of modern society
5. Objects – prescribing standers of human conduct, redressal of wrong by payment of compensation, prescribing unlawful conduct by injunction

**UNIT - II**

Justification in Tort

1. Volenti non-fit injuria
2. Necessity, private and public
3. Plaintiff's default
4. Act of god
5. Inevitable accident
6. Private defense
7. Statutory authority

8. Judicial and quasi- judicial acts
9. Parental and quasi-parental authority
10. Extinguishments of liability in certain situations

### UNIT – III

#### Doctrine of sovereign immunity and its relevance in India

1. Vicarious liability
2. Torts against persons and personal relations
3. Defamation
4. Parental relations, master and servant relation
5. Malicious prosecution
6. Wrong affecting property
7. Trespass to land

### UNIT – IV

#### **Negligence**

1. Basic concepts
2. Theories of negligence

#### **Nuisance**

1. Definition, essentials and types
2. Acts, obstructions
3. Absolute / Strict liability
4. Legal remedies
5. Award of damages
6. Injunction
7. Extra – legal remedies

### UNIT – V

#### Consumer Protection Act

1. Consumer, the concept
2. Unfair trade practices
3. Supply of essential commodities
4. Service
5. Enforcement of consumer rights

#### Selected bibliography

1. Salmond and Heuston : On the Law of Torts (2000) Universal Delhi
2. D.D. Basu : The Law of Torts (1982), Kamal Calcutta

3. D.M. Gandhi : Law of Torts (1987), Eastern Lucknow
4. P.S. Achuthan Pillai : The Law of Tort (1994) eastern, Lucknow
5. Ratanlal and Dhirajlal : The Law of Torts (1997), Universal Delhi

## **B. A. LL.B. (Hons.) Semester -I**

### **PAPER – VI LAW OF CONTRACT**

#### **Course Outcome**

1. Law of Contract familiarizes the students with the various principles governing contracts such as formation, legality, breach and enforcement.
2. To study the ideologies of the judges and the subsisting socio-economic circumstances in order to evaluate the judgments.
3. The objective of this course is to strengthen the basics of Law of Contracts by explaining them in the easiest ways.
4. Furthermore a comparative of the English law and the Indian law of contract gives a broad insight .
5. The attempt will be to identify the point of similarity and divergence between the two jurisdictions

#### **UNIT-I**

1. History and nature of contractual obligations
2. Agreement and contract: definitions, elements and kinds of contract
3. Proposal and acceptance
4. Consideration

#### **UNIT-II**

##### Capacity to contract

1. Free consent
2. Undue Influence
3. Misrepresentation
4. Fraud
5. Mistake
6. Unlawful considerations and objects
7. Fraudulent

#### **UNIT-III**

1. Injurious to person or property
2. Immoral
3. Against public policy
4. Void and void able agreements
5. Contract without consideration
6. Agreements in restraint of marriage
7. Wagering contract and its exception

#### **UNIT-IV**

1. Contractual obligations- remedies
2. Damages, remoteness of damages, ascertainment of damages
3. Government Contracts

#### **UNIT-V**

### Specific Relief Act

1. Specific performance of contract
2. Contract that can be specifically enforced & that cant be enforced
3. Persons against whom specific enforcement can be ordered
4. Rescission and cancellation
5. Injunctions, temporary, perpetual
6. Declaratory orders
7. Discretion and powers of court

### Selected Bibliography

1. Beasten : Anson's Law of Contract (27 ed. 1998)
2. P.S. Atiya : Introduction to the Law of Contract 1992 reprint (Clarendon Law Series)
3. Avtar singh : Law of Contract (2000) Eastwrn, Lucknow
4. G.C. Cheshire, and H.S. Fifoot and M.P. Furmston : Law of Contract (1992)
5. M. Krishnan Nair : Law of Contracts, (1998)
6. G.H. Treltet : Law of Contracts, Sweet & Maxwell (1997 reprint)
7. R.K. Abhichandani : Pollock & Mulla on the Indian Contract and the Specific Relief Act (1999) Tripathi
8. Banerjee S.C. : Law of Specific Relief (1998), Universal
9. Anson : Law of Contract (1998), Universal
10. Dutt : On Contract (2000), Universal
11. Anand & Aiyer : Law of Specific Relief (1999), Universal

**B.A. LL.B. (Hons.) Semester – II**

**PAPER – I      ENGLISH LITERATURE**

### Course Outcome

1. This will enable students to identify the intersection between law and literature and jurisprudential questions in literary works.
2. They will also be able to understand the insights that works of literature can give to the study of law and how literature can enhance our understanding of law.
3. Students will be sensitised about social issues and provide them with an opportunity to think about law, by reading genres of literature like poetry, drama, fiction and non-fiction.
4. Students will also be initiated into understanding the interplay between law and society, delayed justice, crime and punishment.
5. The course will also help the students in honing their writing and analytical skills, as they would be critiquing articles based on the various themes of study

### UNIT- I

Explanation from units II, III, & IV

### UNIT-II

- |               |   |                                 |
|---------------|---|---------------------------------|
| a) Shelley    | : | The Skylark                     |
| b) T.S. Eliot | : | Lone song of J. Alfred Prmfrock |

### UNIT- III

- |                   |   |                         |
|-------------------|---|-------------------------|
| a) Bacon -        | : | Of studies              |
| b) Lamb-          | : | A bachelor's complaint  |
| c) A.G. Gardiner- | : | On the rule of the road |

### UNIT-IV

- |             |   |                              |
|-------------|---|------------------------------|
| Shakespeare | : | The Merchant of Venice<br>Or |
| Shaw        | : | Arms and the man             |

### UNIT- V

- |             |   |                     |
|-------------|---|---------------------|
| Jane Austen | : | Pride and Prejudice |
|-------------|---|---------------------|



## **B.A.LL.B. (Hons.) Semester – II**

### **PAPER – II POLITICAL SCIENCE – II (MAJOR)**

#### **Course Outcome**

1. The course would entail an introduction of ideologies and themes like democracy and justice and also to the ideology of liberalism.
2. It will introduce the students to the key ideas of theory of separation of powers and the Constitution
3. It will deal with democratic theories and theories of multiculturalism and the issue of post-colonialism and minority rights.
4. The students would study about the party system, pressure groups, women's empowerment and public opinion .
5. It will introduce the students to the modern theories in the 21th century.

#### **UNIT – I**

Democracy- meaning, type and theories, principle of representation, developing and welfare State

#### **UNIT – II**

Theory of separation of powers, Constitution- meaning and type

#### **UNIT – III**

Legislature, Executive and Judiciary

#### **UNIT – IV**

Type of Government- dictatorship, parliamentary and presidential

## UNIT – V

Unitary and federal, party system, pressure groups, women's empowerment, public opinion

### Suggested Readings

Ashirvadam E.	:	Modern Political Theory
Sir E. Barker	:	Principle of Social and Political Theory
Las	:	Grammar of Policies
D. Held	:	Political Theory
Tripti Jain	:	Foundations of Politics
Verma S.P.	:	Basic of Political Science
Dr. Om Nagpal	:	Foundations of Political Science

## **B.A. LL.B. (Hons.) Semester – II**

### **PAPER – III HISTORY- II (MINOR)**

#### **Course Outcome**

1. The primary objective of this paper is to answer the question how and why the present has evolved from the past in the manner it has.
2. History helps us to understand the socio, economic and political context in which legal system emerge and evolve.
3. A study of the nature of the state and administrative apparatus is required for proper understanding of the legal systems in ancient and medieval India.
4. The paper will offer a close study of select themes, focusing specifically on the intersections in history and law.
5. It will also offer understand the influence of various rulers on development of law

#### **UNIT- I**

History of India A.D. 1206-1526

The advent of Islam in India sources, the Delhi Sultnat- Iltutmish, Balban, Aluddin Khiljee, Mohd.Tughluq, Firoz Tughluq

## UNIT – II

The concept of Islamic State- the theory of kingship, control, provincial and local administration, administration of law and justice, military organization, economy under the sultanate - revenue, agriculture, society, position of women, education

## UNIT- III

The Mughal Empire 1526-1740 Sources- A brief political history from Barber to Aurangjeb with special reference to the administration of Shershah, Akbar and Aurangjeb

The emergence of the Maratha power – Shivaji and his administration

## UNIT – IV

The administration under the Mughlas, Nature of State, theory of kingship, control, provincial and local self Government- revenue administration, agriculture, military administration, manasabdari system, law of justice

## UNIT- V

Impact of Islam on Indian society, poverty and economy  
Bhakti and Sufi Movements

### Books Recommended

11. History of India	:	Elliot & Downson
12. Ancient India	:	V.D. Mahajan
13. Ancient India	:	R.C. Majumdar
14. History of India	:	L.P. Sharma
15. Comprehensive history of India	:	Henry Bemeridge
16. Private & Government in Ancient India	:	A.S. Altelkar
17. Background of Indian criminal law	:	T.K. Banarjee
18. The political legal and military history	:	H.S. Bhatia
19. Evolution of Indian culture	:	B.N. Luniya
20. Indian history	:	L. Prasad

## **B.A. LL.B. (Hons.) Semester – II**

### **PAPER – IV      ECONOMICS- II (MINOR)**

### **Course Outcome**

1. To study the Basic features and structure of Indian Economy
2. To have an idea about the Emerging trends in agricultural production
3. To study the relationship between Globalization and Indian industry
4. To get a analytical impact of the regional variations in economic development
5. To examine the impact of poverty and unemployment on Indian economy

#### UNIT – I

Basic features and structure of Indian Economy  
Demographic features and population policy of India  
National income estimation and its trends in India

#### UNIT – II

Basic feature of Indian agriculture  
Emerging trends in agricultural production and Green Revolution  
Problems of agricultural marketing in India  
Agricultural credit: sources and problems

#### UNIT – III

Latest Industrial policy  
Cottage and small- scale industries and their problems  
Globalization and Indian industry  
Role of public, private and joint sector in India

#### UNIT- IV

Objectives and strategy of planning in India  
Analysis of current five year plan  
India regional variations in economic development in India  
Central State financial relations- role of finance commission and recommendation of latest Finance commission in India

#### UNIT – V

Poverty- concepts and trends in India  
Unemployment- causes and types unemployment  
Various Govt. measures for the eradications of poverty and unemployment  
Problems and rising prices and its impact of Indian economy

#### Books Recommended

Mishra & Puri	:	Indian economy
P.K. Dhar	:	Indian economy
Dutta and Findrem	:	Indian economy
P.S. Gongane	:	Indian economy

## **B.A. LL.B. (Hons.) Semester – II**

### **PAPER - V SPECIAL CONTRACT**

#### **Course Outcome**

1. Law student should acquaint himself with the knowledge of special contracts apart from equipping himself with general principles of contract.
2. Study of special contracts is necessary for legal services required in a corporate office so that he can enhance his relevance as a lawyer in society
3. Define and understand the concept of special contracts and explain the laws related to special Contract in India
4. Inculcate the skills of drafting of agreements and various deeds
5. Provide the comparative study with the other prevailing laws and laws of the other nations

#### **UNIT - I**

##### **Indemnity**

1. The Concept
2. Need for indemnity to facilitate commercial transactions
3. Method of creating indemnity obligations
4. Definition of indemnity
5. Nature and extent of liability of the indemnifier
6. Commencement of liability of the indemnifier
7. Situations of various types of indemnity creations
8. Documents/ agreements of indemnity
9. Nature of indemnity clauses
10. Indemnity in case of International transactions
11. Indemnity by Governments during interstate transactions

## UNIT - II

### Guarantee

1. The concepts
2. Definition of guarantee: as distinguished from indemnity
3. Basic essentials for a valid guarantee contract
4. The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts
5. Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety
6. Continuing guarantee
7. Nature of surety's liability
8. Duration and termination of such liability
9. Illustrative situations of existence of continuing guarantee
10. Creation and identification of continuing guarantees
11. Letters of credit and bank guarantee as instances of guarantee transactions
12. Right of surety:
13. Position of surety in the eye of law
14. Various judicial interpretations to protect the surety
15. Co-surety and manner of sharing liabilities and rights
16. Extent of surety's liability
17. Discharge of surety's liability

## UNIT - III

### Bailment

1. Identification of bailment contracts in day today life
2. Manner of creation of such contracts
3. Commercial utility of bailment contracts
4. Definition of bailment
5. Kinds of bailees
6. Duties of bailor and bailee towards each other
7. Rights of bailor and bailee
8. Finder of goods as a bailee
9. Liability towards the true owner
10. Obligation to keep the goods safe
11. Right to dispose of the goods

### Pledge

1. Pledge: comparison with bailment
2. Commercial utility of pledge transactions
3. Definition of pledge under the Indian Contract Act

4. Other statutory regulations (State & Centre) regarding pledge, reasons for the same
5. Rights of the pawner and pawnee
6. Pownee's right of sale as compared to that of an ordinary bailee
7. Pledge by certain specified persons mentioned in the Indian Contract Act

## UNIT - IV

### Agency

1. Identification of different kinds of agency transactions in day to day life in the commercial world
2. Kinds of agents and agencies
3. Distinction between agent and servant
4. Essential of agency transaction
5. Various methods of creation of agency
6. Delegation
7. Duties and rights of agent
8. Scope and extent of agent's authority
9. Liability of the principal for acts of the agent including misconduct and tort of the agent
10. Liability of the agent towards the principal
11. Personal liability towards the parties
12. Methods of termination of agency contract
13. Liability of the principal and agent before and after such termination

## UNIT - V

### Sale of Goods

1. Concept of sale as a contract
2. Illustrative instances of sale of goods and the nature of such contracts
3. Essentials of contract sale
4. Essential conditions in every contract of sale
5. Implied terms in contract sale
6. The rule of caveat emptor and the exceptions thereto under the sale of Goods Act
7. Changing concepts of caveat emptor
8. Effect and meaning of implied warranties in the sale
9. Transfer of title and passing of risk
10. Delivery of goods: various rules regarding delivery of goods
11. Unpaid seller and his rights
12. Remedies for breach of contract

### Selected bibliography

1. R.K. Abhichandani (ed.) Pollack and Mullah on Contract and Specific Relief Acts (1999) Trpathi, Bombay
2. Avtar Singh, Contract Act (2000), Eastern Lucknow
3. Krishnan Nair, Law of Contract, (1999) Orient

4. Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern Lucknow
5. J.P. Verma (ed.), Singh and Gupta, The Law of partnership in India (1999), Orient Law House, New Delhi
6. A.G. Guest (ed.), Benjamin's Sale of Goods (1992), Sweet & Maxwell
7. Bhashyam and Adiga, The Negotiable Instruments Act (1995), Bharath, Allahabad
8. M.S. Parthasarathy (ed.), Ansons' Law of Contract, (1998), Oxford, London
9. Saharaya, H.K. Indian Partnership and sale of Goods Act (2000), Universal
10. Ramaninga, The Sales of Goods Act (1998), Universal



## **B.A. LL.B. (Hons.) Semester – II**

### **PAPER – VI      CONSTITUTION – I**

#### **Course Outcome**

1. Recognize various basic concepts in the Constitution and understand their applicability and scope.
2. Interpret the meaning and scope of Fundamental rights India vis-à-vis their practical implementation on ground with case laws along with the restrictions on the freedoms.
3. Learn how the Constitutional Remedies protect against violation of fundamental and legal rights.
4. Recall about different provisions related to Directive Principle of State Policy. And recognise the perspective of fundamental duties and social justice.
5. The students should be able to articulate their independent views over contemporary crucial constitutional issues like Constitutional Supremacy, Rule of law, and Concept of Liberty, organization, Powers and Functions of the various Organs of the Government.

#### **UNIT – I**

1. Preamble
2. Nature of Indian Constitution
3. Characteristic of federalism
4. Indian federalism
5. Unitary form of Government

#### **UNIT – II**

1. Citizenship
2. State
3. Fundamental Rights – equality, freedom and social control, personal liberty, changing dimensions of personal liberty, cultural and educational rights

#### **UNIT – III**

1. Directive principles of State policy
2. Inter relationship between fundamental rights and directive principles
3. Fundamental duties

#### **UNIT – IV**

1. Union Executive- the President, Vice President
2. Union Legislature - Council of ministers
3. Union Judiciary - Supreme Court

#### **UNIT – V**

1. State Executive- Governor,
2. State Legislature – *Vidhan Sabha* , *Vidhan Parishad*

3. State Judiciary - High Court

Book Recommended

1. V.N. Shukla : Constitution of India
2. J.N. Paney : Constitution law of India
3. D.D. Basu : Constitution of India
4. M.P. Jain : India Constitution of India
5. H.M. Seervai : Constitution law of India (Vol. 3)
6. Lippman : Constitution law
7. Kauper : Constitution law Cases and Materials
8. Woll : Constitution law Cases and Comments
9. Basu : Select constitutions of the world
10. Corwin : Constitution of U.S.
11. Lane : An Introduction to the Constitution law

**B.A. LL.B. (Hons.) Semester – III**

**PAPER – I**

**POLITICAL SCIENCE –III (MAJOR)  
(INDIAN GOVERNMENT AND POLICIES)**

**Course Outcome**

1. Have the knowledge about various Indian political concepts.
2. Understand the connection between Law and Political Science
3. Understand the broad and varied nature of Party System in India
4. Having knowledge of organization, powers and functions of judiciary in the country
5. Develop an understanding of religion, caste, regionalism and language in India

**UNIT- I**

Making and sources of Indian Constitution, preamble, salient features of the Constitution, Centre State relations

**UNIT – II**

Fundamentals Rights and duties, directive principles of state policy, Union and State legislature – organization and functions

**UNIT- III**

Union Executives: (President, Prime Minister) powers and functions

State Executives: (Governor and Chief Minister) power and functions

**UNIT – IV**

Indian Judiciary: Organization, powers and functions, Election Commission of India  
Importance of Local self Government (Panchyati Raj System)

**UNIT – V**

Indian party system, Influence of religion, caste, regionalism and language on Indian politics

**Suggested Readings**

Ashirvadam E.	:	Modern Political Theory
Sir E. Barker	:	Principle of Social and Political Theory
Las	:	Grammar of Policies
D. Held	:	Political Theory
Tripti Jain	:	Foundations of Politics

Verma S.P. : Basic of Political Science  
Dr. Om Nagpal : Foundations of Political Science

## **B.A. LL.B. (Hons.) Semester – III**

### **PAPER – II HISTORY –III (MINOR)**

#### **Course Outcome**

1. To acquire and have an understanding of the pre independence history
2. To understand the impact of British system on administration, law and justice, economic infrastructure, etc.
3. To analyze the impact of social and religious movements
4. To study the social reforms
5. To have specific knowledge Constitutional development in India

#### **UNIT – I**

A brief history of India from 1740 to 1947 with special reference to Warrane Hastings, Cornwallis, Welhsly, Lord Hastings, William Bantiks, Dulhouse, Lytton, Ripon and Curson

#### **Unit – II**

The administrative infrastructure, law and justice, economic infrastructure- revenue, agriculture, railways, ruin of cottage industries, drain of wealth, impact of British economic policies on India, social legislation, education and reforms

#### **UNIT – III**

The social and religious movements during the 19<sup>th</sup> to 20<sup>th</sup> in centuries- Brahma Samaj, Arya Samaj, Prarathana .Samaj, Theosophical Society, Ramkrishan Mission.

Social reforms- abolition of Sati, abolition of infanticide, widow remarriage, upliftment of depressed classes, educational reforms

#### **UNIT – IV**

History of Indian National movement 1885 – 1947

## UNIT – V

Constitutional development in India from 1858 to 1947

Books Recommended

21. History of India	:	Elliot & Downson
22. Ancient India	:	V.D. Mahajan
23. Ancient India	:	R.C. Majumdar
24. History of India	:	L.P. Sharma
25. Comprehensive history of India	:	Henry Bemeridge
26. Private & Government in Ancient India	:	A.S. Altelkar
27. Background of Indian criminal law	:	T.K. Banarjee
28. The political legal and military history	:	H.S. Bhatia
29. Evolution of Indian culture	:	B.N. Luniya
30. Indian history	:	L. Prasad

## B.A. LL.B. (Hons.) Semester – III

### PAPER-III HINDI LANGUAGE – I

#### Course outcome

1. Enables other state students to continue their learning Hindi language phase without any disruptions.
2. Through this language they can learn spirituality, social discrimination and grammar techniques
3. Enables them to enhance their Hindi language skills
4. Enables them to develop creative writing in Hindi
5. To learn about the importance of Hindi in freedom movement

#### UNIT- I

1. भारत वंदना (काव्य) सूर्यकांत त्रिपाठी निराला
2. स्वतंत्रता पुकारती: काव्य जयशंकर प्रसाद
3. भाषा की महत्ता और उसके विविध रूप

#### UNIT- II

1. करुणा (निबंध) आचार्य रामचन्द्र शुक्ल
2. बिच्छी बुआ (कहानी) डॉ. लक्ष्मणसिंह विष्ट बटरोही
3. हिन्दी की शब्द संपदा (पर्याय, अनेकार्थी, शब्दयुग्म, विलोम)

### UNIT- III

1. विलायत पहुँच ही गया (आत्मकथांष) महात्मा गाँधी
2. तीर्थ यात्रा डॉ. मिथिलेश कुमारी मिश्र
- 3- वाक्य संरचना और विराम चिन्ह

### UNIT- IV

1. दीक्षांत भाषण (वक्त्र कला) स्वामी श्रद्धानंद
2. पत्र मैसूर के महाराजा को (पत्रलेखन) स्वामी विवेकानंद
3. पत्र लेखन, महत्व और उसके विविध रूप

### UNIT- V

1. गेग की शक्ति पत्रलेखन (जायरी) डॉ. हरिवंशराय बच्चन
2. यात्रा संस्मरण : डॉ. देवेन्द्र सत्यार्थी
3. सार लेखन, भाव पल्लवन

## **B.A. LL.B. (Hons.) Semester – III**

### **PAPER – IV COMPANY LAW**

#### **Course Outcome**

1. To make the students understand the formation, management and other activities of the companies.
2. To explain the important developments that have taken place in the corporate sector and important regulations pertaining to the issue of shares and the capital raising have come into force.
3. This course aims to impart the students, the corporate management, control, possible abuses, the remedies and government regulation of corporate business and winding up of companies.

4. Communicate and interact meaningfully with the corporate professionals on the issues relating to regulatory compliances companies have to follow in the Indian corporate business environment.
5. To have a knowledge of various forums meant for the purpose of redressal of company case

## **UNIT- I**

1. Types of business Organization
  - Sole Proprietorship
  - Partnership
  - Company
  - Co-Operative Societies
2. Meaning and Introduction of Company:
  - History, Meaning of Company and Essential Characteristics.
  - Theory of Corporate Personality.
  - Creation and Extinction.
  - Kinds of Companies:
    - Public and Private Companies,
    - Holding and Subsidiary Companies,
    - Limited and Unlimited Companies,
    - Shareholding and Guarantee Companies,
    - Producer Companies and Small Company,
    - One Person Company,
    - Government and Foreign Company,
    - Company and Limited Liability Partnership.
  - Difference between Corporate and Non-Corporate Organizations (Partnership and other association of person).
  - Comparative Analysis of provisions of Companies Act, 1956 and Companies Act, 2013.

## **UNIT-II**

1. Law relating to Companies: Public and Private:
  - Formation of a Company: Registration and Incorporation, Doctrine of Lifting of Corporate Veil.
  - Memorandum of Association: Meaning, Various Clauses, Alteration therein, Doctrine of Ultra Virus.
  - Articles of Association: Meaning, its relation with Memorandum of Association, Doctrine of Constructive Notice and Doctrine of Indoor Management.

2. Prospectus: Meaning, Types, Issue, Contents, Liability for Misstatements, Statements in Lieu of Prospectus.
  - Promoters: Position, duties and liabilities.

### **UNIT-III**

1. Share Capitals:
  - Share: Kind of Shares, General Principles of Allotments of shares, Share Certificate, Transfer of Shares- Procedure for Transfer, Restrictions on Transfer, Refusal of Transfer, Issue of Shares at premium and Discount, Depository Receipts, Dematerialized shares (DEMAT).
  - Share Holder: Modes of becoming a shareholder, Calls on Shares, Forfeiture and Surrender of Shares, Lien on Shares.
  - Share Capital: Kinds, alteration and reduction of share capital, conversion of loans and Debentures into Capital.
  - Reduction of Share Capital and Buy Back of Shares
2. Debentures: Meaning, Kinds, Fixed and Floating Charge, Shareholder and Debenture holder, Remedies of Debenture Holder.

### **UNIT-IV**

1. Management and control of management:
  - Directors: Position, Appointment, Qualification, Vacation Of Office, Removal, Resignation, Powers And Duties Of Directors, Managing Directors And Other Managerial Personnel, Independent Directors, Mandatory Women Directors, Directors Identification Number.
  - Meeting: Kinds, Procedure, Voting.
  - Audit and Accounts.
  - Prevention of Oppression and Mismanagement
  - Borrowing powers.
  - Protection of oppression and mismanagement.
  - Investigation powers.
2. Corporate liability:
  - Legal liability of Companies: Civil and Criminal.
  - Remedies against them: Civil, Criminal and Tortuous, Specific Relief Act, Writs, Liability under Special Statues.

### **UNIT-V**

1. Special regulation and winding up:
2. Corporate Social Responsibility (CSR).
3. Serious Fraud Investigation Officer.
4. NCLT/ Special Court.
  - Winding up:
  - Kinds of Winding Up



- Consequences and Reasons for Winding Up
  - Role of Court
  - Liability of the past members
  - Payment of Liabilities
5. Reconstruction and Amalgamation

#### Selected Bibliography

1. Avtar Singh Indian Company Law (1999), eastern Lucknow
2. L.C.B. Gower, Principles of Modern Company Law (1997) Sweet and Maxwell, London
3. Palmer Palmer's Company Law (1987), Stevens, London
4. R.R. Pennington, Company Law (1990), Butterworths
5. A. Ramiya, Guide to the Companies Act, (1998), wadhwa
6. S.M. Shah Lectures on Company Law (1998), Tripathi, Bombay

## **B.A. LL.B. (Hons.) Semester – III**

### **PAPER – V JURISPRUDENCE (LEGAL METHOD, INDIAN LEGAL SYSTEM AND BASIC THEORY)**

#### **Course Outcome**

1. This course is designed to serve as a general introduction to jurisprudence – the philosophy of law and a mix of classic and modern jurisprudential texts.
2. Applying theory to practice, have a series of case studies examining major Supreme Court majority and dissenting opinions that turn on deeper jurisprudential debates.
3. By learning the legal Jurisprudence students will know important questions like, what is law, what are the purposes of law? The relationship between law and justice and the like and to analyze the legal concepts.
4. Students explain the differences between the major schools of jurisprudence concerning the nature of law;
5. Identify the major and minor premises of legal arguments, invent and defend arguments about the requirements of justice in legal disputes that reference and extend the themes of the course

#### **UNIT – I**

##### **Introduction**

1. Definition of the term 'Jurisprudence'
2. Definition of Law, kinds of law

3. Justice & its kinds

## UNIT – II

### Schools of Jurisprudence

1. Natural law school
2. Analytical school
3. Historical school
4. Sociological school
5. Realistic school

## UNIT - III

### Source of Law

1. Legislation
2. Precedents: concept of stare deices
3. Customs

## UNIT- IV

### Legal Rights: the Concept

1. Rights: kinds, meanings
2. Duty: meaning and kinds
3. Relation between right and duty

### Personality

1. Nature of personality
2. Status of the unborn, minor, lunatic, drunken and dead persons
3. Corporate personality
4. Dimension of the modern legal personality: Legal personality of non-human beings

## UNIT - V

### Possession and Ownership: the Concept

1. Kinds of possession
2. Kinds of ownership
3. Difference between possession and ownership

### Liability

1. Condition of imposing liability

2. Strict liability
3. Vicarious liability

Obligation:

1. Nature and kind

Selected Bibliography

1. Bodenheimer Jurisprudence : The Philosophy and Method of Law (1996), Universal, Delhi
2. Fitzgerald : Salmond on Jurisprudence (1999) Tripathi, Bombay
3. W. Friedmann, : Legal Theory (1999) Universal, Delhi
4. V.D. Mahajan, : Jurisprudence and Legal Theory (1996 reprint), Eastern Lucknow
5. M.D.A. Freeman(ed.), Lioyd's : Introduction to Jurisprudence, (1994), Sweet and Maxwell
6. Paton G.W. : Jurisprudence (1972) Oxford, ELBS
7. H.L.A. Hart, : The concepts of Law (1970) oxford, ELBS
8. Roscoe pond, : Introduction to the philosophy of Law (1998 reprint) Universal Delhi
9. Dias, S.N. Jurisprudence : A Study of Indian Legal Theory (1985), Metropolatin, New Delhi

## **B.A. LL.B. (Hons.) Semester – III**

### **PAPER – VI FAMILY LAW - I (HINDU LAW)**

**Course Outcome**

1. Students will understand the fundamental principles of Family Law.
2. To acquire knowledge on generally prevailing substantive and procedural rules, principles, institutions and processes governing the formation of marriage.
3. Understand the concept of various matrimonial reliefs and the procedure thereof.
4. Know the provisions related to adoption, maintenance and intestate succession.
5. Study the various important case laws on the different aspects of family law.

#### **UNIT- I**

1. Nature of Hindu Law
2. Hinduism, Origin and Development, Definitions
3. Schools and Sources

#### **UNIT – II**

1. Marriage
2. Kinds, nullity of marriage
3. Hindu marriage Act 1955
4. Special marriage Act 1954
5. Divorce
6. Judicial separation, Restitution of conjugal rights
7. Group for matrimonial remedies

### UNIT – III

1. Joint family
2. Coparcenaries, property under *Mitakshara* and *Dayabhag*
3. Partition and Re-union, women estate, *stridhan*

### UNIT – IV

1. Gifts, wills
2. Hindu adoption and maintenance Act 1956

### UNIT – V

#### Inheritance

1. General rules of Succession
2. Disqualification relating to Succession
3. Hindu Succession Act 1956
4. Religious Endowment

#### Selected Bibliography

1. Paras Diwan, : Law of Intestate and Testamentary Succession (1998), Universal
2. Basu, N.D. L : Law of Succession (2000) Universal
3. Kusem, : Marriage and Divorce Law Manual (2000) Universal
4. Machanda. S.C. : Law and Practice of Divorce in India (2000) Universal
5. P.V. Kane, : History of Dharmasastra Vol.2 pt.1 at 624-632 (1974)
6. Kuppaswami : Hindu Law and Usage Ch. 4 (1986)
7. B.Sivaramaya, : Inequalities and the law, (1985)
8. K.C. Daiya, : “Population control through family planning in India,” Indian Journal of Legal Studies, 85 (1979)
9. J.D.M. Derrett, : Hindu Law: Past and Present
10. J.D.M. Derrett, : Death of Marriage Law
11. A.A.A. Fyze : Outline of Muhammadan Law, (1998)
12. Alladi Kuppaswami, : Hindu Law and Usage, (1970)
13. Paras Diwan, : Hindu Law (1985)
14. S.T. Desai (ed.) : Mulla’s Principal of Hindu Law, (1998)- Butteroths-India
15. Paras Diwan, : Family Law: Law of Marriage and Divorce in India (1984)
16. A.M. Bhattachargee, : Muslim Law and the Constitution (1994) Eastern Law house Calcutta

17. Paras Diwan, : Law of Adoption, Ministry, Guardianship and Custody  
(2000), Universal

## **B.A. LL.B. (Hons.) Semester – IV**

### **PAPER – I POLITICAL SCIENCE – IV (MAJOR) REPRESENTATIVE POLITICAL THINKERS AND IDEOLOGY**

#### **Course outcome**

1. To understand the minds of various philosophers in different eras
2. To know about the impact of the thinkers on Indian polity
3. To acquire knowledge about the Indian political thinkers like Swami Vivekanand, M.K. Gandhi, B.R. Ambedkar
4. To know the Individualistic and Fascist movements
5. To study the impact of Marxist and socialist thought on the world and Indian scenario

#### **UNIT- I**

Greek political thought;  
Plato- Ideal State, Communism, Education  
Aristotle – State, Slavery, Revolution

#### **UNIT – II**

Machiavelli, Jeremy Bentham, J.S. Mill

#### **UNIT – III**

Raja Ram Mohan Roy, Swami Vivekanand, M.K. Gandhi, B.R. Ambedkar

#### **UNIT – IV**

Individualism, Fascism

#### **UNIT V**

Marxism, Socialism

Suggested Readings

Earnest. Barker	:	Plato and Predecessor
George H. Sabine	:	Political Theory
Awasthi & Awasthi	:	Modern Indian Political Theory
P. Verma	:	Indian Political Theory

## **B.A. LL.B. (Hons.) Semester – IV**

### **PAPER – II ECONOMICS – III (MINOR)**

#### **Course outcome**

1. Develop ideas of the basic characteristics of Indian economy, its potential on natural resources.
2. Understand the importance, causes of Inflation and deflation in economic development.
3. Grasp the importance of planning undertaken by RBI
4. Have knowledge on difference between internal and International Trade.
5. Understand agriculture as the foundation of economic growth and development, analyse the IBRD (World Bank) , India IMF and its functions

#### **UNIT – I**

Money – Definition, function and importance, Inflation and deflation: concept and effects

#### **UNIT – II**

Business cycles: various phases, Keynesian theories of employment – classical approach  
Keynesian Multiplier and accelerator,

#### **UNIT – III**

Consumption- demand and investment function. Banks – definition, and classification  
commercial banks, their functions, process of credit creation  
Central bank functions  
Reserve bank of India and its monetary policy

#### **UNIT – III**

International Trade – difference between internal and International Trade  
Comparative cost theory of International Trade  
Free trade V/S protection  
Balance of trade and balance of payment causes of advance balance of payment and corrective measures

#### **UNIT – IV**

IBRD (World Bank) and India IMF – its functions  
MNCs and their role in India  
Capital market regulation –SEBI

Books Recommended

M.L. Seth	:	Macro Economics
K.K. Deweth	:	Modern Economics
P.N. Chouhan	:	Macro Economics
M.L.	:	Macro Economics



## **B.A. LL.B. (Hons.) Semester – IV**

### **PAPER – III HINDI LANGUAGE – II**

#### **Course outcome**

1. To able to understand the tools of translation
2. To able to understand Hindi words and construction of sentences
3. To able to understand and conduct interviews

#### **UNIT – I**

1. जाग तुझको दूर जाना : (काव्य) सुश्री महादेवी वर्मा
2. हम अनिकेत : (काव्य) श्री बालकृष्ण शर्मा नवीन
3. भाषा कौशल (लिखना, पढना, बोलना, समझना)

#### **UNIT – II**

1. समन्वय की प्रक्रिया (निबंध) श्री रामधारी सिंह दिनकर
2. अनुवाद : परिभाषा प्रकार महत्व विशेषता
3. परिभाषिक शब्दावली  
हिन्दी से अंग्रेजी 20 शब्द  
अंग्रेजी से हिन्दी 20 शब्द

#### **UNIT – III**

1. अफसर (व्यंग्य) श्री शरद जोषी
2. मकड़ी का जाला (व्यंग्य) : डॉ. रामप्रकाश सक्सेना
3. शब्द रचना तत्सम, तद्भव, देशज, विदेशी

#### **UNIT – IV**

1. भारत का सामाजिक व्यक्तित्व (प्रस्तावना) पं. जवाहर नेहरू
2. बनी रहेंगी किताबें डॉ. सुनीता रानी घोष
3. सडक पर दौड़ते ईहा मृग : डॉ. श्यामसुन्दर दुबे

#### **UNIT – V**

1. कोष के अखाडे में कोई पहलवान नहीं उतरता (साक्षात्कार) भाषाविद् डॉ. हरदेव बाहरी से प्रो. त्रिभुवन नाथ शुक्ल
2. यदि बाँ न होती तो गाँधी को यह उँचाई न मिलती : कथाकार गिरिराज किषोर से डॉ. सत्येन्द्र शर्मा
3. साक्षात्कार : प्रयोजन और कौशल

## **B.A. LL.B. (Hons.) Semester – IV**

### **PAPER – IV      CONSTITUTION – II**

#### **Course Outcome**

1. To understand the structure of executive, legislature and judiciary
2. To understand philosophy of panchayati raj
3. To understand the autonomous nature of constitutional bodies like public service commission , election commission of India.
4. To understand the central and state relation, financial and administrative
5. To acquire concrete knowledge of Proclamation of emergency

#### **UNIT – I**

1. Administration of Union Territories
2. The *Panchayat:* and Municipalities
3. The schedule and tribal areas

#### **UNIT – II**

1. Relation between the Union and the State
2. Distribution of legislative power
3. Administrative relations
4. Disputes relating to water, trade, commerce and intercourse within territory of India

#### **UNIT – III**

1. Financial provisions: property, contracts, rights, liabilities obligation and suit
2. Public service commissions, service under the Union and the States

#### **UNIT IV**

1. Tribunals, elections, special provisions, relating to certain classes, official language

#### **UNIT – V**

1. Emergency provisions: Proclamation of emergency, effect of emergency, financial emergency
2. Amendment in the Constitutions

Books recommended:

D.D. Basu,	:	Shorter Constitution of India, (1996), Prentic Hall of India, Delhi
H.M. Seervai,	:	Constitution of India, vol. 1-3 (1992), Tripathi, Bombay
M.P. Singh (ed.),	:	V.N. Shukla, Constitutional Law of India (2000), Oxford
Indian Constitution,	:	V.N. Shukla
Constitution of India,	:	V.P. Mahajan
भारत का संविधान	:	जय नारायण पाण्डे

## **B.A. LL.B. (Hons.) Semester – IV**

### **PAPER V ADMINISTRATIVE LAW**

#### **Course Outcome**

1. To understand the functioning of administrative authorities
2. Students will learn about the Nature Development of law relating to administration and effective means of administrative control further they will be
3. The Focus is on their role in protecting the rights of individuals against abuse of administration and adjudicatory powers of the administration and liability of administrative authorities.
4. Know about the different agencies which keeps a check on administrative authorities and delegation of powers to the administrative authorities
5. Know about the informal methods for settlement of administrative disputes.

#### **UNIT – I**

Meaning, definitions, nature, historical development, sources, relationship with Constitutional law, Droit administrative, rule of law and separation of powers, classification of administrative functions and distinction between them

#### **UNIT – II**

Delegated legislation and its kinds, administrative directions and distinction between delegated legislation and administrative directions, control over delegated legislation procedural, judicial and parliamentary control, principles of natural justice

### UNIT – III

Administrative discretion and judicial control of discretionary powers, act of State, tortious and contractual liability of the State

### UNIT – IV

Government privileges in legal proceedings, Estoppel and Waiver, official secrets and right to information, *lokpai*, *lokayukt* and central Vigilance Commissions, Commission of inquiry

### UNIT – V

Administrative Tribunals- merits, demerits, reasons for growth, distinction between court and tribunals

Public corporation – classification characteristics, control

Remedies Constitutional and ordinary

#### Books Recommended:

1. G.K. Kwatr : The Arbitration and Conciliation Law of India
2. Avatar Singh : Arbitration and Conciliation
3. Goyal : Arbitration and Conciliation Act
- 4- Avatar Singh : मध्यस्थ एवं सुलभ एवं अनुक्रम लिपिक
- 5- Inderjeet Malhotra : मध्यस्थ एवं सुलभ अधिनियम 1986

## **B.A. LL.B. (Hons.) Semester – IV**

### **PAPER - VI FAMILY LAW II (MUSLIM LAW)**

#### **Course Outcome**

1. Students will be studying codified and uncodified portions of Mohammedan Law.
2. Know the concepts of muslim law. and the sources, schools, institutions, succession
3. ] Understand the concept of various matrimonial reliefs and the procedure thereof.
4. To know the provisions of the Indian Succession Act vis a vis Muslim Law
5. Know about the various important case laws on the different aspects of Muslim law.

#### **UNIT – I**

Origin and development of Muslim, who is Muslims, conversion to Islam

Nature and history of Mohammedan law, schools of Muslim law and sources of Muslim law  
*Siya* and *Sunnie*

#### **UNIT – II**

1. Marriage, *Iddet*, *Muta* Marriage, option of poverty Divorce, Dissolution of Marriage Act 1939

#### **UNIT – III**

1. Guardianship – elements, types
2. Maintenance, liability *Mehar*- types

#### **UNIT – IV**

1. Wills, gift, doctrine of *musha* pre-emption, *wakf*

#### **UNIT – V**

1. Parentage and acknowledgement
2. Succession and death bed transaction

#### **Books Recommended**

- 1- अकील अहमद : मुस्लिम विधि

2- Mulla	:	Mohammedan Law
3- Dr. Paras Diwan	:	Muslim Law in Modern India
4- Aquil Ahmed	:	Mohammedan Law
5- पारस दीपान	:	आधुनिक मुस्लिम विधि
6- शुक्ला	:	भारतीय उत्तराधिकार अधिनियम
5- Fyzee	:	Introduction to Mohammedan Law
6- Schat	:	Mohammedan Jurisprudence
7- Coulson	:	Principles of Mohammedan
8- मौर्य	:	मुस्लिम विधि
9 Jhavala	:	Principles of Mohammedan law

## **B.A. LL.B. (Hons.) Semester – V**

### **PAPER – I POLITICAL SCIENCE - V (MAJOR) (COMPARATIVE GOVERNMENT AND POLITICS)**

#### **Course outcome**

1. Students will be studying the salient features of British Constitution
2. Know the concepts of Constitution of America
3. Understand the concept federal assembly, federal council, direct democracy of Swiss Constitution
4. To know the provisions of the Constitution of China
5. To have a Comparative study of federal system of America and Switzerland

#### Unit – I

British Constitution- Salient features, Prime Minister, Crown, Parliament

#### Unit – II

Constitution of America - Salient features, President, Congress, Judiciary

#### Unit – III

Swiss Constitution- Salient features, federal assembly, federal council, direct democracy

#### Unit- IV

Constitution of China- Salient features, fundamental rights, Communist party, Polit Bureau

#### Unit - V

Comparative study- federal system of America and Switzerland, House of Lords and Senate, power and functions of President of America and the Prime Minister of U.K ,Political parties in China and U.S.A.

#### Suggested Readings

D.D. Basu	:	Constitution of India
Dr. S.C. Singh	:	विभिन्न संविधान
Dr. Pukhraj Jain	:	विभिन्न संविधान

## B.A. LL.B. (Hons.) Semester – V

### PAPER- II HINDI LANGUAGE - III

**bdkbZ 1-** iz'kklfud 'kCnkoyh jkT;ksa vkSj dsUnz esa fgUnh dh fLFkfr

- 1- iz'kklfud 'kCnkoyh
- 2- izeq[k ysfVu lq=ksa dks fgUnh esa vfHkO;Dr djuk
- 3- jkT; esa fgUnh dh fLFkfr
- 4- dsUnz esa fgUnh dh fLFkfr

**bdkbZ 2** nhokuh ,oa O;ogkj fof/k esa iz;qDr gksus okys 'kCn (Terms/Words)

- 1- lafonk] izlafonk] vfHkle;] izLFkkiuk izLrko ds fy, vkea=.k] lgefr] Lohd`fr-
- 2- izkM & U;k;] dsfo,V] ;kfpdk;sa] fu"iknu] mipkj] ifjrks"k] eqtjbZ]
- 3- vkKflr;k] vuqKflr;ka] izfrdj] iVV]s] olh;r ¼bPNk½
- 4- laKs;] vlaKs;] 'keuh;] v'keuh;]
- 5- iqujh{k.k] iqujkoyksdu@iqufoZyksdu] vihy

**bdkbZ 3** fu.kZ; ys[ku ds fl)kar fo'ks"krk,sa] ,oa fo"k; lkexzh

- 1- fu.kZ; ,oa fofu'p;
- 2- fu.kZ; ys[ku ds fl)kar
- 3- fu.kZ; ys[ku dh fo'ks"krk,sa
- 4- fo"k; lkexzh dh O;ogkfjd fof/k ,oa vijkf/kd fof/k

**bdkbZ 4** fof/k;ksa dk oxhZdj.k

- 1- O;ogkj fof/k ,oa vijf/k fof/k
- 2- laoS/kkfud fof/k] vid`R;fof/k
- 3- lkjoku ,oa izfdz;kRed fof/k
- 4- lafof/k ,oa vf/kfu;e vuqlwph] v/;kns'k





## UNIT-II

### International Historical Perspective

1. Stockholm conference
2. Rio conference
3. U.N. declaration on right to development

## UNIT-III

### Constitutional Provisions related to Environment

1. Constitution making- Development and property oriented approach
2. Directive principles, (Status, role and interrelationship with fundamental rights and fundamental duties)
3. Fundamental Duty
4. Judicial approach
5. Fundamental Rights (Rights to clean and healthy environment, Environment Vs. Development)
6. Enforcing agencies and remedies (Courts, Tribunal, Constitutional, statutory and judicial remedies)
7. Emerging principles (Polluter pays: public liability insurance, Precautionary principles)
8. Sustainable development

## UNIT-IV

### Environment Protection Measures VIS A VIS Environment Pollution

1. Protection agencies: power and functions
2. Protection: means and sanctions
3. Emerging protection through delegated legislation
4. Hazardous waste
5. Bio- medical waste
6. Judiciary: complex problems in administration of environment justice

## UNIT – V

### A. Forest and wild Life Protection

1. Greenery conservation laws
2. Forest conservation
3. Conservation agencies
4. Prior approval and non-forest purpose
5. Symbiotic relationship and tribal people
6. Denudation of forest: judicial approach
7. Wild life

8. Sanctuaries and national parks
9. Licensing of zoos and parks
10. State monopoly in the sale of wild life and wild life article
11. Offences against wild life

## B. Bio- diversity

1. Legal control
2. Control of eco-unfriendly experimentation on animal, plants, seeds and microorganism

## Selected bibliography

1. Armin Rosencranze, et. Al. (eds.) : Environmental Law and Policy in India (2000), Oxford
2. R.B. Singh and Suresh Mishra, : Environmental Law in India (1996), Concept Pub. Co., New- Delhi
3. Kailash Thakur, : Environmental Protection Law and Policy in India (1997), Deep and Deep Pub. New Delhi
4. Richard L. Riverze, et. El. (eds.) , : Environmental Law, The Economy and sustainable Development (2000), Cambridge
5. Christopher D. stone, : Should Trees Have Standing and other Essays on law, Moral and environment (1996), Oceana
6. Leelakrishnan, P. et, al. (eds.) : Law and Environment (1990), Eastern Lucknow
7. Leelakrishnan, P. : The Environment Law in India (1999), Butterworths India
8. Department of Science and technology, Government of India, :Report of the Committee Recommending Legislative Measures and Administrative Machinery for ensuring environment Protection (1980) (Tiwari Committee Report)

## B.A. LL.B. (Hons.) Semester – V

### PAPER – IV LABOUR & INDUSTRIAL LAW – I

#### Course Outcome

1. To have an effective human resource practice, the knowledge of Labour Legislation is an indispensable part especially in the Indian scenario.
2. To enable the students to have a good base in Labour Law, and its legal aspects.
3. To know the development and the judicial setup of Labour Laws. To learn the salient features of welfare and wage Legislations.
4. To learn the laws relating to Industrial Relations, Social Security and Working conditions.
5. To understand the laws related to working conditions in different settings and the judicial setup of Labour Laws.

#### UNIT – I General Introduction

Industrial jurisprudence

Labour policy in India

Industrial revolution in India, evils of industrializations, labour problems

Growth of labour legislation in India

UNIT- II Industrial dispute Act 1947

Short title, definition & authorities

Notice of change

Reference of certain industrial dispute to grievance settlements authorities, board, courts, tribunals

Power procedure & duties of authorities

Strike, lock out, lay , Retrenchment

Penalties

UNIT – III Trade Union Act 1926

Registration of trade union

Rights & liabilities of registered trade union

Regulation

Penalties & procedure

UNIT – IV Minimum Wages as under **THE CODE ON WAGES, 2019**

Definitions

Minimum wages

Payment of wages

Payment of bonus

Advisory Board

Payment of dues, claims and audits

Inspector cum facilitator

Offences and Penalties

All Schedules and all amendments made from time to time.

UNIT – V Factories Act 1948

Introduction, definition, registration & licencing

The inspecting staff

Health

Safety

Working hours of adult

Annual leave with wages

Penalties & provisions

**Selected Bibliography**

1. John Bowers and Simon Honeyball, : Text book on Labour Law (1996), Blackstone, Landon
2. Shrivastava K.D. : Commentaries on payment of wages Act 1936 (1998), Eastern Lucknow
3. Shrivastava K.D. : Commentaries on minimum wages Act (1948) (1995), Eastern Lucknow
4. Rao S.S. : Law and Practice on minimum wages (1999), Law Publishing House, Allahabad
5. Seth D.D. : Commentaries on Disputes Act 1947 (1998), Law Publishing House, Allahabad
6. Shrivastava K.D. : Commentaries on factories Act 1948 (2000), Eastern Lucknow
7. R.C. Saxena : Labour problems and social welfare
8. V.V. Giri : Labour problems in India Industries
9. O.P. Malhotra, : The Law of Industrial Disputes (1998) Universal Delhi
10. S.C. Srivastava, : Social Securities and labour laws pts. 5 and 6 (1985), Universal Delhi
11. S.C. Srivastava, : Commentary on the Factories Act 1948 (1999) Universal Delhi

B.A. LL.B. (Hons.) Semester – V

PAPER V LAW OF CRIMES - I (INDIAN PENAL CODE)

**Course Outcome**

1. The objective behind teaching this course is to deal with the basic principles of criminal law and its associated liability & punishment.
2. To study kinds of crime which are committed in society
3. Understand the system of administration of criminal justice in India
4. To know the definition of various crimes and the prescribed punishment for it.

**UNIT-I**

General

1. Concept of crime
2. Distinction between crime and other wrongs
3. McCauley's draft based essentially on British notions
4. Salient features of the I.P.C.
5. IPC: a reflection of different social and moral values
6. Applicability of I.P.C.- territorial and personal

**UNIT-II**

Element of Criminal Liability

1. Person definition - natural and legal person
2. Men rea- evil intension
3. Recent trends to fix liability without mens rea in certain socio- economic offences
4. Act in furtherance of guilty intent- common object
5. Factors negating guilty intension

**UNIT-III**

Group liability

1. Common Intension
2. Abetment
3. Instigation, aiding and conspiracy
4. Mere act of abetment punishable
5. Unlawful assembly
6. Basis of liability
7. Criminal conspiracy
8. Rioting as a specific offences
9. Mental incapacity
10. Minority
11. Insanity
12. Medical and legal insanity
13. Intoxication
14. Private defence- justification and limits

15. When private defence extends to causing of death to protect body and property
16. Necessity
17. Mistake of fact

## UNIT-IV

### Offences against human body

1. Culpable homicide
2. Murder
3. Culpable homicide to murder
4. Grave and sudden provocation
5. Exceeding right to private defense
6. Hurt – grievous and simple
7. Assault and criminal force
8. Wrongful restraint and wrongful confinement – kidnapping- from lawful guardianship, outside India
9. Abduction

## UNIT-V

### Offences against property

1. Theft
2. Robbery, *Dacoity*
3. Cheating
4. Extortion
5. Mischief
6. Criminal misrepresentation and criminal breach of trust

### Types of Punishment

1. Death
2. Social relevance of capital punishment
3. Imprisonment- for life, with hard labour, simple imprisonment
4. Foreiture of property
5. Fine
6. Discretion of court in awarding punishment
7. Minimum punishment in respect of certain offences

### Selected Bibliography

1. K.D. Gaur, : Criminal Law: Cases and Materials (1999), Butterworths, India
2. Ratanlal- Dhirajlal's, : Indian Penal Code (1994 reprint)
3. K.D. Gaur, : A Text Book on the Indian Penal Code (1998), Universal Delhi
4. P.S. Achuthan pillai, : Criminal Law (1995) Eastern, Lucknow
5. Hidaythullaw, M., et.al.

- Ratanlal and Dhirajlal, : The Indian Penal Code (1994 reprint),  
Wadhwa & Co. Nagpur
6. B.M. Gandhi, : Indian Penal Code (1996), Eastern Nagpur

## B.A. LL.B. (Hons.) Semester – V

### PAPER VI INTELLECTUAL PROPERTY

#### Course Outcome

1. Law student should acquaint himself with the knowledge of intellectual property
2. The knowledge of international scenario, viz., the Berne, Convention, Universal Copyright, Convention, the Paris Convention Trips, the World Intellectual Property Rights Organization (WIPO)
3. Understanding the law relating to copyright, trademarks and patents.
4. To study Copyright protection in computer software and hardware, internet, electronic music and scientific research
5. The processes involved in acquiring IP

#### UNIT-I

##### Introduction

1. The meaning of intellectual property
2. The main forms of intellectual property: copyright, trademarks, patents and designs
3. Other new forms such as plant varieties and geographical indications
4. Introduction to the leading international instruments concerning intellectual property rights: the Berne, Convention, Universal Copyright, Convention, the Paris Convention Trips, the World Intellectual Property Rights Organization (WIPO) and the UNESCO

#### UNIT-II

##### Selected aspects of the Law of copyright in India

1. Historical evolution of the copyright law
2. Meaning of copyright
3. Copyright in literary, dramatic and musical works
4. Copyright in sound records and cinematograph films
5. Ownership of copyright
6. Assignment and license of copyright
7. Copyright authorities
8. Aspects of copyright justice
9. Remedies, especially, the possibility of Anton Pillar injunctive relief in India



## UNIT-III

### Intellectual Property in Trademarks

1. The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights
2. Definition and concept of trademarks
3. Registration of trademark- authorities under the trademark Act
4. Passing off and infringement
5. Remedies

## UNIT-IV

### The Law of Intellectual Property: patents

1. Concepts of patents
2. Historical view of the patents law in India
3. Process of obtaining a patent: general introduction
4. Procedure for filling patents: patent co-operation treaty
5. Prior publication or anticipation
6. Rights and obligations of a patentee
7. Compulsory licenses
8. Infringement
9. Defences in suit of infringement
10. Injunctions and related remedies

## UNIT-V

1. Geographical indication Act
2. New plant culture and breeds Act

### Selected Bibliography

1. Cormish W.R. : Intellectual Property, Patents, Trade Marks, Copy Right and Allied Right (1999), Asia Law House, Hyderabad
2. Vikas Vashishth, ; Law and practice of Intellectual Property (1999), Bharat Law House Delhi
3. P. Narayanan, : Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta
4. Bibeck Debroy (ed). : Intellectual Property Right (1998), Rajiv Gandhi Foundation, Delhi
5. U.I.F. Anderfelt, : International Patent Legislation and Developing Countries (1971)
6. W.R. Cornish, : Intellectual Property (3<sup>rd</sup> ed) (1996) Swwet and Maxwell
7. K. Thairani, : Copyright: The Indian Experience (1987)

8. W.R. Cornish, : Para and Materials on Intellectual Property (1999), Sweet

## B.A. LL.B. (Hons.) Semester – VI

### PAPER I

#### INTERNATIONAL RELATION AND ORGANIZATION (MAJOR)

#### Course Outcome

1. Use analytical intellectual tools to examine global issues.
2. To examine international of International Relations, different approaches (Theory of power), International organization - UNO
3. Critically analyze the meaning and Elements of National power of military force, economic organization etc.
4. To know about Major problems: North and South Rivalries Indian Ocean
5. To study the importance of Regional organization in International politics.

#### UNIT-I

Meaning of International Relations, different approaches (Theory of power), International organization - UNO

#### UNIT- II

National power- meaning and Elements – population, geography, resources technology, military force, economic organization and ideology

Limitations on National power- International morality, public opinion, conventional and modern welfare, disarmament, balance of power and collective security

#### UNIT – III

National interest – meaning and Instruments for the promotion -imperialism ,diplomacy, role of media, propaganda

Indian Foreign policy

#### UNIT - IV

Major problems: North and South Rivalries Indian Ocean

Regional organization in International politics: NATO, ARABLEAGUE, SAARC, and NAM

#### UNIT - V

India's relations with USA and neighboring countries

1. Pakistan
2. Bangladesh
3. China
4. Nepal
5. Srilanka

#### Reference Books

- |                     |   |   |
|---------------------|---|---|
| 1. H. Morgenthau    | : | Politics among Nations                        |
| 2. H. Haffman       | : | Contemporary theories in Rela                 |
| 3. Palmer & Perkins | : | International Relations                       |
| 4. Mehendra Kumar   | : | Theoretical aspects of International Politics |

## B.A. LL.B. (Hons.) Semester – VI

### PAPER - II      LEGAL LANGUAGE AND LEGAL WRITING

#### Course Outcome

1. Understand the language and literary conventions through various texts
2. . Develop analytical and critical thinking through reading, writing and discussion.
3. Acquire competence in translation and re-translation. Learn to use idioms and phrases in legal contexts.
4. Have knowledge of phonetics.
5. Understand legal concept better and also develop ability to write effective propositions in legal context.

#### UNIT-I

##### Introduction to Legal Language

1. Characteristics of Legal Language
2. History of Legal Language
3. Legal Language in India

#### UNIT-II

##### Phonetics Theory and Practice

1. The phonetics Script
2. Reading exercises- stress, accent and intonation suitable for Indian speaker with emphasis on clarity speech and felicity of expression.
3. Reading comprehension pf principles and practice

## UNIT-III

### Legal Terminology

1. Terns used in civil law and criminal law
2. Latin word and expressions – law register
3. General Juristic Writings in English

## UNIT-IV

### Fundamental Principles of Legal Writing

1. Concision – clarity cogency – simplicity of structure
2. Brief writing and drafting of law reports
3. Writing of case comments
4. Essay writing on topics of legal interest

## UNIT-V

### Proficiency in Regional Language

1. Every student should acquire skills of understanding analysis writing and communication in the regional language, which he has to use in the interaction with the potential clientele. Necessarily the proficiency in the language will contribute in a substantial measure to a successful practice in law
2. Phrases translation from English to Hindi and Vice Versa practice of Translations of any Act from Hindi to English and Vice Versa
3. Writing reacting and comments on important Legal issues published in Newspaper in Hindi and English
4. Adding to vocabulary in Hindi and English
5. Learning local terms used in the courts, local Districts and expressions for various documents and their standard nomenclature
6. Writing essay in English and Hindi

### Book Recommended

Sunil Sharma	:	General English
Dr. Madabhush Shridhar	:	Legal Language
भारत सरकार द्वारा प्रकाशित	:	विधि शब्दावली
Stroud	:	Judicial Dictionary, 4 <sup>th</sup> ed. 1982
Ballantine	:	Law dictionary (1969)
Squires and Nambsur	:	Legal writing in Nut shell, 1982, N.M.
Tripathi, Bombay	:	
बावेल	:	विधिक भाषा लेखन एवं सामान्य अंग्रेजी
Tripathi	:	Legal writing Legal Essay and
Gen.	:	

Aiyor	:	Eng. Concise Law Dictionary
R.L. Jain	:	Legal writing including Gen.
English		
Prof. Mark wojick	:	Introduction to Legal English) (International Law Institute, Washington
Lord Denning	:	“ Plain English” The closing chapter New Delhi Aditiya Books

## B.A. LL.B. (Hons.) Semester – VI

### PAPER – III CIVIL PROCEDURE CODE & LIMITATION ACT

#### Course Outcome

1. This course of C.P.C is designed to Study the importance of procedural law.
2. To acquaint the students with the various stages through which a civil case passes through, and the connected matters.
3. The course also includes law of limitation. Understand the reason for the existence of civil rules of practice, limitation. Given the historical and cultural context in which the rules developed.
4. Understand the preliminary issues involved in civil cases.
5. Identify the order, purpose and content of major pleadings in Magistrate's and High courts and analyze and evaluate information from statutes, case acts and rules.

#### UNIT-I

##### Introduction

##### Concepts

1. Affidavit, Order, Judgment, Degree, Complaint, Restitution, Execution, Decree- holder, judgment- debtor, mense profits, written statement
2. Distinction between decree and judgment and between decree and order

##### Jurisdiction

1. Kinds
2. Hierarchy of Courts
3. Suit of Civil nature – scope and limits
4. Res subjudice and resjudicata
5. Foreign judgment – enforcement
6. Place of suing
7. Institution of suit
8. Parties to suit: joinder mis-joinder or non-joinder of parties: representative suit
9. Frame of suit: cause of action
10. Alternative disputes resolution (ADR)
11. Summons

#### UNIT-II

##### Pleading

1. Rules of pleading, signing and verification
2. Alternative pleading
3. Construction of pleadings
4. Plaint: particulars
5. Admission, return and rejection
6. Written statement: particulars, rules of Evidence
7. Set off and counter claim: distinction
8. Discovery, inspection and production of documents
9. Interrogatories
10. Privileged documents
11. Affidavits

### UNIT - III

#### Appearance, Examination and Trial

1. Appearance
2. Ex- parte procedure
3. Summary and attendance of witnesses
4. Trial
5. Adjournments
6. Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver
7. Interests or costs
8. Execution
9. The concept
10. General principles
11. Power for execution of Decree
12. Procedure for execution (Section 52-54)
13. Enforcement, arrest and detention (Ss 55-56)
14. Attachment (Ss 65-64)
15. Sale (Ss 65-97)
16. Delivery of property
17. Stay of execution

### UNIT - IV

#### Suits in particular Cases

1. By or against government (Ss. 79-82)
2. By aliens and by or against foreign rules or ambassadors (Ss. 83-87A)
3. Public nuisance (Ss. 91-93)
4. Suits by or against firm
5. Mortgage
6. Interpleaded suits
7. Suits relating to public charities

## UNIT - V

### Appeals, Review, Reference and Revision

1. Appeals from decree and order general provisions relating to appeal
2. Transfer of cases
3. Restitution
4. Caveat
5. Inherent powers of courts
6. Law reform: Law Commission on Civil Procedure
7. Amendments
8. Law of Limitation
9. The concept – the law assists the vigilant and not those who sleep over the rights

### Object

1. Distinction with laches, acquiescence, prescription
2. Extension and suspension of limitation
3. Sufficient cause for not filling the proceedings
4. Illness
5. Mistaken legal advise
6. Mistaken view of law
7. Poverty, minority and purdha
8. Imprisonment
9. Defective vakalatnama
10. Legal liabilities
11. Foreign rule of limitation: contract entered into under a foreign law
12. Acknowledgement – essential requisites
13. Continuing tort and continuing breach of contract

### Selected Bibliography

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



## B.A. LL.B. (Hons.) Semester – VI

### PAPER IV LABOUR & INDUSTRIAL LAW –II

#### **Course Outcome:**

1. Understand the origin development and effects of social welfare
2. Describe the formation of international Labour organization under the Convention
3. Analyse the provisions related to the benefits of employee under the Payment of Bonus Act and penal consequences.
4. Understand the procedure to protect women and children under Child Labour (Prohibition and Protection) Act.
5. Illustrate the provisions related to the protection of health, safety and security of Labours in the social welfare legislation.

#### **UNIT – I Mines Act 1952**

Aims, Object, Commencement, Definition

Inspectors & certifying surgeons

Committees

Provisions as to health & safety

Hours & limitation of employment

Leave with wages

Regulation, rules

Penalties & procedures

#### **UNIT- II Bonded Labour System (Abolition) Act 1976**

Aims, object, operation, definition of Act

Abolition of bonded labour system

Extinguishment of liability to repay bonded debt

Implementing authorities

Vigilance committee

Offences & procedure for trial

#### **UNIT – III Equal Remuneration as under THE CODE ON WAGES, 2019**

Introduction,

Definitions

Minimum wages

Payment of wages

Payment of bonus

Advisory Board

Payment of dues, claims and audits

Inspector cum facilitator

Offences & Penalties

#### **UNIT – IV The Child and Adolescent Labour (Prohibition & Regulation Act 1986)**

Definition, object, scope of act

Prohibition of employment of children in certain occupation & process

Regulation of condition of work of children

Miscellaneous

Penalties, procedure, employment of inspector, power, rules, repeal and saving  
UNIT- V E. S.I. (Employee Security Insurance) Act 1948  
Definition, object, scope of act  
Corporation, standing committee & medical benefit leave  
Finance & audit  
Contribution  
Benefits  
Adjudication of disputes, clause  
Penalties

## B.A. LL.B. (Hons.) Semester – VI

### PAPER V LAW OF CRIMES – II (CRIMINAL PROCEDURE CODE)

#### Course Outcome

1. Procedural Law provide for a fair procedure is significant for a just society. To acquaint the student with the set of criminal courts
2. To know the organization of the functionaries, their power and functions at various stages
3. To understand the procedure according to which these powers and functions are to be exercised under the provisions of procedural law.
4. To learn about fair trial Processes
5. To learn about Juvenile delinquency

#### UNIT-I Introductory

The rationale of criminal procedure: the importance of fair trial

1. The constitutional perspectives: Article 14, 20 & 21

#### Pre – Trial Process: Arrest

1. The distinction between cognizable and non cognizable offences: relevance and adequacy problems
2. Steps to ensure accused's presence at trial: warrant and summons
3. Arrest with and without warrant (Section 70-73 and 41)
4. The absconder status (section 82, 83, and 85)
5. Right of the arrested person
6. Right to know ground of arrest (section 50 (1), 55,75)
7. Right to be taken to magistrate without delay (section 56,,57)
8. Right to not being detained for more than twenty- four hours (section 57): 2.9 Article 22 (2) of the constitution of India
9. Right to consult legal practitioner, legal aid and the right to be told of rights to bail
10. Right to be examined by a medical practitioner (section 54)

#### Per –trail Process: Search and Seizure

1. Search warrant (section 83, 94,97, 98) and search without warrant (Section 103)
2. Police search during investigation (section 165, 166, 153)
3. General principles of search (section 100)

4. Seizure (section 102)
5. Constitutional aspects of validity of search and seizure proceedings

#### UNIT-II **Per –trail Process: Fir**

1. F.I.R. (section 154)
2. Evidentiary value of F.I.R. (see section 145 and 157 of Evidence Act)

#### Per –trail Process: Magisterial Powers to Take Cognizance

#### Trial Process

1. Commencement of proceedings: (section 200, 201, 202)
2. Dismissal of complaints (section 203, 204)
3. Bail: concept, purpose: constitutional overtones
4. Bailable and non- bailable offences (section 436, 437, 439)
5. Cancellation of bail (section 437 (5))
6. Anticipatory bail (section 438)
7. Appellate bail powers (section 389 (1), 395 (1), 437 (5))
8. General principles concerning bond (section 441 - 450 )

#### UNIT-III **Fair Trial**

1. Conception of fair trial
2. Presumption of innocence
3. Venue of trial
4. Right of the accused to know the accusation (section 221- 224)
5. The right must generally be held in the accused's presence (section 221-224)
6. Right of cross- examination and offering evidence in defence: the accused's statement
7. Right to speedy trial

#### Charge

1. Framing of charge
2. Form and content of charge (section 211, 212, 216)
3. Separate charge for distinct offence (section 218, 219, 220, 221, 223)
4. Discharge – pre- charge evidence

#### Preliminary Pleas to Mar the Trial

1. Jurisdiction (section 26, 177- 188, 461, 462, 479)
2. Time limitations: rationale and scope (section 468 - 473)
3. Pleas of autrefois acquit and autrefois convict (section 300, 22D)
4. Issue Estoppel
5. Compounding of offences

#### Trial before a Court of Sessions: Procedural Steps and Substantive Rights

#### UNIT-IV Judgment

1. Form and content (section 354)
2. Summary trial
3. Post conviction orders in lieu of punishment: emerging penal policy (section 360, 361, 31)
4. Compensation and cost (section 357,358)
5. Modes of providing judgement (section 353, 362, 363)

#### Appeal Review, Revision

1. No appeal in certain cases (section 372, 375, 376)
2. The rationale of appeals, review, revision
3. The multiple ranges of appellate remedies
4. Supreme Court of India (section 374, 379, Article 31 132, 134, 136)
5. High Court (section 374)

6. Session Court (section 374)
7. Special right to appeal (section 380)
8. Government appeal against sentencing (section 377, 378)
9. Judicial power in disposal of appeal (section 368)
10. Legal aid in appeals
11. Revisional jurisdiction (section 397- 405)
12. Transfer of cases (section 406, 407)

**UNIT – V Juvenile Delinquency**

1. Nature and magnitude of the problem
2. Causes
3. Juvenile court system
4. Treatment and rehabilitation of juveniles
5. Juveniles and adult crime
6. Legislative and judicial protection of juvenile offender
7. Juvenile justice (Protection and Care) Act 2000

**Probation**

1. Probation of offender's law
2. The judicial attitude
3. Mechanism of probation: standards of probation services
4. Problems and prospects of probation
5. The suspended sentences

**Reforms of Criminal Procedure**

**Selected Bibliography**

1. Ratanlal Dhirajlal, Criminal Procedure Code (1999), Universal, Delhi
2. Chandrasekharan Pillai, ed., Kelkar Lectures on Criminal Procedure (1998), Eastern Lucknow
3. Eastern Lucknow
4. Principle's commentaries on the Code of Criminal Procedure, 2 Vol. (2000) Universal
5. Woodroffe: Commentaries on Code of Criminal Procedure, 2. vol. (2000) Universal
6. Chandrasekharan Pillai, ed., Kelkar's outlines of Criminal Procedure (2001),

## **B.A. LL.B. (Hons.) Semester – VI**

### **PAPER – VI INTERPRETATION OF STATUES**

**Course Outcome**

1. Interpretation of Statutes is designed to understand the true meaning, intent of the maker of the statute.
2. To familiarize the students with various rules of interpretation.
3. Developing the understanding of students to focus on how legislatures are organized and how they enact statutes into law. Included will be a discussion of the process by which the people themselves may enact statutes by initiative or referendum.
4. To understand the extent to which the courts may review the processes by which legislatures and the people enact legislation.
5. Studying the interpretation of statutes by the courts, covering competing normative and descriptive theories of statutory construction
6. Learn about the canons of statutory construction, the use and misuse of legislative history, and the role of administrative agencies in the construction of statutes.

## UNIT-I

### Interpretation of Statues

1. Meaning of the term 'statues'
2. Commencement, operation and repeal of statues
3. Purpose of interpretation of statues

## UNIT-II

### Aids to Interpretation

#### 1. Internal aids

1. Titles
2. Preamble
3. Heading and marginal notes
4. Sections and sub- sections
5. Punctuation marks
6. Illustrative, exceptions, provisos and saving clauses
7. Schedules
8. Non – obstinate clause

#### 2. External aids

1. Dictionaries
2. Translations
3. Travaux preparatoires
4. Statues in pari material
5. Contemporanea Exposito
6. Debates, inquiry commission reports and Law commission reports

## UNIT-III

### Rules of Statutory Interpretation

1. Primary rules
2. Literal rule
3. Golden rule
4. Mischief rule (rule in the Heydon's case)

## UNIT-III

1. Rule of harmonious construction
2. Noscitur a sociis
3. Ejusdem generis

4. Reddendo singula singulis

UNIT-IV

Interpretation with reference to the subject matter and purpose

1. Restrictive and beneficial construction
2. Taxing statutes
3. Penal statutes
4. Welfare legislation

UNIT-V

Principal of Constitutional Interpretation

1. Harmonious constructions
2. Doctrine of pith and substance
3. Colourable legislation
4. Ancillary powers
5. "Occupied field"
6. Residuary power
7. Doctrine of repugnancy

Selected Bibliography

1. G.P. Singh, Principal of Statutory Interpretation,(7<sup>th</sup> ed.), 1999, Wadhwa Nagpur
2. P.St. Langan (ed.), Maxwell on The Interpretation of Statues (19760, N.M. Tripathi, Bombay
3. K. Shanmukham, N.S. Bindras's Interpretation of Statues (1997) The Law Book Co. Allahabad
4. V. Sarathi, Interpretation of Statues, (1984), Eastern & Co.
5. M.P. Jain, Constitutional Law of India, (1994) Wadhwa & Co.
6. M.P. Singh, (ed.) V.N. Shukla's Constitution of India (1994) Eastern Lucknow
7. U. Baxi, Introduction to Justice K.K. Mathews, Democracy Equality and Freedom (19780 Eastern Lucknow

## B.A. LL.B. (Hons.) Semester – VII

### PAPER – I PROPERTY LAW

#### **Course Outcome**

1. To understand the concept of Property, its origin and its kinds.
2. To understand the nature of rights and duties attached with various kinds of properties and how inter vivo transactions of property take place by act of parties.
3. To understand the nature of property disputes and how they arise.
4. To understand the doctrines that forms a systematic and uniform law for transfer of immovable property. Helping student understand how it works as a parallel law to the existing laws of testamentary and intestate transfers.
5. To apply the principles of Justice, Equity and Good Conscience as the law is not exhaustive and enable the future advocates to help the aggrieved party in particular and society in general.

#### UNIT – I

##### Introduction:

Concept and meaning of property, various definitions given under transfer of property act, kinds of property – movable and immovable property – tangible and intangible property- intellectual property – copyright – patents and designs- trademarks

#### UNIT – II

Law relating to Transfer of Property under Transfer of Property Act, 1882

1. General principles of transfer of property whether movable or immovable (Sec. 5 to 37 )

#### UNIT – III

1. General principles of transfer of immoveable property sale, mortgage, (sec. 38 to 53 “A” )

#### UNIT – IV

1. Gift, Leases, exchange Actionable claims

#### UNIT – V

##### Easement

1. Nature, Characteristics, definition and essentials creation of easements, kinds Riparian rights, Extinction, Suspension and revival of easements, Licenses

##### Selected Bibliography

Mulla	:	Transfer of Property Act
V.P.Sarthy		Transfer of Property
R.K. Sinha		Law of Transfer of Property
N.K. Jhabwala		The Indian Easement Act

## B.A. LL.B. (Hons.) Semester – VII

### PAPER II HUMAN RIGHTS LAW & PRACTICE

#### Course Outcome

1. Human Rights involve skills expected to be gained by a student through studies
2. Support the student in sharpening competence for augmenting contemporary knowledge base, acquiring new learning and skills, identifying with future studies, engaging systematic, extensive, coherent knowledge and understanding of human rights
3. Study human rights as a whole with its links to related disciplinary areas; critical comprehension of theories, principles and concepts; and understanding of emerging issues in human rights law;
4. Acquire procedural knowledge related to the study of human rights, including research and development
5. To prepare for responsible citizenship with awareness of the relationship between Human Rights, democracy and development and to foster respect for international obligations for peace and development; to impart education on national and international regime of Human Rights.



### UNIT – I

1. Historical Development and concept of Human Right
2. Human Right in India ancient, medieval and modern concept rights
3. Human Right in Western tradition
4. Concept of natural law and natural rights
5. Human Right in legal tradition: International Law and National Law
6. UN and Human Rights
7. Universal Declaration of Human Rights (1948) - individual and group rights
8. Covenant on political and Civil Rights (1966)

### UNIT – II

1. Convention on economic social and cultural Rights (1966)
2. Convention on the elimination of all forms of discrimination against women
3. Convention on the rights of the child

### UNIT – III

1. Impact and Implementation of International Human Rights Norms in India
2. Human rights norms reflected in fundamental rights in the constitution
3. Directive principles: legislative and administrative implementation of international human rights norms through judicial process

### UNIT – IV

1. Human Rights and disadvantage Groups
2. Enforcement of Human Right in India

### UNIT- V

1. Role of courts: the Supreme Court, High Courts and other Courts
2. Statutory Commissions – human rights, women's minority and backward class

### Selected Bibliography

1. S.K. Avesti and kataria Law relating to Human Rights, Orient New Delhi
2. Human Rights watch women's Rights watch global report on women's Human Rights (2000), Oxford
3. Ermacora Nowak and Tretter, International Human Rights (1993), Sweet and Maxwell
4. Wallace, International Human Rights: Text & Materials (1996), Sweet & Maxwell
5. Human Rights & Global Diversity (2001), Frank Cass, Landon
6. Nirmal B.C. The Right of self Determination in International Law (1995), Deep and Deep
7. P.R. Gandhi, International Human Rights Documents (1999) Universal Delhi

## B.A. LL.B. (Hons.) Semester – VII

PAPER III

MEDIA AND LAW

## **Course Outcome**

1. Discuss media laws in India and the world
2. To study the Right of Freedom of Speech and reasonable restrictions applicable
3. Have knowledge about media regulation in India
4. Demonstrate an understanding of the nature of ethics and morality in journalism
5. Determine the ethical issues of media with case studies

### **UNIT I : Introduction**

1. Media: Basic Concept
2. Types of Media - Print Media, Electronic Media, E Media
3. Evolution of Media in India
4. History of Media Laws in India
5. Recommendations of some important Committees- Chanda Committee, Bachawat Committee .

### **UNIT II : Media in Constitutional Framework**

- a. Freedom of Speech and Expression in India
  - b. Comparative Constitutional provisions on Freedom of Expression-USA,UK and India.
  - c. Reasonable Restrictions on Freedom of Expression
- 3.1 Right to Privacy
  - 3.2 Right to Information

### **UNIT III: Some Major Media Legislations- Extract and Objectives.**

1. Press and Registration of Books Act, 1867
2. Cinematograph Act 1952
3. Drug and Magic Remedies (Objectionable Advertisement) Act, 1954
4. Press Council Act, 1978
5. Prasar Bharati (Broadcasting Corporation of India) Act, 1990
6. The Cable Television Network (Regulation) Act, 1995
7. The Direct to Home Broadcasting Services (Standards of Quality of Service and Redressal of Grievances) Regulation, 2007

#### **UNIT IV Media Regulatory Framework**

##### **1. Legal Dimension of Media**

- 1.1 Media and Criminal Law (Defamation, Obscenity, Sediton)
- 1.2 Media and Tort Law (Defamation and Negligence)
- 1.3 Media and Legislature: Privileges of the Legislature
- 1.4 Media and Judiciary: Contempt of the Court Act, 1971
- 1.5 Media and Executive: Official Secrets Act, 1923
- 1.6. Media and Telecom: Telecom Regulatory Authority of India Act, 1997

#### **UNIT V Important Judicial Pronouncement on Media and Law**

1. Judicial Decisions
2. Self Regulation
3. Media and Ethics
4. Media and Human Rights

**Note- The above units will include Act with recent amendments and the study of important updated relevant cases decided by the judiciary.**

#### **Selected Bibliography**

M.P. Jain, Constitutional Law of India (1994) Wardha

H.M. Seervai, Constitutional Law of India Vol. (1991) Tripathi, Bombay

John B. Haward, "The Social Accountability of Public Enterprises" in Law and Community

6. Telecom Regulatory Authority of India Act 1997.

Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on freedom of Press and expression" 14 J.I.L.I. 501 (1972)

Rajeev Dhavan " On the Law of the Press in India" 26 J.I.L.I. 288 (1984)

Rajeev Dhavan, "Legitimizing Government Rhetoric; Reflections on some Aspects of Social press Commission " 26 J.I.L.I. 391 (1984)

Soli Sorabjee, Law of press Censorship in India (1976)

Justice E.S. Venkaramiah, freedom of press: Some Recent trends (1984)

D.D. basu, The Law of Press of India (1980)

Students should cosnsult relevant volumes of the Annual Survey of Indian Law Published by Indian Law Institute. (Constitutional Law 1 & 11 Administrative Law and Public Interest Litigation

V.N. Shukla Constitutional Law of India

डा, पाण्डे जयनारायण	भारत की संवैधानिक विधि
एम,पी, जैन	भारत की संवैधानिक विधि
पी, के, त्रिपाठी	भारत का संविधान

## B.A. LL.B. (Hons.) Semester – VII

### PAPER – IV                      BANKING LAW (OPTIONAL)

#### **Course Outcome**

1. The course of Banking Law is designed to primarily acquaint the students with operational parameters of banking law
2. To study the Evolution of Banking institution in India
3. To teach the general principles of banking law and to develop appreciative faculties of the students in statutory as well as case – law in this area.
4. The purpose of this course is to teach the current law and practice in the field of banking law.
5. Specifically emphasizing the role of banking regulators

#### UNIT-I

##### Introduction

1. Evolution of Banking institution in India banking definition, banking company in India, banking legislation in India– common law and statutory,
2. Commercial banks: functions
3. Essential functions
4. Agency services
5. System of banking: Unit banking, branch banking, group banking and chain banking

#### UNIT-II

##### Bank and Customers

1. Customer: meaning
2. Legal character of banker – customer relationship
3. Special types of customers: Lunatics, minors, agents, administrators and executors, partnership firms and companies
4. Cheque- Duties and liabilities of banks payment of cheques by bank liabilities of the banker in case of dishonour- protection of paying banker – forged cheques-alteration of cheque – collection of cheques and drafts- protection of collecting banker.

#### UNIT-III

1. Bill of exchange, promissory note - Hundi types of hundi, notary public noting protest acceptance for honour payment for honour
2. Holder and holder in due course- distinction between a holder and holder in due course essential features of negotiable instrument – different types of bill and note reasonable, acceptance and negotiations-

3. types of endorsement – restrictive endorsement – endorsement excluding personal liability- partial endorsement – (once a bearer instrument always a bearer instrument)
4. Dishonour of negotiable instrument

## UNIT-IV

### Control Banking Theory and RBI

1. Characteristics and function of central banks
2. The Reserve Bank of India as central bank of India
3. Objectives and organizational structure
4. Functions, Regulations of the monetary system, Monopoly of note issue
5. Credit control, Determination of bank rate policy, Open market operations, Banker of Government, Control over non- banking financial institutions, Economic and statistical research, Staff training, Control and supervisions of other banks,
6. Interest: Rule against penalties, default and recovery

## UNIT-V

### Merchant Banking

1. Merchant banking in India
2. SEBI (Merchant Bankers) Regulations, 1992
3. Recovery of Debts Due to Bank and Financial institutions Act, 1993

### Selected Bibliography

M.S. Parthasarthy (ed.) Kherganvala on the Negotiable Instruments Act (1998), Butterworth, New- Delhi

M.L. Tannen, Tannen's Banking Law and Practice in India, (2000) India Law House, New – Delhi

S.N. Gupta, The Banking Law in Theory and Partice, (1999), Universal New Delhi

G.S.N. Tripathi (ed. ), Sethi's Commentaries on Banking Regulation Act 1949 and Allied Banking Laws (2000), Law Pub. Allahabad

**B.A. LL.B. (Hons.) Semester – VII**  
**Paper IV FORENSIC SCIENCE (Optional )**

**Course Outcome**

1. Demonstrate competency in the collection, processing, analyses, and evaluation of evidence.
2. Demonstrate competency in the principles of crime scene investigation, including the recognition, collection, identification, preservation, and documentation of physical evidence.
3. Demonstrate an understanding of the scientific method and the use of problem-solving within the field of forensic science.
4. Identify the role of the forensic scientist and physical evidence within the criminal justice system.
5. Demonstrate the ability to document and orally describe crime scenes, physical evidence, and scientific processes and Identify and examine current and emerging concepts and practices within the forensic science field.

**UNIT-I**

- 1.1 Definition, Objects, Scope and Purpose of Forensic Science
- 1.2 History and development of forensic science
- 1.3 Relationship between Law and Forensic Science
- 1.4 Role of Forensic Science in administration of justice
- 1.5 Forensic Science Institutions in India
  - Central forensic science laboratories
  - National Institute of Criminology and Forensic Science

**UNIT- II**

Forensic Examination

- 2.1 Firearms and examination of Ballistic evidence
- 2.2 Poisons: Nature, Types and Analysis
- 2.3 Wounds and their characteristics,
- 2.4 Forensic aspects of arson and explosion
- 2.5 Scientific investigation of sexual offences

**UNIT-III**

- 3.1 Questioned documents- nature, types, examination of forged documents, charred documents, alteration in documents, characteristics and examination of hand written, typed, printed and indented materials, seal and rubber stamp.
- 3.2 Counterfeit coins and currency and related laws.
- 3.3 Nature and preliminary examination of various biological fluids such as blood, semen, saliva etc.
- 3.4 Autopsy
- 3.5 Crime Scene and Lab Investigation

#### **UNIT-IV**

- 4. Concept, History, Advantages, Limitations and Legal admissibility of Techniques of Investigation
  - 4.1 Finger Printing, Foot and footwear prints, tyre prints, track marks, cail pattern
  - 4.2 Brain Mapping
  - 4.3 Lie detector/ Poly graph
  - 4.4 Voice Identification
  - 4.5 Narco analysis
  - 4.6 DNA Profiling

#### **UNIT- V**

- 5.1 Meaning and Admissibility of Expert Evidence
- 5.2 Police organisation at National level, State level and District level
- 5.3 Investigation- First Information Report, Case diary, Arrest, Search, Seizure

#### **Select Bibliography**

Modi's Medical Jurisprudence & Toxicology  
Parekh's Medical Jurisprudence & Toxicology  
Nanda, B.B. & Tewari R.K., Forensic Science in India: A Vision for the Twenty first Century  
Sharma, B.R.: Forensic Science in Criminal Investigation and Trials  
Anil K. Jain, Biometrics Personal Identification in Neworked Society  
Nickolas, Scientific Criminal Investigation  
James, S.H. ad Norby JJ, Forensic Science: An Introduction to Scientific and Investigative Techniques.

## B.A. LL.B. (Hons.) Semester – VII

### PAPER – IV INTERNATIONAL ORGANIZATION (OPTIONAL)

#### **Course Outcome**

1. To define, understand, and use concepts and terms relevant to the study of international organizations;
2. To apply a body of factual knowledge directly relevant to understanding the impact of international organizations
3. To study relation between domestic and international politics;
4. To apply alternative explanations for the emergence and evolution of international organizations.
5. To know the different United Nation Organizations

#### UNIT – I

International labour organization – development & role

#### UNIT – II

United Nation Organization (UNO), United Nation Economic, Social and cultural organization development (UNESCO)

#### UNIT- III

World Health Organization (WHO), Red Cross development

#### UNIT – IV

World Intellectual Property Organizations (WIPO)  
World Trade Organization (WTO)

#### UNIT- V

Regional organizations -NATO, SAARC



## B.A. LL.B. (Hons.) Semester – VII

### PAPER – V                      DRAFTING PLEADING AND CONVEYANCING (CLINICAL COURSE)

#### **Course Outcome**

1. Legal drafting skills are of utmost importance to all lawyers but are often difficult to master. Despite the challenges of mastering the art, the most effective lawyers are those who actively implement strategies to improve their drafting skills.
2. Drafting requires a host of skills to be effective. This course will help the students to enhance legal drafting skills.
3. It not only focuses on the theory of effective drafting guidelines but also provides relevant formats to assist in understanding practical application of concepts and develop necessary skills for drafting legal documents.
4. The course is intended to improve the ability to draft quality legal documents.
5. To acquire expertise in both civil and criminal side

#### **Drafting**

General principles of Drafting and relevant substantive rules shall be taught

#### **Pleadings**

Civil: plaint, W/s; Interlocutory application; Original petition; Affidavit; Execution petition; Memorandum of appeal and Revision; petition under Article 226 and 32 of the constitution of India

#### **Criminal**

Complaints; Misc. petition; Bail application; Memorandum of appeal and revision

#### **Conveyancing**

Sale deed; Mortgage deed; Lease deed; Gift deed; Promissory Note; Power of Attorney; and Will-

The remaining 10 marks will be given in a Viva – Vocio which will test the understanding of Legal Practice in relation to Drafting Pleading and Conveyancing

#### **Clinical Course**

This paper shall consist of theory (80 marks) and viva (20 marks)

In practical: the student will prepare Civil/Criminal Clint – (10 marks)

Viva – (10 marks)

## B.A. LL.B. (Hons.) Semester – VIII

### PAPER I LAW OF EVIDENCE

#### Course Outcome :

1. The course is designed to acquaint the students with the rules of evidence in relation to relevancy of facts and proof.
2. Analyse and define the concept and general nature of evidence, and illustrate the different types of evidence and court procedures relating to evidence.
3. Analyse the rule relating to relevance of evidence and admissibility of evidence before the court.
4. Evaluate the rules relating to dying declaration and admissibility of dying declaration
5. To study the important decisions of Supreme Court

#### UNIT – I

##### Introductory

1. The main features of the Indian Evidence Act 1861
2. Problem of applicability of Evidence Act
3. Administrative Tribunals
4. Industrial Tribunals
5. Commissions of enquiry
6. Court- material

##### Central Conceptions in Law of Evidence

1. Facts: section 3 definition: distinction – relevant facts/ facts in issue
2. Evidence: oral and documentary
3. Circumstantial evidence and direct evidence
4. Presumption (section 4)
5. “Proving” “not proving” and “disproving”
6. Witness
7. Appreciation of evidence

#### UNIT – II

##### Facts: relevancy

1. The Doctrine of res gestae (section 6, 7, 8, 10)
2. The problems of relevancy of “otherwise” irrelevant facts (section 11)
3. Facts concerning bodies and mental state (section 14, 15)

##### Admission and Confessions

1. General principles concerning admission (section 17, 23)
2. Differences between “admission” and “confession”
3. The problems of non – admissibility of confessions caused by “any inducement, threat or promise” (section 24)
4. Inadmissibility of confession made before a police officer (section 25)
5. Admissibility of custodial confessions (section 26)

6. Admissibility of “information” received from accused person in custody; with special reference to the problem of discovery based on “joint statement” (section 27)
7. Confession by co-accused (section 30)
8. The problems with the judicial action based on a “retracted confession”

## UNIT – III

### Dying Declarations

1. The justification for relevance on dying decelerations (section 32)
2. The judicial standards for appreciation of evidentiary value of dying declarations

### Relevance of judgments

1. Admissibility of judgments in civil and criminal matters (section 43)
2. “Fraud” and “Collusion” (section 44)

### Expert Testimony

1. Who is an expert? : types of expert evidence
2. Opinion on relationship especially proof of marriage (section 50)
3. The problem of judicial defence to expert testimony

## UNIT IV

### Oral Documentary Evidence

1. General principles concerning oral evidence (sections 59- 60)
2. General principles concerning documentary evidence (section 67-90)
3. General principles regarding exclusion of oral by documentary evidence
4. Special problems: re-hearing evidence
5. Issue estoppel
6. Tenancy estoppel (section 116)

### Witness Examination and cross Examinations

1. Competency to testify (section 118)
2. State privilege (section 123)
3. Professional privilege (section 126, 127,128)
4. Approval testimony (section 133)
5. General principles of examination and cross examination (section 135- 166)
6. Leading questions (section 141- 143)
7. Lawful questions in cross – examination (section 146)
8. Compulsion to answer questions put to witness
9. Hostile witness (section 154)
10. Impeaching of the standing or credit of witness (section 155)

## UNIT V

### Burden of Proof

1. General principles conception of onus probandi (section 101)
2. General and special exceptions to onus probandi
3. The justification of presumption and of the doctrine of judicial notice
4. Justification as to presumption as to certain offences (section 111A)
5. Presumption as to dowry (section 115)
6. The scope of the doctrine of judicial notice (section 114)

### Estoppel

1. Why estoppel? The rationale (section 115)
2. Estoppel, res-judicial and waiver and presumption
3. Question of corroboration (section 156-157)
4. Improper admission and of witness in civil and criminal cases

### Selected Bibliography

1. Sarkar and Manohar, Sarkar on evidence (1999), Wadhwa & Co. Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Ratanlal, Dhirajlal: Law of Evidence (1994), Wadhwa Nagpur
4. Polein Murphy, Evidence (5<sup>th</sup> Reprint 2000), Universal Delhi
5. Albert S. Osborn, The Problem Proof (First Indian Reprint 1998), Universal Delhi
6. Avtar Singh, Principles of Law of evidence (1992), Central Law Agency, New Dehli

## B.A. LL.B. (Hons.) Semester – VIII

### PAPER II GENDER JUSTICE & FEMINIST JURISPRUDENCE

#### Course Outcome

1. To introduce students to key writings, concepts, principles and discourses in feminist jurisprudence.
2. To study the position of Women in Pre- Independence India
3. To acquire knowledge on inequality in different family law in area of women rights
4. To enable the students to critically examine statutes, judgments and discourses on law through the feminist lens; and
5. To facilitate informed discussions and deliberations among students on law and gender justice in India.

#### UNIT - I

##### Women in Pre- Independence India

1. Social and legal inequality
2. Social reform movement in India
3. Gandhian movement
4. Nehru's views- joint family etc
5. Karachi congress- Fundamental Rights Resolution,
6. Equality of sexes

#### UNIT-II

##### Women in Post- Independence India

1. Preamble of the Constitution – Equality provisions in fundamental Rights and Directives principles of State Policy
2. Negative Aspects of the Constitutions – Exploitation of sex not mentioned in Article 23.
3. Different personal laws- unequal position of women
4. Uniform Civil Code towards gender justice
5. Indian tradition and family ideology: growth of feminism

#### UNIT -III

##### Sex Inequality in Inheritance Rights

1. Continuance of feudal Institutions of joint family – women's inheritance position under Hindu Law
2. Inheritance right of women under Christian law
3. Inheritance right of women under Parsi law
4. Inheritance right of women under Muslim law
5. Movement towards uniform Civil Code
6. Matrimonial Property
7. Separation of property
8. Maintenance different system of personal law
9. Division of assets on divorce

#### UNIT-IV

##### Social Welfare Laws for women

Non-implementation of protective labour legislation

1. Maternity benefits Act
2. Equal remuneration as under **THE CODE ON WAGES, 2019**
3. Factories Act
4. Inequality in the work place
5. Additional burden of domestic responsibilities
6. Male bias
7. Lack of neutrality in law

UNIT-V

**Criminal Law**

1. Adultery
2. Rape
3. Dowry death
4. Cruelty to married women
5. Bigamy
6. Dowry prohibition
7. Amniocentesis

**Suggested readings**

1. Sivaramya B. matrimonial property law in India (1998),Oxford
2. Ratna Kapoor and Brinda Cossman, Subversive Sites: Feminist Engagements with law in India (1996), Sage
3. Patricia Smith (ed.) Ferminist jurisprudence (19930, Oxford
4. 42<sup>nd</sup> Report Law Commission Dissenting Note Anna Chandy on provisions of adultery
5. towards Equality – Report of the Committee on the status of women (Govt. of India0, Ch. IV and section IV : General Conculsions and recommendations
6. Lotika sakar: The Law of commission of India (1988)
7. Sathe, S.P. Towards Gender justice (19930, Research Centre for Women’s studies

## B.A. LL.B. (Hons.) Semester – VIII

### PAPER III HEALTH LAW

#### Course Outcome

1. Explain key legal principles relevant to the fields of health law studied in this course, including principles of negligence, consent, privacy and confidentiality, and regulation.
2. Apply legal principles to a range of health law problems.
3. Compare and contrast different legal and policy approaches to addressing health law problems.
4. Critique and justify options for law reform to address controversial areas in health law and policy.
5. Apply various case laws to the area of health.

#### UNIT – I

Concept & Definition of Health, Right to health, International law & health

#### UNIT – II

Constitution protection, Fundamental Right & directive principle

Health law & Judiciary

#### UNIT – III

Offence affecting the Public Health, (Chapter XIV of IPC) Nuisance, miscarriage, (312-316 IPC) relevant provision of Cr.P.C.

#### UNIT – IV Health & Legal protection under -

Environmental laws, Pre-natal Diagnostic Technique( Regulation & Prevention Of Misuses) Act 1994 Factory Act, Mental Health Care Act 2017, Maternity Benefit Act

#### UNIT – V **Liability of Medical Professionals**

Medical Negligence

Civil Liability

Tortious Liability

Contractual Liability

Liability under Consumer Protection Act

Criminal Liability

**Note: The above units will include all recent amendments and the study of important updated relevant cases decided by the judiciary.**

## **B.A. LL.B. (Hons.) Semester – VIII**

### **PAPER IV INVESTMENT & SECURITY LAWS (OPTIONAL)**

#### **Course Outcome**

1. Students will understand the characteristics of different financial assets such as money market instruments, bonds, and stocks, and how to buy and sell these assets in financial markets.
2. Students will understand the benefit of diversification of holding a portfolio of assets, and the importance played by the market portfolio.
3. Students will know how to apply different valuation models to evaluate fixed income securities, stocks, and how to use different derivative securities to manage their investment risks.
4. Acquire knowledge of law relating to investment & security
5. Understand the various judgments relating to investment & security

#### **UNIT – I**

Introduction- History of Investment law in India, Banks and Liquidity- Liquidity Assets

#### **UNIT - II**

Advances- Considerations for sound lending, forms of advances, collection of credit information, factors limiting the level of advances, consortium advances, recalling of advances, transfer of borrowed accounts

#### **UNIT - III**

Housing loan, interest terms, no diversion of loan funds, modes of charging the security, lien, pledge, hypothecation, mortgage of charge, registration of Mortgage and Charges, Assignment.

#### **UNIT - IV**

Types of Securities: General Principles, Advances against Immovable properties, Advances against Goods, Advances against Documents of Title, Stock- Exchange policies, advances Letters of Allotment, ,

#### **UNIT - V**



Advances against Life Insurance policies, Advances against Fixed Deposit Receipts, Advances against Book Debt, Advances against Supply Bills

## B.A. LL.B. (Hons.) Semester – VIII

### PAPER IV CRIMINOLOGY, PENOLOGY, CRIMINAL ADMINISTRATION AND VICTIMOLOGY (OPTIONAL)

#### **Course Outcome**

1. Understand the various dimensions of the various aspects of the Indian law related to penology and victimology;
2. Understand the various aspects of the Indian legal structure like that of the concepts of restorative justice and compensatory schemes for victims;
3. Demonstrate a thorough and contextual knowledge of penal laws .
4. Study various leading cases particularly in its application to real law problems.

#### **UNIT – I**

##### Criminology

- 1) The concept of crime
- 2) Nature and scope of criminology
- 3) Causation of crime

#### **UNIT – II**

- 1) Theories of criminology - demagogical theory, free will theory, organic deficiency theory, psycho-analytical theory, heredity theory, multi causation theory
- 2) Schools of criminology

#### **UNIT – III**

- 1) Organised crimes – meaning, kinds
- 2) White collar crimes – vohra committee
- 3) Cyber crimes
- 4) Alcoholism and crime report
- 5) Drug addiction and crime
- 6) Recidivism

#### **UNIT – IV**

##### PENOLOGY

- 1) Punishment meaning, definition, historical background
- 2) Theories of punishment – deterrent, preventive, retributive, reformatory and expiatory theory
- 3) Kind of punishment and judicial sentencing
- 4) Capital punishment

#### **UNIT V**

##### Criminal administration and victimology

- 1) Police administration
- 2) The prison administration
- 3) Probation
- 4) Parole

5) Juvenile delinquency

Victimology

Meaning definition, historical background

Theories of victimology

**Select BiL Biography:**

1. Sutherland : Principles of Criminology
2. Ahmad Siddique : Criminology – ProLBems and Perspectives.
3. N V Pranjape : Criminology, Penology and victimology
4. Bansanti Lal Babel : Apradh Shastra
5. J D Sharma : Vidhi Vigyan

## B.A. LL.B. (Hons.) Semester – VIII

### PAPER IV            INTERNATIONAL HUMAN RIGHTS (OPTIONAL)

**Course Outcome :**

1. Human Rights involve skills expected to be gained by a student through studies of various international declaration and conventions.
2. To study human rights in international prospective as a whole with its links to related disciplinary areas; critical analysis of various commissions and conventions & understanding of emerging issues in International human rights law;
3. Acquire various procedural and theoretical knowledge related to the study of International human rights.

### **UNIT - I**

1. Development of the Concept of Human Rights under International Law
  - I. Role of International Organization and Human rights
  - II. Universal Declaration of Human Rights (1948)
  - III. Covenant of political and Civil Rights (1966)
  - IV. Covenant on Economics, Social and Cultural Rights (1966)
  - V. ILO and other Conventions and protocols dealing with human rights
2. Role of Regional Organizations
  - I. European Convention on human Rights
  - II. European Commission on Human Rights / Court of Human Rights.
  - III. American Convention on Human Rights
  - IV. African Convention on Human Rights
  - V. Other regional Conventions.
3. Protection agencies and mechanisms
  - I. International Commission of Human Rights
  - II. Amnesty International
  - III. Non- Governmental Organizations (NGOs)

- IV. U.N. Division of Human Rights
- V. International Labour Organization
- VI. UNESCO
- VII. UNICEF
- VIII. Voluntary organization
- IX. National and state Human Rights Commissions

International enforcement of Human Rights

Role of ICJ and regional institutions

Select bibliography

- Benedetto Conforti and Francesco Francioni, *Enforcing International Human Rights in Domestic courts* (1997).
- Francisco Forrest Martin, *International Human rights Law and practice*, (1997)
- Luck Clements, *European Human Rights Taking a Case under the Convention*, (1994)
- Evelyn A. Ankumah, *The African Commission on Human Rights and people's Rights*, (1996)
- R.K. Sinha, *human Rights of the world*, (1997)
- Philip Alston, *The United Nations and Human Rights A Critical Appraisal*, (1992)
- R.S. Sharma and R.K. Sinha, *perspectives in Human rights Development*, (1997)
- The Human Rights Watch *global Report on Women's human rights*, (2000), Oxford
- B.P. Singh Gehat, *Human Rights in India* (1996)
- Chandan Bala, *International Court of Justice: Its Functioning and settlement of International Disputes*, (1997)

## B.A. LL.B. (Hons.) Semester – VIII

### PAPER V            PROFESSIONAL ETHICS, ACCOUNTABILITY FOR LAWYERS & BAR BENCH RELATION (CLINICAL COURSE)

#### **Course Outcome**

1. The course on professional ethics is designed to imbibe students with high ethical values forming the basis of the profession.
2. Identify situations of professional dilemmas
3. Recall and explain the principles of professional ethics
4. Take appropriate decisions when faced with any dilemma of professional ethics.
5. Interview and counsel clients in a professional manner and apply the basic principles of professional accountancy.

#### **Recommended Material**

1. Mr. Krishnan Murty Iyer: Advocate
2. The Contempt Law and Practice (Contempt of Courts Act 1971)
3. The Bar Council Code of ethics
4. Advocate Act
5. Pleadings, Drafting & Conveyancing – Jhabvala
6. 50 selected opinion of Disciplinary Committees of Bar Council and 10 major Supreme Court on the subject

Note:

1. The written exam of this paper will have 80 marks and the viva- voce / research paper for project or participation in Seminar will carry 20 marks
2. Written examination will be conducted by the University
3. Viva- voce will be conducted by the department of the Colleges

## B.A. LL.B. (Hons.) Semester – IX

### PAPER I PRINCIPLES OF TAXATION

#### **Course Outcome**

1. To provide students with a working knowledge of the fundamental tax principles and rules that applies to commonly encountered transactions undertaken by companies and individuals – the compliance objective
2. To instill an awareness in students that taxes can and often do constitute significant costs to businesses and households and therefore can have a major impact in economic and other decision-making, but that these costs are also potentially controllable through legitimate tax minimization strategies – the planning objective; and
3. to enable students to appreciate the wider economic, social, administrative-compliance and political contexts within which taxes are imposed – the POLICY objective. Traditional tax courses overly emphasize the first objective, i.e. compliance with

#### UNIT- I

##### Income Tax Act

Basic concepts- basic of charges of tax: Definitions: residential status of assesses – its impact on tax liability

#### UNIT- II

Heads of income – general concepts – chargeability to tax – admissible & inadmissible deductions, exclusions and deductions from income, set off and carry forward of losses

#### UNIT- III

Income tax authorities- powers & functions, assessment allotment of permanent account number, economic criteria scheme

#### UNIT- IV

Rectification, revision, appeal, reference

#### UNIT- V

Penalties and prosecutions under income tax act, 1961 for non- compliance, contravention, avoidance and evasion of tax

## B.A. LL.B. (Hons.) Semester – IX

### PAPER II LOCAL SELF GOVERNMENT INCLUDING PANCHYAT ADMINISTRATION

#### Course Outcome

1. To have a knowledge Local self Government- meaning, evolution
2. To study the Constitution Provisions
3. To understand the concept of The Municipalities and Nagar Palika Adhiniyam
4. To have a knowledge of the cases pertaining to above.

#### Unit I Introduction

1. Local Self Government –Meaning, Nature, Significance
2. Historical Perspectives including Gram Swaraj and the Gandhian Concept
3. Evolution of Rural Government in Pre Independence India-- Royal Commission upon Decentralization (1909), Montague Chemsford Report on Local Self Government 1918 Diarchy and its Consequences, Government Of India Act 1935.
4. Evolution of Urban Government in Pre Independence India- Corporation of Madras 1687, Charter Act of 1793, Lord Ripon's Resolution 1882.

#### UNIT –II

1. Constitutional Provisions –a) Directive Principles b) 73rd and 74<sup>th</sup> Constitutional Amendment Acts.
2. Major Committee Reports- Balwant Rai Mehta 1957, Ashok Mehta 1978,  
L M Singhvi 1986.
3. Good Governance: Meaning, Features, Accountability, Transparency, Equity,  
Rule of Law,



4. Good Governance and Local Self Government

**UNIT –III**

Panchayati Raj Institution (Three Tier Panchayat Raj Scheme) Composition, Jurisdiction and Functions of -

1. Gram Panchayat.
2. Panchayat Samiti
3. Zilla Parishad.

Their Election, Role and Significance.

**UNIT –IV** Urban Local Bodies: Composition, Jurisdiction and Functions of –

1. Municipal Corporation
2. Municipal Council
3. Municipal Committees.

Their Election, Role and Significance.

**UNIT-V**

1. Judicial and Quasi-judicial powers of the Local Bodies.
2. Judicial Interpretation of various Courts.
3. Gram Nayalaya Act.

4 Problems and Remedies.

**Selected Bibliography**

Dicey, Introduction to the Law of the Constitution,  
Ivor Jennings, Law and the Constitution  
Schwartz & Wade, Legal Control of Government  
Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay  
De Smith, Judicial Review of Administrative Action (1995)

Indian Law Institute, Government Regulation of Private  
Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.  
M. Venketarangaia & M. Pattabhiram, Local Government in India (1969) Allied, New Delhi.  
Dr. J.N. Pandey Constitution Law of India  
V. N. Shukla Constitution Law of India  
M.P. Jain Indian Constitution  
Basanti Lal Bawel Indian Constitution

## B.A. LL.B. (Hons.) Semester – IX

### PAPER III DIRECT TAXATION(OPTIONAL)

#### Course Outcome

1. Utilize the definitions of the various components of income tax law.
2. Complete federal income tax returns, including schedules to the Form 1040, and be able to calculate the correct amount of federal income tax
3. Analyze simple fact situations and recognize income tax ramifications
4. Apply basic tax concepts to simple fact situations and communicate potential income tax ramifications in writing and orally.
5. Apply an understanding of the different ways a case can progress from audit to court.

#### UNIT – I

##### Historical Perspective

##### Historical Development of Tax Laws in India

##### Concepts of tax

##### Nature & characteristics of taxes

##### Distinction between tax & fee, tax, & cost

##### Distinction between Direct & Indirect tax

#### UNIT - II

##### General Perspectives

##### Fundamental principles reality to tax laws

##### Govt. Financial Policy, tax structure their role in national economy

##### Scope of taxing powers of parliament, State legislative & local bodies

#### UNIT - III

##### Income Tax

Introduction- Basic concept, income, total income, income not included in total income, deemed income, clarifying of income, assesses, person, tax planning, chargeable income

#### UNIT - IV

Heads of Income- Income for salary, house property, business & profession, capital gain, & other sources

UNIT - V

Authorities- Income tax authorities, powers & function, offences & penal sanctions, Settlement of grievance, authorities, powers & functions

Rates of income tax

Deduction, relief & exempting of income tax

## **B.A. LL.B. (Hons.) Semester – IX**

### **PAPER III PROBATION & PAROLE (OPTIONAL)**

#### **Course Outcome**

1. Study the History of the development of Criminal Jurisprudence.
2. The student will obtain a basic understanding of community corrections concepts.
3. The student will understand the policy implications of community corrections practice.
4. The student will be able to put community corrections practice in a national context.
5. The student will learn how to think critically about community corrections issues.

#### **UNIT-I**

History of the development of Criminal Jurisprudence  
Scope and development of Criminal Jurisprudence in India  
Constitutional remedies for offenders

#### **UNIT- II**

Probation of offender Act 1958, Object of the Act, Definition, Concept, Role of the Probation Officers, Merits and Demerits

#### **UNIT –III**

Provision of the Parole- Definition, Object, Concept, Procedure of Government Parole, Role of State Government Merits and Demerits

#### **UNIT- IV**

Provision of Jail Manual (MP) which is related to the releasement of the offender (Rules 338 to 366)

#### **UNIT – V**

Judicial development in India with regards to probation and provision of Parole  
Role of the Court to implementing the Probation of offenders Act 1958  
Suggestion for the social acceptance and rehabilitation of offenders in society

Case Study- Sitaram Paswaan & anothers V. State of Bihar (2005) Cr. L.J. 135  
SC, Munna Alias Shyam Sunder V. State of MP 2004 Cr. L. J. (NOC) (MP),  
Mahendra Bhai Karabhai Rathore V. State of Gujrat 2002  
Gudesh Kumar V. Uttarakhand AIR 2008

## **B.A. LL.B. (Hons.) Semester – IX**

### **PAPER III MARITIME LAW (OPTIONAL)**

#### **Course Outcome**

1. Identify and assess relevant legal scholarly literature in maritime law.
2. Understand and apply advanced legal theory and method in this area.
3. Give and receive comments to ongoing scholarly work in a constructive way.
4. Study United Nations and Convention
5. Ability to use theoretical and methodological tools to analyze key issues of maritime law in a scientific manner.

#### **UNIT – I**

##### **Introduction**

United Nations and Convention on the Law Of the Sea 1982- object and purpose, Maritime Belt or Territorial Waters

#### **UNIT – II**

Contiguous Zone, Exclusive Economic Zone, Stairs used for International Navigation

#### **UNIT – III**

Archipelagic waters of an archipelagic state, Continental Shelf, International Sea bed area

#### **UNIT – IV**

High Seas, protection and preservation of Marine environment, Marine Scientific Research,

#### **UNIT – V**

Settlement of dispute, International Maritime Organization, International Maritime Tribunal

S. Oda  
D.W. Bowett  
R.P. Dholika  
S.K. Kapoor

International Control Sea Resources  
Law of the Sea  
Codification of Public International Law  
International Law

## B.A. LL.B. (Hons.) Semester – IX

### PAPER IV INSURANCE LAW (OPTIONAL)

#### Course Outcome

1. Understand the basic principles of insurance law;
2. Explain and apply the general principles of insurance law;
3. Understand the legislation that regulates insurance,
4. Provide an overview of the interaction between legislation and the common law relating to insurance;
5. Understand the operation of insurance law in a practical context.

#### UNIT- I

##### The Insurance Act 1938

Society, re-insurance, insurance association

#### UNIT- II

##### Life Insurance Corporation Act 1956

Development and nature of life insurance

Life insurance- contract, duty, parties & property, transfer, discharge & insurance contract

#### UNIT-III

##### Marine Insurance Act 1963

Marine insurance contract – Elements, Conditions

#### UNIT – IV

##### The General Insurance Business Act (Nationalization 1972 )

Motor insurance contract- policy, benefits, duties of insured

#### UNIT- V

##### Insurance Regulatory and Development authority Act 1999

#### Suggested readings

Prof. M.N. Mishra	-	Law of Insurance
Prof. Tiwari	-	Law of Insurance

## B.A. LL.B. (Hons.) Semester – IX

### PAPER IV OFFENCE AGAINST CHILD & JUVENILE (OPTIONAL)

#### **Course Outcome**

1. Work efficiently and with critical engagement with various concepts of Criminal law in relation to child protection, having due regard to the practical implementation of the principles in actual cases
2. Develop coherent, comprehensive and persuasive arguments from an adversarial point of view;
3. Understand the various dimensions of the various aspects of crime and criminal behavior and the implementation of the law through judicial interpretation, etc;
4. Demonstrate a thorough and contextual knowledge of various offences under the I.P.C, JJ Act 2015 and the various leading cases, particularly in its application to real life legal scenario.

#### **UNIT – I**

Definition and concepts of term child and Juvenile, causes of offence against child, International protection to child

#### **UNIT – II**

Child abuse, Protection of Children from Sexual offence Act 2012, Child labour, forced labour kidnapping, abduction (359-374 IPC)

#### **UNIT - III**

Child marriage, (Child Marriage Restrain Act 1929) Prohibition of Child Marriage Act 2006, Abandonment of child (316-318 IPC), Female foeticide, PC-PNDT Act 1994

#### **UNIT – IV**

Abetment of suicide of child (305 IPC) sale of obscene object to young (293)Child Pornography, IT Act 2000 (Section 67 B), Cyber Appealent Tribunal (Section 48 to 58)

#### **UNIT – V**

National Commission for the Protection of Child Rights Act 2005, Judicial Activism with respect to children, Exemption of Child from criminal liability (Section 82 and 83 of IPC)

Books Recommended

Paeras Diwan

Children & Legal Protection



Savitri Goonesekar

Children Law and Justice

## B.A. LL.B. (Hons.) Semester – IX

### PAPER IV PRIVATE INTERNATIONAL LAW (OPTINAL)

#### Course Outcome

1. To study about the basic theories, including the history of PIL thoughts and views, conflict of laws and conflict rules, general problems arising from the application of conflict rules; personal law
2. To know about the choice of law issues in specific areas, including status, family, succession, property, contracts and torts.
3. Transnational civil litigation including the jurisdiction of adjudication, service and taking evidence abroad, and recognition and enforcement of foreign judgments.
4. To examine the process of legitimacy and legitimating.
5. To study the judgments relating to it.

#### Unit – I

Application subject matter , denomination & unification of private International Law  
Historical development and theories of private International law  
Characterization  
Renvoi

#### UNIT – II

Application and Exclusion of foreign law  
Domicile  
Jurisdiction of courts

#### UNIT – III

Marriage  
Matrimonial causes

#### UNIT - IV

Legitimacy and legitimation  
Adoption  
Guardianship and custody of minor children

#### UNIT – V

Procedure  
Stay of action

Reference Books

Cheshire -  
Dicey & Morris  
Philimore

Paras Diwan & Piyushi Diwan

Private International Law

Conflict of Laws

Commentaries on Private International Law or Comity

Private International Law : Indian & English

## B.A. LL.B. (Hons.) Semester – IX

### PAPER V ALTERNATIVE DISPUTE RESOLUTION (CLINICAL COURSE )

#### Course Outcome

1. ADR mechanism and its comparison with traditional litigation.
2. Various ADR techniques in practice and the difference between them.
3. Practical procedures for various ADR techniques.
4. Interface between domestic and international space in context of various ADR techniques.
5. The decisions of various courts.

#### UNIT-I

1. Arbitration: meaning scope and types
2. Arbitration Agreement- Essentials, Kinds
3. Who can enter into arbitration agreement?
4. Validity
5. Reference to arbitration
6. Interim measures by court

#### UNIT-II

1. Arbitration Tribunal, Appointment, Jurisdiction of arbitral tribunal, Grounds of challenge, Powers, Procedure, Court assistance
2. Award, Rules of guidance, Form and content, Correction and interpretation
3. Grounds of setting aside an award- Want of proper notice and hearing, Contravention of composition and procedure
4. Impartiality of the arbitrator
5. Bar of limitations, res judicata
6. Consent of parties
7. Enforcement

#### UNIT-III

1. Appeal and revision
2. Enforcement of foreign awards, New York convention Award, Geneva Convention Awards

#### UNIT-IV

Conciliation

1. Distinction between “conciliation”, “negotiation”, “mediation”, and “arbitration”,
2. Appointment of conciliator
3. Interaction between conciliator and parties
4. Communication, disclosure and confidentiality
5. Suggestions by parties
6. Resort to judicial proceedings, legal effect
7. Costs and deposit repeal

## UNIT-V

Rule making Power:-

Legal Service Authorities Act  
Lok Adalat  
Legal camp

Books Recommended

- |                |   |                                     |
|----------------|---|-------------------------------------|
| 1. Avtar Singh | : | Arbitration and Conciliation        |
| 2. Goyal       | : | Arbitration and Conciliation Act    |
| 3. अवतार सिंह  |   | माध्यसमि एवं सुलह अधिनियम           |
| 4. Shukla      | : | Legal remedies                      |
| 5. Jhabvala    | : | Law of Arbitration and Conciliation |

## B.A. LL.B. (Hons.) Semester – X

### PAPER I PUBLIC INTERNATIONAL LAW

#### Course Outcome

1. Capacity to identify and analyse the complex drivers of dispute behaviour in the community.
2. Understanding of the theoretical models of dispute resolution and capacity to analyse their operation in both legal and social contexts.
3. Acquire knowledge of ADR Law Development of basic mediation skills, including communication, analysis, and issue identification.
4. Capacity to engage in simple dispute resolution systems design.
5. Ability to adaptively apply ADR theory in varied practical contexts, including international, industrial, and socio political.

Definition and concept of international Law

Source of International Law

Historical development of International Law

Relationship of International Law and Municipal Laws

Subject of International Law, place of individuals in International Law

States, recognition

States, succession

Acquisition and loss of state territory

Responsibilities of state CBBT

Nationality aliens, Asylum extradition, diplomatic agents treaties

International organizations – U.N.O., including in its organs and International criminal court

Settlement of Disputes

International terrorism, disarmament

#### Books recommended

S.K. Kapoor	International Law
R.P. Anand	Salient Documents in International Law
S.C.H. Warzenberger	A Manual of International Law
J.G.Starke	Introduction to International Law
Gurdeep Singh	International Law
D.W. Bowett	International Institutions
Oppenheim	International Law
Breirly	Law of Nations

## **B.A. LL.B. (Hons.) Semester – X**

### **PAPER II      RIGHT TO INFORMATION - 2005**

#### **Course Outcome**

1. The course is designed to convince the students how the right to information infuses transparency.
2. To know the provisions under the Constitution of India.
3. To study the dimensions of accountability in governance.
4. To understand the ways to prevent abuse of power.
5. To have insight on the case laws.

#### **Right to Information**

##### **UNIT- I**

##### **Introduction to RTI**

1. The evolution of the Right to Information in India-
  - 1.1 Status of RTI in Ancient Society.
  - 1.2 Status of RTI in British period.
  - 1.3 RTI in Independent India.
2. Historical backdrop of Right to Information Act, 2005.
3. Significance of RTI in democracy.

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

##### **Right to Information**

1. Meaning of Right to Information
2. Constitutional Basis of RTI.
3. The Salient features of the RTI Act.
4. Object of RTI Act.
5. The important terms and concepts used in the Act.

##### **UNIT – III**

##### **RTI and Obligations of Public Authorities under the Act**

1. Public Authorities
  - 1.1 What is a Public Authority?
  - 1.2 Which Public Authorities are covered under the Act?
  - 1.3 Which Public Authorities are exempted from the ambit of the Act?
2. Obligations of Public Authorities
3. Designation of Public Information Officers
4. Request for obtaining information and its disposal

5. Exemption from disclosure of information and grounds for rejection.
6. Third Party Information.

#### **UNIT – IV**

##### **Information Commissions**

1. The Central Information Commission-
  - 1.1. Constitution of CIC
  - 1.2. Powers and Functions of the Information commission
  - 1.3. Conditions of Service
  - 1.4. Removal of Chief Information Commissioner or Information Commissioner.
2. The State Information Commission-
  - 2.1. Constitution of SIC
  - 2.2. Powers and Functions of the Information commission
  - 2.3. Conditions of Service
  - 2.4. Removal of State Chief Information Commissioner or State Information Commissioner.

#### **UNIT – V**

##### **Appeal, Penalties and other aspects**

1. Appeal under the RTI Act
2. Penalties under the RTI Act
3. Judicial Endeavors in the field of RTI
4. Important provisions under RTI Rules, 2012
5. RTI and Good Governance, including International aspects of Good Governance
6. Misuse of RTI
7. New Horizons of RTI

**Note: The above units will include whole Act with recent amendments and the study of important updated relevant cases decided by the Judiciary.**



## B.A. LL.B. (Hons.) Semester – X

### PAPER III INDIRECT TAXATION(OPTIONAL)

#### Course Outcome

1. Describe indirect taxes and criticisms of these taxes.
2. Compare and contrast direct tax and indirect tax.
3. Generate examples of indirect taxes.
4. Know the recent amendments.
5. Have knowledge of case laws.

#### UNIT – I

Central Excise Duty  
An introduction  
Registration  
Classification of Goods  
Administrative set up of excise duty  
Central value added Tax (cenvet)  
Excise exemption to small – scale units  
Valuation under excise  
Calculation of excise duty  
Penalties, offences & punishments  
Appeals & revision  
General procedure under central excise

#### UNIT – II

Custom Duty Act – 1962  
Introduction  
Custom duty- definitions  
Custom duty – authorities & their powers  
Penalties & prosecution  
Appeals & revision  
Valuation  
Import- export procedure  
Export promotion schemes

#### UNIT – III

Central Sales Tax Act – 1956

Introduction  
Inter – State sales  
Sales tax liability  
Registration of dealers  
Procedure & assessment, collection of tax, penalties & its distribution  
Right of Government to frame rules  
Tax Liability in special cases  
Computation of tax

#### UNIT – IV

M.P. Commercial – Tax Act – 1994  
Introduction  
Important definitions  
Tax Liability  
Value added tax  
Exempted goods  
Taxable goods & rates of tax  
License, registration & recognition  
Commercial – Tax authorities & their powers  
Assessment procedure  
Payment recovery & refund & tax  
Penalties & prosecution  
Appeals & revision  
Computation of tax

#### UNIT- V

M.P. VAT Act. 2002  
VAT system – basic concepts  
Tax liability  
Registration of dealers  
Input tax rebate  
Exempted goods  
Taxable goods & rates of tax  
Commercial tax authorities & their powers  
Assessment procedure  
Payment, recovery & refunds of tax  
Penalties & prosecutions  
Appeals & revisions  
Computation of taxable turnover

**B.A. LL.B. (Hons.) Semester – X**  
**PAPER III**  
**COMPARATIVE CRIMINAL PROCEDURE (OPTIONAL)**

**Course Outcome**

1. To study some basic types of Criminal Justice Administration, viz. adversarial and inquisitorial.
2. To know about the administration of criminal justice adopted in India
3. The purpose of the comparative study is to find out in what are the procedural distinctions in the investigation, trial and sentencing with respect to the Indian Law making process for administering criminal justice.
4. This course also focuses on the powers and functions of the Police, Prosecutors, Defense Attorneys and Judges in different jurisdictions.
5. To examine the case laws.

**UNIT- I**

**Organization of Courts and prosecuting Agencies**

- I. Hierarchy of criminal courts and their jurisdiction
- II. Nayaya Panchyata in India
- III. Panchyats in tribal areas
- IV. Organization of pre-cutting agencies for prosecuting criminals
- V. Prosecutors and the police
- VI. Withdrawal of prosecution

**UNIT - II**

**Pre-trial Procedures**

- I. Arrest and questioning of the accused
- II. The right of the accused
- III. The evidentiary value of statements / articles seized / collected by the police
- IV. Right of counsel
- V. Roles of the prosecutor and the judicial officer in investigation

**UNIT- III**

**Trial procedures**

- I. The accusatory system of trial and the inquisitorial system
- II. Role of the judge, the prosecutor and Defence attorney in the trial
- III. Admissibility and inadmissibility of evidence
- IV. Expert evidence
- V. Appeal of the court in awarding appropriate punishment
- VI. Plea bargaining

**UNIT - IV**

**Correction and Aftercare services**

- I. Institutional correction of the offenders
- II. General comparison – After - care services in India and France
- III. The role of the court in correctional Programmes in India

**UNIT – V**

**Preventive Measures in India**

- I. Provisions in the Criminal Procedures Code
- II. Special enactments

**Select Bibliography**

- Wilkins and Cross : Outline of the Law of Evidence  
Archbold : Pleading, Evidence and Practice in Criminal Cases  
Sarkar : Law of Evidence  
K.N. Chandrasekhran Pillia(ed.), : Outline of Criminal procedure (2000), Eastern Lucknow  
R.V. Kelkars  
Patric Devlin : The Criminal prosecution in England  
American Series of foreign Penal Codes Criminal Procedure Code peoples republic of China  
John N. Ferdico : Criminal Procedure (1996), West  
Sanders & Young : Criminals justice (1994)  
Chritina Van Den Wyngart : Criminal Procedure systems in Euriopean Community  
Josel Samaha : Criminal Procedure (1997), West  
Criminal Procedure Code,1973  
The French code of Criminal Procedure  
14<sup>th</sup> and 41<sup>st</sup> Reports of Indian Law Commission

## B.A. LL.B. (Hons.) Semester – X

### PAPER III HUMANITARIAN & REFUGEE LAW (OPTIONAL)

#### Course outcome

1. The Course is designed to give a complete understanding of the concept of human rights, international law and international humanitarian law.
2. It helps the student to learn different characteristics of human rights and the landmark developments in the area of human rights.
3. The course focuses on the origin and development of International Law, and makes the students appreciate the nature and the principles of International Law as a true law.
4. Further, the course deals with the concept, purpose and basic rules of International Humanitarian Law, and studies contemporary position of Humanitarian Law, Refugee Law and Human Rights.
5. To know the cases in the field.

#### UNIT- I

##### Humanization of Warfare

1. Amelioration of the wounded and sick
  - 1.1` Armed forces in the field
  - 1.2 Armed forces at sea
2. Protection and facilities
  - 2.1 Prisoners of war
  - 2.2 Civilians in times of war
  - 2.3 Cultural properties

#### UNIT- II

##### Control of weapons

##### Chemical

## UNIT- III

### Humanitarian law: Bodies

1. International Red Cross: Committee
2. Indian Red Cross Committee – role
3. N.H.R.C.

## UNIT -IV

### The concept of Refugees

1. Definition of refugee and displaced persons-their problems
2. The UN Relief and Rehabilitation Administration and other International Refugees organizations: international protection
3. Protection under national laws

## UNIT- V

### Strategies to combat Refugee Problem

1. Repatriation, resettlement local integration and rehabilitation
2. UNHCR-role

### Selected bibliography

1. B.S. Chimni : International Refugee A Comparative Case Law Study, (1997)
2. Kelly Dawn Calier : Who is a Refugee A Comparative
3. M.K.BALACHANDRAN, : Introduction to International Humanitarian Law, (1997)  
Rose Varghese
4. Gyy S. Goodwin Gill : The Refugee in International Law, (1996)

## B.A. LL.B. (Hons.) Semester – X

### PAPER IV INFORMATION TECHNOLOGY LAW (OPTIONAL)

#### Course outcome

1. Explain, distinguish and apply the fundamental legal principles of information technology law covered in the course.
2. Select and apply a range of approaches to written and oral communication, and apply the critical thinking required to bring about solutions to complex legal problems in the area of information technology law.
3. Access, use, interpret and apply a range of domestic primary and secondary legal resources to solve complex problems.
4. Study the case laws.
5. Understanding the amendments in the field.

#### UNIT – I

Preamble and introduction, Definition, Authentication of electronic records

#### UNIT - II

Electronic governance, attribution acknowledgement and dispatch of electronic records, Secure electronic records and secure digital signatures

#### UNIT- III

Regulation of certifying authorities

Digital signature certificates

#### UNIT – IV

Duties of subscribers, Penalties and adjudication, the cyber regulations appellate tribunal

#### UNIT – V

Offences, Network Service Providers not to be liable in certain case

#### Suggested Readings

Prof. S.R. Bhansali	:	Information Technology Act 2000
Srinivas Madhav	:	Right to Information

V.K. Puri's : Right to Information (Hindi Edition)  
V.K. Puri's : Right to information law, Practice and Procedure  
Bhatia : Handbook on Right to Information Act 2005



## B.A. LL.B. (Hons.) Semester – X

### PAPER IV WOMEN AND CRIMINAL LAW (OPTIONAL)

#### Course outcomes

1. The course women and criminal law designed to Study, what are the legal provisions. enacted to ameliorate position of women.
2. what is the scope and shortcomings in the existing legal regime in this regard.
3. The points of discrimination in various laws.
4. To study the NCW.
5. To examine the judgments of the SC.

#### UNIT – I

Introduction – Crime against women, nature, kinds, international commitments

#### UNIT – II

Rape, sexual harassment of working women in workplace, indecent representation of women – meaning, protection under Indian laws

#### UNIT- III

Dowry death, assault, unnatural offences- National protections

#### UNIT – IV

Immoral trafficking, female feticides, kidnapping and abduction- National protections

#### UNIT – V

Cruelty and Domestic violence against women- National protections

## B.A. LL.B. (Hons.) Semester – X

### PAPER IV

#### INTERNATIONAL ENVIRONMENTAL LAW (OPTIONAL )

##### **Course Outcome**

1. To outline the historic development of international environmental law and to identify and describe its basic principles and rules
2. To outline the international legal system within which these principles and rules have developed.
3. To consider the role of the concept of sustainable development and its impact on international environmental law in terms of attempts to reconcile developmental and environmental objectives.
4. To consider the adequacy of the international legal system to address substantive regional and global environmental concerns and to enable students to assess critically its effectiveness.
5. To examine critically the relevance of human rights and procedural rights to the development and implementation of international environmental law.

##### UNIT-I

###### Concept of Environment and Pollution

5. Environment, Meaning and concept
6. Pollution- Meaning and Effects of pollution
7. Environmental Pollution (Water, Air and Noise Pollution)
8. Meaning and standards, Culprits and victims, Offences and penalties,

##### UNIT-II

###### International Historical Perspective

4. Stockholm conference
5. Rio conference
6. U.N. declaration on right to development

##### UNIT-IV

###### Environment Protection Measures VIS A VIS Environment Pollution

7. Protection agencies: power and functions
8. Protection: means and sanctions
9. Emerging protection through delegated legislation

10. Hazardous waste
11. Bio- medical waste
12. Judiciary: complex problems in administration of environment justice

## UNIT – V

### A. Forest and Wild Life Protection

12. Greenery conservation laws
13. Forest conservation
14. Conservation agencies
15. Prior approval and non-forest purpose
16. Symbiotic relationship and tribal people
17. Denudation of forest: judicial approach
18. Wild life
19. Sanctuaries and national parks
20. Licensing of zoos and parks
21. State monopoly in the sale of wild life and wild life article
22. Offences against wild life

### B. Bio- diversity

3. Legal Control
4. Control of eco-unfriendly experimentation on animal, plants, seeds and microorganism

### Selected bibliography

9. Armin Rosencranze, et. Al. : Environmental Law and Policy in India (2000), Oxford
10. R.B. Singh and Suresh Mishra : Environmental Law in India (1996), Concept Pub. Co., New Delhi
11. Kailash Thakur : Environmental Protection Law and Policy in India (1997), Deep and Deep Pub. New Delhi
12. Richard L. Riverze, et. El., : Environmental Law, The Economy and sustainable Development (2000), Cambridge
13. Christopher D. stone : Should Trees Have Standing and other Essays on law, Moral and environment (1996), Oceana
14. Leelakrishnan, P. et, al. : Law and Environment (1990), Eastern Lucknow
15. Leelakrishnan, P. : The Environment Law in India (1999), Butterworths India
16. Department of Science and technology, Government of India, Report of the Committee Recommending Legislative Measures and Administrative Machinery for ensuring environment Protection (1980) (Tiwari Committee Report)

## B.A. LL.B. (Hons.) Semester – X

### PAPER V MOOT COURT (CLINICAL COURSE)

#### **Course Outcome :**

1. Possess the knowledge and understanding of substantive law and procedure possess the ability to identify and understand key legal issues.
2. Apply knowledge and critical thinking skills to perform competent analysis, reasoning and problem solving in a legal context.
3. Possess communication skills including writing and oral advocacy in a legal context.
4. Possess the knowledge, understanding, and appreciation of ethical responsibilities
5. Apply knowledge and critical thinking skills to perform competent analysis, reasoning and problem solving in a legal context.

In this paper the marks shall be divided in two parts

1 theory (marks 60) this paper should be conducted by University

2 Practical (40) marks

1. Legal Literacy – 10 marks
2. Observance of court – 10
3. Viva – 10 marks

**LL.M.**  
**FIRST SEMSTER SYLLABUS**  
**COMPULSORY COURSES**

**01 LAW AND SOCIAL TRANSFORMATION IN INDIA.**

**Objectives of the course**

This course is designed to offer the teacher and the taught with – (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore law and legal institutions as a means to achieve development within the framework of law. The endeavor is to make the students aware of the role the law has played and has to play in the contemporary Indian society

**Course Outcome:**

- 1) The student will understand that this course on Law and Social Transformation explains the constitutional orientation and response to social transformation. It describes the aspects of non-discrimination on the ground of language.
- 2) The student will be able to identify affirmative actions necessary for social transformation
- 3) The student will develop a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law
- 4) Analyze the impact of multiculturalism and ethnicity
- 5) Conceptualize modernization of law and social institutions

**SYLLABUS**

**UNIT-I**

**1. Law and social change**

- 1.1 Law as an instrument of social change.
- 1.2 Law as the product of traditions and culture. Criticism and evaluation in the light of colonialism and the introduction of common law system and institution in India and its impact on further development of law and legal institutions in India.

**2. Religion and the law**

- 2.1 Religion as a divisive factor.
- 2.2 Secularism as a solution to the problem.
- 2.3 Reform of the law on secular lines: problems
- 2.4 Freedom of religion and non-discrimination on the basis of religion.
- 2.5 Religious minorities and the law.

**UNIT-II**

**3. Language and the law**

- 3.1 Language as a divisive factor: formation for linguistic states.
- 3.2 Constitutional guarantees to linguistic minorities.
- 3.3 Language policy and the Constitution: Official language; multi-language system.
- 3.4 Non-discrimination on the ground of language.

**4 Community and the law**

- 4.1 Caste as a divisive factor.
- 4.2 Non-discrimination on the ground of caste.
- 4.3 Acceptance of caste as a factor to undo past injustices.
- 4.4 Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5 Reservation; Statutory Commissions, Statutory provisions.

**UNIT-III**

**5. Regionalism and the law**

- 5.1 Regionalism as a divisive factor.
- 5.2 Concept of India as one unit.
- 5.3 Right of movement, residence and business; impressibility of state or regional barriers.
- 5.4 Equality in matters of employment: the slogan “Sons of the soil” and its practice.
- 5.5 Admission to educational institutions: preference to residents of a state.

**6. Women and the law**

- 6.1 Crimes against women.
- 6.2 Gender injustice and its various forms.
- 6.3 Women’s Commission.
- 6.4 Empowerment of women: Constitutional and other legal provisions.

**UNIT-IV**

**7. Children and the law**

- 7.1 Child labour.
- 7.2 Sexual exploitation.
- 7.3 Adoption and related problems.
- 7.4 Children and education.

**8. Modernisation and the law**

- 8.1 Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2 Modernisation of social institutions through law.
- 8.2. Reform of family law.
- 8.2.2 Agrarian reform: \_ Industrialization of agriculture.
- 8.2.3. Industrial reform: Free enterprise v. State regulation- Industrialization v. environmental protection.

8.3 Reform of court processes.

8.3.1 Criminal law: Plea bargaining; compounding and payment of compensation to victims.

8.3.2 Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats ,

8.3.3 Prison reforms.

8.4 Democratic decentralization and local self- government.

## UNIT-V

### 9. Alternative approaches to law

9.1 The jurisprudence of Sarvodaya---Gandhiji, Vinoba Bhave; Jayaprakash Narayan----  
Surrender of dacoits; concept of grama nyayalayas.

9.2 Socialist thought on law and justice: An enquiry through constitutional debates on the right to  
property.

9.3 Indian Marxist critique of law and justice.

9.4 Naxalite movement: causes and cure.

### Select Bibliography

Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,

Robert Lingat, The Classical Law of India (1998), Oxford

U.Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi.

U.Baxi(ed.), Law and poverty Critical Essays (1988). Tripathi, Bombay.

Manushi, A Journal about Women and Society.

Duncan Derret, The State, Religion and Law in India (1999). Oxford University press, New Delhi.

H.M. Seervai, Constitutional Law of India (1996), Tripathi.

D.D.Basu, Shorter Constitution of India (1996), Prentice – Hall of India (P) Ltd., New Delhi.

Sunil Deshta and Kiran Deshta , Law and Menace of Child Labour (2000) Armol Publications Delhi.

Savitri Gunasekhare , Children , Law and Justice(1997), Sage

Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)

J.B.Kripalani, Gandhi: His Life and Thought,(1970) Ministry of Information and Broadcasting, Government  
of India

M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi , Bombay.

Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

## **2. INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES**

### **Objectives of the Course**

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic Knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law of specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

The following syllabus prepared with this perspective will be spread over a period of one semester

### **Course Outcome:**

1. Enable the students to understand the mechanism of judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social needs
2. Understand the system of government and the fundamental principles governing its organization stipulated under the Constitution of India
3. To make student understand the working of legal system and processes leads to constitutional developments
4. Comprehend the basic feature of the Constitution of India and the importance of the role of judiciary in ensuring checks and balances; and
5. To study about new challenges and perspectives of constitutional developments

### **Syllabus**

#### **UNIT-I**

##### **1. Federalism**

- 1.1 Creation of new states
- 1.2 Allocation and share of resources – distribution of grants in aid
  - 1.2.1 The inter – state disputes on resources
- 1.3 Rehabilitation of internally displaced persons.



- 1.4 Center's responsibility and internal disturbance within States.
- 1.5 Directions of the Center to the State under Article 356 and 365
- 1.6 Federal Comity: Relationship of trust and faith between Central and State.
- 1.7 Special Status of certain States.
- 1.7.1 Tribal Areas, Scheduled Areas

**2. "State": Need for widening the definition in the wake of liberalisation .**

**UNIT-II**

**3. Right to equality: privatisation and its impact on affirmative action.**

**4. Empowerment of women.**

**UNIT-III**

**5. Freedom of press and challenges of new scientific development**

5.1 Freedom of speech and right to broadcast and telecast.

5.2 Right to Strikes, hartal and bandh.

**6. Emerging regime of new rights and remedies**

6.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights

6.1.1. Compensation jurisprudence

6.1.2. Right to education

6.1.2.1 Commercialization of education and its impact.

6.1.2.2. Brain drain by foreign education market.

**UNIT-IV**

**7. Right of minorities to establish and administer educational institutions and state control.**

**8. Separation of powers: stresses and strain**

8.1 Judicial activism and judicial restraint.

8.2 PIL: implementation.

8.3 Judicial independence.

8.4 Appointment, transfer and removal of judges.

8.5 Accountability: executive and judiciary.

**UNIT-V**

**9. Secularism and religious fanaticism.**

**10. Democratic process**

10.1. Nexus of politics with criminals and the business.

10.2. Election

- 10.3. Election commission: status,
- 10.4. Electoral Reforms
- 10.5. Coalition government, 'stability , durability, corrupt practice'
- 10.6. Grass root democracy,

### **Select bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values

## **GROUP –B CRIMINAL LAW**

### **B 012 COMPARATIVE CRIMINAL PROCEDURE**

#### **Objectives of the course**

Criminal Procedure is being taught as a compulsory paper at the level of LL.B. today. However, a jurisprudential thrust has to be given to this subject at the post-graduate level as this is a subject which has constitutional undertones and jurisprudential importance. A study of comparative criminal procedure helps students develop an ecumenical approach and broadens their vision. It inspires them renew and revise their laws to be in tune with development systems. The paper is taught with reference to India England, France and China.

#### **Course Outcome:**

- 1) Students critically analyze and compare basic Criminal Law issues in different jurisdictions;
- 2) They will be able to generate their own solutions to Criminal Law problems, and also identify and evaluate the political and social implications of their proposed solutions, and compare these solutions to those offered in other legal traditions and cultures;
- 3) Interpret theories and doctrines, and give recommendations where appropriate.
- 4) Ability to analyses various aspects of Criminal Law, review, and synthesize knowledge.
- 5) Students will read academic texts on Comparative Criminal Law deeply; and communicate basic arguments; and

### **UNIT-I**

#### **1. Organisation of Courts and Prosecuting Agencies**

Hierarchy of criminal courts and their jurisdiction

Nyaya Panchayats in India

Panchayats in tribal areas

Organisation of prosecuting agencies for prosecuting criminals

Prosecutors and the police  
Withdrawal of prosecution

## UNIT-II

### 2. Pre-trial Procedures

Arrest and questioning of the accused  
The rights of the accused  
The evidentiary value of statements/articles seized/ collected by the police  
Right to counsel  
Roles of the prosecutor and the judicial officer in investigation

## UNIT-III

### 3. Trial Procedure

- 3.1 The accusatory system of trial and the inquisitorial system
- 3.2 Role of the judge, the prosecutor and defence attorney in the trial
- 3.3 Admissibility and inadmissibility of evidence
  - 3.3.1 Expert evidence
- 3.4 Appeal of the court in awarding appropriate punishment
- 3.5 Plea bargaining

## UNIT-IV

### 1. Correction and Aftercare services

- 1.1 Institutional correction of the offenders
- 1.2 General comparison – After-care service in India and France
- 1.3 The role of the court in correction programmes in India

### 2. Preventive Measures in India

- 2.1 Provisions in the Criminal Procedure Code
- 2.2 Special enactments

## UNIT-V

### 3. Public Interest Litigation

- 6.1 Directions for criminal prosecution

### Select bibliography

Celia, Hamptom, Criminal Procedure

Wilkins and Cross, Outline of the Law of Evidence

Archhold, Pleading, Evidence and Practice in Criminal Cases

Sarkar, Law of Evidence

K.N.Chandrasekharan Pillai (ed.) R.V.Kellar's Outlines of Criminal Procedure (2000), Eastren, Lucknow.

Patric Devlin, The Criminal Prosecution in England

American Series of Foreign Penal Code Criminal Procedure Code of People's Republic of China, John N. Ferdico, Criminal Procedure (1996), West

Sanders & Young, Criminal Justice (1994)

Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha, Criminal Procedure (1997) West.

Criminal Procedure Code, 1973

The French Code of Criminal Procedure

14<sup>th</sup> and 41<sup>st</sup> Report of India Law Commission.

The Paper will be taught with reference, wherever necessary, to the procedure in India, England US France, Russia and China

## **GROUP E: EANVIRONMENT AND LEGAL ORDER**

### **E 030 EVNIRONMENT AND DEVELOPMENT: LAW AND POLICY**

#### **Objectives of the course**

The concept of environment lay embedded in ancient ethos. Throughout the centuries there were invisible processes working for the maintenance and improvement of environment. Towards the close of the last millennium one finds widening dimensions of environmental protection strategies. Their gained ground the environmental consciousness. How do these developments stand reflected in formulation of polices and in following constitutional values in India? This is the thrust of the paper.

The following syllabus prepared with these perspectives will comprise about 42 units of one hour duration to be spread over a period of one semester.

#### **Course Outcome:**

- 1) Students will be able to get the knowledge about Constitutional provisions for the protection of environment.
- 2) Learning about the significance of developments in international environmental law and the fundamental principles that have emerged
- 3) Comprehending the statutory and regulatory mechanisms pertaining to environment in India.
- 4) Knowing about the importance of public participation through Right to information, Public Interest litigation and other remedies in preserving and protecting environment.
- 5) Studying the role of international/national environmental institutions, NGOs, civil society and community involvement in promoting the cause of environment.
- 6) Students will get the knowledge about the Environment (protection) Act, powers of central government and state government to make laws and Environment Tribunals.

## **Syllabus**

### **1. The Idea of Environment**

- 1.1. Ancient and medieval writings
- 1.2. Traditions
- 1.3. Natural and biological science: perspectives

### **2. Development**

- 2.1. Theories of development
- 2.2. Right to development
- 2.3. Sustainable development- national and international perspectives
- 2.4. Developing economies

### **3. Policy and Law**

- 3.1. From Stockholm to Rio and after
- 3.2. Post- Independence India
- 3.3. Role of government
- 3.4. Five Year Plans
- 3.5. Forest Policy
- 3.6. Conservation strategy
- 3.7. Water policy

### **4. Population, Environment and Development**

- 4.1. Population explosion and environmental impact
- 4.2. Population and development
- 4.3. Population and sustainable development

### **5. Constitutional Perspectives**

#### **5.1. Fundamental Rights**

- 5.1.1. Right to environment
- 5.1.2. Enforcement of the right
- 5.1.3. Directive principles and fundamental duties
- 5.1.4. Legislative power
- 5.1.5. Environment: Emerging concepts and challenges
- 5.1.6. Polluter pay principle: absolute liability of hazardous industry
- 5.1.7. Precautionary principle
- 5.1.8. Public trust doctrine

## **Select Bibliography**

C.M.Abraham, Environmental Jurisprudence in India (1999), Kulwer

Madhav Gadgil and Ramachandra Guha, *This fissured Island: An Ecological History of India* (1996), Oxford

R.B. Singh & Suresh Misra, *Environmental Law in India* (1996), Concept Publishing Co, New Delhi

Kailash Thakur, *Environmental Protection: Law and Policy in* (1997), Deep & Deep Publication New Delhi.

Richard L. Riversz, et. Al. (eds), *Environmental Law, the Economy and Sustainable Development* (2000), Cambridge

Christopher D.Stone, *Should Trees Have Standing and other Essays on Law, Morals and the Environment* (1996), Oceana

Stuart Bell and Donald McGillivray, *Environmental Law* (2000), Blackstone Press

Charles A.R. Webster, *Environmental Health Law* (1981)

Leelakrishnan , P et.al. (eds.) *Law and Environent* (1990), Eastern

Leelakrishnan, P, *The Environment Law in India* (1999), Butterworths-India

Department of Science and Technology, Government of India, *Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection* (1980) ( Tiwari Committee Report)

Thomasj> Schoenbaum, *Envirounmental Policy Law* (1992), Foundation Press, Inc. Westbury, New York.

Darryl D'Monte, *Temples or Tombs Industry versus Environment: Three Controversies* (1985), Central for Science and Environment, New Delhi.

*Indian Journal of Public Administration, Special Number on Environment and Administration, July – September 1988, Vol. XXXV, No. 3 pp. 353- 801*

Khosho, *Environmental Concerns and Strategies* (1988), Ashsish , Delhi

*Environment 1984-85 and the State of Indian Environment 1999-2000.*

World Commission on Environment and Development, *Our Common Futrue* (1987), Oxford,

Garrett Hardin, *The Ostrich Factor: Our Population Myopia* (1998), Oxford

## GROUP-G CONTITUTION AND EGAL ORDER

### G 042 MASS MEDIA LAW

#### Objective of the course

Mass media such as pres, radio and television, films play a vital role in socialization, culturalisation and modenisation of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as man educators, they are also susceptible to destructive and harmful uses for promoting criminal anti-social and selfish escapist tendencies. While their positive potential as mass educators has to be harnessed for developmental purpose, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-à-vis such media. On the hand, it protects the creative freedom involved in them, on the other; it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media.

The following syllabus prepared with this perspective will be spread over a period of one semester.

### Course Outcome:

- 1) To discuss and analyze the legal, ethical and regulatory framework governing Media in India.
- 2) To trace the historical background to the freedom of Press in India.
- 3) To discuss and analyze the Constitutional framework in relation to freedom of speech and expression, freedom of Press, Right to Privacy.
- 4) To analyze and evaluate the latest developments and issues in the field of Media Law.
- 5) To analyze the principles laid down in the judgments of the courts.
- 6) To explain and discuss the importance and necessity of media ethics and journalistic integrity.

### Syllabus

#### UNIT-I

1. Mass media- Types of – Press Films, Radio Television  
Ownership patterns-Press-Private-Public  
Ownership patterns-Films-Private  
Ownership patterns-Radio& Television, Public  
Difference between visual and non-Visual Media- impact on Peoples minds.

#### UNIT-II

2. Press-Freedom of Speech and Expression –Article 19 (1) (a)
  - 2.1 Includes Freedom of the press.
  - 2.2 Law of defamation, obscenity, blasphemy and sedition.
  - 2.3 The relating to employees wages and service condition,
  - 2.4 Price and Page Schedule Regulation
  - 2.5 Newsprint Control Order
  - 2.6 Advertisement –is it included within freedom of speech and expression?
  - 2.7 Press and the Monopolies and Restrictive Trade Practices Act.

#### UNIT-III

3. Films-How far including freedom in of speech and expression?
  - 3.1.Censorship of films-constitutionality.
  - 3.2.The Abbas Case.
  - 3.3.Difference between films and press –why pre-censorship valid fro film but not for the press?

### 3.4.Censorship under the Cinematograph Act.

#### UNIT-IV

4. Radio and Television – Government monopoly.
  - 4.1 Why Government department?
  - 4.2 Should there be an autonomous corporation?
  - 4.3 Effect of television on people.
  - 4.4. Report of the Chanda Committee.
  - 4.5. Government policy.
  - 4.6 Commercial advertisement
  - 4.7 Internal Scrutiny of serials, etc.
  - 4.8 Judicial Review of Doordarshan decisions: Freedom to telecast.

#### UNIT-V

5. Constitutional Restrictions.
  - 5.1 Radio and Television subject to law of defamation and obscenity
  - 5.2 Power to legislate- Article 246 read with the Seventh Schedule.
  - 5.3 Power to impose tax- licensing and licence fee.

#### Select bibliography

M.P. Jain, Constitutional Law of India (1994) Wadhwa.

H.M.. Seervai, Constitutional law of India Vol.I (1001) Tripathi, Bombay.

John B. Howard, “ The Social Accountability of Public Enterprises “ in Law and Community Controls in New Development Strategies (International Center for law in Development 1980)

Bruce Michael Boyd, “ Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression” 14.J.I.L.I 501 (1972)

Rajeev Dhavan “ On the law of the press in India “ 26 J.I.L.I. 288 (1984)

Rajeev Dhavan, “ Legitimizing Government Rhetoric: Reflection on Some Aspects of the second Press Commission” 26 J.I.L.I. 391 (1984)

Soli Sorabjee, Law of Press Censorship in India (1976)

Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984)

D.D.Basu, The Law of Press of India (1980)

Student should consult relevant volumes of the Annual Survey of India law published by the Indian Law Institute. (Constitution Law 1 & 11, Administrative Law and Public Interest litigation).

### **GROUP J: HUMAN RIGHTS LAW**

#### **J 061 Concept and Development of Human Rights**

##### **Objectives of the course**

Protection of Human Rights(HR) became an important issue after the second world war and after the acceptance of Universal Declaration of Human Rights. The growth of HR Law and jurisprudence thereafter was spontaneous and continuous. The changes in the global scenario bring new concept of HR new concept endowed with human beings. However, they are not mere privileges given to the subjects by the ruler but are liberties permitted to the ‘citizens’ in a democracy. Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression that human rights are not different from natural rights envisaged by the natural law school.



Although Indian polity waited for more than one score and five years for adoption of Fundamental Duties in the Constitution, it is beyond doubt that every human being has responsibilities and obligations not only towards the other fellow beings, but also towards the society at large. Only when a society is aware of this right-duty relationship can there be any meaning to human rights.

This course is intended to highlight the concept of human rights, their evolution and their importance in our society now particularly in the era of privatization, globalisation and liberalization.

Prepared with the above perspective, the following syllabus comprises of about 42 units to be spread over a period of one semester.

### **Course Outcome:**

- 1) Have an advanced and integrated knowledge of international and domestic legal and institutional frameworks for the protection and promotion of human rights
- 2) Be able to understand and critically examine the interrelationships between international, regional and domestic histories, philosophies, policies and practices of human rights law
- 3) Have an advanced appreciation of the relationship between law and politics, at the international and domestic levels, in the field of human rights law
- 4) Have the cognitive and technical skills to independently examine and critically evaluate current issues by reference to international and domestic human rights standards
- 5) Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and advocate in the field of human rights law.

### **Syllabus**

#### **Unit-I**

##### **1. Human Rights: Concept.**

Human rights in Indian tradition: ancient, medieval and modern

Human rights in western tradition

Development of natural rights

Human rights in international law and national law.

#### **Unit-II**

##### **2. Classification of Human Rights – First, Second and Third Generations: Historical Development.**

#### **Unit-III**

##### **3. Human Rights: Politics and Society**

- 1.1. Colonisation, imperialism and human rights
- 1.2. Power, practices, accountability and transparency
- 1.3. Liberalization, privatization and globalization.

1.4. Human duties: responsibilities and obligations

**Unit-IV**

**4. Human Rights and Judicial Process**

Judicial activism.

**Unit-V**

**5. Human Rights Protection Agencies**

**Select bibliography**

Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21<sup>st</sup> Century (1999)

Lalit Parmer, Human Rights (1998)

Rama Jois, Human Rights: Bharatiya Values (1998)

David P. Forsythe, Human Rights in International Relations.

Lon L. Fuller, The Morality of Law

John Finnis, Natural Law and Natural Rights, (1980)

Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi.

M.G.Chitkara, Human Rights: Commitment and Betrayal (1996)

V.D. Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)

Robert Lewngat, The Classical Law of India (1998), Oxford. .

**GROUP K: ADMINISTRATIVE LAW**

**K 067 ADMINSTRATIVE PROCESS: NATURE AND SCOPE**

**Objective of the course**

The administrative explosion of the 19<sup>th</sup> century in the common law world brought in new norms of relationship between the state and its citizens. In due course, the continental strategies of control over administration had their influence along with this the civil service and administrative agencies gained more and more importance when the state launched welfare programmes and became the guardian of the rights of individuals. The standards of administrative behaviour are moulded and supported through constitutional values in the lands of constitutional sovereignty. Necessarily, a student of law relating to administration should get a deep knowledge of the operation and changing phenomena of these standards from a comparative angle. This is so especially in the wake of technological revolution and its aftermath on the administration.

The syllabus prepared with the above mentioned objective comprises of 42 units to be spread over a semester.

## Course Outcome:

- 1) Student will be able to understand and define administrative law, its nature, scope and approaches and how it works in a system and remedies available against the government on infringement by it against the citizenry.
- 2) They will be able to discuss and understand the concept of the local government, functions and finances and sources and powers of administration with relevant constitutional principles
- 3) Discuss the meaning of major concepts in Administrative law principles, their usage and how they can be applied in administrative system
- 4) Students will be able to understand delegated legislation, problems, process and control
- 5) Understand how remedies can be sought against the government through the court against the government.

## Syllabus

### UNIT-I

#### 1. Administrative Process

- 1.1. Nature and meaning
- 1.2. The role of civil service

### UNIT-II

#### 2. Administrative Process: Regulation to De-regulation and Control to Decontrol Globalization and Liberalization

- 2.1. Constitutional standards
- 2.2. Comparative aspects

### UNIT-III

#### 3. Rule of Law

- 3.1 Changing dimensions
- 3.2 Regulation of administrative process

#### 4. Separation of powers: From Rigidity to Flexibility

### UNIT-IV

#### 5. Delegated Legislation: Problems, Process and control

#### 6. Power and duty

- 6.1 Doctrine of police power
- 6.2 Doctrine of eminent power
- 6.3 Taxing power

## UNIT-V

### 7. Administrative Discretion

1.1 Structuring and limiting

1.2 Impact of technological development

#### Select bibliography

Friedman, The State and the Rule of Law in a Mixed Economy

Dicey, Introduction to the Law of the Constitution

Davis, Discretionary Justice

Jain & Jain, Principle of Administrative Law (1986) Tripathi

De Smith, Judicial Review of Administrative Action (1995)

M.P.Jain , Cases and materials on Administrative Law (1996), Vol.I Wadha, Nagpur

### K 068 ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL

#### Objectives of the course

Administrative law is mainly a judge-made law and as secured its present features through a myriad of judicial decisions. The historical evolution of the judicial agencies reviewing administrative procedures, jurisdictional aspects of administrative decision making subjected to review, the grounds on which decisions are challenged, the scope of review of delegated legislation and the limitations on the judicial review of administrative action are to be studied in detail in this course. The procedural fairness is the key to good administrative justice. The ever increasing number of characteristics of law, which though framed by administration , impose burden on the rights of citizens. Keeping this specie of administration beyond judicial review is neither in the interests of the general public nor for laying down standards of administrative behavior.

This course, with the above mentioned perspective in view, comprises of about 42 units to be spread out to a period of one semester.

#### Course Outcome:

1. Identify the distinction between the Constitutional Law and Administrative Law;
2. Identify the basic rules and principles followed to render administrative justice;
3. Examine the reasons and evolution of delegated legislation and the functioning of the delegated authorities within the ambit of the power conferred;
4. Examine the functioning of the special bodies constituted as alternative means for administering justice viz., Administrative Tribunals, Ombudsman, Lokayukta, Lokpal;
5. Analyse the remedies available against administrative actions;

## Syllabus

### UNIT-I

- 1. Concepts and Agencies**
  - 1.1 Common law countries
  - 1.2 French system
- 2. Judicial Review in India**
  - 2.1 Historical development
  - 2.2 Powers of the Supreme Court
  - 2.3 Powers of the High Court
  - 2.4 Role of subordinate judiciary

### UNIT-II

- 3. Grounds of Review**
  - 4.1 Doctrine of ultra vires
  - 4.2 Unreviewable discretionary powers: from Liversidge to Padfield
  - 4.3 Discretion and Justifiability
  - 4.4 Violation of fundamental rights
  - 4.5 Extraneous consideration and/or irrelevant grounds
  - 4.6 Delegation
  - 4.7 Acting under dictation
  - 4.8 Malafides and bias
  - 4.9 Lack of rationality and proportionality
  - 4.10 Oppressing decision
  - 4.11 Absence of proportionality

### UNIT-III

- 4. Procedural fairness**
  - 4.1. Legitimate Expectation
  - 4.2. Natural justice and duty to act fairly
  - 4.3. Bias and personal interest
  - 4.4. Fair hearing

### UNIT-IV

- 5. Jurisdiction**
  - 5.1 Finality clauses
  - 5.2 Conclusive evidence clauses

- 5.3 Law fact distinction
- 5.4. Exclusionary clause

**6. Remedies**

- 6.1. Writs
- 6.2. Injunction and declaration

**UNIT-IV**

**7. Limits of judicial review**

- 7.1 Locus standi and public interest litigation
- 7.2 Laches
- 7.3 Res judicata
- 7.4 Alternative remedies

**8. Judicial Review Delegated Legislation**

Select bibliography

S.P.sathe, Administrative Law (1998), Butterworths, India.

De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell

I.P. Massey, Administrative Law (1995), Eastern, Lucknow.

Bagawati Prosad Banerjee, Write Remedies, (1999), Wadhwa , Nagpur.

M.P. Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay

Jain & Jain, Principles of Administrative Law (1986), Tripathi

M.P.Jain, Cases and Materials on Administrative Law (1996), Vol.I Wadha, Nagpur.

LL.M. SECOND SEMESTER  
COMPULSORY COURSES PAPER

**03 JUDICIAL PROCESS**

**Objectives of the course**

A lawyer, whether academic or professional, is expected to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.

Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. The paper, therefore, intends to familiarise the students with various theories, different and alternative ways, of attaining justice.

The following syllabus prepared with the above perspective will spread over a period of one semester

**Course Outcome:**

1. Students will be able to analyse and evaluate the legal process from a broader juristic perspective.
2. Students will study the nature of judicial process as an instrument of social ordering.
3. This paper exposes the intricacies of judicial creativity and the judicial tools and techniques employed in the process.
4. Understand the major theoretical and empirical approaches to studying judicial decision making, judicial selection, and judicial behavior
5. It familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

**Syllabus**

**UNIT-I**

**1. Nature of judicial process**

- 1.1 Judicial process as an instrument of social ordering
- 1.2 Judicial process and creativity in law – common law model-Legal Reasoning and growth of law- change and stability.
- 1.3 The tools and techniques of judicial creativity and precedent.

- 1.4 Legal development and creativity through legal reasoning under statutory and codified systems.

## **UNIT-II**

### **2. Special Dimensions of Judicial Process in Constitutional Adjudications.**

- 2.1 Nations of judicial review
- 2.2 'Role in constitutional adjudication- various theories of judicial role.
- 2.3 Tools and techniques in policy- making and creativity in constitutional adjudication.
- 2.4 Varieties of judicial and juristic activism.
- 2.5 Problems of accountability and judicial law –making.

## **UNIT-III**

### **3 Judicial Process in India**

- 3.1 Indian debate on the role of judges and on the notion of judicial review.
- 3.2 The “independence” of judiciary and the “ political “ nature of judicial process
- 3.3 Judicial activism and creativity of the Supreme Court–the tools and techniques of creativity.
- 3.4 Judicial process in pursuit of constitutional goals and values- new dimensions of judicial activism and structural challenges
- 3.5 Institutional liability of courts and judicial activism – scope and limits.

## **UNIT-IV**

### **4. The Concepts of Justice**

- 4.1 The concept of justice or Dharma in Indian thought
- 4.2 Dharma as the foundation of legal ordering in Indian thought.
- 4.3 The concept and various theories of justice in the western thought.
- 4.4 Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

## **UNIT-V**

### **5 Relation between Law and Justice**

- 5.1 Equivalence Theories – Justice as nothing more than the positive law of the stronger class
- 5.2 Dependency theories- For its realisation justice depends on law, but justice is not the same as law.
- 5.3 The independence of justice theories- means to end relationship of law and justice the relationship in the context of the Indian constitutional ordering.
- 5.4 Analysis of selected cases of the Supreme Court the judicial process can be seen as influenced by theories of justice.

### **Select Bibliography**



Julius Store, The Province and Function of Law, Part II, Chs. 1-8-16(2000), Universal, New Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.

Henry J.Abrabam, The Judicial Process (1998), Oxford.

J.Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths

W.Friedmann, Legal Theory (1960) , Stevens,London

Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal Delhi

J.Stone , Legal System and Lawyers' Reasonings (1999) , Universal, Delhi

U.Baxi, The Indian Supreme Court and Politics (19980), Eastern, Lucknow.

Rajeen Dhvan, The Supreme Court of India- A Socio –Legal Critique of its Juristic Techniques (1977),

Tripathi, Bombay.

John Rawls, A Theory of justice (2000), Universal Delhi

Edward H.levi, An Introduction to Legal Reasoning (1970), University of Chicago.

#### **04 GROUP –B CRIMINAL LAW**

##### **B 013 PENOLOGY: TREATMENT OF OFFENDERS**

###### **Objectives of the course**

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justification and the problematic of discretion in the sentencing experience of the 'developing' societies, a focus normally absent in law curricula so far.

The expert work of the U N. committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Especially, at each stage, the three 'D's will be explored as offering a range of alternatives: decriminalization, dependization, deinstitutionalization. Broadly, the course will concern itself with.

- (a) Theories of Punishment
- (b) Approaches to Sentencing
- (c) Alternatives to Imprisonment
- (d) The State of Institutional Incarceration in India: Jails and other custodial institutions
- (e) The problematic of Capital Punishment
- (f) Penology in relation to privileged class deviance
- (g) Penology in relation to marginalized deviance or criminality
- (h) The distinctive Indian (historical and contemporary) approaches of penology

The following syllabus prepared with this perspective will be spread over a period of one semester.

###### **Course Outcome:**

- 1) Student will be able to know about, The significance of Penology and The features of Traditional and modern Penological approaches
- 2) This course deals with various theories of crime causation, theories of punishment, juvenile justice and the releasing the offenders on probation.
- 3) Students will be able to Demonstrate the ability to analyses the complex legal, moral and philosophical issues raised by the concept of punishment\
- 4) Demonstrate an understanding of substantive sentencing principles and related theoretical debates
- 5) It also provides student the knowledge about the treatment of the offenders under imprisonment and alternative to imprisonment.

## Syllabus

### UNIT-I

#### 1. Introductory

Definition of Penology

#### 2. Theories of Punishment

Retribution

Utilitarian prevention: Deterrence

Utilitarian: Intimidation

Behavioural prevention :Incapacitation

Behavioural prevention: Rehabilitation –Expiation

Classical Hindu and Islamic approaches to punishment

### UNIT-II

#### 3. The Problematic of Capital Punishment

Constitutionality of Capital Punishment

Judicial Attitudes Towards Capital Punishment in India- An inquiry through the statute law and case law.

Law Reform Proposals

### UNIT-III

#### 4. Approaches to Sentencing

Alternatives to Imprisonment

4.1.1. Probation

4.1.2. Corrective labour

4.1.3. Fines

4.1.4. Collective fines

4.1.5. Reparation by the offender/by the court

## UNIT-IV

### 5. Sentencing

- 5.1 Principal types of sentences in the Penal Code and special laws
- 5.2 Sentencing in white collar crime
- 5.3 Pre-sentence hearing
- 5.4 Sentencing for habitual offender
- 5.5 Summary punishment
- 5.6 Plea-bargaining

## UNIT-V

### 6. Imprisonment

- 3.1 The state of India's jails today
- 3.2 The disciplinary regime of Indian prisons
- 3.3 Classification of prisoners
- 3.4 Rights of prisoner and duties of custodial staff.
- 3.5 Deviance by custodial staff
- 3.6 Open prisons
- 3.7 Judicial surveillance-basis –development reforms

### Select bibliography

S.Chhabbra, The Quantum of Punishment in Criminal Law (1970)

H.L.A.Hart, Punishment and Responsibility (1968)

Herbert L. Packer, The Limits of Criminal Sanction (1968)

Alf Ross, On Guilt, Responsibility and Punishment (1975)

A. Siddique, Criminology (1984) Eastern, Lucknow.

Law Commission of India, Forty, Second Report Ch. 3 (1971)

K.S.Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey, of Sociology and Social Anthropology 1969 –179 (1986)

Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta.

### B 014 PRIVILEGED CLASS DEVIANCE

#### Objectives of the course

This course focuses on the "Criminal of the "Privileged classes". The definition of "privileged classes" in a society like India should not pose major problems at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focusses on the relation between privilege power and deviant behaviour. The traditional approaches which highlight "white-collar offences", "socio-economic offences" or "crimes of the powerful" deal mainly with the deviance of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich (nouveau riche) ,

religious leaders and organizations, professional classes and the higher bourgeoisie are not fully captured here.

In designing teaching materials for this course, current development in deviance, as reflected in newspapers/journals, law reports, and legislative proceedings should be highlighted.

It should be stressed that the objectives of the course include:

- (a) Dispelling of the commonly held belief that deviance crimes is usually associated with the impoverished or improvident;
- (b) Construction of model so understanding the reality of middle and upper: middle class deviance criminality in India.
- (c) Critical analyses of legal system response and
- (d) Issues and dilemmas in penal and sentencing policies

The following syllabus prepared with the above objectives will be spread over a period of one semester.

### **Course Outcome:**

- 1) Student will be able to understand the concepts of "Criminality of the 'Privileged classes" and the relation between privilege power and deviant behaviour.
- 2) Able to differentiate between The traditional approaches which highlight "white collar offences", "Socioeconomic offences" or "Crime of the powerful" deal mainly with the deviance of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich (nouveau riche), religious leaders, and organizations, professional classes and the higher bourgeoisie are not fully captured here.
- 3) Understand the construction of model so understanding the reality of middle and upper; middle class deviance criminality in India;
- 4) Critical analyses of legal system responses and Issues and dilemmas in penal and sentencing policies.
- 5) Analyse dispelling of the commonly held belief that deviance crime is usually associated with the impoverished or improvident

### **Syllabus**

#### **UNIT-I**

##### **1. Introduction**

- 1.1 Conceptions of white collar crimes
- 1.2 Indian approaches to socio-economic offences
- 1.3 Notions of privileged class deviance and providing a wider categorization of understanding Indian development
- 1.4 Typical forms of such deviance
- 1.5 Official deviance (deviance by legislators, judges, bureaucrats)
- 1.6 Professional deviance; journalists, teachers, doctors, lawyers engineers,

- architects
- 1.7 Trade union deviance (including teachers, lawyers/urban property owners)
- 1.8 Landlord deviance (class/cast based deviance)
- 1.9 Police deviance
- 1.10 eviance on electoral process (rigging, booth, capturing, impersonation, corrupt, practices)
- 1.11 ender-based aggression by socially, economically and politically powerful

**NOTE:** Depending on specialist interest by the teacher and the taught any three areas of deviance of privileged class may be explored. What follows is only illustrative of one model of doing the course.

## **UNIT-II**

### **2 Official Deviance**

- 2.1 Conception of official deviance-permissible limit of discretionary powers
- 2.2 The Chambal Valley docoit Vinoba Mission and Jai Prakash Narain Mission – in 1959 and 1971
- 2.3 The Chagla Commission Report on LIC –Mundhara Affair
- 2.4 The DAS Commission Report on Pratap Singh Kairon
- 2.5 The Gover Commission Report on Dev Raj Urs
- 2.6 The Maruti Commission Report
- 2.7 The Ibakkar-Natarajan Commission Report on Fairfax.

## **UNIT-III**

### **3 Police Deviance**

- 3.1 Structures of legal restraint on police powers in India
- 3.2 Unconstitutionally of “third-degree” methods and use of fatal force by police
- 3.3 “Encounter” killings
- 3.4 Police atrocities
- 3.5 The plea of superior orders
- 3.6 Rape and related forms of gender-based aggression by police and Para-military force
- 3.7 Reforms suggestions especially by the National Police Commissions

## **UNIT-IV**

### **4 Professional Deviance**

- 4.1 Unethical practices at the Indian bar
- 4.2 The Lentin Commission Report
- 4.3 The press Council on unprofessional and unethical journalism

4.4 Medical malpractice

**UNIT-V**

**5 Response of Indian Legal Order to the Deviance of Privileged Classes**

- 5.1 Vigilance Commission
- 5.2 Public Accounts Committee
- 5.3 Ombudsman
- 5.4 Commissions of Enquiry
- 5.5 Prevention of Corruption Act, 1947
- 5.6 The Antulay Case

Select bibliography

Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.

Upendra Baxi (ed.), Law and Poverty: Eassays (1988)

Upendra Baxi , Liberty and Corruption: The Antulay Case and Beyond (1989)

Surendranath Dewevedi and G.S. Bbargava, Political Corruption in India (1967)

A.R. Desai (ed.) Violation of democratic Rights in India (1986)

A.G. Noorani, Minister's Misconduct (1974)

B.B. Pande, ' The Nature and Dimensions of Privileged Class Deviance" in The Other Side of Development 136 (1987;.,K.S. Shukla ed.)

Indira Rothern und, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)

**GROUP-G CONSTITUTION AND EGAL ORDER**

**G 043 PUBLIC UTILITIES LAW**

**Objective of the course**

Public utilities are government monopolies, which are services rather than commercial enterprises. The law of public utilities is contained in the statues of incorporation and judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them. In this paper a student will study (a) government policy in regard to such utilities in general and to each utility in particular, (b) the growth and evolution of the public utilities; (c) patters of the laws of incorporation and (d) powers, functions and liabilities of the public utilities vis-à-vis their employees, consumers and others.

The following syllabus prepared with this perspective will be spread over a period of one semester.

**Course Outcome:**

1. Students will be able to understand that public utilities are government monopolies, which are services rather than commercial enterprises

2. All government policy in regard to such utilities in general and to each utility in particular,
3. Regarding the growth and evolution of the public utilities;
4. Regarding patterns of the laws of incorporation and
5. Students will also know the powers, functions and liabilities of the public utilities vis-a-vis their employees, consumers and others.

## Syllabus

### UNIT-I

#### 1. Public Utilities

1.1 Railways, Electricity, Gas Road Transport, telephone, post and telegraph service, police, Fire Brigade, banking service, etc.

1.2 Growth and evolution of public utilities and their legislation

#### Public Utilities- Why Government Monopoly?

1.3 Government and Parliamentary Control

1.4 Constitution division of power to legislate

### UNIT-II

#### 4. Utilities Legislation – Patterns of –

4.1 Administrative Authorities – Structure of the Administrative Authorities

4.2 Subordinate legislation

#### Public Utilities and Fair Rearing

2.3. Quasi-Judicial Decision- Administrative Discretion

#### Public Utilities and Consumer Protection

2.5 Exclusion from M.R.T.P. Act

2.6 Rights of consumers protected by the Consumer Protection Act.

2.6 Rights Arising from law of Contract and law of Torts.

### UNIT-III

#### 3. Public Utilities And their Employees.

3.1 Application of Articles 16 and 311?

3.2. Application of Industrial law –right to strike

### UNIT-IV

#### **4.Public Utilities and Fundamental Rights**

4.1 The right to equality: the airhostess case.

4.2.Are Public utilities “State” for the purpose of article 12 of the Constitution?

4.3.Extension of the Concept of State

#### **UNIT-V**

#### **5. Liabilities and special privileges of public utilities**

5.1.In contract

5.2.In tort

5.3.In criminal law

#### **Select bibliography**

P.M. Bakshi, Television and the Law, (1986)

Vasant Kelkar, “ Business of Postal Service “33 I.J. PA. PP.133-144 (1987)

G.Ramesh, “Characteristic of Large Service Organisation in a Developing Country Like India “32 I.J.PA. 77 (1986)

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Arvind K. Sharma “ Semi –Autonomous Enterprise: Conceptual Portrait – Further Evidence on the Theory of Autonomy” 33I.J.PA. P. 99-113.

S.P. Sathe, Administrative of Administrative Law (1986)

Jagdish UI, Handbook of electricity Law, (1981)

Bhaumik, The Indian Railway s Act, (1981)

Law Commission of India, 38<sup>th</sup> Report: Indian Post Office Act, (1968)

Students should consult relevant volumes of Annual Survey of Indian law published by the Indian Law Institute (Constitutional Law 1& 11, Administrative Law, Consumers Protection Law and Labour law)

#### **G 044 UNION –STATE FINANACIAL RELATIONS**

#### **OBJECTIVES OF THE COURSE**

The Indian Constitution adopts federal government for various reasons. Power is divided between the Union and the States in such a way that matters of national importance are entrusted to the Center and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the constitutional provisions were in practice further distorted so as to make the states totally subservient to the Center. Distribution of fiscal power is the nerve center of the federal system. In this paper a student will be made conscious of various aspects of federal principle, and their working in the Indian context with a view to



ultimately assessing the Indian experience critically. He must clearly understand various emerging forces such as regionalism, subnational loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy.

The following syllabus prepared with this perspective will be spread over a period of one semester.

### **Course Outcome:**

1. Student will be able to discuss the different forms of government and explain the features and the distinction between them.
2. To understand the Legislative relations, Administrative and financial relations between the Centre and States.
3. To understand the various principles of interpretation of lists
4. To understand the various services under union and the states.
5. Will able to know the relations of Centre and states during emergency.

### **Syllabus**

#### **UNIT-I**

#### **1. Federalism - Essentials**

- 1.1. Models of Federal Government –U.S.A., Australia, Canada
- 1.2. Difference, Between Federation and confederation
- 1.3. Evolution of federal government in India

#### **Distribution of Legislative Power/Administrative Power**

- 1.4 Indian Constitution
- 1.5 Center- State relations
- 1.6 Factors responsible for subordination of States
- 1.7 Administrative Relation

#### **UNIT-II**

#### **2. Distribution of Fiscal Power**

- 2.1 Scheme of Allocation of taxing power
- 2.2 Extent of Union power of taxation
- 2.3 Residuary power- inclusion of fiscal power

#### **Restrictions of Fiscal Power**

- 2.4 Fundamental Rights
- 2.5 Inter-Government tax immunities
- 2.6 Difference between tax and fee

## UNIT-III

### 4. Distribution of Tax Revenues

3.1 Tax- Sharing under the Constitution

3.2 Finance Commission – Specific purpose grants (Article 282)

#### **Borrowing Power of the State**

3.3 Borrowing by the Government of India

3.4 Borrowing by the States

## UNIT-IV

### 4 Inter- State Trade and Commerce

4.1 Freedom of Inter – State trade and commerce

4.2 Restrictions on legislative power of the Union and States with regard to trade and commerce

#### **Planning and Financial Relations**

4.3 Planning Commission

4.4 National Development Council

4.5 Plan grants

## UNIT-V

### 5 Co-operative Federalism

5.1 Full faith and credit

5.2 Inter-State Council

5.3 Zonal Councils

5.4 Inter-State dispute

#### **Federal Government in India**

5.5 Model of Jammu and Kashmir

5.6 Sarkaria Commission Report

5.7 What Reforms is Necessary?

#### **Select bibliography**

H.M.Seervai, Constitution of Law of India (1991),Tripathi, Bomabay

Sudha Bhatnagar, Union –State Financial Relation and Finance Commissions, (1979)

Ashok Chandra, Federalism in India, (1965)

V.D. Sebastain, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8 (1980)

Chandrapal, Central- State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)

G.C.V. Subba Rao, Legislative Power in Indian Constitution Law, Chs 37,38,39 (1982)

Richard M.Pious, The American Presidency, 293-331,Cha.9 (1979)

Daniel J.Elazar, American Federalism, Chs. 3 and 4 (1984)

K.P. Krishna Shetty, The Law of Union- State Relations and the Indian Federalism Ch.9 (1981)

Report of the Eighth Finance Commission.

Administrative Reforms Commission on Centre- State Relationship Ch.3 (1969 )

Constituent Reforms Commission, Report of the Study Team on Central –State Relationship ( 1967) Vol. 1  
Section land 11, pp, IS-168

L.M.Singhvi (ed.), Union-State Relations in India 124-154 (1969)

Government of Tamilnadu, Report of the Centre –State Relations inquiry Committee Ch.5 (1971)

D.T.Lakadwala, Union-State Financial Relations (1967)

M.P. Jain, Indian Constitution Law (1994), Wadhwa

K.Subba Rao, The Indian Federation (1969)

K.C.Wheare, Federal Government (1963)

Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law II)

## **GROUP J: HUMAN RIGHTS LAW**

### **J 062 Human Rights and International Order**

#### **Objectives of the course**

Human Rights have universal application. They gathered importance when the United Nations adopted the Universal Declaration of Human Rights in 1948. The role of international organizations in promoting awareness of human rights is very significant. The international conventions, though not binding, have persuasive force since the violations will be decried by the international community. International Non-Governmental Organisations watch and monitor human rights violations in every country. However, in the absence of national legislation, the enforcement of the rights will be difficult.

With the above perspectives in view this course will comprise of 42 units of one hour duration to be spread out during one semester.

#### **Course Outcome:**

- 1) Have an advanced and integrated knowledge of international and domestic legal and institutional frameworks for the protection and promotion of human rights
- 2) Be able to understand and critically examine the interrelationships between international, regional and domestic histories, philosophies, policies and practices of human rights law
- 3) Be able to analyse, interpret and assess the challenges posed to the implementation of international human rights obligations in the context of globalisation, particularly the increased threat to human rights presented by non-state actors and efforts to develop and strengthen accountability protocols and other mechanisms
- 4) Synthesize interdisciplinary approaches and contributions to topics such as gender, race, poverty, violence and post-colonialism within a human rights framework.

- 5) Reflectively evaluate the effectiveness of human rights practice on local, national or international humanitarian efforts.

## Syllabus

### Unit - I

#### 1. Development of the Concept of Human Rights Under International Law

Role of International Organization and Human Rights.

Universal Declaration of Human Rights (1948)

Covenant on Political and Civil Rights (1966)

Covenant on Economic, Social and Cultural Rights (1966)

I L O and other Conventions and Protocols dealing with human rights.

### Unit -II

#### 2. Role of Regional Organizations

2.1. European Convention on Human Rights

2.2. European Commission on Human Rights/Court of Human Rights.

2.3. American Convention on Human Rights

2.4. African Convention on Human Rights

2.5. Other regional Conventions.

### Unit -III

#### 3. Protection agencies and mechanisms

3.1. International Commission of Human Rights

3.2. Amnesty International

3.3. Non-Government Organizations (NGOs )

3.4. U.N. Division of Human Rights.

### Unit -IV

International Labour Organization

1- UNESCO

2- UNICEF

3- Voluntary organizations

4- National and State Human Rights Commissions

### Unit -V

#### 4. International enforcement of Human Rights

4.1. Role of ICJ and regional institutions.

## Select bibliography

Benedetoo Conforti and Francesco Francioni , Enforcing International Human Rights in Domestic Courts, (1997)

Francisco Forrest Martin, International Human Rights Law and Practice, (1997)

Luck Clements, European Human Rights Taking a Case under the Convention (1994)  
Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights (1996)  
R.K. Sinha, Human Rights of the World, (1997)  
Philp Alston, The United Nations and Human Rights A Critical Appraisal (1992)  
R.S. Sharma and R.K. Sinha, Perspectives in Human Rights Development, (1997)  
The Human Rights Watch Global Report on Women's Human Rights (2000), Oxford.  
B.P. Singh Seghal, Human Rights in India (1996)  
Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes, (1997)

## **J 063 Protection and Enforcement of Human Rights In India**

### **Objectives of the course**

A reading of fundamental rights and duties in the Constitution of India reveals that they constitute the human rights charter in India. The judiciary, the major protective and enforcement machinery, is very active in protecting human rights. Judicial activism in this field has added new dimensions to human rights jurisprudence. There are a number of cases where courts apply the provisions of the international convention to fill the gaps in legislation. The apex court has also ventured to apply international conventions even where there was no legislation in the area. Thus the judiciary has been directly implementing international conventions at the national level. This course aims at familiarizing students with the judicial activism in protecting human rights and enables them to evaluate the adequacy of the methods of enforcement.

### **Course Outcome:**

1. Demonstrate a good understanding of the provision under the constitution of India dealing with human rights
2. Display a good understanding of the nature and scope of special legislation dealing with protection of human rights of marginalized and vulnerable sections.
3. Able to demonstrate a good understanding of the practical application of human rights law to specific human rights problem in India
4. Also able to analyze complex human rights problem and apply relevant provisions of human rights law in India to a hypothetical situation/case study and a theoretical knowledge of the underpinnings of human rights framework in India, its operation and issues associated with its implementation.
5. Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and advocate in the field of human rights law.

## **Syllabus**

### **UNIT – I**

#### **History and Development of Human Rights in Indian Constitution.**

Constitutional Philosophy – Preamble  
Fundamental Rights  
Directive Principles of State Policy  
Fundamental Duties.

## **UNIT - II**

### **Judicial Activism and Development of Human Rights Jurisprudence**

Judicial Activism, Development of Human Rights Jurisprudence, Public Interest Litigation

## **UNIT - III**

### **Enforcement of Human Rights.**

Formal enforcement mechanisms

Role of Supreme Court

Role of High Courts

## **UNIT - IV**

- 1.1. Role of Civil and Criminal Courts
- 1.2. Statutory Tribunals
- 1.3. Special Courts

## **UNIT - V**

### **Role of India in implementing international norms and standards**

Human Rights Commissions (National and State level)

### **Select bibliography**

D.D. Basu, Human Right in Indian Constitutional Law (1994)

Vijay Chitnis, (et.al.). Human Rights and the Law : National and Global Perspective, (1997).

B.P. Singh Seghal Law, Judiciary and Justice in India (1993)

James Vadakkumchery, Human Right and the Politics in India (1996)

## **GROUP K: ADMINISTRATIVE LAW**

### **K 068 ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL**

#### **Objectives of the course**

Administrative law is mainly a judge-made law and as secured its present features through a myriad of judicial decisions. The historical evolution of the judicial agencies reviewing administrative procedures, jurisdictional aspects of administrative decision making subjected to review, the grounds on which decisions are challenged, the scope of review of delegated legislation and the limitations on the judicial review of administrative action are to be studied in detail in this course. The procedural fairness is the key to good administrative justice. The ever increasing number of characteristics of law, which though framed by administration, impose burden on the rights of citizens. Keeping this specie of administration beyond

judicial review is neither in the interests of the general public nor for laying down standards of administrative behavior.

This course, with the above mentioned perspective in view, comprises of about 42 units to be spread out to a period of one semester.

### **Course Outcome:**

- 1) Student will be able to know that the procedural fairness is the key to good administrative decision and the various remedies rendered in judicial process clear the way for achieving administrative justice.
- 2) Understand that the historical evolution of the judicial agencies reviewing administrative procedures, jurisdictional aspects of administrative decision making subjected to review, the grounds on which decisions are challenged, the scope of review of delegated legislation and the limitations on the judicial review of administrative action.
- 3) Understand the key principles of judicial review
- 4) Able to critically analyse the relationship between the various grounds of judicial review and process-based issues such as locus standi and the public/private divide
- 5) understand and offer a critical analysis of non-court-based forms of control of governmental action

### **Syllabus**

#### **UNIT-I**

#### **1. Concepts and Agencies**

- 1.3 Common law countries
- 1.4 French system

#### **Judicial Review in India**

- 1.5 Historical development
- 1.6 Powers of the Supreme Court
- 1.7 Powers of the High Court
- 1.8 Role of subordinate judiciary

#### **UNIT-II**

#### **2. Grounds of Review**

- 2.1 Doctrine of ultra vires
- 2.2 Unreviewable discretionary powers: from Liversidge to Padfield
- 2.3 Discretion and Justifiability
- 2.4 Violation of fundamental rights
- 2.5 Extraneous consideration and/or irrelevant grounds
- 2.6 Delegation

- 2.7 Acting under dictation
- 2.8 Malafides and bias
- 2.9 Lack of rationality and proportionality
- 2.10 Oppressing decision
- 2.11 Absence of proportionality

### **UNIT-III**

#### **3. Procedural fairness**

- 3.1. Legitimate Expectation
- 3.2. Natural justice and duty to act fairly
- 3.3. Bias and personal interest
- 3.4. Fair hearing

### **UNIT-IV**

#### **4. Jurisdiction**

- 4.1 Finality clauses
- 4.2 Conclusive evidence clauses
- 4.3 Law fact distinction
- 4.4 Exclusionary clause

#### **Remedies**

- 4.5 Writs
- 4.6 Injunction and declaration

### **UNIT-IV**

#### **5 Limits of judicial review**

- 5.1 Locus standi and public interest litigation
- 5.2 Laches
- 5.3 Res judicata
- 5.4 Alternative remedies

#### **Judicial Review Delegated Legislation**

Select bibliography

S.P.sathe, Administrative Law (1998), Butterworths, India.

De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell

I.P. Massey, Administrative Law (1995), Eastern, Lucknow.

Bagawati Prosad Banerjee, Write Remedies, (1999), Wadhwa , Nagpur.

M.P. Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay

Jain & Jain, Principles of Administrative Law (1986), Tripathi

M.P.Jain, Cases and Materials on Administrative Law (1996), Vol.I Wadha, Nagpur.



## **K 069 PUBLIC AUTHORITIES: LIABILITY**

### **Objectives of the course**

Judicial decisions in the common law world have formulated several duties and liabilities on the administrative hierarchy towards the citizens. Is the state in exercise of sovereign functions liable to compensate the affected persons? To what extent is the state in exercise of sovereign functions immune from liability? The state enters into contracts in more ways than one. Should there be standards of conduct laid down on the state when it does so? How can accountability be determined in all these areas? Open government is one of the significant attributes of good government in democracy. In what way these norms can be meticulously followed by the state in meting out administrative justice. There are problems a country like India does confront in her march towards good governance.

This course with the above mentioned perspective in view comprises about 42 units of one-hour duration to be spread out to one semester.

### **Course Outcome:**

1. Understand and Identify their understanding of the shape of, and trends in, modern tort law;
2. Explain and able to critically examine and apply the principles of negligence, especially in their particular application to governments and public authorities
3. Understand and able to discuss various contractual liability.
4. Understand and able to discuss Accountability under consumer law
- 5.

### **Syllabus**

#### **UNIT-I**

#### **1. Tortious Liability**

- 1.1. Sovereign immunity
- 1.2. Commercial and non-commercial function

#### **UNIT-II**

#### **2. Contractual liability**

- 2.1. Processual justice: Privilege – right dichotomy
- 2.2. Blacklisting of contractors
- 2.3. Terms in government contract as instruments of social justice

#### **UNIT-III**

#### **3. Emerging Liability**

- 3.1 Personal accountability
- 3.2 Compensatory jurisprudence and right to life
- 3.3 Accountability under consumer law

## **UNIT-IV**

### **4. Privilege Against Disclosure**

- 4.1. Right to information
- 4.2. Official secrecy
- 4.3. Executive privilege
- 4.4. Security of state and control on information
- 4.5. Judicial review

## **UNIT-V**

### **5. Promissory Estoppel**

- 5.1 Legitimate expectation
- 5.2 Constitutional dimensions

### **Select bibliography**

- Jain & Jain, Principle of Administrative Law, (1986), Tripathi  
De Smith, Judicial Review of Administrative Action (1995)  
B. Schwartz, An Introduction to American Administrative Law.

LL.M. THIRD SEMESTER SYLLABUS  
COMPULSORY COURSES

(1 Paper – 100)

Paper –1    Practical Legal Education and Research Methodology  
( Research Methodology {written theory paper}-50 Marks)  
( Practical including Clinical work and Law Teaching 20 marks)  
Write up 30

Course outcome:

- 1) Students will be equipped to appreciate the rationale behind understanding of research and its conceptual aspects.
- 2) Enables the students to analyze the logical steps involved in conducting the research and take it ahead methodically one step at a time.
- 3) Enables the students to understand the practical implication of conducting the research.
- 4) Students will get a grip of collection of data and the most effective utilization of the same to harness the outcome of research.
- 5) Enables the students to draft the often-required legal documents for professionals.

04    LEGAL EDUCATION AND RESEARCH METHODOLOGY

Objectives of the course

A post –graduate student of law should get an insight into the objectives of legal education. He should have an exposure programmes like organisation of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M. course being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

## Course Outcome:

1. A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics.
2. To understand how and why Legal Education was Introduced in India and to be able to know and explain the Importance of Legal Education
3. Students will know and understand Ethics in legal profession and also to know what are Challenges to Legal Profession
4. Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education.
5. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

## Syllabus

1. Objectives of legal Education
2. Lecture Method of Teaching- Merits and demerits
3. The Problem Method
4. Discussion method and its suitability at postgraduate level teaching
5. The Seminar Method of teaching
6. Examination system and problems in evaluation-external and internal assessment.
7. Student participation in law school programmes- Organisation of Seminars, publication of journal and assessment of teachers
8. Clinical legal education – legal aid , legal literacy ,legal survey and law reform
9. Research Methods
  - 9.1 Socio Legal Research
  - 9.2 Doctrinal and non-doctrinal
  - 9.3 Relevance of empirical research
  - 9.4 Induction and deduction
10. Identification of problem of research
  - 10.1 What is a research problem?
  - 10.2 Survey of available literature and bibliographical research.
    - 10.2.1 Legislative materials including subordinate legislation, notification and policy statements
    - 10.2.2 Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

- 10.2.3 Juristic writings- a survey of juristic literature relevant to select problems in India and foreign periodicals.
- 10.2.4 Compilation of list of reports or special studies conducted relevant to the problem.
- 11. Preparation of the Research Design
  - 11.1 Formulation of the Research problem
  - 11.2 Devising tools and techniques for collection of data: Methodology
    - 11.2.1 Methods for the collection of statutory and case materials and juristic literature
    - 11.2.2 Use of historical and comparative research materials
    - 11.2.3 Use of observation studies
    - 11.2.4 Use of questionnaires/ interview
    - 11.2.5 Use of cases studies
    - 11.2.6 Sampling Procedures- design of sample , types of sampling to be adopted
    - 11.2.7 Use of scaling techniques
    - 11.2.8 Jurimetrics
  - 11.3 Computerized Research – A Study of legal research programmes such as Lexis and west law coding
  - 11.4 Classification and tabulation of data – use of cards for data collection –Rules for tabulation. Explanation of tabulated data.
  - 11.5 Analysis of data

High Brayal, Nigel Dunean and Recharad Crimes, Clinical Legal Education: Active Learning in your Law School,(1998) Blackstone Press Limited, London

S.K.Agrawal (Ed.) Legal Education in India (1973), Tripathi,Bombay.

N.R.Madhava Menon, (ed.) A Handbook of Clinical Legal Education. (1998) Eastern Book Company, Luchknow.

M.O.Price , H.Bitner and Bysiewiez, Effective Legal Research(1978)

Pauline V.Young , Scientific Social Survey and Research, (1962)

William J.Grade and Paul K.hatt. Methods in Social Research, McGraw–Hill Book Company London

H.M.Hyman, Interviewing in Social Research (1965)

Pryane, The Art of Asking Questions (1965)

Erwin C.Surrency, B,Fielf and J.Crea, Aguide to Legal Research(1959)

Morris L.Cohan, Legal Research in Nutshell, (1996), West publishing Co.

Havard Law Review Association, Uniform System of Citations,

ILI Publication, Legal Research and Methodology.

### Objectives of the course

Almost all the major dilemmas of criminal policy surface rather acutely in combating drug addiction and trafficking through the legal order. The issue of interaction between drug abuse and criminality is quite complex. At least three important questions have been recently identified as crucial for comparative research. First, to what extent drug dependence contributes to criminal behavior? Second, in what ways do criminal behavior patterns determine drug abuse? Third, are there any common factors, which contribute to the determination of both drug abuse and criminal behavior?

Apart from these causal issues, there is the broad questions of the social cost-benefits of criminalization of addictive behavior. Should drug taking remain in the category of “crime without victims?” Or should it be viewed as posing an ever- growing threat to human resource development and be subjected to state control, over individual choice as to survival and life-styles?

The problems here are not merely ideological or theoretical. User of drugs for personal, non-therapeutic purposes may well be linked with international trafficking in psychotropic substance. it has even been suggested that encouragement of drug-dependency may have, in addition to motivation of high profits, politically subversive aspects.

Assuming that both addiction and trafficking have to be regulated, what penal policies should be appropriate? What human rights costs in the administration of criminal justice should be considered acceptable? The international response to these questions is indicated by the Single Convention on Narcotic Drugs, 1961, adopted in New York, 30 March 1961 and as amended by 1972 Protocol in Geneva, 25 March, 1972 and the Convention on Psychotropic substances, adopted in Vienna, 21 February 1971. India has recently adopted the basic principles of these conventions in the Narcotic Drugs and Psychotropic Substances Act. 1986

Broadly, penal policy dilemmas here relate to: (a) management of sanctions relating to production, distribution and illicit commerce in Narcotic Substances and, (b) ways of prevention of abuse of drugs, including speedy diagnosis, treatment, correction, aftercare, rehabilitation, and realization of person affected. Important problems of method in studying the impact of regulation need evaluated at every stage.

The following syllabus prepared with the above perspective will be spread over a period of one semester.

### Course Outcome:

- 1) Describe the behavioral, psychological, physical health and social effects of psychoactive substances on the person using, and significant others
- 2) Understand the problem of juvenile drug use and legal approaches to them
- 3) Provide culturally relevant formal and informal education programs that raise awareness and support substance abuse prevention and the recovery process.

- 4) Able to understand the various social characteristics of drug users, eg age, gender, family status, occupation etc
- 5) Describe principles and philosophy of prevention, treatment and recovery

## Syllabus

### UNIT-I

#### 1. Introductory

- 1.1 Basic conceptions
- 1.2 Drugs ‘narcotics “psychotropic substances”
- 1.3 ‘Dependence, “addiction”
- 1.4 “Crimes without victims
- 1.5 “Trafficking” in “drugs”
- 1.6 “Primay drug abuse”

How Does One Study the Incidence of Drug Addiction and Abuse?

- 1.7 Self-reporting
- 1.8 Victim-studies
- 1.9 Problems of comparative studies

### UNIT-II

#### 2 Ana graphic and Social Characteristics of Drug Users

- 2.1 Gender
- 2.2 Age
- 2.3 Religiousness
- 2.4 Single individuals/cohabitation
- 2.5 Socio-economic level of family
- 2.6 Residence patterns (urban/rural/urban)
- 2.7 Educational levels
- 2.8 Occupation
- 2.9 Age at first use
- 2.10 Type of drug use
- 2.11 Reasons given as cause of first use
- 2.12 Method of Intake
- 2.13 Pattern of the Use
- 2.14 Average Quantity and Cost
- 2.15 Consequences on addict’s health (physical/psychic)

NOTE: Since no detailed empirical studies exist in India, the class should be in this topic sensitized by comparative studies. The principal objective of this discussion is to orient the class to a whole variety of factors, which interact in the 'making' of a drug addict.

### UNIT-III

#### 3 The International Legal Regime

- 3.1 Analysis of the background, text and operation of the Single Convention  
Narcotic Drugs,
- 3.2 Analysis of the Convention on Psychotropic Substances, 1972
- 3.3 International Collaboration in combating drug addiction
- 3.4 The SARC, and South –South Cooperation
- 3.5 Profile of international market for psychotropic substances

### UNIT-IV

#### 4 The Indian Regulatory System

- 4.1 Approaches to narcotic trafficking during colonial India
- 4.2 Nationalist thought towards regulation of drug trafficking and usage
- 4.3 The penal provisions (under the IPC and the Customs Act)
- 4.4 India's role in the evolution of the two international conventions
- 4.5 Judicial approaches to sentencing in drug trafficking and abuse
- 4.6 The Narcotic Drugs and Psychotropic Substances Act, 1985
- 4.7 Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation

### UNIT-V

#### 5. Human Rights Aspects

Deployment of marginalized people as carrier of narcotics

The problem of juvenile drug use and legal approaches

Possibilities of misuse and abuse of investigative prosecutor powers

Bail

The Problem of differential application of the Ugal Regimes, especially in relation to the resource less

The Role of Community in Combating Drug Addiction

Profile of Community initiatives in inhibition of dependence and addiction (e.g. de addiction and aftercare)

The role of education systems

The role of medical profession

The role of mass media

Initiatives for compliance with regulatory systems



Law reform initiatives

Select bibliography

H.S.Becke, *Outsiders: The Studies in Sociology of Deviance* (1966)

J.A.Incard, C.D.Chambers, (eds.), *Drugs and the Criminal Justice System* (1974)

R.Cocken, *Drug Abuse and personality in Young Offenders* (1971)

G.Edwards Busch, (ed.) *Drug Problems in Britain: A Review of Ten Years* (1981)

P.Kondanram and Y.N.Murthy, "Drug Abuse and Crime: A Preliminary Study " 7 *Indian Journal of Criminology*, 65-68 (1979)

P.R.Rajgotat *Violence and Response: A Critique of the Indian Criminal System* (1988)

United Nations, *Economic and Social Reports of the Commission on Narcotic Drugs*, United Nations Social Defence, Research Institute (UNSDR) *Combating Drug Abuse and Related Crimes* (Rome, July 1984, Publication No.21)

Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances. Useful Journals in this area are.

- (i) The Law and Society Review (USA)
- (ii) Journal of Drug Issues (Tallahassee Florida)
- (iii) International Journal of Addictions (New Yourk)
- (iv) British Journal of Criminology
- (v) Journal of Criminology
- (vi) Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.)
- (vii) Journal of Criminal Law and Criminology (Chicago, III)
- (viii) International Journal of Offender Therapy and Comparative Criminology (London)
- (ix) Bulletin on Narcotics (United Nations)

## **B 016 JUVENILE DELINQUENCY**

Objective of the course

Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable. No understanding of crimes and treatment of offenders can be complete without a sure grasp of causes, carrots, and cures of juvenile delinquency.

Increasingly, it is being also realized that young offenders require a wholly different center of criminal justice system and should not be treated in the same way as the adult as offenders. Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics.

In addition, the state and the law have to deal with juveniles in certain situations, as *parens patriae*. The category of 'neglected children' defines the burdens of care, which state and society have to assume for

neglected children. Most categories of children are also themselves the victims of crime. The institutional care of children possess its own distinctive dilemmas. These, too, should be discussed, especially, at the level of resource investment compared with the extent of need.

The following syllabus prepared with this perspective will extend to a period of one semester.

**Course Outcome:**

1. Comparison and analysis of the theoretical explanations of the causes, dynamics, and consequences of juvenile delinquency
2. Differentiate between the various theories of delinquency and discuss how culture, diversity, social stratification, families, schools, neighborhoods and peers may play a role in delinquent behavior.
3. Examination of the environmental influences on delinquency, as well as prevention of juvenile delinquency
4. Have an increased understanding of the issues of law enforcement related to juvenile delinquency
5. Examine the juvenile court system and its handling of cases, as well as other methods of treatment of children and adolescents

Syllabus

UNIT-I

1. The Basic Concepts
    - 1.1. The conception of ‘child’ in Indian Constitution and Penal Code.
    - 1.2. Delinquent juvenile
    - 1.3. “Neglected” juvenile
    - 1.4. The overall situation of children/young persons in India, also with reference to crime statistics ( of crimes by and against children)
- Determining Factors of Juvenile Delinquency
- 1.5 Differential association
  - 1.6 Anomie
  - 1.7 Economic pressure
  - 1.8 Peer group influence
  - 1.9 Gang sub-culture
  - 1.10 Class differentials

UNIT-II

2. Legislative Approaches
  - 2.1 Legislative approaches during the late colonial era.
  - 2.2 Children’s Act
  - 2.3 Legislative position in various States
  - 2.4 The Juveniles Justice Act

- 2.4.1 Constitutional aspects
- 2.4.2 Distinctions between “Neglected” and delinquent juveniles
- 2.4.3 Competent authorities
- 2.4.4 Processual safeguards for juveniles
- 2.4.5 Powers given to government
- 2.4.6 Community participation as envisaged under the Act

### UNIT-III

## 3. Indian Context of Juvenile Delinquency

- 3.1 The child population percentage to total sex-ratio, urban/rural, urban
- 3.2 Neglected-between poverty line, physically and mentally disabled, orphans, destitutes, vagrants
- 3.3 Labourers
  - 3.3.1 In organized industries like zari, carpet, bidi, glass
  - 3.3.2 In unorganised sector like domestic servant, shpoes and establishments, rag-pickers family trade.
- 3.4 Delinquent-number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background
- 3.5 Drug addicts
- 3.6 Victims
  - 3.6.1 Of violence –sexual, battered, killed by parents
  - 3.6.2 Of criminal activities like bootlegging, drug pollution as a response of protective approach

### UNIT-IV

## 4 Judicial Contribution

- 4.1 Social action litigation concerning juvenile justice
- 4.2 Salient judicial decisions
- 4.3 Role of legal profession in juvenile justice system.

### UNIT-V

## 5 Implementation

- 5.1 Institutions, bodies, personal
- 5.2 Recruiting and funding agencies
- 5.3 Recruitment qualification and salaries or fund
- 5.4 Other responsibilities of each agency/person
- 5.5 Coordination among related agencies
- 5.6 Accountability- annual reports and accessibility of public to juvenile justice institution.

## Preventive Strategies

5.7 State Welfare programs health, nutrition, ICWS, grants-in-aid

5.8 Compulsory education

5.9 Role of community, family, voluntary, bodies, individuals

## Select bibliography

National institute of Social Defence, Model Rules under the Juvenile Justice Act, (1986)

K.S. Shukla, Adolescent Offender (1985)

United Nations, Beijing Rules on Treatment of Young Offenders (1985)

Myron Weiner, The Child and State in India (1990)

The United Nations Declaration on the Rights of Children

UNICEF periodic materials.

## **GROUP-G CONSTITUTION AND LEGAL ORDER**

### **G 045 CONSTITUTIONALISM: PLURALISM AND FEDERALISM**

#### Objective of the course

Constitutionalism essentially means a limited government. Where government functions according to certain principles, it is said to be abiding by constitutionalism. Must it be a democracy or can it be an autocracy also. In ancient India, the king was supposed to act according to dharma. He was not absolute in the sense in which John Austin defined Sovereignty. Constitutionalism may therefore be determined by a written constitution or by religion or tradition or by mere practice or convention as in England. In a plural society, where different religious as well as linguistic groups have to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution. Usually these are contained in the bills of rights which contain guarantees of individual liberty and equality against majoritarian rule. Constitutionalism does not merely imply majoritarian rule, it has to be a consensual rule. However, where there is not only such vertical pluralism but also horizontal pluralism reflected by sub nations/regional loyalties, power is not only required to be restrained but it has to be shared. This calls for a federal government. The purpose of this paper is to provide exposure to the students to various models of pluralism and forms of constitutional government and federal structures.

The following syllabus prepared with this perspective will be spread over a period of one semester.

#### **Course Outcome:**

1. Understand the nature of federalism and its various types.
2. Students will get an exposure to various models of pluralism and forms of constitutional governments and federal structures.
3. Recognize the source of judicial review, as well as federal legislative and executive powers in differing areas, as well as principles of federalism Diversity and pluralism create a structure of

polyarchy (power in the hands of many), which is the social equivalent of the principle of checks and balances in a democratic constitution.

4. In a plural society, where different religious as well as linguistic groups have to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution
5. To know ancient India, where the king was supposed to act according to dharma. He was not absolute in the sense in which John Austin defined sovereignty

## UNIT-I

### 1. Constitutionalism

Authoritarianism –Dictatorship

Democracy- Communism

Limited Government –concept-Limitations on government power.

What is a Constitution

Development of a democratic government in England – Historical evaluation of constitutional government

Conventions of constitutionalism – Law and conventions

Written constitutions: U.S.A. Canada Australia Sweden South Africa and India.

Separation of powers: Montesquieu

Rule of Law: Concepts and new horizons

Marxist concept of constitutionalism

Dictatorship of the proletariat

Communist State from Stalin to Gorbachov

Fundamental Rights: Human rights

Judicial Review: European Court of Human Rights

Human Rights: International conventions

Limits & doctrine of domestic jurisdiction in international law.

## UNIT-II

### 2. Federalism

What is a federal government

Difference, between confederation and federation

Conditions requisite for federalism

Patterns of federal government – U.S.A., Australia, Canada, India

Judicial review- for federal umpiring

New trends in federalism: Co-operative federalism

India – Central Control v. State Autonomy

Political factors influencing federalism

Plural aspects of India Federalism: Jammu & Kashmir, Panjab, Assam.

Dynamic of federalism

## UNIT-III

### 3. Pluralism

What is a pluralistic society?

Ethnic, linguistic, cultural, political pluralism

Individual rights- rights to dissent

Freedom of speech and expression

Freedom of the press

Freedom of association

Rights to separateness

Freedom of religion

Rights of the religious and linguistic minorities

Compensatory discrimination for backward classes

Women – rights to equality and rights to special protection

Scheduled Tribes, Distinct Identity – protection against exploitation- NSIS

Exclusion from Hindu Law

## UNIT-IV

### 4. Uniform Civil Code

Non-State law (NSLS) and State Law Systems – Problem of a Uniform Code v personal laws vertical federalism

Equality in Plural Society

4.1. Right to equality and reasonable classification

4.2. Prohibition of discrimination on ground of religion, cast, sex, language

4.3. Abolition of untouchability

4.4. Secularism – constitutional principles

4.5. Tribal Groups and Equality

## UNIT-V

### 5. Pluralism and International Concerns

5.1. International Declaration of Human Rights

5.2. Conventions against genocide

5.3. Protection of religious, ethnic and linguistic minorities

5.4. State Intervention for protection of human rights

5.5. Right of self-determination

Select bibliography

Upendra Baxi, “ Law, Democracy and Human Rights” –5 Lokayan Bulletin 4 (1987)

V.M. Dandekar “ Unitary Elements in a Federal Constitution” 22 E.P.W. 1865(1988)

Rajeev Dhavan, “ The Press and the Constitutional Guarantee of Free Speech and Expression” 28 J.I.L.I 299 (1986)

M.A. Fazal “ Drafting A British Bill of Rights” J.I.L.I. 423 (1985)

M.P. Jain Indian Constitution Law (1994), Wadhwa.

Jagat Narain “ Judicial Law Making and the Place of the Directive Principles in the Indian Constitution, “ J.I.L.I 198 (1985)

Rhett Ludwikowski, “ Judicial Review in the socialist Legal Systems: Current Development” 37 I.C.L.D.89-108 (1988)

S.P.Sathe, Fundamental Rights and Amendment of the Indian Constitution, ( 1968)

H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bomaby

Students should be consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

## **G 046 HUMAN RIGHT**

### Objective of the course

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realized later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community’s concerns about human rights have been expressed through various principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights acquire much more comprehensive and wider meaning. It requires us to take up cudgels against poverty discriminations based on cast, colour or sex, make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumers against ruthless and profit seeking, traders or manufactures, provisions against hazardous industries and so on and so forth. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

The following syllabus prepared with this perspective will be spread over a period of one semester.

### **Course Outcome:**

- 1) An advanced and integrated knowledge of international and domestic legal and institutional frameworks for the protection and promotion of human rights;
- 2) An advanced appreciation of the relationship between law, politics and society, at the international and domestic levels, in the field of human rights law; and
- 3) Make a sophisticated assessment of the practical effectiveness of different mechanisms for implementing or enforcing human rights, including domestic courts, national human rights institutions, human rights treaty bodies, international institutions, specialized agencies and non-governmental organizations;
- 4) Critically appraise source material, including cases from human rights committees and tribunals and reports and summary records from treaty bodies
- 5) Demonstrate autonomy, expert judgment and responsibility as advocate in the field of human rights law.

## Syllabus

### UNIT-I

#### 1. Panoramic View of Human Rights

Human Rights in Non-western Thought

Awareness of Human rights during the nationalist movement

Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process.

Subsequent developments in International Law and the Position in India (e.g. Convention of Society discrimination, Torture, gender discrimination, environment and the two human rights covenants)

Fundamental Rights Jurisprudence as Incorporating Directive Principles

The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)

The interaction between F.R. and D.P.

Resultant expansion of basic needs oriented human rights in India

### UNIT-II

#### 2. Minority Rights

Conception of minorities

Scope of protection

The position of minority "Woman" and their basic rights

Communal Riots as involving violation of Rights

Rights to development of Individuals and Nations

The UN Declaration on Rights to Development, 1987

2.6 The need for constitutional and legal changes in India from human rights standpoint.



## People's Participation in Protection and Promotion of Human Rights

### 2.7 Role of International NGOS

### 2.8 Amnesty International

### 2.9 Minority Rights Groups

### 2.10. International Bars Association, Law Asia

### 2.11 contribution of these groups to protection and protection of human rights in India S

## UNIT-III

### 3. Right not be Subject to Torture, Inhuman or Cruel Treatment

#### 3.1 .Conceptions of torture, third –degree methods

#### 3.2 “Justifications” for it

#### 3.3. Outlawry of torture at international and constitutional law level

#### 3.4 Incidence of torture in India

#### 3.5 .Judicial attitudes

#### 3.6 .Law Reform – proposed and pending

### Development Agencies and Human Rights

#### 3.7 Major international funding agencies and their operations in India

#### 3.8 World Bank lending and resultant violation/promotion of human rights

#### 3.9 Should development assistance be tied to observance of human rights (as embodied in various declarations)

## UNIT-IV

### 4. Comparative Sources of Learning

#### 4.1 EEC Jurisprudence

#### 4.2 The Green Movement in Germany

#### 4.3 The International Peace Movement

#### 4.4 Models of Protection of the rights of indigenous peoples: New Zealand (Maoris) Australia, Aborigines and Canada (India)

### Freedoms

#### 4.5 Free Press- Its role in protecting human rights

#### 4.6 Right of association

#### 4.7 Right to due process of law

#### 4.8 Access and Distributive Justice

## UNIT-V

### 5 Independence of the Judiciary

- 5.1 Role of the Legal Profession
- 5.2 Judicial appointments- tenure of judges
- 5.3 Qualifications of judges
- 5.4 Separation of judiciary from executive

#### European Convention of Human Rights

- 5.5 European Commission/Court of Human Rights
- 5.6 Amnesty International
- 5.7 PUCL, PUDR, Citizens for Democracy
- 5.8 Minorities Commission
- 5.9 Human Rights Commission
- 5.10 Remedies Against Violation of Human Rights

#### Select bibliography

M.J.Akbar, Riots After Riots (1988)

U.Baxi ( ed.), The Right to be Human (1986)

U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.

F. Kazmi, Human Rights (1987)

L.Levi, Human Rights (1982)

Madhavtirtha, Human Rights (1953)

W.P.Gromley, Human Rights and Enviroment (1976)

H. Beddard , Human Rights and Europe (1980)

Nagendra , Human Rights and International Co-operation (1969)

S.C. Kashyap, Human Rights and Parliament (1978)

S.C. Khare, Human Rights and United Nations (1971)

Moskowitz, Human Rights and world Order (1958)

J.A.Andrws, Human Rights in International Law (1986)

I.Menon (ed.) Human Rights in International Law (1985)

A.B. Robertson (ed.), Human Rights in National and International Law (1970)

Upendra Baxi, “Human Rights, Accountability and Development” Indian Journal of International law 279 (1978)

#### **GROUP J: HUMAN RIGHTS LAW**

J 064 HUMAN RIGHTS OF DISADVANTAGED GROUPS: PROBLEMS AND IS SUES IN THE PROTECTION AND ENFORCEMENT

Objective of the course

Human rights are the rights of all human beings. Violation of these rights is human rights violations. Due to frequent violations to particular groups in disadvantageous positions, new categories of human rights have emerged. These groups are of people such as women, children, prisoners and dalits. Violation of human rights of these groups is of great concern of every nation today. The officials of the state like the police force commit such violations. This is only an illustration. There are several other categories of violations

**Course Outcome:**

- 1) Acquire an understanding of the principles and institutions of human rights law including their origins, assumptions, contents, limits and potential;
- 2) Identify and evaluate the historical, philosophical, political and cultural developments establishing human rights as a set of global norms, agreements, and procedures.
- 3) Have the cognitive and technical skills to independently examine and critically evaluate current issues by reference to international and domestic human rights standards
- 4) Be able to demonstrate autonomy, expert judgment and responsibility as a practitioner and advocate in the field of human rights law of disadvantage group.
- 5) Indicate ways of extending human rights practice and apply human rights theory to quickly evolving situations.

**Syllabus**

**UNIT-I**

1. Concept of Disadvantaged Groups
  - 1.1. Rights of dalits
  - 1.2. The mentally ill
  - 1.3. The unorganized labour
  - 1.4. “Aids” victims

**UNIT-II**

2. Emerging Human Rights Jurisprudence and the Role of the Judiciary
  - Rights of women
  - Rights of the child
  - Rights of prisoners

**UNIT-III**

3. Enforcement of Human Rights
  - 3.1 Protection Laws of the Disadvantaged Groups: Problems and Issues
  - 3.2 The tribal and other indigenous people
  - 3.3 The stateless persons
  - 3.4 Rights of minorities

## UNIT-IV

### 4 Future Perspectives of the Human Rights of the Disadvantaged

## UNIT-V

### 5 The Role of the Judiciary

#### Select bibliography

G.S.Bhargava and R.M.Pal, Human Rights of Dalit Societal Violation, (1999)

Geraldine Van Bueren, The International Law on the Rights of the Child,( 1998).

Prabhat Chandra Tripathi, Crime Against Working Women, (1998)

Paras Diwan and Piyush Diwan, Women and Legal Protection

Philip Alston (et.al.), Children, Rights and the Law Kelly D. Askin, Dorean M.Koenig, Women and

International Human Rights, (1999) N.K. Chandrabarti, Juvenile Justice in the Administration of Criminal

Justice,(1999)/Rebecca Wallace, International Human Rights, Text and Material, (1997) Janaki Nair,

Women and Law in Colonial , India (1996 ) Simon Creighton, Vicky King, Prisons and the Law, (1996)

## **J 065 INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW**

#### Objectives of the course

The two world wars had enough of lessons to teach. But the present scenario shows that the nations have not learnt any lesson: wars continue to be there. The International. Humanitarian Law aims at humanizing war though war itself is inhuman. Human rights do have value only in peacetime. War is the negation of all human rights. Though the United Nations Charter does not permit war, it has shown the wisdom to regulate the war if one occurs.

War is one of the factors which creates the problem of refugees. There have been some endeavors on the part of the international community to protect the interests of refugees. But due to political interference, the formulation of the definition of the term 'refugee' in the 'Convention relating to the status of refugees' has been such that it helps the development countries to shirk the responsibility towards the refugees leaving the burden to the developing countries.

This course intends to equip the student's with the awareness of the various problems of refugees and to inspire them to critically evaluate the international conventions and nation legislation.

This paper comprises of about 42 units of one hour duration spread over a period of one semester.

#### **Course Outcome:**

- 1) Students develop with basic concepts and the nature of IHL and its relationship to Public International law
- 2) To develop and know the historical development and legal basis of IHL

- 3) Able to distinguish between genocide, crimes against humanity and war crimes.
- 4) The understanding of various UN Relief and Rehabilitation Administration and other International Refugee organizations & International protection
- 5) To understand Strategies of combat refugee problem and UNHCR role.

## Syllabus

### UNIT-I

1. Humanization of Warfare.
  - 1.1 Amelioration of the wounded and sick
  - 1.2 Armed forces in the field
  - 1.3 Armed forces at sea
  - 1.4 The shipwrecked
  - 1.5 Protection and facilities
  - 1.6 Prisoners of war
  - 1.7 Civilians in times of War
  - 1.8 Cultural properties

### UNIT-II

2. Control of weapons
  - 2.1 Conventional
  - 2.2 Chemical
  - 2.3 Biological
  - 2.4 Nuclear

### UNIT-III

- 3 Humanitarian law: Implementation
  - 3.1 Red Cross –role
  - 3.2 National legislation

### UNIT-IV

4. The Concept of refugees
  - 4.1 Definition of refugees and displaced persons-their problems
  - 4.2 The UN Relief and Rehabilitation Administration and other International Refugee organizations: international protection
  - 4.3 Protection under national laws

### UNIT-V

5. Strategies of combat refugee problem

5.1 Repatriation, resettlement local integration and rehabilitation

5.2 UNHCR- role

5.3 UNHCR and India

Select bibliography

B.S.Chimni, International Refugee Law,( 2000).

Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)

Kelly Dawn Askin, War Crimes Against Women, (1997)

M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997)

Guy S. Goodwin, -Gill, The Refugee in International Law, (1996)

Veral Gowlland-Debbas, The Problems of Refugees in the Light of Contemporary International Law Issues, (1996)

Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996)

Resettlement Handbook, The United Nations High Commissioner for Refugees.

James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey, (1995)

## GROUP K: ADMINISTRATIVE LAW

### K 070 PUBLIC AUTHORITIES AND POWER HOLDERS: CONTROLS ON MALADMINISTRATION

Objectives of the course

The misadministration is a disturbing phenomenon witnessed in a developing democracy like India. People holding public offices and authority are accused of misuse of their office and misappropriation of public funds for private gain. Privatization of public property for their private aggrandisement is an evil to be curbed early. Institutions like Lokpal and Lokayukt, agencies like commissions of enquiry and vigilance commission and legislative committees inquiring into particular problems or general questions are in the process of experimentation in the country with the object of getting out of vicious triangle. These are opinions to strengthen the CBI. The reports of comptroller and Auditor General are also followed up. This course shall concentrate on all these areas and make an evaluation of the existing machinery in the light of the judicial dicta on certain cases.

The paper comprises of about 42 units of one- hour duration to be spread out to a period of one semester.

Syllabus

#### UNIT -I

1. Ombudsman
  - 1.1. The concept
  - 1.2. Comparative perspectives
  - 1.3. Evolving Indian models –Lokapl, Lokayukt institutions

#### UNIT -II

2. Commissions of Inquiry

- 2.1 Vigilance Commissions
- 2.2. Investigation Agencies: the CBI

UNIT -III

- 3. Inquiries by Legislative Committees
- 3.1 Legislative Control

UNIT -IV

4 Financial Control-Comptroller and Auditor General

UNIT -V

5 Judicial Inquiries

Select bibliography

K.S.Shukla and S.S.Singh, Lokayukta: a Social Legal Study (1988), Indian Institute of Public Administration, N.Delhi.

Jain & Jain, Principles of Administration Law (1996) Tripathi

Donald C.Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Toronto

K 071 LOCAL SELF –GOVERNMENT LAW

Objectives of the course

With the introduction of the Constitution seventy third and seventy fourth amendments, India is moving towards the ideal of direct democracy endowing the local bodies with powers of administration in matters of regional and local importance. This change has added new vistas of Indian democracy and it offers an opportunity to translate the Gandhian concept of Gram Swaraj into practice. Necessarily, a person specializing in administrative law has to be equipped with the knowledge on the working of early systems, the present constitutional scheme, the legislative powers of the State transferring responsibility to local bodies and on the increasing regulatory and financial powers of the local bodies. The nature of the democratic functioning of these elected bodies and the scope of administrative control as well of the judicial control over them are challenging areas for students of administrative law to evaluate and help formation of new and pragmatic working methods.

The Course shall comprise about 42 units of one-hour duration to be spread out to a period of one semester.

**Course Outcome:**

- 1) Student gets an insight in to the introductory aspects, the historical and philosophical background of the local self-government

- 2) Students will familiarise about the constitutional scheme for the local self-government
- 3) Student will understand the structure, powers and functions of the rural local self-government
- 4) Student aims an understanding about the structure, powers and functions of the urban local self-government
- 5) Students will be able to understand the modern dimensions of local self-government.

## Syllabus

### UNIT -I

1. Historical Perspectives
  - 1.1. Early period
  - 1.2. Gram Swaraj: the Gandhian concept
- Constitutional Scheme
  - 1.3. Directive Principles
  - 1.4. Structure and powers of local bodies

### UNIT -II

2. Legislative Powers
  - 2.1 Direct democracy and grass root planning
  - 2.2 Municipalities and corporation
  - 2.3 Gram Sabha

### UNIT -III

3. Quasi-legislative Powers
  - 3.1. Rule making powers of the State Government
  - 3.2. Regulation and Bys-laws
- Financial Powers
  - 3.3. Levying taxes
  - 3.4. Licensing Power
  - 3.5. Financial resource and powers

Judicial and Quasi-judicial powers of the Local Bodies

### UNIT -IV

4. Election to Local Bodies
  - 4.1** Conduct of Meetings: Corporation, Municipal Council , Panchayat Committee and Gram Sabha

### UNIT -V

5. Institutional and Judicial Control

Select bibliography



Friedman, The State and the Rule of Law in a Mixed Economy  
Neville, L. Brown and J.F.Garner, French Administrative Law  
Dicey, Introduction to the Law of the Constitution.  
Lwor Jennings, Law and the Constitution  
Schwartz & Wade, Legal Control of Government  
Davis, Discretionary Justice  
Jain & Jain, Principles of Administration Law (1986), Tripathi, Bombay  
De Smith, Judicial Review of Administrative Action (1995)  
Indian Law Institute, Government Regulation of Private  
W. Thornhill (ed.),. The Growth and Reform of English Local Self –government (1971), Weidenfeld and  
Nierlson, London  
Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.  
M.Venketarangaiya & M.Pattabhiram, Local Government in India (1969) Allied, New Delhi .

## LL.M.FOURTH SEMESTER SYLLABUS COMPULSORY COURSES

PAPER –1 Theory Paper (Dissertation ) 150 Marks

( Theory )(Dissertation )

( Viva-Voce)

50 Marks

### Course Outcome:

1. students will be able to enhance their research, analytical and writing skills.
2. Analyse the foundational principles of their chosen thesis topic in law, undertake legal research with primary and secondary materials, and evaluate legal information.
3. Apply the law to complex issues, and critique the operation of the law from a policy perspective, individually.
4. Conduct and analyse legal research, and write, individually.
5. Analyse the impact of law from policy perspectives, and in the context of social and cultural diversity.

GROUP –B CRIMINAL LAW

### B 17 COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

Objective of the course

This is a crucial area of India development with traditional, western, criminology is not overly preoccupied. Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender, gender-based violence or violence involved in mercenary terrorism and its containment.

It is not very helpful in such contexts, to mouth the generalities such as “criminalization” or “lumpenization” of Indian politics, Closer scientific investigation of these phenomena is crucial, which should help us understand both the etiology and the prognosis of CPV. Instead of political analysis the course should focus on broader social under –standing of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the cause and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and response to meet this problem.

The following syllabus prepared with this perspective will be spread over a period of one semester

### Course Outcome:

- 1) Critically evaluate the meaning of justice and the role of the criminal justice system.
- 2) Understand the basic cause behind various forms of violence occurring in different contexts agrarian violence, communal violence, violence against schedule caste.

- 3) Able to explain the legal obligations of States to protect all forms of violence and, to that end, the role of law enforcement and criminal justice institutions;
- 4) Able to describe various measures that can be taken in the field of crime prevention and criminal justice to prevent and respond to violence
- 5) Develop applied skills to consider ways of improving current measures to prevent any kind of violence .

## Syllabus

### UNIT-I

#### 1. **Introductory**

Notions of “force”, “coercion”, “violence”

Distinctions: “symbolic” violence, “institutionalized” violence, “ structural violence”

Legal order as a coercive normative order

Force- monopoly of modern law

“Constitutional” and “criminal” speech: Speech as incitement to violence

“Collective political violence” and legal order

Notion of legal and extra-legal “ repression”

### UNIT-II

#### 2. **Approaches to Violence in India**

Religiously sanctioned structural violence: Caste and gender based

Ahimsa in Hindu, Jain Buddhist, Christian, and Islamic traditions in India

Gandhiji’s approach to non-violence

Discourse on political violence and terrorism during colonial struggle

Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

### UNIT-III

#### 3. **Agrarian Violence and Repression**

The nature and scope of agrarian violence in the 18-19 centuries India

Colonial legal order as a causative factor of collective political (agrarian) violence

The Telangana struggle and the legal order

The Report of the Indian Human Rights Commission on Arwal Massacre

### UNIT-IV

#### **4. Violence against the Scheduled Castes**

- 4.1 Notion of Atrocities
  - 4.1.1. Incidence of Atrocities
  - 4.1.2. Corrective labour
  - 4.1.3. Fines
  - 4.1.4. Collective fines
  - 4.1.5. .Reparation by the offender/by the court

#### **UNIT-V**

#### **5. Communal Violence**

- 5.1 Incidence and course of “communal” violence
- 5.2 Findings of various commissions of enquiry
- 5.3 The role of police and para-military systems in dealing with communal violence
- 5.4 Operation of criminal justice system tiring, and in relation to, communal violence

NOTE: Choice of further areas will have to be made by the teacher and the taught

Select bibliography

U.Bax, “Dissent, Development and Violence” in R. Meagher (ed.) Law and Social Change: Indo- American Reflections 92 (1988)

U.Baxi (ed.), Law and Poverty: Critical Essays, (1988)

A.R.Desal, (ed.) Peasant Struggles in India (1979)

A.R.Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)

D.A.Dhangare, Peasant Movement in India: 1920-1950 (1983)

Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guha, (ed.) Subaltern Studies Vol. 1-6 (1983-1988)

#### **GROUP-G CONSTITUTION AND LEGAL ORDER**

#### **G07 NATIONAL SECURITY, PUBLIC ORDER, AND RULE OF LAW**

#### **Objectives of the Course**

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion. Although “amidst the clash of arms, the laws are not silent” they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known a emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic force must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

The following syllabus prepared with the perspective will comprise 42 units of one-hour duration each to be covered over a period of one semester.

**Course outcome:**

- 1) Extensively able to understand and focus on issues related to national security, public order and rule of law.
- 2) Develop an understanding on preventive detention & Indian Constitution
- 3) Understand and critically examine the various emergencies (1962,1965& 1970)Emergencies
- 4) Focus on mature understanding on various legislations(COFEPOSA,TADA etc)
- 5) Develop an understanding for various provisions of martial laws under English law and under Indian Constitution.

**Syllabus**

**UNIT-I**

**1. National Security, Public Orders and Rule of Law**

Emergency Detention in England –Civil Liberties  
Subjective satisfaction or objective assessment?  
Pre-Independence law.

**UNIT-II**

**2. Preventive Detention and Indian Constitution**

Article 22 of the Constitution  
Preventive Detention and Safeguards  
Declaration of Emergencies  
1962,1965 and 1970 Emergencies  
1975 Emergency

**UNIT-III**

**3. Exceptional Legislation**

- 3.1 COFEPOSA and other legislation to curb economic offender
- 3.2 TADA: “ the draconian law” –comments of NHRC
- 3.3 Special courts and tribunals
- 3.4 Due process and special legislation

**UNIT-IV**

**4. Civil Liberties and Emergency**

- 4.1 Article 19
- 4.2 Meaning of “Security of State”

- 4.3 Meaning of “Public Order”
- 4.4 Suspension of Article 19 rights on declaration of emergency
- 4.5 President’s Right to suspend right to move any court
- 4.6 Article 21- special importanc
- 4.7 e – its non-suspendability
- 4.8 Suspendability –44<sup>th</sup> amendment

## UNIT-V

### 5. Access to Courts and Emergency

- 5.1 Article 359: ups and downs of judicial review
- 5.2 Constitution ( Forty-fourth ), Amendment Act, 1978
- 5.3 Constitution ( Fifty –ninth) Amendment Act,. 1988.

#### **Martial Law**

- 5.4.Provisions in English Law
- 5.5.Provisions in the Constitution

#### **Select bibliography**

G.O.Kopell “ The Emergency, the Courts and Indian Democracy” 8 J.I.L.I. 287 (1966) H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978) International Commission of Jurists, Status of Emergency and Human Rights (1984) N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966)

## **GROUP J: HUMAN RIGHTS LAW**

### **J 066 SCIENCE, TECHNOLOGY AND HUMAN RIGHTS**

#### **Objective of the course**

We live in an era of scientific development. The alarming rate of development in biotechnology calls for drastic in the law. Many concepts and terms have to be re-defined. The development in information technology poses serious problems and challenges the rapid changes made by science and technology will have to be reflected in law to make it meaningful and realistic in the modern era. This course is intended to make students conscious of various legal problems arising due to developments in such areas as biotechnology and information technology and to identity the changes needed in the law.

#### **Course Outcome:**

- 1) Understand the historical growth of the idea of human rights
- 2) Demonstrate an awareness of the international context of human rights
- 3) Able to understand and develop the interrelationship of science, technology and human rights

- 4) Understand and develop an interrelation & critical thinking for medical and the law; experiment on human beings & Euthanasia.
- 5) develop Scientific and Technological Development in Human Rights Ethics; sex determination test, induced abortion, cloning, artificial insemination

## **Syllabus**

### **UNIT-I**

#### **1. Interrelationship of Science, Technology and Human Rights**

##### **1.1 Implication of Development of Science and Technology on Human Rights**

- 1.2 Right to environment in the development of science and technology
- 1.3 Right to development in the advancement of science and technology
- 1.4 Right to human health and impact of development in medical science

### **UNIT-II**

#### **2.1 2. Medical and the law Organ transplantation**

- 2.2 Experimentation on human beings
- 2.3 Euthanasia (mercy killing)
- 2.4 Gene therapy

### **UNIT-III**

#### **3. Issue of Human Rights Ethics in Scientific and Technological Development**

- 3.1 Sex determination test
- 3.2 Induced abortion
- 3.3 Reproductive technology
- 3.4 Cloning
- 3.5 Invitro fertilization
- 3.6 Artificial insemination
- 3.7 Surrogate motherhood

### **UNIT-IV**

#### **4 Development in Information Technology and Human Rights**

### **UNIT-V**

#### **5 Impact of Scientific and Technological Progress on Human Rights: Normative Response of the International Community**

- 5.1 Right to life

5.2 Right to privacy

5.3 Right to physical integrity

5.4 Right to information

5.5 Right to benefit from scientific and technology progress

5.6 Right to adequate standard of living

### **Select bibliography**

Diane Rowland, Elizabeth Macdonald, Information Technology Law, (1997)

Suresh T. Viswanathan, The Indian Cyber Law,(2000)

The International Dimensions of Cyberspace Law (2000), UNESCO Publication

D.P.Mittal, Law of Information of Technology ( Cyber Law), (2000)

Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice, (1999)

Adwin W. Patterson, Law in a Scientific Age, (1963)

Steve Jones, Borin Van Leon, Genetics for Beginners, (1993).

Weeramantry, C. G. Human Rights and Scientific and Technology Development, 1990

Kamenka , E., Ideas and Ideologies Human Rights ( 1978)

Galtung, Human Rights in Another Key, (1994)

Akbar, M.J. , Roits After Riots ( 1988)

Baxi, U. (ed.) , Rights to be Human, (1986)

Kazmi, F., Human Rights,( 1987)

Levin L., Human Rights (1982)

Gromley W.P., Human Rights and Environment, (1976)

Madhavtirtha, Human Rights, (1953)

Beddard, H. Human Rights and Europe, (1980)

Swarup J., Human Rights and Fundamental Freedoms. (1975)

Nagendra Singh, Human Rights and International Cooperation

Kashyap, S.C. Human Rights and United Nations, (1977)

Moskowitz, Human Rights and World Order, (1958)

Drost, Human Rights as Legal Rights, (1979)

Garling M., Human Rights Handbook, (1979)

Andrews, J.A. Human Rights in Criminal Procedure, (1982)

Kalaiah A. B., Human Rights in International Law, (1985)

Robertson, A.B.(ed.), Human Rights in National and International Law (1973)

Lauterpacht, E. International Law and Human Rights ( 1973)

Roberston, E., Human Rights in the World, (1972)

Sohn, Lonis & Burgenthal, International Protection of Human Rights (1973)



Baxi, U., "Human Rights, Accountability and Development". Indian Journal of International Law, 279, (1978)

Basu, D.D., Human Rights in Constitution Law, (1994)

Macfarlane, L.J., The Theory and Practice of Human Rights, (1985)

Krishna Iyer, V.R., Human Rights – A Judge's Miscellany, (1995)

Rama Jois, M., Human Rights: Bharatiya Values, (1998)

## **GROUP K: ADMINISTRATIVE LAW**

### **K 072 COMPARATIVE ADMINISTRATIVE LAW**

#### **Objective of the course**

Specialists in Administrative Law have to be in the position to assess the development in Indian administrative law from a comparative angle. That the administrative law jurisprudence in the country owed major its growth from the English and American development fact. However, India is still to go for general legislation of the English and U.S. type laying down administrative norms. From a comparative angle, the course of discretion, the doctrine of fairness struck by judicial process for administrative decision-making and the liabilities of the administration.

#### **Course Outcome:**

- 1) Students will acquire a basic knowledge of the evolution of administrative law systems of France, Germany, USA and the UK.
- 2) Develop a deep knowledge of 'doctrine of separation of powers' & its comparative implementation on different countries
- 3) The administrative decision-making process and its outcome: the forms of administrative action;
- 4) Be able to analyse both legal and political controls on governmental bodies and their decisions
- 5) Have a clear understanding and provide a critique of the principles of judicial review

#### **Syllabus**

### **UNIT -I**

#### **1. Evolution and Signification of Administrative Law in Various Systems of Governance**

French system

England and U.S.

Other systems

### **UNIT -II**

#### **2. Doctrine of Separation of Powers**

- 2.1 Comparative survey-common law and continental systems: English , US, French German and Indian.

#### **Delegated Legislation**

- 2.2 Comparative approaches: widening contours: classification over delegated legislation

## UNIT -III

### 3. Administrative Discretion

3.1 Need for discretionary powers

3.2 .Nature, scope and limits.

## UNIT -IV

### 4 Processual Fairness

4.1 Evolution and significance of natural justice

4.2 England: judicial process: doctrine of fairness and doctrine of legitimate expectation-  
legislation

4.3 US: due process and judicial decisions- legislation India: through judicial process doctrine of  
farness: Articles 14,19 and 21 – doctrine of legitimate expectation.

4.4 Access to information

## UNIT -V

### 5 Liability of Administration- England, US and Indian Practices.

5.1 Contractual liability

5.2 Tortious liability

5.3 Federal Trot Claims Act, 1946

5.4 Crown Proceeding Act 1947

5.5 Indian attempts at legislation

### Select bibliography

Peter H. Schuck, Foundations of Administrative Law (1994), Oxford, New York.

Friedman, The State and the Rule of law in a Mixed Economy

Neville L. Brown and J.F. Garner, French Administrative Law

Ivor Jennings, Law and the Constitution

Schwartz & Wade, Legal Control of Government

Davis, Discretionary Justice

De Smith, Judicial Review of Administration Action (1995)

Neil Hawke and Neil Papworth, Introduction to Administrative Law (1996), Lawman, New Delhi.

D.D.Basu, Comparative Administrative Law, (1998).

**DEPARTMENT OF POST GRADUATE STUDIES &  
RESEARCH IN LAW**

**RANI DURGAVATI VISHWAVIDALAYA**

**JABALPUR, M.P.**



**Pre Ph.D Course Work Syllabus [CBCS]**

**Effective from Session 2018-19 Onwards**

**FACULTY OF LAW**

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**FACULTY OF LAW**

**SYLLABUS FOR PH.D. PROGRAMME IN LAW  
(ENTRANCE AND COURSE WORK)**

**INDEX**

<b>S.No.</b>	<b>Contents</b>	<b>Page No.</b>
1.	Ph.D. Entrance (DET) Syllabus -Law	03
2.	Pre –Ph.D. Course Work Syllabus	04
2.1	Paper PPL101- Research Methodology	05-06
2.2	Paper PPL102- Review of Published Research in the Relevant Field	07
2.3	Paper PPL103-Computer Application	08-09
2.4	Paper PPL104- Advanced course in Law	10
2.5	Paper PPL105- Comprehensive Viva	11

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## **FACULTY OF LAW**

### **Ph.D. Entrance (DET) Syllabus -Law**

The Ph.D. ordinance 16 has been revised and notified by the Rani Durgavati Vishwavidyalaya, Jabalpur on 24/05/2018. This would be effective from the session 2018-19.

Some of the major changes done in the revision of ordinance are-

DET 2018 would now be of 2 hours duration of 100 marks. The entrance paper will consist of two equal sections A and B with multiple choice questions-

- Section A will comprise of Questions on Research Methodology
- Section B will comprise of Questions on Law and Social Transformation, Judicial Process, Constitutional Law, Jurisprudence, Criminal Law (IPC, Cr.P.C., Evidence), Family Law, CPC and Interpretation of Statutes.

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**Pre –Ph.D. Course Work Syllabus in Law**

The Pre- Ph.D. Course Work will now comprise of following four components along with Comprehensive Viva-voce

Course Code	Course Title	Credits	Marks	
			Maxi.	Mini.
PPL101	Research Methodology	4	100	50
PPL102	Review of Published Research in the Relevant Field	3	100	50
PPL103	Computer Application	3	100	50
PPL104	Advanced course in Law	3	100	50
PPL105	Comprehensive Viva-voce	3	100	50
<b>TOTAL CREDITS</b>		<b>16</b>	<b>500</b>	
			Aggregate to Pass	<b>55%</b>

**Credits = 10 Contact Hours**

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**RESEARCH METHODOLOGY**

**Course Code PPL101**

**Credit 04**

**Term End Examination 100 marks**

Research Methodology paper will be of 100 marks. The theory paper will be of 100 marks. The main objective of this paper is to acquaint the students of law with the scientific methods of legal research as well as socio-legal research.

This paper is expected to provide the basic knowledge of techniques of selection, collection and interpretation of primary and secondary dates and also to promote legal research and law reforms. It will facilitate the students to develop a scientific approach towards socio-legal problems. The following shall be the course of the paper.

**Unit – I**

1. Research – An Introductory Approach.
2. What is Research? Characteristics of Legal Research
3. Legal Research in India: Evolution and Development; Problems and Challenges
4. Interdisciplinary Perspective on Legal Research
5. Status of Legal Research in Contemporary India
6. Global Trends in Legal Research

**Unit – II**

1. Identification of Research Problem
2. Formulation of Research Problem.
3. Source of Research Problem
4. Criteria of a good Research Problem,
5. Hypothesis formulation and its testing,
6. Research Design.

### **Unit – III**

1. Tools and Techniques of Legal Research
2. Doctrinal and Empirical Research
3. Interview technique
4. Scaling technique of Socio-Legal Research
5. Determination of Sample Design

### **Unit – IV**

1. Source of Data Collection and Sampling.
2. Primary & Secondary Data
3. Questionnaire construction and design,
4. Precautions in the collection of data,
5. Sampling techniques, Sampling and non-sampling errors,
6. Interview and observation methods.

### **Unit – V**

1. Data Analysis
2. Processing of Data and Statistical Techniques, Editing, Coding, Classification, Tabulation
3. Legal Writing Skill, Research Papers, Project Reports and Thesis Writing
5. Compiling a Working Bibliography

### **Select Bibliography**

M.O.Price , H.Bitner and Bysiewiez, Effective Legal Research(1978)

Pauline V.Young , Scientific Social Survey and Research, (1962)

William J.Grade and Paul K. Hatt. Methods in Social Research, McGraw–Hill Book Co. London

H.M.Hyman, Interviewing in Social Research (1965)

Pryane, The Art of Asking Questions (1965)

Erwin C.Surrency, B,Fielf and J.Crea, Aguide to Legal Research(1959)

Morris L.Cohan, Legal Research in Nutshell, (1996), West publishing Co.

Havard Law Review Association, Uniform System of Citations,

ILI Publication, Legal Research and Methodology.



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**REVIEW OF PUBLISHED RESEARCH IN THE RELEVANT FIELD**

**Course Code PPL102**

**Credit 03**

**Max. Marks 100**

For this paper candidates will have to review literature in an area of research, prepare a research proposal and submit a report to the University at the end of the course work. The selection of the problem and preparation of the proposal will be in consultation with research guide.

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**COMPUTER APPLICATION**

**Course Code PPL103**

**Credit 03**

**Term End Examination 100 marks**

**Unit-I**

- 1.1 Introduction to Computers and Classification of Digital Computer System
- 1.2 Anatomy of digital computer and Computer Architecture
- 1.3 Number System
- 1.4 Memory Units, Auxiliary Storage Devices, Input and Output devices.

**Unit –II**

- 2.1 Introduction to Computer Software
- 2.2 Operating Systems
- 2.3 Programming languages.
- 2.4 General Software features and trends.

**Unit-III**

- 3.1 Word: Basics, Making a document, Cut and Paste, Document Enhancement, Printing, Spell Check & Grammar and Mail Merge.
- 3.2 Power Point: Basics, creating a presentation, working with graphics and text in Power Point. Show time: Transaction and build effect, Showing slides and deleting slides, printing presentation elements.

**Unit-IV**

- 4.1 Internet and worldwide web
- 4.2 Electronic Mail
- 4.3 Multimedia Tools
- 4.4 Introduction to Virtual Reality.

## **Unit-V**

5.1 Word processing and Research

5.2 Data Processing and Graphical Processing

5.3 Use of Web tools, excel, SPSS, Graphical Software and Multimedia tools in Research.

5.4 Use of Online Databases in Legal Research

### **SELECT BIBLIOGRAPHY**

1. Computer Fundamentals: Pradeep K. Sinha
2. Fundamentals of Computers: V.Rajaraman
3. Computer Fundamentals: Anita Goel
4. Fundamentals of Computer: E. Balagurusamy
5. Computer System Architecture: M Morris Mano

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**FACULTY OF LAW**

**ADVANCED COURSE IN LAW**

**Course Code PPL104**

**Credit 03**

**Term End Examination 100 Marks**

**Unit I**

Law and Social Transformation –

1. Constitutional Law
2. Criminal Law
3. Human Rights
4. Family Law

**Unit II**

Ethics, Morality and Law.

Research Ethics

- 1) Authorship and Copy right;
- 2) Plagiarism;
- 3) Data Fabrication;
- 4) Peer Review

**Unit III**

1. New Perspective on Legal Theory:
2. Human Rights
3. Sustainable Development
4. Globalization.

**Unit IV**

1. Emerging Regime of New Rights and Remedies,
2. Victimology
3. Reading Directive Principles and Fundamental Duties into Fundamental Rights
4. Principles relating to Good Governance
5. Law and Technology; Information Technology Act, 2000

**Unit V**

1. ADR (Alternative Dispute Resolution); Introduction to ADR
2. Key concepts in Dispute Resolution; Disputes; Kinds of Disputes
3. Dispute Resolutions at grass root levels: Lok Adalats ; Nyaya Panchayaths ; Legal Aid

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**COMPREHENSIVE *VIVA-VOCE***

**Course Code PPL105**

**Credit 03  
Max. Marks 100**

Candidate will face a Comprehensive *viva-voce* of 3 credits on the subject of Research Methodology, Advanced Course in Law and literature review report submitted to the university. The Presentation will have to be made by the candidate and it will need to be prepared in consultation with research guide.