

YOGI VEMANA UNIVERSITY, KADAPA
REGULATIONS AND SYLLABUS RELATING TO 3 YEAR LL.B DEGREE COURSE
SEMESTER PATTERN WITH CBCS
(With effect from the academic year 2021-22)

1. Duration of the Program

The professional under-graduate programme leading to the degree of Bachelor of Law (3 Year LL.B) will extend three academic years / over a period of 6 Semesters and each semester will normally have duration of 90 working days. However, under special circumstances and to save the academic year the normal working days of 90 can be reduced by increasing working hours per day as per the Bar Council of India Rules, New Delhi.

2. Minimum Qualification For Admission

A candidate seeking admission into 3 Year LL.B Degree course shall be required to fulfill the required minimum pass marks of the qualifying examination prescribed by APLAWCET and other authority concerned from time to time.

3. Admission Procedure

The admission into 3 Year LL.B Program will be through LAW CET Examination for Indian Students conducted by Andhra Pradesh State Council of Higher Education (APSCHE) and as per the Rules of the Bar Council of India and the Govt. of A.P. Admission of Foreign / NRI Students for 3 Year LL.B Program: Students should have earned their qualifying degree from a University / Institute recognized by the Association of Indian Universities / similar Indian body. Students nominated by Foreign Governments may be accepted to 3 Year LL.B programmes, without any further test / interview, if their request for admission is routed through MHRD / any agency of the Government of India.

4. Structure of the Programme

The 3 Year LL.B programme has a curriculum, with syllabus consisting of: Core courses, which give a broad base in the main field of study in the academic programme concerned. The Foundation Courses are the courses based upon the content that leads to knowledge enhancement. They are mandatory for all disciplines. Elective courses chosen by the student in consultation with the faculty adviser. Elective Course: Elective course is a course which can be chosen from a pool of papers. It may be: Supportive to the discipline of study providing an expanded scope Enabling an exposure to some other

discipline/domain Nurturing student's proficiency/skill. An elective may be "Generic Elective" focusing on those courses which add generic proficiency to the students. These electives shall be "Discipline centric". Second type elective may be open elective and shall be offered for other disciplines. The program will also include seminars, Group discussions, Legal-Aid, Legal Literacy Camps, Lok Adalats and Practical Training I to IV papers in the VI Semesters as prescribed by the Bar Council of India and the Board of Studies in the curriculum and syllabus and approved by the Academic Council.

5. The Credit System

Each course has a certain number of credits assigned to it, depending upon whether it is a lecture or tutorial or practical work and the number of periods assigned per week.

The credits are assigned according to the following pattern:

- 1 credit for each lecture period/week
- 1 credit for each tutorial period/week
- 1 credit for each practical session period/week

6. Minimum Instruction Days

The normal duration of 3 Year LL.B Course is six semesters.

Semesters I to VI shall consist of a minimum of 90 instruction days for each semester (based on six instruction days per a week) excluding the days allotted for tests, examinations and preparatory holidays.

7. Course Registration

Every student has to register for the set of courses offered by the University Department/ Affiliated Colleges in that semester including those of Open Elective courses with the total number of their credits being limited by considering the permissible weekly contact hours.

8. Credits required for award of 3 Year LL.B Degree

A student earns credits by passing courses every semester. A student, who has registered the 3 Year LL.B degree programme, has to acquire 180 credits to become eligible for the award of the degree.

9. Evaluation of Academic Performance

9.1. The performance of the students in each semester shall be evaluated paper wise. The scheme of instruction and examinations and distribution of marks between sessional work (based on internal assessment) and university examination is as shown in the scheme of examination, shall be followed.

9.2 Evaluation shall be done on a continuous basis i.e. through Continuous Internal Evaluation (CIE) in the Semester and Semester End Examination (SEE). For each theory course, there shall be internal assessments marks carrying 20 marks in each subject and

one semester-end examination of 3 hours duration carrying 80 marks. The Internal marks for a maximum of 20 shall be awarded based on the average performance of the student, shown in each subject.

It is mandatory to undergo the internal assessment in each subject according to the pattern designed.

Whatever the pattern adopted for the evaluation of Academic performance under item 9.2, the evaluation of Practical Training in the final semester should be considered/ followed as given below.

The student need to secure the minimum qualifying mark is 8 out of 20 marks in internal examination and it is 32 out of 80 marks in the semester-end examination.

If any student fails to fulfill the internal assessment he/she has to secure/get the required qualifying 40% in each subject of University Examination (i.e.40/80) conducted by the university (whatever stated under item 10.2(infra)).

The internal assessment shall be completed before the commencement of university examination in each semester.

The valuation of Semester-end Examination answer scripts shall be arranged by the Controller of Examinations as per the University procedures in vogue.

9.3 Evaluation of Practical Training (Course-end semester)

Practical Training -I: Out of 100 marks 90 marks are allotted for record work and 10 marks are allotted for viva-voce. The record work should be evaluated by a Board consisting of one University nominee, the Principal of the College and the teacher concerned. The viva-voce examination shall be conducted by the same Board.

Practical Training-II: Out of 100 marks 80 marks are allotted for University semester end examination with 3 hours duration and 20 marks are allotted for viva-voce. The viva-voce examination shall be conducted by the Board consisting of one University nominee, The Principal of the College and the teacher concerned.

Practical Training-III: Out of 100 marks 50 marks are allotted for the University semester end examination with 1 ½ hours duration and 50 marks are allotted for record work. The record

work shall be evaluated by a Board consisting of one University nominee, the Principal of the College and the teacher concerned (Senior Legal Practitioner).

Practical Training - IV: Out of 100 marks 90 marks are allotted for record work and 10 marks are allotted for viva-voce. The record work shall be evaluated by a Board consisting of one University nominee, the Principal of the College and the teacher concerned. The viva-voce examination shall be conducted by the Board consisting of the Principal of the College and the teacher Concerned and a Senior Legal Practitioner other than the part time faculty of the college.

10. Scheme of Examination

10.1 The maximum marks for each theory paper shall be 100 where in 20 marks are allotted for internal assessment and 80 marks for semester end university examination.

University Examination (For 80 Marks): The Question paper for the semester end university examination in theory course shall constitute three parts namely Part – A (short answer questions). In this part, 9 Short answer questions will be given, out of which the student has to answer any six questions, Each question carries 3 marks (6 X 3 =18 Marks). Part– B (Essay Questions). In this part out of 4 essay questions, student has to answer 2 questions. Each question carries 15 Marks (15 X 2=30 Marks). Part – C (Problem Type Questions). Out of 4 problems, student has to answer 2 questions. Each question carries 16 Marks (16 X 2=32 Marks).

10.2. The student should secure at least 40% marks in each subject (i.e. 32/80) as required for qualifying marks of the subject concerned.

11. Attendance Requirements

11.1. A student is required to complete the Programme of Study satisfying the attendance requirements in all the semesters within twice the prescribed period of study i.e. 6 academic years from the year of admission failing which he/she forfeits his/her seat.

11.2. A student shall be detained in a semester if he/she fails to satisfy the attendance requirements given below:

- a. The student shall attend at least 60 percent of the maximum hours of instruction taken by the subject teacher concerned in each semester.

b. The student should show atleast 75 percent of the attendance as whole in the each semester, covering all class work of the subjects in the each semester.

11.3. The Principal may, condone the shortage of attendance of a student provided that, the student satisfies the item 11.2(a) and by obtaining atleast 60% of overall attendance in a semester on medical grounds only.

The student who fails to satisfy the attendance requirements specified in item 11.2(b), he/she shall repeat that semester in the subsequent academic years with the written permission of the Principal.

The student shall not be permitted to study any semester more than two times during the Programme of his/her study.

The student who satisfies the attendance requirements specified in clause 11.2 in any semester may be permitted to repeat that semester canceling the previous attendance and sessional marks of that semester with the written permission of the Principal. However, this facility shall be extended to any student not exceeding twice during the entire Programme of study provided the stipulation in clause 11.1 is met.

12. Conditions of Promotion

A student shall be promoted to the next semester, if he/she satisfies the minimum attendance requirements of that semester of 3 Year LL.B as specified in clause 11.

13. Award of Degree:

A candidate for the award of the 3 Year LL.B Degree shall be required to satisfy the following conditions:

The program of study for the 3 Year LL.B degree shall cover normally a period of three academic years comprising of six semesters. No students shall be permitted to complete the course of study of 3 Year LL.B Degree earlier than 6 semesters or to take not more than 12 semesters. In as case, where any student has not secured the required pass marks in any subjects in the stipulated period as stated above, he/she may be permitted to take / appear the remaining subject/s, subject to the permission accorded by the university authority.

14. Award Grades and Grade Points:

After a candidate has satisfied all requirements for the award of the degree as specified in clause 13, he/she shall be placed in one of the following three classifications, irrespective of whether the candidate passed compartmentally or otherwise, even after the regular period of study of six semesters.

Grade Point: It is a numerical weight allotted to each letter grade on a 10-point scale. **Letter Grade:** It is an index of the performance of students in a said course. Grades are denoted by letters O, A+, A, B+, B, C and F.

Semester Grade Point Average (SGPA): It is a measure of performance of work done in a semester. It is the ratio of total credit points secured by a student in the courses registered in a semester and a total course credits taken during that semester. It shall be given up to two decimal places.

$$\text{SGPA (Si)} = \frac{\sum(C_i \times G_i)}{\sum C_i}$$

where C_i is the number of credits of the i th course and G_i is the grade point scored by the student in the i th course.

The CGPA is also calculated in the same manner taking into account all the courses undergone by a student over all the semesters of a programme, i.e.

Cumulative Grade Point Average (CGPA): It is a measure of overall cumulative performance of a student over all semesters. The CGPA is the ratio of total credit points secured by a student in the courses in all semesters and the sum of the total credits of all courses in all the semesters. It is given up to two decimal places.

$$\text{CGPA} = \frac{\sum(C_i \times S_i)}{\sum C_i}$$

Where S_i is the SGPA of the i th semester and C_i is the total number of credits in that semester.

The SGPA and CGPA shall be rounded off to two decimal points and reported in the transcripts.

Letter Grades and Grade Points:

A 10-point grading system with the following letter grades is to be followed.

Grades and Grade Points

S.No	Range of marks	Grade Point	Grade	Class
1.	75-100 marks	7.5-10	O	Distinction
2.	65-74 marks	6.5-7.49	A+	I Class
3.	60-64.9 marks	6.0-6.49	A	I Class
4.	55-59.9 marks	5.5-5.99	B+	II Class
5.	50-54.9 marks	5.0-5.49	B	II Class
6.	40-49.9 marks	4.0-4.99	C	Pass
7.	<40(0-39) marks		F	Fail

A student obtaining Grade F shall be considered failed and will be required to reappear in the examination. For non credit courses 'Satisfactory' or "Unsatisfactory' shall be indicated instead of the letter grade and this shall not be counted for the computation of SGPA/CGPA.

To pass a course in 3 Year LL.B Programme, student has to secure the minimum Grade of (C) in the 3 Year LL.B End-Semester Examination. A student obtaining Grade F shall be considered failed and will be required to reappear in the examination.

A Candidate, before and even after becoming eligible for the award of the Degree, may reappear for the University Examination, as and when conducted, in any of the theory subjects, which he/she has already passed, for the purpose of improving the aggregate. However, this facility cannot be availed by a candidate who has taken the Provisional pass Certificate. Candidates shall not be permitted to appear for University examination in Practical papers for the purpose of improvement. A student who has failed in a course can reappear for the Semester-end Examination as and when it is held in the normal course. The Sessional Marks obtained by the student will be carried over for declaring the result. Whenever the syllabus is revised for a course, the semester-end Examination shall be held in old syllabus three times consecutively. Thereafter, the students who failed in that course shall take the semester-end Examination in the revised syllabus.

15. Award of Ranks:

Ranks shall be awarded in 3 Year LL.B degree on the basis of Cumulative Grade Point Average (CGPA) for top ten percent of the students or top three students whichever is higher. The students who have become eligible for the award of 3 Year LL.B degree by

passing all the six semesters regularly without break, shall only be considered for the award of ranks. Award of prizes, scholarships and other honours shall be according to the rank secured by the student as said above and in conformity with the desire of the Donor.

16. Amendments of Regulation:

The University may, from time to time, revise, amend, or change the Regulations and Scheme of examinations (including internal assessment and university examinations) and Syllabus, whenever necessary.

17. The Course of study and the scheme of examination for each branch is as follows.

COURSE OF SYLLBAUS AND SCHEME OF EXAMINATION

FIRST YEAR

3 YEAR LL.B

I SEMESTER

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	11	Contracts –I (General Principles Of Law Of Contract)	5	1	-	6	20	80	100
2		12	Law of Crimes - I (I.P.C)	5	1	-	6	20	80	100
3		13	Law of Torts and Consumer protection Law	5	1	-	6	20	80	100
4	Foundation course	14	Constitutional Law – I	5	1	-	6	20	80	100
5		15	Family Law – I	5	1	-	6	20	80	100
	Total						30	100	400	500

II SEMESTER

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	21	Contract – II (Special Contracts)	5	1	-	6	20	80	100
2		22	Constitutional Law – II	5	1	-	6	20	80	100
3		23	Environmental Law Including Wild life Protection	5	1	-	6	20	80	100
4	Foundation course	24	Jurisprudence	5	1	-	6	20	80	100
5		25	Administrative Law	5	1	-	6	20	80	100
	Total						30	100	400	500

SECOND YEAR
3 YEAR LL.B

III SEMESTER

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	3.1	Property Law (Including Transfer of Property Act and Easement Act)	5	1	-	6	20	80	100
2		3.2	Labour Law –I	5	1	-	6	20	80	100
3		3.3	Company Law	5	1	-	6	20	80	100
4		3.4	Public International Law	5	1	-	6	20	80	100
5		3.5	Interpretation of Statutes	5	1	-	6	20	80	100
	Total						30	100	400	500

IV SEMESTER

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	4.1	Labour Law – II	5	1	-	6	20	80	100
2		4.2	Family Law – II	5	1	-	6	20	80	100
3		4.3	Taxation Law	5	1	-	6	20	80	100
4		4.4	Intellectual Property Rights Law(Optional-II)	5	1	-	6	20	80	100
5		4.5	Land Law Including Tenure and Tenancy System(Optional-III)	5	1	-	6	20	80	100
	Total						30	100	400	500

THIRD YEAR
3 YEAR LL.B

V SEMESTER

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	5.1	Civil Procedure Code and Limitation Act	5	1	-	6	20	80	100
2		5.2	Law of Crimes – II (Criminal Procedure Code)	5	1	-	6	20	80	100
3		5.3	Law of Evidence	5	1	-	6	20	80	100
4	Generic Elective	5.4	Banking Law (Optional-IV)	5	1	-	6	20	80	100
5		5.5	Media Law with RTI Act (Optional-V)	5	1	-	6	20	80	100
	Total						30	100	400	500

VI SEMESTER

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	6.1	Practical Training I : Drafting Pleading and Conveyancing	2	0	4	6	90	10	100
2		6.2	Practical Training II : Professional Ethics and Accounting System	4	2	0	6	20	80	100
3		6.3	Practical Training III : Alternative Dispute Resolution	3	0	3	6	50	50	100
4		6.4	Practical Training IV : Moot Court Exercise and Internship	2	0	4	6	90	10	100
5		6.5	Penology and Victimology (Optional – VI)	5	1	-	6	20	80	100
	Total						30	270	230	500
			Grand Total				180			3000

Note:-

- 1) Student has to choose two papers out of three papers in Generic Elective in V semester
- 2) Students of other discipline other than law course can choose one paper out of two in open elective in V Semester. (To get additional credits)
- 3) Duration of examination for each paper in all the semesters is 3 Hours except Practical Training – I and IV and for Practical Training - III the duration of examination is 1 ½ Hours only.
- 4) Allotment of Marks:
All papers carry a total of 100 Marks. Except the practical training papers I to IV
The allotment of Marks is as follows
80 Marks are allotted to the Semester End written examination
20 Marks are allotted to internal test break up of which is as follows:
First internal test - 20 marks
Second internal test - 20 marks

I SEMESTER

PAPER-1.1

CONTRACTS-I (General Principles of Law of Contract)

- UNIT-1.** History and nature of contractual obligations-writs of debt, covenant and account-actions on the case and on assumptionist consideration-moral basis for contractual obligations subjective and objective theories sanctity of contracts.
- UNIT-2.** Agreement and contract definitions, elements and different kinds.
- UNIT-3.** Proposal and acceptance: Their various forms-essential elements, communication and revocation-proposal and invitations for proposal-floating offers-tenders-dumping of goods.
- UNIT-4.** Consideration. *Nudum pactum*-its need, meaning, kinds, essential elements-privity of contract and considerations-its exception adequacy of consideration present, past and adequate consideration, unlawful consideration and its effects views of law commission of India on consideration-evaluation of the doctrine of consideration
- UNIT-5.** Capacity to contract: Meaning-incapacity arising out of status and mental defect minor's agreements-definition of "minor"-accessories supplied to a minor-agreements beneficial and detrimental to a minor affirmation-ratification in cases by a person of an agreement made by him while he was a minor-agreements and estoppels-evaluation of the law relating to minors agreements-other illustrations of incapacity to contract.
- UNIT-6. Free consent: Its need and definition-factors vitiating free consent**
Coercion-definition-factors elements-duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion-evaluation of Sec.15.
Undue influence-definition-essential elements-between which influence-independent advice- *paradarhanashin* women-unconscionable bargains effect of undue influence.
Misrepresentation-definition-misrepresentation of law and of fact-their effects and Illustrations
Fraud-definition-essential elements-suggestion-false *suppressio veri*-when does silence amount to fraud? Active concealment of truth-importance of intention.
Mistake-definition-kinds-fundamental error-mistake of law and of fact-their effects-when does a mistake vitiate free consent and when does it not vitiate from consent?.
- UNIT-7. Legality of objects**
Void agreements-lawful and unlawful consideration and objects Void, Voidable, Illegal and unlawful agreements and their effects.
Unlawful considerations and objects
Forbidden by law
Defeating the provision of any law
Fraudulent
Injurious to person or property
Immoral
Against public policy
Agreements without consideration
Agreements without consideration
Agreements in restraint of marriage
Agreements in restraint of trade-its exceptions-sale of good will, sec.11 restrictions, under the partnership act, trade combinations exclusive dealing agreements, restraints on employees under agreements of service.
Agreements in restraint of legal proceedings-its exception
Uncertain agreement
Wagering agreements-its exceptions
- UNIT-8. Discharge of a contract and its various moods:**

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

UNIT-9. Quasi contracts or certain relations resembling those created by contract.

UNIT-10. Remedies in contractual relations.

Damages-kinds-remoteness of damages ascertainment of damages.
Injunction-when granted and when refused-why?
Refund and restitution
Specific performance-why? When?
Specific performance of contracts under Specific Relief Act 1969
Recession of contracts
Cancellation of instruments
Declaratory decrees
Preventive relive

Paper-1.2

LAW OF CRIMES – I (I.P.C)

Unit-1. General

Conception of Crime
State's power to determine acts or omissions as crimes
State's responsibility to detect, control and punish crime
Distinction between crime and other wrongs
Pre-colonial notions of crime as reflected in Hindu, Muslim, tribal laws
The Colonial reception-Macaulay's draft based essentially British notions
I.P.C a reflection of different social and moral values
Applicability of I.P.C
Territorial
Personal
Salient features of the I.P.C

Unit-2. Elements of Criminal Liability

Author of crime-natural person and a fit subject for punishment, companies and
corporations
Mens rea-evil intention
Importance of *mens rea*
Recent trends of fix liability without *mens rea* in certain socio-economic offences
An act in furtherance of guilty intent
An omission as specifically includes in the Code
Injury to another

Unit-3. Group Liability

Stringent provision in case of combination of persons attempting to disturb peace
Common intention
Abetment

Instigation, aiding and conspiracy
Mere act of abetment punishable
Unlawful assembly
Basis of liability
Criminal conspiracy
Rioting as a specific offence

Unit-4.Stages of Crime

Guilty intention-mere intention not punishable
Preparation
Preparation not punishable
 Exception in respect of certain offences of grave nature or of peculiar kind
 such as possession, counterfeit coins, false weights and measure
Attempt
Attempt when punishable-specific IPC provisions
 Tests for determining what constitutes attempt proximity equivocally and
 social danger.
Impossible attempt

Unit-5.Factors negating guilty intention

Mental incapacity
Minority
Insanity-impairment of cognitive facilities, emotional imbalance
 Medical and legal insanity
Intoxication-involuntary
Private defence-justification and limits
 When private defence extends to causing of death protection body and
 property
Necessity
Mistake of fact

Unit-6.Types of punishment

Death
Social relevance of capital punishment
Alternative to capital punishment
Imprisonment for life, with hard labour, simple imprisonment
Forfeiture of property
Fine
Discretion in awarding punishment
Minimum punishment in respect of certain offences

Unit-7.Specific offences against human body

Causing death of human beings
Culpable homicide
Murder

Distinction between culpable homicide and murder

Specific mental element requirement in respect of murder
Situation justifying treating murder as culpable homicide not amounting to murder
Grave and sudden provocation
Exceeding right to private defense
Public servant exceeding legitimate use of force
Death in sudden fight
Death caused by consent of the deceased-Euthanasia
 Death caused by person other than the person Intended

Miscarriage with or without consent
Rash and negligent act causing death
Hurt-grievous and simple
Assault and criminal force
Wrongful restraint and wrongful confinements-kidnapping from lawful guardianship and from outside India
Abduction

Unit-8. Offences against women

Insulting the modesty of a woman
Assault or criminal force with intent to outrage the modesty of a woman
Causing miscarriage without woman's consent
Causing death by causing miscarriage without women's consent
Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse
Buying a minor for purposes of prostitution
Cruelty by husband or relatives of the husband
Rape
Custodial rape
Marital rape
Cruelty by husband or relatives of the husband
Common law remedies to protect against obscene/indecent depiction of woman

Unit-9. Offences against property

Theft
Cheating
Extortion
Robbery and dacoity
Mischief
Criminal misrepresentation and criminal breach of trust
Criminal trespass
Forgery

Unit-10. Offences by or relating to public servants

Public servant taking gratification of other than legal remuneration
Public servant induced by illegal or corrupt means to do or not to do an act
Public servant obtaining valuable thing without consideration connection with official functions.
Public servant framing incorrect document without intent to cause injury
Unlawful buying or bidding by public servant
Special legislation dealing with prevention of corruption, prevention of corruption Act, objective and scope
False evidence and offences against public justice

Unit-11. Offences against the State

Waging attempting conspiring to wage or collecting the ammunition to wage war against the Government of India
Assaulting President or Governor of a State with an intent to compel or restrain the exercise of any lawful power
Sedition
War against a power at peace with the Government of India are committing depredations on the territories or such powers
Permitting or aiding or negligently suffering the escape of or rescuing of harbouring, a state of prisoner

Unit-12.Defamation

Defamation

Punishment for defamation

Printing or engraving matter known to be defamatory

Sale of printed or engraved substance containing defamatory matter

SUGGESTED READINGS

- 1 : Gaur.K.D-Criminal Law-Cases and materials (1985 Edn)
- 2 : Ratanlal-Dhirajlal-Law of Crimes (1987) 23rd Edn.
- 3 : Huda-Law Crimes
- 4 : Kenny-Outlines of Criminal Law (Chapt 1to3)
- 5 : Ratanlal-Dhirajlal-The Indian Penal Code
- 6 : Achuthen Pillai.P.S-Criminal Law
- 7 : Nigam,R.C-Law Crimes in India-Vol-I
- 8 : Stewart,S.W-A Modern view of Criminal Law (Pergamon Press Oxford 1969)
- 9 : Gari Sing Gour-Penal Law of India
- 10 : Bhatt,V.R-Essays in Criminal Law
- 11 : Relevant volumes of the Annual survey published by Indian Law institute

PAPER-1.3

LAW OF TORTS AND CONSUMER PROTECTION LAWS

Unit-1. Evolution of law of torts

Its development by courts in England.

Forms of Action.

Emergence of specific remedies from case to case.

Reception of Law of Torts in India.

Principles of Equity Justice and good conscience

Definition, nature, scope and objects

A Wrongful act violation of a duty (in rem) imposed by law, duty which is owed to people generally, Legal damages-*damnum sine injuria and injuria sine damno*

Tort distinguished from crime, breach of contract – The concept of Unliquidated damages-

changing scope of Law of Torts: Expanding character-duites owed to people generally due to complexities of modern society, scientific and technological progress, industrialization, organization, specialization, occupational hazards-objects-prescribing standards of human conduct, redressal wrongs by payment of compensation, prescribing unlawful conduct by injunctions.

Unit-2. Principles of liability in torts:

Fault

Wrongful intent

Negligence

Liability without fault

Violation of Ethical codes

Statutory liability
Fatal Accidents Act-Railway Act-Workmen's compensation Act-Motor vehicles Act-Carrier Acts-Insurance Laws.
Place of motive in torts.
Extinguishments of liability in certain situations:
Death, *Actio personalis mortium cumpersona*-Exceptions-Law reform (Miscellaneous Provisions) Act, 1934.
Waiver and Acquie

Unit-3. Justification in tort:

Volenti non fit injuria-What is free consent? Informed consent, mere knowledge and knowledge coupled with assumption of risk.
Necessity, Private and Public.
Plaintiff's default
Act of good and Inevitable Accident
Private defense
Statutory Authorisation
Judicial and Quasi-Judicial Acts
Parental and Quasi Parental Authority

Unit-4. Doctrine of sovereign immunity and its relevance in India

Liability of state-sovereign and non-sovereign functions, Croen proceedings Act of U.K Federal Tort Claims Act of U.S.A.
Constitution of India (Arts 294 and 300)
Act of state

Unit-5. Vicarious liability:

Basis, Scope and Justification
Express Authorization
Ratification
Abetment
Special Relationships
Master and servant-arising out of and in the course of employment who is master?
Control test who is servant, borrowed servant independent contractor?
Principal and Agent
Corporation and Principal Officer

Unit-6. Torts against persons and personal relations:

Assault, Battery, Mayhem
False Imprisonment
Defamation-Libel, slander including law relating to privileges
Marital Relations, Domestic Relations, Parental Relations, Master and Servant Relations.
Malicious prosecution
Shortened Expectation of life.
Nervous shock.
Defenses.
Trespass to land, Trespass *ab initio*, dispossession
Movable property-Trespass to goods, Detinue, Conversion
Torts against Business interests-Injurious Falsehood, Misstatements passing off.

Unit-7. Absolute/strict liability:

Basic concepts
Theories of Negligence
Standards of care, Duty to take care, carelessness inadvertence

Doctrine of contributive Negligence.
Res ipsa liquitor and its due to Negligence with special reference to consumer protection law.
Professional liability due to Negligence with special reference to consumer protection law.
The rule in *Ryland v. Fletcher*. Principle for application of these rules.
Storing of dangerous things.
Escape of dangerous things-application of principles in concrete cases of damage arising out of industrial activity. (The Bhopal Disaster, Oelum, Gas Escape, Machua Dam Burst, M.C. Mehta sace, Nuclear Installations and their hazards).
Liability under Motor Vehicle Act, Railway Act etc.

Unit-8. Nuisance

Definition, Essentials, Types
Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, interference with light and air.

Unit-9. Legal Remedies:

Legal remedies
Award of damages-simple, special, punitive
Remoteness of damages-foreseeability and directness tests
Injunction
Specific restitution of property
Extra-legal remedies-self help, re-entry in land, re-capture of goods, distress damage feasant abetment to nuisance
Judicial process in Tort-Dilatoriness-Complicated rules of procedures and evidence - Experts in trial process, reports of testing labs-Court fees, problems of access

Unit-10. Common Law and the Consumer:

Duty to take care and liability for negligence: Manufacturers and traders and providers of services such as lawyers, doctors and other professionals
Caveat emptor and Caveat Venditor
Deceit and false advertisement
Liability for hazardous and inherently dangerous industrial activity.
Product liability-EEC directives
Right to common property resources-right to pass and repass on pathways
Consumer Protection Act, 1986.

PAPER-1.4

CONSTITUTIONAL LAW-I

- Unit-1.** Preamble-Federalism- Secularism-Social justice-Interpretation of preamble
- Unit-2.** The Union and its territory: Name and territory of the union-Admission or Establishment of new States– Formation of a new State- Alteration of areas or boundaries- Names of the existing states
- Unit-3.** Citizenship: Right of citizenship of persons migrated from paksitan, and persons of Indian origin residing outside of india, voluntary acquiring citizenship of foreign state not to be citizens continuance of the rights of citizenship, citizenship act.
- Unit-4. Meaning and scope of state under Article 12 of Constitution of India**
Local Authority – Municipalities, District Boards, Panchayats Improvement Trustand Mining settlement Boards, Body of Port Commissioners under the control or management of a municipal or local fund.
Other Authorities – Power to make laws, byelaws, rules, orders or regulations, are called ‘Other authorities’ within the meaning of Article 12.
State in the light of Fundamental rights.
- Unit-5.** Fundamental Rights - Definition – Laws inconsistent with or in derogation of the fundamental rights- The Right to equality, equality of opportunity-Prohibition of discrimination on grounds of religion, race caste, sex or place of birth.
- Unit-6. Right to Freedoms**
Freedom of Speech and Expression.
Freedom of the Press.
Freedom of Speech and Contempt of Court.
Freedom of Assembly.
Freedom of Association.
Freedom of Movement.
Freedom of Reside and Settle.
Freedom of Profession/Business, etc.,
Property and Social Control 1950 to 1978.
Property and Social Control-After 1978.
- Unit-7. Right against exploitation**
Prohibition of traffic in human beings and forced labour
Prohibition of employment of children in factories etc
Protection of interests of minorities
Right of minorities to establish and administer educational institutions.
- Unit-8. Personal liberty:**
Personal Liberty-meaning and scope
Rights against self incrimination
Rights against Retroactive Punishment
Rights of an accused-Double jeopardy
- Unit-9. Constitutional Remedies**
Enforcement of fundamental rights
Power of parliament to modify the rights the conferred by this part in their application to forces etc
- Unit-10. Fundamental rights and Directive Principles:**
Directive Principles-Reasons for incorporation.
Directive Principles-Directions of social change-A new social order.
Fundamental Rights and directive Principles-Inter relationship-Judicial balancing.

Constitutional Amendments-Arts. 31-A, 31-B and 31-C to strengthen Directive Principle
Judicial Policy towards directive Principles Fundamental Duties Art 51-A

PAPER – 1.5 **FAMILY LAW-I**

Unit-1.Marriage and Kinship

Evolution of the institution of marriages and family
Role of religion, rituals and practices in moulding the rules regulating marital relations
Types of family based upon; lineage-patrilineals, matrilineal, authority, structure patriarchal and martriarchal, location-patrilocal and matrilocal and number of conjugal units nuclear extended, joint and composite.
Applicability of law
Who is a Hindu?
Who is s Muslim?
Who is a Christian?
Sources of Hindu law, Muslim law and Christian law

Unit-2. Customary practices and the State

Polygamy
Concubinage
Child marriage
Sati
Dowry
State intervention through various legal measures

Unit-3. Conversion and its effect on family

Marriage
Adoption
Guardianship
Succession

Unit-4. Matrimonial Remedies

Non-judicial resolution of marital conflict problems
Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution
Divorce under Muslim personal law-Talaq and Talaq-e-tafweez
Judicial resolution of marital conflict problems A general perspective of matrimonial fault theory and principles of irretrievable breakdown of marriage
Nullity of marriage
Option of puberty
Restitution of conjugal rights
Judicial separation
Desertion-a ground for matrimonial relief
Cruelty-a ground for matrimonial relief
Adultery- a ground for matrimonial relief
Other grounds for matrimonial relief
Divorce by mutual consent under Special Marriage Act, 1954, Hindu Marriage Act, 1955 and Muslim law(Khula and Mubaraat)
Bars to matrimonial relief

Doctrine of strict proof
Taking advantage of one's own wrong and disability
Accessory
Connivance
Collusion
Condonation
Improper or unnecessary delay
Residuary clause-no other legal ground exists for refusing the matrimonial relief

Unit-5. Alimony and maintenance

Maintenance of neglected wives, divorced wives, minor children, disabled children and parents who are unable to support themselves under the Code of Criminal Procedure, 1973

Alimony and maintenance as an independent remedy-a review under different personal laws

Alimony and maintenance as ancillary relief, alimony, pendente lite and permanent maintenance

Maintenance of divorced Muslim women under The Muslim Women (Protection of Rights on Divorce) Act, 1996-a critical review

Unit-6. Child and the Family

Legitimacy

Adoption

Custody, maintenance and education

Guardianship

Unit-7. Family and its changing patterns

New emerging trends

Attenuation of family ties

Working women and their impact on spousal relationship, composition of family, status and role of women and decision making authority structure.

Factors affecting the family-demographic, environmental, religious, legislative
Process of social change in India-Sanskritisation, Westernization, secularization, universalisation, patriarchalisation and modernization including industrialization and urbanization

Unit-8. Establishment of Family court

Unit-9. Securing of a Uniform Civil Code

Religious pluralism and its implication

Connotations of the directive contained in Article 44 of the Indian Constitution

Impediments to the formulation of the Uniform Civil Code

II SEMESTER

PAPER-2.1
CONTRACTS-II (Special Contracts)

Unit-1. Indemnity and guarantee:

Indemnity and guarantee (Sec. 134, 127) Indian Contract Act 1872

Contract of indemnity

A. Definition

B. Rights of indemnity holder

C. Liability of indemnifier.

Contract of guarantee

A. Definition

B. Essential characteristics of contract of guarantee

C. Distinction between contract of indemnity and contract of guarantee

D. Kinds of guarantee

E. Rights and liabilities of surety

F. Discharge of surety

G. Contract of Bailment and (Sec. 148-181 of Indian Contract Act 1872).

Unit-2. Bailment

Definition

Essential requisites of bailment

Kinds of bailment

Rights and duties of bailor and bailee

Termination of bailment

Pledge

A. Definition

B. Rights and duties of pawnor and pawnee

C. Pledge by Non Owners.

Unit-3. Contract of Agency (Sec. 182-238 of the Indian Contract Act 1872)

Definition of agent

Creation of agency

Rights and Duties of agent

Delegation of authority

Personal liability of agent

Relations of principal with third parties

Termination of agency.

Unit-4. Contract of sale of goods (The Indian Sale of Goods Act 1930).

Formation of Contract

Subject matter of Contract of Sale

Conditions and Warranties

Express and Implied conditions and Warranties

Caveat Emptor

Property, Possession and Risk

Passing of Property

Sale of non-owners

Delivery of goods

Rights and duties of seller and buyer before and after sale.

Rights of unpaid seller.

Unit-5. Contracts of partnership (The Indian Partnership Act, 1932).

Definition and nature of Partnership

Formation of Partnership
Test of Partnership
Partnership and other Associations
Registration of Firms
Effect of non-registration
Relation of Partners
Rights and Duties of Partners
Properties of the Firm
 Relation of Partners to third parties
 Implied authority of a partner
 Kinds of Partners
 Minor as Partners
 Reconstitution of a Firm
 Dissolution of firm.

Unit-6. Negotiable Instruments Act, 1881

PAPER-2.2
CONSTITUTIONAL LAW-II

Unit-1. Federalism:

Federalism-Principles-Comparative study of other Federations. Why India has a Federal Government.
Indian Federalism-President of India-Council of state-Process of Constitutional Amendment. Identification of Federal features.
Legislative relations between the Centre and the State
Administrative Relations-Centre States.
Financial Relations-centre-states
Governor's position from the Perspective of Federalism.
Centre's Powers over the States-Art. 356.
J&K-Special status.
Critical problems of Indian Federalism. Sarkaria Commission-Greater Autonomy v. Central Control. One party domination. Emergence of Political Federalism. Growth of Regional Parties.

Unit-2. Parliamentary government:

West Minister Model-Indian experience before independence-Choice of Parliamentary Government
President of India-Election, Qualifications, Impeachment, salary
Council of Ministers-President's constitutional position.
Governor and State Government-Constitutional Relationship
Legislative Process-Privileges, freedom of speech. Practice of law making etc.,
Legislative Privileges v. Fundamental Rights. In re. Art. 143 of the Constitution of India.
Prime Minister-Cabinet System-Collective responsibility Individual responsibility.
President-Prime minister relation ship.
Party system-Anti -defection law. Freedom of an A.P./M.L.A to dissent.

Unit-3. Constitutional process of adaptation and alteration:

Methods of Constitutional Amendments-Written-Unwritten, Rigid-Flexible Constitutions. Provisions which can be amended by ordinary procedure, special procedure, Review of Constitutional Amendments.
 Limitations upon Constitutional amendments *Shankari Prasad, Sajjari Singh. Golaknath v. Punjab*-Why should federal Rights be immune from the process of Constitutional Amendment.
 Basic structure doctrine as a limitation- *Kesavanand Bharathi*.
 Development of the Basic Structure Doctrine. Constituent Power of the Supreme Court. *VamanRao v. Minerva Mills*.
Indira Gandhi v. Raj Narain; Judicial Consensus on Basic Structure Doctrine.
 Legislative and Judicial Attempts to bury the Basic Structure Doctrine; Legitimation of the Basic Structure Doctrine. Special Bench to Reconsider the Basic Structure Issue. Forty- second Constitutional Amendment. Forty fourth Constitutional Amendment .
 Minerva Mills and subsequent developments of the Basic Structure Doctrine.
 Responsibility of the Court; Activism v. Restraint.

Unit-4. Emergency:

Emergency-need for such a provision. Types of Emergencies, Experience in other democracies.
 Proclamation of emergency-conditions-Art. 352-Effect of Emergency on Centre-State Relations.
 Emergency and suspension of Fundamental Rights Arts. 358, 359- *Makhan Singh Tarasikha to A.D.M. Jabalpure*.
 Financial emergency.

Unit-5. Services under the constitution.

Doctrine of Pleasure (Art. 310)
 Protection against Arbitrary Dismissal, Removal or Reduction in Rank (Art. 311)
Tulsiram Patel-Exceptions to Art. 311.

Unit-6. Judicial process under the constitution.

Judicial Review-Art. 32, 226, 227.
 Nature of Judicial Review.
 Court system in India: Backlogs, Arrears, Alternatives, LokAdalats, etc.,
 Judges, Appointments, Conditions of service etc.,
 Subordinate Judiciary.
 Jurisdiction of Supreme Court and High court.
 Advisory Jurisdiction of the Supreme Court.
 Public interest Litigation.

SUGGESTED READINGS

1. Basu.D.D -Commentary on the Constitution of India.
2. Hidayatullah.M (Ed) -Constitutional Law of India
3. Seervai.H.M -Constitution of India.
4. Austin.G –Indian Constitution A cornerstone of a Nation.
5. Banerjee.A.C –Constitutional History of India.
6. Khanna.H.R –Making of India’s Constitution
7. Shiva Rao.B –Framing of India’s Constitution.
8. Jain.M.P –Indian Constitutional Law.

Relevant volumes of the Annual survey published by Indian Institute.

PAPER-2.3
ENVIRONMENTAL LAW
(Including Wild Life Protection Act)

Unit-1. The meaning of environment and pollution:

Definition, as defined in the Environment Protection Act: 1986 Sec. 2(a); “Pollution” as defined in the same Act, Sec 2(a), (b), (c), (d), (e); and in the water (Prevention and Control of Pollution) Act, 1974. “Forests”, as defined in the Indian Forest Act, 1927, and the Forest conservation Act, 1980. the intended meaning of environment in Constitution, Articles 15(2) (b), 24, 39 (a), (b), (c),(e), (f), 47, 48 A, 49.

Causative factors of Pollution.

Unit-2. Subject matter of environmental laws:

Unit-3. Types and functions of environmental laws

Primary Protective Laws

For human-beings: Laws pertaining to: (a) Water (b) Air, (c) Noise, (d)

Nuclear radiation, (e) Toxic substances.

For non human-beings: Laws pertaining to (a) Wild life (b) Marine life, (c)

Forests, (d) Minor-forests, (e) restrictions on trade.

Primary planning laws

For production :: Laws pertaining to : (a) Land use (b) Irrigation, (c) Industries,

(d) Mining, (e) Grazing-land, (f) Catchments areas, (g) Wet land,

(h) Estuaries.

For distribution :: Laws pertaining to : (a) Land ceiling (b) Town planning/zoning,

(c) Slums, (d) Housing, (e) Recreational areas, (f) Parks, (g) Sanctuaries, (h)

Biospheres.

Unit-4. Secondary laws:

Pertaining to the administration and functioning of Pollution Control Boards; Water-Boards; the Factories Acts, Forest Act Land Reform and Development Acts, industries Act, etc.,

Laws relating to the administration within the Ministry of Environment and forest.

Laws relating to the collection, dissemination and publication of data by the Boards of Ministry, concerning. : a) Hazardous material, b) Endangering industries, c)

Levels of pollution; and d) Types of safety measures available and implemented.

Laws relating to the role of the lower courts (including the Forest Courts).

Unit-5. Tertiary laws:

Constitutional provisions concerning inter-state relations that concern acquisition, regulation and distribution natural resources, (Water, Forests, Mines, Oil) (with special emphasis on Art. 14, 19, 31-A, 31-B, 31-C, 39(b)&(c); Union list; 6, 52, 56, 57. State list: 17, 18, 21, 23. Concurrent List: 17, 17-A, 17-B, 18, 20, and Ninth Schedule.

Constitutional provisions: The Constitution of India Art. 14, 15, 2(b), 19(e), 21, 31-c, 32, 38, 39, 32, 37, 48-A, 49, 51, 51-A(g).

Unit-6. International parameters of environment:

Stockholm Declaration and its impact.

Rio Summit

United Nations Environmental Programme (UNEP).

State responsibility for environmental pollution

North South Perspective.

Unit-7. Legal strategies regulation

Deterrence through criminal liability, strict liability, Absolute Liability and Vicarious liability.

Principles of calculating penalties and economic sanctions against offenders.

Principles and methods of standardization

Managerial

Principles of tortious liability

Estoppel

Strategies of incentives, through non-taxation, deductions etc.,

Methods of recovery through insurances, sureties, bonds etc.,

Environmental courts/Tribunals

Unit-8. Rights in common law:

8.1. Basis of occupancy, usufruct and group or collective rights of indigenous communities in national and international laws.

Unit-9. Natural rights theories and its advocacy in environment related issues:

Right to life.

Right to livelihood

Right to reside

Right to development

The rights of future generations

Unit-10. Multinational corporate liabilities:

In the legal responsibilities of multinational funding agencies.

Unit-11. Judicial activism and environment:

PAPER-2.4 **JURISPRUDENCE**

Unit-1. Need to study Jurisprudence; Its relationship with political; power structures and just society.

Unit-2. What is a Concept?

Concept; Ideas and Notions

What is Theory? Difference between theory; hypothesis; conjecture; and opinions .

Unit-3. What is a Norm?

Difference between maxims, rules, principles and customary rules

Differences between Primary Rules and Secondary Rules.

What is a Normative System

Unit-4. Concept of Law; Its difference with laws of natural science, social sciences, statistics, history

4.1. Laws on obligation

Unit-5. Why are Laws obligatory?

Define and discuss the following legal concepts: liability, obligation, sanction,

coercion, compulsion, duty, estoppel, promise, Dharma with case material

Contractarian Theories: General-will theories and Free-will theories and

Autonomous theories particularly Positivist theories connected development of

Austin onwards: Reference to Dworkin; Rawls and Marxian terms of the Doctrine of withering away of state, including Transcendental Theories.

Whom does the law obligate? Personality; people; state-with particular reference to Directive Principles of State Policy; *locus standi*, Randhir Singh, Golaknath and other relevant cases.

Unit-6. Theories of Authority

Types of authority; legislative, judicial and customary-their binding nature. Bindingness with regard to Precedent. Determination of ratio and methods of Wanbaugh, Salmond, Good Hart, Simpson's approach in Jacob's case. Also the studying factors of Ilewlyn (information to be provided that there is no distinction between making and declaring, basing on Gestalt psychology. (Ref: Peter Brett)

Unit-7. Limits on Legislative Authority

Positivist view that there are no limits. Discuss with reference to Austin, Kelsen, Golaknath and D.C Wadhwa's case.

Natural Law view that the limits are defined by principles of morality or natural justice; the legislation, from whatever source, must be in accordance with such principles. Discuss with reference to Aquinas, Finnis.

The Rationalists view that the limits are set by rational principles of justice Discuss with reference to Kant, Rawls.

The Basic Structure Doctrine-that the limits are set by the Basic Structure of the Constitution or the law itself; any legislation contrary to the basic structure is non-law (ref: *KesavanandaBharathi's* case)

Define and discuss the basic legal Concept of Reasonableness with reference to Indian cases.

State of Madras v. V.G. Row (1952 SC 196).

Dwaraka Prasad Laxmi Narayan v. State of U.P (AIR 1954 SC 224).

KrishanchandaArora v. Commissioner of Police (1961 3 SCR 135).

Hardhan Shah v. State of West Bengal (1975 3 SCC 198).

Air India v. NargeshMeerza(AIR 1987 SC 1829).

Maneka Gandhi v. Union of India (1978 2SCR 621).

Unit-8. The Functions of Law

Law as the upholder of the moral order in the society

Concept of Dharma and connection between Law and Morality

Law for bringing efficiency and social stability; the utilitarian views

The differences between the ends of a legal order, a political order and a religious order. Are they interchangeable? Can one replace another? Issue concerning the dialectics of law

Law as a means of Social Control

Law as Volksgeist

PAPER-2.5

ADMINISTRATIVE LAW

Unit-1. Evolution, Nature and Scope of Administrative Law

From a *Laissez Faire* to a Social Welfare State; State as regulator of private interest; State as provider of services; Other functions of Modern State; Relief; Welfare

Evolution of Administration as the fourth branch of government; Necessity for delegation of powers on administration

Evolution of agencies and procedures for settlement of disputes between individual and administration

Regulatory Agencies in the United States

Conseil d'Etat of France
Tribunalization in England and India
Relationship between Constitutional Law and Administrative Law and Public Administration

Separation of Powers: To what extent relevant to administrative functions?

Rule of Law and Administrative Law

Definitions of Administrative Law

Scope of Administrative Law

Emerging trends: Positive duties of administration under the modern social welfare legislation and compulsions of planning

Unit-2. Bureaucracy in India

Nature and Organization of civil service; Central and State

Its hierarchical character; Accountability and Responsiveness

Powers and Functions

Attainment of developmental and social welfare goals through bureaucracy;

Problems and perspectives

Class character and Structure

Administrative deviance; Corruption; Nepotism; Mal-administration; Disciplinary proceedings and Prosecutions under Prevention of Corruption Act.

Unit-3. Legislative powers of administration

Necessity for delegation of legislative power

Constitutionality of delegated legislation; Powers of exclusion and inclusion and power to modify statute.

Requirements for the validity of delegated legislation

Consultation of affected interests and public participation in decision making

Publication of delegated legislation

Administrative directions; circular and policy statements

Legislative Control of delegated legislation

Laying procedures and their efficacy

Committees on delegated legislation-their constitution-function and effectiveness

Hearings before Legislative Committees

Judicial Control of delegated legislation-Doctrine of *Ultra Vires*

Sub-Delegation of legislative powers

Unit-4. Judicial powers of administration

Need for devolution of adjudicatory authority on administration

Administrative Tribunals and other adjudicating authorities their *ad hoc* character-

Compare administration of justice in court with that of Tribunals (Ref. Robson)

Nature of Tribunals; Constitution; Procedure; Rules of evidence, etc., with special reference to the following:

Central Board of Customs and Excise

MRTTP Commission

ESI courts

Service Tribunals

Jurisdiction of Administrative Tribunals and Other authorities; Distinction between quasi-judicial and administrative functions and relevance of this distinction in the light of recent decisions of the Supreme Court

The Right to Hearing; Essentials of hearing process, Bias (no one can be a judge in his own cause); Oral Hearing, etc.,

Rules of Evidence- No evidence; Some evidence and Substantial evidence rules

Requirements regarding Reasoned Decisions.
The Right to Counsel
Institutional Decisions
 Administrative Appeals
 Council on Tribunals and Inquiries in England
 US Regulatory Agencies and Administrative Procedures Act, 1946
Emerging trends of Tribunalization in India as a means to relieve congestion in the courts and utilization of administrative expertise

Unit-5. Judicial Control of Administrative Action

Preliminary
Courts as the final authority of determine legality of administrative action;
Problems and Perspectives
Exhaustion of Administrative Remedy
Standing; Standing for Social Action Litigation
Laches
Res Judicata
Grounds of Judicial Review: Scope of judicial review
Jurisdictional error/*ultra vires*
Abuse and non exercise of jurisdiction
Error apparent on the face of the record
Violation of Principles of Natural Justice
Primary jurisdiction
Absence of ripeness
Political Question
Doctrine of Legitimate Expectation
Methods of Judicial Review
Statutory Appeals
Mandamus
Certiorari
Prohibition
Quo-warranto
Habeas corpus
Declaratory Judgment and Injunctions
Specific Performance and civil suits for compensation
Fact-finding Commissions

Unit-6. Administrative Discretion

Need for administrative discretion
Administrative discretion and Rule of Law
Malafide exercise of discretion
Constitutional imperatives and use of discretionary authority
Irrelevant Considerations
Non-exercise of discretionary power
Discretion to prosecute or to withdraw prosecution
 Limiting, confining and restructuring discretion-general discretion, technical discretion

Unit-7. Liability for wrongs: (Tortious and Contractual)

Tortious Liability: Sovereign and Non-sovereign functions
Crown Proceedings Act of UK and Torts Claims Act of US
Statutory Immunity
Act of State

Contractual liability of Government
Government privilege in legal proceedings; State secrets, Public interest, etc.,
Right to Information and Open government
Estoppel and Waiver

Unit-8. Corporations and Public undertakings

State Monopoly; Remedies against arbitrary action or for action against public policy

Liability of public and private corporations of departmental undertakings

Legal Remedies

Accountability; Committee on public undertakings, Estimates committee, etc.

Unit-9. Informal methods of settlement of disputes and grievance redressal procedure

Conciliation and mediation through Social Action Groups

Use of media, lobbying and public participation in policy making

Public inquiries and Commissions of inquiry

Ombudsman, Parliamentary Commissioner

Lok pal, lokayukta

Vigilance Commission

Congressional and Parliamentary Committees

III SEMESTER

Paper – 3.1

PROPERTY LAW

(Including Transfer of Property Act and Easement Act)

Unit-1. Jurisprudential contours of property

Concept and Meaning of Property: New Property; Governmental largesse
Kinds of property: Movable and Immovable property; Tangible and Intangible property; Intellectual property; Copyright; Patents and Designs; Trademarks
Private and Public property: Natural resources as property; Privatization of public property
Capitalist and socialist analysis of property: Property in means of Production
Possession and ownership as man; property relationship; Finder of lost goods
Social Functions of Property

Unit-2. LAW RELATING TO TRANSFER OF PROPERTY

General Principles of transfer of Property
Specific Transfers
Sale

Unit-3. Mortgage

Mortgage
Kinds of Mortgages, Simple Mortgage, Mortgage by conditional sale; distinguished from sale with a condition for repurchase. Usufructuary Mortgages, English Mortgage.
Distinguished from Mortgage by conditional sale, Mortgage by deposit of title deeds;
When registration is necessary? Anomalous Mortgage
Systematic constraints; When formalities are required? Formalities effect of non - Registration; Debt may be proved
Rights of Mortgagor; Right to Redeem; distinction between “Due” and “Payable”;
Clog on redemption; Partial redemption; Accession to mortgaged property and Improvements; Mortgagor’s power to lease
Rights and liabilities of Mortgagee; Right to Foreclosure or Sale; Rights to sue for mortgage money; Accession to mortgaged property; Rights of mortgagee in possession; Substituted Security
Liabilities of a Mortgagee in possession

Postponement of Prior Mortgage

3.10. Marshalling and Contribution

3.11. Who may Sue for redemption?

3.12. Conventional Subrogation; Legal Subrogation; “Redeem Up and Foreclose Down”

Unit-4. Actionable Claims, Security Interests in Immovables

Unit-5. Charges

Unit-6. Leases

Unit-7. Exchange

Unit-8. Gifts

Unit-9.

Easements
Creation of Easements
Nature and Characteristics of Easements
Extinction of Easements
Riparian Rights

Licenses

Unit-10. Recordation of Property Rights

Law relating to Registration of documents affecting property relations; Exemption of leases and mortgages in favor of Land Development Bank from registration

Recordation of rights in agricultural land with special reference to respective states

Investigation of title to property

Law relating to Stamp Duties

Of the liability of instruments to duty

Duties by whom payable

Effect of not only duty stamping instruments; examination and impounding of instruments; inadmissibility on evidence impounding of instruments

Paper – 3.2

LABOUR LAW-I

Unit-1. HISTORICAL PERSPECTIVES OF LABOUR

Labour through the ages; Slave labour; guild system; Division on caste basis; Labour during feudal days

Colonial labour law and policy

Labour capital conflicts: exploitation of labour, profit motive, poor bargaining power, poor working conditions, unorganized labour, surplus labour, division of labour and super specialization, lack of alternative employment

International Labour Standards and their implementation

From laissez faire to welfare state: transition from exploitation to protection and from contract to statute

Unit-2. TRADE UNIONISM

Labour Movement as a counter measure to exploitation,

History of Trade Union Movement in India Right to trade union as part of human right to freedom of association, amalgamation, rights and liabilities, dissolution

Legal Control, and protection of trade union, registration, amalgamation, rights and liabilities; dissolution

Problems, multiplicity of unions, over politicization intra – union and inter – union rivalry, outside leadership, closed shop and union – shop, recognition of unions

Unit-3. COLLECTIVE BARGAINING

Concept of collective bargaining

International norms, conditions precedent; merits and demerits

Bargaining process

Negotiation

Pressurization: Strike and Lockout, go slow, work to rules, gherao

Structure of bargaining: plant, industry and national levels

Duration and enforcement of bipartite agreement

Reforms in law

Unit-4. STATE REGULATION OF INDUSTRIAL RELATIONS

Theoretical foundations social justice, labour welfare, public interest, productivity,

Industrial peace and development, price control

Methods of regulation

Recognition of mutual arrangements

Assistance to bipartite settlements: conciliation, voluntary arbitration, formulation of standing orders

State prescription of machinery: reference for adjudication (the political overtones), adjudicatory mechanisms (how do they differ from courts?) award, its binding nature, judicial review of awards

State prescription of standards in lay off, strike, lockout, retrenchment, closure and transfer of undertakings

The Conceptual conundrum: industry, industrial dispute, workmen

Unfair Labour Practices

Unit-5.Discipline in Industry: restrains on managerial prerogatives

Doctrine of Hire and Fire: history of management's prerogative

Fairness in disciplinary process

Punishment for misconduct: meaning of misconduct

The right to know: the charge sheet

The right to defined: domestic enquiry, notice, evidence, cross examination, representation, unbiased inquiry officer and reasoned decision

renatal (permission) and Postnatal (approval); control during pendency of proceedings (S.33 of the I.D.Act.)

Unit-6.Legal Control and protection of trade unions: Indian Trade Union Act of 1926:

Registration , rights and liabilities of trade union.

Amalgamation and dissolution of trade union.

Problems; multiplicity of unions, over politicization, intra – union and inter – union

Rivalry, outside leadership, closed shop and union- shop.

Recognition of unions.

Amendments to Trade Union Act and reforms in law.

Unit-7.Law relating to service conditions:

Industrial employment (standing Orders) Act, 1946- Scope and Object of the Act, Model Standing Orders, and matters to be incorporated in standing orders (Schedule to the Act)

Submission of draft standing order, certification and modification of standing orders : interpretation of standing orders and power of appropriate Government to make rules

Concept of misconduct, disciplinary action and punishment for misconduct.

Unit-8.Law relating Industrial Disputes: Industrial Disputes Act, 1947-

8.1. Conceptual conundrum: industry, industrial dispute, workmen;(Sec.2 'J'K' and 'S');

Unit-9.Law relating Industrial Disputes: Industrial Disputes Act, 1947

Disputes settlement machinery

Conciliation officers,

Board of Conciliation,

Labour court,

Industrial Tribunal and National Tribunal – duties and powers; (Sec.3-10)

Reference for adjudication Voluntary Arbitration (Sec 10 & 10A).

Award its binding nature and Judicial review of awards. (Sections 18 & 11-A).

Statutory limitations on strikes and lock-outs; unfair labour practices – prohibition and penalties, (Sec.22-31 & 25-T, 25U).

General and special provisions relating to lay-off, retrenchment and closure (Sections 25A- 25S and 25K – 25R).

Unit-10. Recommendations Second Labour Commission on Industrial Disputes.

Paper – 3.3
COMPANY LAW

- Unit-1.** Meaning of Company, essential characteristics, corporate personality and lifting the corporate veil, Forms of Corporate and non-Corporate Organisations; Corporations, partnerships and other associations of persons, state corporations, government companies, public sector private sector, their-role, functions and accountability of companies
- Unit-2.** Incorporation, Memorandum of Association - various clauses - alteration therein - doctrine of ultra vires, Articles of Association - binding force alteration - its relations with memorandum of association - doctrine of constructive notice and indoor management exceptions, Prospectus - issue - contents - liability for misstatements - statement in lieu of prospectus, Promoters - position - duties and liabilities
- Unit-3.** Shareholders: Shares - general principles of allotment statutory restrictions - share certificate its objects and effects - transfer of shares - restrictions on transfer - procedure for transfer - refusal of transfer - role of public finance institutions - relationship between transferor and transferees - issue of shares at premium and discount, Shareholder - who can be and who cannot be a shareholder modes of becoming a shareholder calls on shares - forfeiture and surrender of shares - lien on shares rights and liabilities of shareholder, Share capital - kinds - alteration and reduction of share capital - further issue of capital - conversion of loans and debentures into capital duties of court to protect the interests of creditors and shareholders.
- Unit-4.** Directors - position - appointment - qualifications, vacation of office - removal, resignation - powers and duties of directors - meeting, registers, loans remuneration of directors - role of nominee directors - compensation for loss of office - managing directors and other managerial personnel, Meetings - kinds procedure – voting.
- Unit-5.** Dividends, Debentures, Borrowing Powers: Dividends - payment - capitalization of bonus shares, Audit and accounts, Borrowing - powers - effects of unauthorised borrowing - charges and mortgages - loans to other companies investments - contracts by companies, Debentures - meaning- floating charge - kinds of debentures - shareholder and debenture holder - remedies of debenture holders.
- Unit-6.** Majority rule: Protection of minority rights, Prevention of oppression and mismanagement, who can apply - when can he apply, powers of the court and of the Central Government.
- Unit-7.** Other Allied Aspects: Private companies - nature advantages conversion into public company foreign companies, government companies, holding and subsidiary companies, Investigations– Powers, Reconstruction and amalgamation, Defunct Companies. National company Law Tribunal, powers and functions.
- Unit-8.** Law and Multinational Companies: Collaboration agreements for technology transfer, Control and regulation of foreign companies taxation of foreign companies, share capital in such companies.
- Unit-9.** Winding Up: Winding up - types - by court - reasons - grounds - who can apply - procedure, powers of liquidator - powers of court consequences of winding up order- voluntary winding up by members and creditors winding up subject to supervision of court.

Unit-10. Winding up proceedings: appointment of liquidator, powers and duties of official liquidator; Liability of past members - payment of liabilities - preferential payments, unclaimed dividends - winding up of unregistered company.

Statute Prescribed:

Companies Act, 2013

Books Recommended:

1. Avatar Singh: Company Law, Eastern Book company, Lucknow
2. Anantha Raman, lectures on company Law, Wadhwa and Company
3. KailashRai, Company Law , Allahabad Law Agency, Allahabad
4. Majumdar, Company Law, Taxman Publications
5. Tandon M.P. ,Company Law, Allahabad Law Agency, Allahabad
6. Palmer, Company Law
7. .Gover, Company Law
8. Ramaih, A Guide to Companies Act, Wadhwa Publications

Paper – 3.4

PUBLIC INTERNATIONAL LAW

Unit-1.STATES AS SUBJECTS OF INTERNATIONAL LAW

Nature of International Law

Evolution nature of state as a subject of International Law

Criteria of Statehood

Distinction between State and Governments

Recognition of States and Governments

The notion of State Succession

Unit-2.STATES AS MAKERS OF INTERNATIONAL LAW

Custom- Creation through State Practice

Concept of “State practices” creative of “Custom”

Types of Custom

Proof of Custom

Place of customary International Law in the evolution, and for the future, of international law

Treaties

Concept of treaties

Types of treaties (bilateral/regional/multilateral; dispositive/non dispositives; Law – creating)

Authority to enter into treaties with special reference to India and SAARC

Essential of a valid treaty, with special reference to Jus Cogens

State Succession to treaties

Selected problems in treaty interpretation

Unit-3.International adjudication

General principles of civilized nations and juristic writing (publicists) as acknowledged Subsidiary

International Law Creating Act.

The Resolution of the General Assembly as Law Creating Acts

The Status of Specialized United Nations Agencies

- The role of international NGO's in international law creation
- Unit-4.** Individuals, non state communities and peoples in international law
 - The traditional discourse concerning Individual as a subject and object of international law
 - The basic modification, post charter, in the position of the individual
- Unit-5.** Equitable resource utilization and just world order
 - The traditional concepts of State Jurisdiction
 - The reformulation of the law of the common heritage or mankind
 - From mare liberum to the common heritage of mankind
- Unit-6. SEA LAW**
 - Territorial Waters
 - Continental Shelf
 - Sea – bed and Ocean – floor
 - Special problem of Antarctica.
- Unit-7. AIR LAW**
 - The law of outer space, the moon Treaty, Geo Stationary object in outer space
 - Problems of liability in the case of hazards
 - The emerging law concerning trans – boundary pollution accident (Chernobyl, Basse and Bhopal)
- Unit-8. INTERNATIONAL ECONOMIC LAW**
 - The IBRD, The IMF
 - The GATT
 - The UNCTAD; W.T.O
- Unit-9. INTERNATIONAL ORGANISATION**
INTERNATIONAL ORGANISATIONS
 - League of Nations
 - United Nations
 - The General Assembly
 - The Security Council
 - The International Court of Justice (ICJ)
 - The Economic and social Council
 - The Trusteeship Council
 - The Secretariat
 - Specialised Agencies
 - International Labour Organisation (ILO)
 - World Health Organisation (WHO)
 - United Nations Educational, Scientific and Cultural Organisation (UNESCO)
- Unit-10.** International Law - Terrorism

PAPER –3.5
INTERPRETATION OF STATUTES
(Optional – I)

Unit-1.INTRODUCTION

- Difference between construction and interpretation
- Concept and power of interpretation
- Literal construction
- Other principles of interpretation
- General principles of interpretation
- The Primary rule: literal construction
- The other main principles of interpretation
- Reading words in their context: the external aspect
- Reading words in context: the statutory aspect

Unit-2.BENEFICIAL CONSTRUCTION

- Restrictive construction
- Consequence to be considered
- Presumption against changes in the common law
- Mens rea in statutory offences
- Construction to prevent evasion of abuse
- Consequence to prevent evasion
 - Construction to prevent abuse of powers

Unit-3.

- Theoretical or ideological approaches to interpretation
- Judicial restraint
- Judicial activism
- Juristic restraint

Unit-4.PRESUMPTIONS REGARDING JURISDICTION

- Presumptions against ousting established jurisdictions
- Presumptions against creating new, and enlarging established jurisdictions
- How far statutes affect the crown
- Further presumptions regarding jurisdiction
- Territorial extent of British legislation
- How far statutes conferring rights affect foreigners
- Presumptions against a violation of international law

Unit-5.CONSTRUCTIVE TO AVOID COLLISION WITH OTHER PROVISIONS

- Construction most agreeable to justice and reason
- Presumption against intending what is inconvenient or unreasonable
- Presumption against intending injustice or absurdity
 - Presumption against impairing obligation, or permitting advantage from one's own wrong
- Retrospective operation of statutes

EXCEPTIONAL CONSTRUCTION

- Modification of the language to meet the intention
- Equitable construction
 - Strict construction of penal laws
 - Statutes encroaching on rights or imposing burdens

Unit-6.SUBORDINATE PRINCIPLES

Usage and contemporanea exposition
Construction imposed by statute
Construction of words in bonam partem
Change of language
Understanding associated words in a common sense, and the expressio unius rule
Generic words following more specific
Meaning of some particular expression

Unit-7. Intentions attributed to the legislature when it expresses none

Imperative and directory enactments
Absolute and qualified duties
Impossibility of compliance
Waiver
Public and private remedies

Unit-8. STARE DECISIS

The doctrine as inherited by us
Techniques of innovation (subversion) of stare decisions
Supreme Court's authority to overrule its own decisions (e.g. The Antulay's Case)
Advisory jurisdiction and its import on precedent
Prospective overruling in India
Objections to judicial review as anti majoritarian

Unit-9. STATUTORY INTERPRETATION AS ASPECTS OF JUDICIAL PROCESS

Rules of statutory interpretation their judge made character
Legalism and rule of literal interpretation
Creativity: mischief and golden rule
Self discipline: rules of construction in Fiscal and Criminal Statutes
Technicality rules as to necessary and implied repeal: Rules for interpretation of codifying, consolidating and amending statute
Values and interpretation

Unit-10. CONSTITUTIONAL INTERPRETATION

Differentiation from statutory interpretation; Rex Vs. Burah as example
Literal interpretation
Harmonious construction
Reference to Constituent Assembly debates

Pith and Substance

10.6. Occupied field

10.7. Residuary power

10.8. Repugnancy

10.9. Amending power

10.10. Directive Principles as sources of Constitutional Interpretation

IV SEMESTER

PAPER –4.1

LABOUR LAW – II

Unit-1.REMUNERATION FOR LABOUR

Theories of Wages: marginal productivity, subsistence, wages fund, supply and demand, residual claimant, standard of living
Concepts of Wages (minimum wages, fair wages, living wages, need based minimum Wages)
Components of Wages: dearness allowance, principles of fixation
Disparity in Wages in different sectors: need for rationalization and national approach
Wage determining process: modes and modalities
Unilateral fixation by employer
Bilateral fixation
Conciliation, arbitration and adjudication
Wage Board and Pay Commission
Principles of wage fixation
Concept of bonus; computation of bonus
Protection of Wages: nonpayment, delayed payment, unauthorized deductions, remedial measures

Unit-2.Health and Safety

Obligations for health and safety of workmen legislative controls: factory, mines and plantations
Employer's liability
Workmen's Compensation
Employees State Insurance
Liability for hazardous and inherently dangerous industries; environmental Protection

Unit-3.Labour Welfare

Welfare provided by the employers and through bipartite agreements and by statutory prescription
Provident Fund and Family Pension
Gratuity
Interstate migrant workmen; regulation of employment and conditions of service
Regulation of working hours: Statutory controls
Woman and labour force
Equal Remuneration Law, maternity benefits protective provisions for women under Factories, plantations and mines laws
Employment of young persons: prohibition of employment of children, regulation of employment of young persons

Unit-4.Protection of the weaker sectors of labour

Tribal labour: need for regulation
Beedi workers
Unorganized labour like domestic servants: problems and perspectives
Bonded labour: socio – economic programmes for rehabilitation
Contract labour regulation
Constitutional dimensions of labour standards

Unit-5. Law relating to wages and bonus :Theories of wages: marginal productivity , subsistence, wage fund , supply and demand , residual claimant , standard of

leaving concepts of wages (minimum wage, fair wage, leaving wage, need-based minimum wage): Constitutional provisions : Components of wages:

Minimum wages Act, 1948: Objectives and constitutional validity of the Act: procedure for fixation and revision of minimum rates of wages: exemptions and exceptions :

Payment of wages Act, 1936: Regulation of payment of wages Authorized Deductions ,

Payment of Bonus Act,: Bonus- Its Historical back ground , present position and exemptions , Payment of Bonus (Amendment) Act, 2007

Unit-6.Social Security against employment injury and other contingencies :

Concept and development of social security measures :

Concept of ‘Accident arising out of’ and ‘in the course of the employment ‘ :

Doctrine of notional extension and doctrine and added peril:

Total and partial disablement:

Quantum and method of distribution of compensation

Employers liability to pay compensation for employment injury: Legal Protection : Workmen’s Compensation Act, 1923

Benefits provided under the Act:

Employees State Insurance Fund and Contributions:

Machinery for the implementation of the Act:

ESI Court and appeal to High Court

Employees State insurance Act, 1948:

Unit-7.Law relating to retirement benefits :

Employees Provident Fund and Miscellaneous Provisions Act, 1952; Family Pension Scheme 1971 and Employees Pension Scheme 1995:

The changing rules regarding Employees Provident Fund and Pension Schemes;

Payment of Gratuity Act, 1972 – Concept of gratuity, Eligibility for payment of gratuity, Determination of Gratuity, Forfeiture of gratuity

Unit-8.Contract Labour:

Problems of Contract Labour: Process of Contractualisation of labour

Legal Protection: Contract Labour (Regulation and Abolition) Act, 1970;

Controversy regarding Abolition of contract labour and their absorption; Land mark cases: Air Indian Statutory Corporation. V. United Labour Union, (1977) & SAIL case (2002);

Proposed amendment and its impact on the contract labour.

Unit-9.Unorganized Sector:

Problem of Definition and Identification; Unionization problems

Historical backdrop of proposed bills on social security for unorganized sector (2004, 2005 & 2007)

Unorganized Sector Worker’s Social Security Act, 2008.

Unit-10. LAW REFORMS

PAPER -4.2
FAMILY LAW – II

Unit-1. JOINT HINDU FAMILY (MITHAKSHARA AND DAYABHAGA)

Mithakshara Joint Families

Mithakshara coparcenary – formation and incidents, Property under Mithakshara law – separate property

coparcenary properties

Dayabhaga coparcenary - formation and incidents

Property under Dayabhaga law Kartha of the Joint Family – his position, powers privileges and obligations

Alienation of property – separate and coparcenary

Debts – Doctrine of Pious Obligation and antecedent debt

Partition and Re – union

Unit-2. Joint Hindu Family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws in it

Unit-3. INHERITANCE

Hindus

Historical perspective of traditional Hindu Law as background to the study of Hindu Succession Act, 1956.

Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act, 1956

Devolution of interest in Mithakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956

Succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956

Disqualifications relating to Succession

General rules of Succession

Marumakkattayam and Aliyasantana Laws governing people living in Travancore, Cochin and the districts Malabar and South Canara

Unit-4. NEW PROPERTY CONCEPTS, SUCH AS SKILL, JOB ETC, AS NEW FORMS OF PROPERTY

Unit-5. SETTLEMENT OF SPOUSAL PROPERTY:

5.1. A need for development

Unit-6. MUSLIM LAW OF INHERITANCE AND SUCCESSION

Rules governing Sunni and Shiva law of inheritance

Differences between Shia and Sunni laws

Administration of Estates

Unit-7. Wills under Muslim Law

Unit-8. INDIAN SUCCESSION LAW

Domicile

Intestate succession

Unit-9. Will – Codicil

Interpretation - re vocation of will

Bequests – Conditional – Contingent or void bequests

Legacies

Pro- Sale and letter of administration

Executor – Administrators

Succession – Certificatio

Paper – 4.3

TAXATION LAW

- Unit-1.** a) Constitutional Provisions – Arts. 265 to 289 – Scope of Tax Laws :
b) Tax and Fee. Capital Receipt and Revenue Receipt distinguished.
- Unit-2.** Direct Tax Laws: a) Income Tax Law: Historical outline,
Definitions – ‘Income’ ‘Agriculture Income’ ‘ Previous Year’ and ‘Assessee’
Incidence of Tax and Residential Status.
Statutory exemptions (Ss 10 to 13A)
classification of Income and Heads of Income (Ss 14 to 59):
b) Assessment (Ss.109 to 158)
1. Collection and Recovery of Tax (Ss 19A – 234)
2. Double Taxation Relief/ Clubbing of Incomes (Ss 50-66).
- Unit-3.** Income Tax Authorities, a) Settlement of cases (S.245).
b) Appeals and Revisions (Ss246-269),
c) Penalties, offences and Prosecution (Ss270 -280).
- Unit-4.** Wealth Tax Act: Definitions of Asset, Net Wealth. Valuation Date , Deemed Assets .
Exempted Assets.
- Unit-5.** Indirect Tax Laws:
- Unit-6.** a) Central Sales Act.1956 – Historical outline – Definitions – A detailed study of S. 4
to 6A – Registration of Dealers –Liability in special cases (Ss 16 to 18):
- Unit-7.** A.P. General Sales Tax Act, 1957 –Definitions: Business – Dealer-Casual Dealer –
Total turnover – Registration of dealers (S. 12)
- Unit-8.** VAT. Scope of VAT, problems and prospects in its application,
- Unit-9.** Sales Tax Authorities (Ss3 and 4)
- Unit-10.** Reforms in Law

Paper – 4.4

INTELLECTUAL PROPERTY RIGHTS LAWS

(OPTIONAL -II)

- Unit-1. Introduction**
The meaning of intellectual property
Competing rationales of the legal regimes for the protection of intellectual Property
The main forms of intellectual property; copy right, trademarks, patents, designs,
geographical indicators, merchandise, franchise and forms of unfair competition
The competing rationales for protection of rights in
- Unit-2. Copyright - Trademarks - Patents – Designs**
Introduction to the leading international instruments concerning intellectual Property
rights:
The Berne Convention, Universal Copyright Convention,
The Paris Union the World Intellectual Property Rights Organization (WIPO)
UNESCO
TRIPS
TRIMS

WTO

Unit-3. SELECT ASPECTS OF THE LAW OF COPYRIGHT IN INDIA

Historical evolution of the law

Meaning of copyright

Copyright in literary, dramatic and musical work

Copyright in cinematograph films

Ownership of copyright

Assignment of copyright

Author's special rights

Notion of infringement

Criteria of infringement

Infringement of copyright by films of literary and dramatic works

Importation and infringement

3.12. Fair use provisions

3.13. Video piracy

3.14. Aspects of copyright justice

Unit-4. Remedies, especially the possibility of Anton pillar injunctive relief in India

Unit-5. INTELLECTUAL PROPERTY IN TRADEMARKS

The rationale of protection of trademarks as
an aspect of commercial and
of consumer rights

Definition; conception of trade marks

Registration

Distinction between trademark and property mark

The doctrine of honest concurrent user

The doctrine of deceptive similarity

Passing off and infringement criteria of infringement

Standards of proof in passing off action

Unit-6. Remedies

Unit-7. THE LAW OF INTELLECTUAL PROPERTY – PATENTS

Conception of patent

Historical overview of the patents law in India

Patentable inventions with special reference to biotechnology products entailing
creation of new forms of life

Process of obtaining a patent: application, examination, opposition and sealing of
patents; general introduction

The problem of limited locus standi to oppose, specially in relation to inventions
having potential of ecological and mass disasters

Wrongfully obtaining the invention

Prior publication or anticipation

Obviousness and the lack of inventive step

Insufficient description

Rights and obligations of a patentee

Patents as chose in action

Duration of patent: law and policy consideration

Use and exercise right

Right to secrecy

The notion of abuse of patent rights

Special categories

Employee invention: law and policy consideration

Combination and selection patents
International patents, transfer of technology, know how and problems of self-reliant development
Biotechnology Patents
Patents in nuclear power – new varieties of plant breeds and medicinal plants
Compulsory licenses
Infringement
Criteria of infringement
Onus of proof
Modes of infringement: the doctrine of colorable Variation
Defense in suits of infringement

Unit-8. Remedies

Unit-9. Intellectual property and remedies under Criminal Law Consideration of some aspects of reform in the law of intellectual property

Unit-10. Information Technology and exclusive marketing rights

Paper – 4.5 –
LAND LAWS INCLUDING TENURE AND TENANCY SYSTEM
(OPTIONAL –III)

Unit-1. Ownership of land doctrine of eminent domain

Unit-2. Doctrine of Escheat

Unit-3. Movement of land reforms

Pre – independence position zamindari settlements, ryotwari settlement, mahalwari system, intermediaries, absentee landlordism, large holdings

Post independence reforms

Abolition of Zamindari

Laws relation to abolition of intermediaries

Unit-4. Laws relating to acquisition of property and government control and use of land, Land Acquisition Act, 1894

Unit-5. Laws relating to ceiling on land holding

Unit-6.

Urban land ceiling

Agricultural land ceiling

Unit-7. Laws relating to tenancy reforms

Land to the tiller

Rent control and protection against eviction

Unit-8. Laws relating alienation/ assignment in scheduled areas

Unit-9. Laws relating to grabbing

Unit-10. Forest laws: Conservation of Forest Act

V SEMESTER

Paper – 5.1

CIVIL PROCEDURE CODE AND LIMITATION ACT

Unit-1.INTRODUCTORY

Concepts of Civil Procedure in India before the advent of the British Rule
Evolution of Civil Procedure from 1712 to 1901
Principle features of the Civil Procedure code
Importance of State Amendments
Types of procedures – inquisitorial and adversary importance of observance of procedure

Unit-2.SUITS

Concept of laws suit
Order I, Parties to suit
Order II, Frame of suit
Order IV, Institution of suit
Bars and suit; Doctrines of Sub Judice and Res judicata
Place of suing (Sec. 15,20) Territorial jurisdiction
'Cause of Action' and Jurisdictional bars
Summons (Sections 27,28,31 Orders IV, VI, IX)
Service of foreign summons (sec. 29)
Power for order (sec. 30, order XI)

Unit-3.PLEADINGS: (ORDER VI)

Material Facts
Forms of pleading
Condition precedent
Presumptions of law
Striking out/amendment

Unit-4.PLAINT: ORDER VII

Particulars (esp. in money suits/suits for immovable property)
Showing defendants interest and liability
Ground of Limitation
Return of plaint
Rejection of plaint
Production and listing of documents
Written Statement
Counter claim
Set off
Framing of issues

Unit-5.APPEARANCE AND EXAMINATION

Appearance
Exparte procedure
Default of portion
Summoning and attendance of witnesses
Examination
Admissions
Production, Importing, Return of Documents
Hearing
Affidavit
Order XVII
Adjournments , judicial discretion and problems arrears

Unit-6.JUDGMENT AND DECREE

Concepts of judgment decree and interim Orders and stay
Injunctions
Appointment of Commissions, Receivers
Costs

Unit-7.EXECUTION (ORDER XXI)

Concept of 'Execution'
General Principles of Execution
Power for Execution of Decrees (sec.38-46)
Procedure for Execution (sec51-54)
Enforcement: Arrest and Detention (sec 55-59)
Attachment (sec 60-64)
Sale (sec 65-67)

Unit-8.SUITS IN PARTICULAR CASES:

Suits by or against Government (sec 79-82)
Suits by aliens and by or against foreign Rulers Ambassadors (Sec 83,87(a))
Suits relating to public matters (sec 91,93)
Incidental and supplementary proceedings (sec75-78, 94-95)
Suits by or against minors, persons with unsound mind, indigent persons etc.
Inter pleader suits

Unit-9.APPEALS AND COMMISSION

Appeals from Original Decrees (sec. 96-99A) and Order XLI
Appeals from Appellate Decrees (Sec 100-103)
Appeals from Orders (sec 101-106) (Order XLIII)
General Provisions Relating to Appeals (sec 107-108)
Appeals to the Supreme Courts (sec109)
The rationale of Commissions
Order XXVI
Social-legal Commissions of inquiry in : Social Action or 'Public' Interest Litigation

Unit-10.LIMITATION

Concept of limitation-why limitation?
General principles of Limitation.
Extension-Sufficient cause-acknowledgement
Legal Disability-condo nation-when comes to an end?
Limitation Act of 1963 (excluding Schedules)

PAPER-5.2
LAW OF CRIMES – II
(Criminal Procedure Code)

Unit-1.INTRODUCTORY

The rationale of Criminal Procedure: The importance of Fair Trial
Constitutional perspectives: Articles 14,20 and 21
The variety of Criminal procedures
The organization of Police, prosecutor, Defense, Counsel and Prison Authorities and their duties, functions and powers
Types of procedures-inquisitorial and Advisory-importance of observance of procedure

Unit-2.PRE-TRIAL PROCESS ARREST :SEARCH AND SEIZURE

The distinction between cognizable and non-cognizable offences: relevance and adequacy problems
Steps to ensure accused's presence at trial: Warrant and summons cases
Arrest with and without warrant (sec 70-73 and 41)
The absconder's status (sec82-85)
Rights to arrest
Rights to be informed of the grounds of arrest (sec.55,60(1),75)
Rights to be taken to the Magistrate without delay (sec56-57)
Rights of not being detained for more than 24 Hours (sec 57 Article 22(2) of the Constitution of India)
Rights to consult legal practitioner and legal aid
Rights to be examined by a medical practitioner (sec54)
Search warrant (sec.83,94,97,98)and Searches without warrant (sec.103)
Police search during investigation (sec, 153, 165,166)
General Principles of search (sec.100)
Seizure (sec.102)
Constitutional aspects of validity of search and seizure proceedings

Unit-3.PRE – TRIAL PROCESS: FIR

FIR (sec.154)
Evidentiary value of FIR (sec. 145,157 of Indian Evidence Act)
Pre – trial process: Magisterial power to take cognizance (sec.195-199 Cr.P.C.)

Unit-4.TRIAL PROCESS AND FAIR TRIAL

Commencement of proceedings (sec.200, 201,202)
Dismissal of complaint (sec. 203,204)
Bail
Bailable and non – bailable offences (sec.436,437,439)
Cancellation of bails (sec.437(5))
Anticipatory Bail (sec.438)
Appellate Bail powers – suspension of sentence (sec.389(1),395(1), 437(5))
General Principles concerning bond (sec.441-450)
Constitutional principles regarding bail
Conception of fair trial
Presumption of innocence
Venue of trial (sec.177-189) jurisdiction of criminal courts
Right of accused to know the accusation (sec.221-224)
The trial must generally be held in accused's presence (sec.205, 273, 317)
Right of cross examination and to offer evidence in defense
Constitutional interpretation of Article 21 as a right to speedy trial

Unit-5.CHARGE

Form and content of charge (sec.211, 212, 216)
Separate charges for distinct – offences (sec.218, 219, 220, 221, 223)

Unit-6.PRELIMINARY PLEAS TO BAR THE TRIAL:

6.1. Jurisdiction (Sec.26, 177-188, 461, 462, 479)
Time limitations – Rationale and scope (sec.468, 473)
Pleas of autrefois acquit and autrefois convict (sec.300, 22(d))
Issues – estoppel

Unit-7.TRIAL BEFORE A COURT OF SESSION

(Procedural steps and substantive rights under sec.226- 236)

Unit-8.JUDGEMENT

Form and content (sec.354)
Summary trial (sec. 260-265)
Post conviction orders in lieu of punishments; emerging panel policy(ss.360, 361, 31)
Compensation and cost (sec.357, 358)
Modes of providing judgment (sec.353, 362, 363)

Unit-9.APPEALS AND REVISION

No appeal in certain cases (sec.372, 375, 376)
The rationale of appeals, review, revisions
The multiple range of appellate remedies
Supreme Court of India (sec. 374, 379, Articles 132, 134)
High Court (sec.374)
Sessions Court (sec.374)
Special right to appeals (Sec. 380)
Governmental appeal against sentencing (sec.377, 378)
Judicial power in disposal of appeals (sec.168)
Legal aid in appeals

Unit-10.PROBATION AND PAROLE AND PROCEDURE UNDER PROBATION OF OFFENDERS ACT AND SPECIAL PROCEDURES IN CRIMINAL MATTERS

10.1.Problems and principles
10.2.Suspension of sentence
10.3.Meaning of Parole
10.4.Authority granting parole
10.5.Supervision
10.6.Conditional release
 Procedure under Juvenile Justice Act.
Juvenile Justice system 10.9.Treatment and rehabilitation of juveniles
 Juvenile – adult crimes
 Protection juvenile offenders, legislative and judicial role
 Concept of juvenile delinquency

Paper – 5.3

LAW OF EVIDENCE

Unit-1.INTRODUCTORY

Conceptions of evidence in classical Hindu and Islamic Jurisprudence
Evidence in Customary Law Systems (Non – state law)
The introduction of the British ‘Principles’ of evidence
The main features of the Indian Evidence Act.
Other Acts. Which deal with evidence (special reference to CPC, Cr.P.C., Central Act. Such as Banker’s Book Evidence Act., Fiscal and Revenue Laws etc.,
Problem of Applicability of Evidence Act.
Administrative Areas
Administrative Tribunals
Industrial Tribunals
Commissions of Enquiry
Court – martial

Need for industrial Tribunals, Commissions of Enquiry, Court Martial, Unfair means of examination, Arbitration, Disciplinary proceedings

Unit-2.CENTRAL CONCEPTIONS IN LAW OF EVIDENCE

Facts: Sec. 3; Definition, distinction (relevant facts/ facts in issue)

Evidence: Oral and documentary (is 'real' or 'material' evidence Covered by this) –

Primary and Secondary evidence

Circumstantial Evidence, Direct Evidence and Hearsay evidence

Presumption (sec.4)

'Proved' , 'Disproved' and Not Proved.

Witness

Appreciation of Evidence

Unit-3.FACTS: RELEVANCY

The Doctrine of Res Gestae (sec.6,7,8,9)

Evidence of Common Intention (sec.10)

The problems of relevancy of 'Otherwise' Irrelevant become Relevant Facts (sec.11)

Relevant facts for proof of custom (sec. 13)

Facts concerning bodies and mental state (sec.14 & 15)

Unit-4.ADM ISSIONS AND CONFESSIONS

General principles concerning Admissions(sec. 17-23)

Differences between 'Admission' and 'Confession' The problems of non – admissibility of confessions Caused by inducement, threat or promise (sec. 24)

Inadmissibility of Confession made before a Police Officer (sec.25)

Admissibility of 'Custodial' Confessions (sec 26)

Admissibility of 'information' received from an accused Person in custody; with special reference to the problem of discovery based on 'Joint statement' (sec. 27)

Confession by Co – accused (sec. 30)

The problems with the judicial action based on a 'Retracted Confession'

Unit-5.DYING DECLARATION OTHER STATEMENTS BY PERSONS WHO CAN NOT BE CALLED AS WITNESSES

The justification for relevance on dying declaration (sec. 32)

The judicial standards for appreciation of evidentiary value of dying declarations

Section 33(2) to (8); General Principles

Special problems concerning violation of women's rights In marriage in the Law of Evidence (sec. 32 (6))

Unit-6.RELEVANCE OF JUDGMENTS

General principles (sec. 40 – 44)

Admissibility of Judgments in civil and criminal matters (sec. 43)

'Fraud and "Collusion" (sec.44)

Unit-7.EXPERT TESTIMONY

General Principles (sec. 45- 50)

Who is an Expert? Types of Expert Evidence

Opinion on Relationship especially proof of marriage (sec. 50)

The Problems of Judicial defense to expert testimony

Unit-8.ORAL AND DOCUMENTARY EVIDENCE

General Principles concerning oral evidence (sec. 59 -60)

General principles concerning documentary Evidence (sec. 67 – 90)

General Principles Regarding Exclusion of oral by Documentary Evidence

Special problems regarding Hearsay Evidence

Estoppel in relation to oral and Documentary Evidence

Unit-9. WITNESSES, EXAMINATION AND CROSS EXAMINATION

Competency to Testify (sec. 118)
State Privilege (sec. 123)
Professional Privilege (sec. 126,127, 128)
Approver Testimony (sec.133)
General Principles of Examination (sec. 135 – 166)
Leading Questions (sec. 141- 143)
Lawful Questions in Cross Examination (sec. 146)
Compulsion to answer questions put to witness (sec. 147, 153)
Hostile Witness (sec. 154)
Impeaching of the standing or credit of witness (sec. 155)

Unit-10. BURDEN OF PROOF AND ESTOPPEL

The General and Special Exceptions to Probandi (sec. 101)
General and Special Exceptions to Onus Probandi
The justification of presumptions of the Doctrine of Judicial Notice
Justification as to presumption as to certain offences (sec. 113- A)
Presumptions as to Dowry Death (sec. 113 – B)
The Scope of the Doctrine of Judicial Notice (sec. 114)
Why Estoppel? Introduction as to the Rationale (sec. 115)
Estoppel, Resjudicata and Waiver: and Presumption
Estoppel as a matter of
Estoppel by Deed
Estoppel in fact
Equitable and promissory Estoppel
Questions of corroboration (sec. 156, 157); Accomplice
Improper admission and of witness in civil and criminal cases - Arising out of discussion of these areas the class should take up issues of law reform. The Sixty Ninth Report on the Indian Evidence Act by the Law Commission of India proposes many Changes. Some of these must be by promotion of Human Rights in the administration of justice

Paper –5.4

BANKING LAW

(Optional Paper – IV)

Unit-1. The Nature and Development of Banking

History of Banking in India – Evolution
Constitutional perspectives – Union list entries 36,37, 38,43,44,45 And 46 State list, entry 30 of List ii

Unit-2. RELATIONSHIP OF BANKER AND CUSTOMER

Banker, banking business, meaning of customer, types of accounts
Contract between banker and Customer, general relation, legal relation, their rights and duties
Banker's Lien
Banking instruments, bank notes, bankers drafts, deposit receipts, Letter of credit, indemnities, traveler's cheques, postal order, Dividend warrants, bonds

Unit-3. LAW RELATING TO BANKING COMPANIES IN INDIA

3.1. The Banking Companies Act. 1949, Extent and application, business of Banking companies, control and management by reserve bank, suspension of business and

winding up of banking companies, special provisions for speedy disposal of winding up of proceedings

Unit-4. The Banking Regulation Act. 1948, extent and application business of Banking companies, provisions for winding up

Unit-5. Reserve Bank of India Act. 1934 characteristics, and functions, objectives legal status and organizational structure, functions such as; banking, Currency, banker to government, exchange control over non banking companies and supervision of other banks (see sections 17,18 and 42). Co – operative banking law: Banking Regulation (Co- operative Societies) Rules, 1966 – Co –operative Credit Society Act. 1904 and 1970

Unit-6. NATIONALISATION OF BANKS:

Banking Companies (Acquisition and Transfer of undertaking) Act. 1969 and 1970

Legislative competence for nationalization: Entries 43, 44 and 45 of List – I Entry 42 of List – III, Entry 7 and 52 of List – I, Entries 24, 26, 27 of List – II, 33 of List – III: Entries 54, 56 of List – I: Articles 19(1) (f), 19(5), 31, 31 (1)

Banks before and after nationalization: growth, assets and liabilities, efficiency and profitability, recovery frauds in banks, bank robberies

Unit-7. FOREIGN EXCHANGE CONTROL AND BANKING FOR NON-RESIDENTIAL INDIANS

7.1. FERA , 1974, authorized dealers in foreign exchange, restrictions on dealing on payment (Sections 3 to 10, 13 to 17, 19 22 to 27 only)

Unit-8. Law relating to negotiable instruments: Negotiable Instruments Act. 1881

Meaning, Kinds of negotiable instruments, promissory notes

Bills of exchange, holder, holder in due course, parties

Negotiation, presentment, discharge from liability

Dishonour, noting and payment forhonourcheques, crossing of cheques, pledge land II stocks, shares, life policies, documents of title to goods, guarantee and hypothecation

Unit-9. Reforms in Indian Banking Law: The Indian banking commission and banking laws, committee of Government of India, A review of their Recommendations

BOOKS RECOMMENDED FOR STUDY

1. Sheldon, Law of Banking

2. Tunner, Law of Banking

3. Gulati, Banking Companies Act.

4. Maheswari, Banking Law and Practice

5. Ravi. R Mehta, Fundamentals of Banking

6. Promod Kumar Mukherjee, Modern Banking Theory

7. S.G.Panandikar, Banking in Indi

PAPER – 5.5
MEDIA LAW WITH RTI ACT

(OPTIONAL PAPER – V)

- Unit-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-2.** Press – Freedom of speech and Expression – Articles 129 (1) (a): Includes Freedom of the press, Laws of defamation, obscenity, blasphemy and sedition, Law relating to employees wages and service conditions, Price and page Schedule Regulation, Newsprint and Control Order, Advertisement – is it included with in freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act
- Unit-3.** Films -How far included in freedom of speech and expression? Censorship of films – Constitutionally, The Abbas Case, Difference between films and press – Why Pre censorship valid for films but not for the press? Censorship under the cinematography Act.
- Unit-4.** Radio and Television – Government Monopoly; Why Government department? Should there be an autonomous corporation? Effect of television on people. Report of the Chanda Committee, Government Policy, Commercial advertisement, internal security of serials, etc. judicial Review of Doordarshan decisions: Freedom to telecast.
- Unit-5.** Constitutional Restrictions; Radio and television subject to law of defamation and obscenity, Power to legislate – Article 246 read with the seventh schedule, Power to impose tax – licensing and license fee.
- Unit-6.** Right to Information: Development of RTI in India
- Unit-7.** Right to Information Act , 2005; its implementation
- Unit-8.** Right to Information Decisions; Decisions of Judiciary
- Unit-9.** RTI and Decisions of Chief Central Information commissions and State Information Commission under the RTI Act, 2005.
- Unit-10. Law Reforms in India**

Books Recommended :

1. M.P.Jain, Constitutional Law of India (1994) Wadhwa.
2. H.M. Seervai, Constitutional Law of India Vol.1. (199)Tripathi, Bombay.
3. Rajeev Dhavan “On the law of the Press in India” 26Jl.L/288(1984).
4. Rajeev Dhavan, “Ligitimating Government Rehtoric: Reflections on some Aspects of the Second Press commission “ 26 J. L /391 (1984)
5. Soil Sorabjee, Law of person Censorship in India (1976).
6. Justice E.S. Venkatramaiah, Freedom of Press: some Recent Trends (1984)
7. D.D. Basu, The Law of Press of India (1980)
8. Right to Information Act, 2005, SP Sathe, 2006.
9. Right to Information in India, Solu Nigam

VI SEMESTER

Paper – 6.1
PRACTICAL TRAINING – I
DRAFTING, PLEADING AND CONVEYANCING

A **DRAFTING:**

General Principles of drafting and relevant substantive rules shall be taught.

B **PLEADINGS:**

1 CIVIL

- 1 : Plaint
- 2 :Written statement
- 3 :Interlocutory Application
- 4 :Original Petition
- 5 :Affidavit
- 6 :Execution Petition
- 7 :Memorandum Petition
- 8 :Petition under Articles 226 and 32 of the Constitution of India

2 CRIMINAL

- 1 : Complaints
- 2 :Criminal Miscellaneous Petition
- 3 :Bail Application and

3. Memorandum of appeal and revision

C **CONVEYANCING:**

- 1 : Sale Deed
- 2 :Mortgage Deeds
- 3 :Lease Deed
- 4 :Gift Deed
- 5 : Promissory Note
- 6 : Power of attorney
- 7 : Will

Drafting and pleadings will include 15 exercises and carries 45 Marks,

conveyancing will include 15 exercises and carries 45 Marks.

These 30 exercises shall be recorded.

Each student shall be served with different Problems for the purpose of exercise.

Paper – 6.2
PRACTICAL TRAINING – II

PROFESSIONAL ETHICS AND ACCOUNTING SYSTEM

Unit-1.

Law and legal profession – development of legal profession in India
Right to practice – a right or privilege? Constitutional guarantee under article 19 (g) and its scope

Unit-2.

Regulation governing enrolment and practice. Practice of law – Whether a business?
Solicitors firm – whether and industry
Elements of advocacy

Unit-3. ETHICS

even lamps of advocacy
Advocates duties towards public, clients, court, towards other advocates and legal aid
Bar Council code of ethics

Unit-4. DISCIPLINARY PROCEEDINGS:

Professional misconduct – disqualifications
Functions of Bar Council of India/ State Bar Councils in dealing with disciplinary proceedings
Disciplinary committee
Disqualification and removal from rolls

* 50 Selected opinions of the Disciplinary Committee of Bar Councils And 10 major judgments of the Supreme Court on the subject to be Covered

Unit-5. Bar – Bench relations

Unit-6. ACCOUNTANCY OF LAWYER

Nature and functions of accounting
Important branches of accounting
Accounting and law
Use of knowledge of accountancy in legal disputes especially arising out of law of contracts, tax law etc.
Accountancy in lawyers office / firm
Basic financial statements

- * Income & Loss accounts
- * Balance sheet – interpretation thereof
 - Feature of Balance sheet

Standard costing

Paper – 6.3
PRACTICAL TRAINING – III
ALTERNATIVE DISPUTE RESOLUTION

Alternative Dispute Resolution (ADR) paper is by written examination for 50 marks and for 50 marks , a student is required to participate and learn

- Negotiation skills
- Conciliation skills
- Arbitration practice including international arbitration and arbitration rules by simulation programmes and case studies to be conducted by either by a legal practitioner or a senior teacher.
- The third component of this paper will be Viva Voce examination on all the above two aspects. This will carry 10 marks

Unit-1.Judicial dispute resolutions ; Characteristics, Operation Principles, Party participation and Control Short focus on issue, Reasoned Decision, Finality, Adversary Process, what course do and do not do effectively? Advantages and Disadvantages of such resolution.

Unit-2.Alternative dispute resolution , Alternative to formal adjudication – Techniques processes, Unilateral – Bilateral – Triadic (Third party) Intervention, Advantages – Limitations, Distinction between arbitration – conciliation and negotiation, Distinction between judicial settlement and alternative dispute resolution.

Unit-3.Self help, avoidance and lumping Negation mediation ,conciliational, arbitration and distinctions in between Alternate models in dispute resolutions, Role of Panchayat, Role of GramaSabhas, Lokpal, LokAdalats, Family Courts,

Unit-4.The Arbitration and conciliation Act, 1996. Background of the Act, Definitions of “Arbitration”, “Arbitrator”, Arbitration agreement”, Appointment of “Arbitrator”, grounds for changing the arbitrator, termination of Arbitrator.

Unit-5.Proceedings in arbitral tribunals and enforcement of awards, Arbitral Award Termination of Proceedings, Setting aside of arbitral award, Finality and Enforcement, Appeals, enforcement of foreign awards, New York and Geneva Convention Awards.

Unit-6.Section 89 and O-10, R-1-AB and C of CPC Conciliation, Meaning and definition conciliation agreement, appointment of conciliator, powers and function of conciliator, techniques of successful conciliation proceedings, enforceability.

Unit-7.Other Alternative modals of dispute resolution, Family Courts, Family Courts Act, 1984,family council ling techniques, Tribunals, Motor Accident.

Unit-8.Tribunals, MV Act, relevant provisions, Administrative Tribunals, Consumer Forums.

Unit-9.Legal Services Authority

Unit-10. Role of NGO’s in Dispute resolutions.

Paper – 6.4
PRACTICAL TRAINING –IV
MOOT COURT EXERCISE AND INTERNSHIP

This paper will have **three components of 30 marks each** and **viva voice is 10 marks**

A MOOT COURT (30 MARKS)

REQUIREMENTS:

1. Three Moot Courts in the year
2. 10 Marks for each
3. The Moot Court shall be based on assigned problem to be prepared by the faculty Concerned.
4. Evaluation by principal/ head concerned, an advocate and teacher concerned Out of 10 Marks allotted for each problem 5 Marks are to be allotted for written Submission and 5 Marks for oral advocacy
 - a. Written submission shall include brief summary of facts, issues involved provisions of land agreements, citation, prayer etc.
 - b. Marks for oral advocacy may be awarded for communications skills, presentation, language, provisions of law, authorities quoted, court manners etc.

B OBSERVANCE OF TRIAL in two cases, one Civilcase minimum and record his observations step by step of different stages of litigations/ proceedings in the 2/3 years of 3 years law course of 4/5 year in 5years law course

C INTERVIEWING TECHNIQUES AND PRE- TRIAL PREPARATIONS
(30 Marks)

REQUIREMENTS:

1. Each student has to maintain a dairy to record Interaction with clients, preparation of documents and court papers
2. The students should observe two interviewing sessions with clients at lawyers office/ legal Aid Office this shall be recorded in the dairy which will carry 15 Marks
3. Each student will further observe the preparation of documents and court paper and record such observance in the dairy. This carries 7.5 Marks
4. Each student shall observe the procedure for filling the petition and record the same in the dairy. This carries 7.5 Marks
5. The dairy shall clearly indicate the dates on which the above observations are made and shall be authenticated by the advocate concerned Evaluation of the above dairy shall be made by the teacher concerned and the advocate
6. There shall be a viva – voce examinations all the above three components. This carries 10 Marks

Paper – 6.5
PENOLOGY AND VICTIMOLOGY
(Optional Paper – VI)

Unit-1. Dimensions of Crime in India, Nature and extent of Crime in India

Reporting of Crime Statistics and problem of accurate reporting of Crime
Victim Studies, self – reporting
Costs of Crime, some factors for evaluating the rate of crime in India-
Territory: Population: Heterogeneity: Human values
General approaches to crime control
Continental approaches: Social defense
Social approaches: Crime Prevent Control
Crimes of the powerful, Organized crime-smuggling, traffic in narcotics
White collar crime:- corruption in public life, Socio
Economic crime: Adulteration of Food and Drugs: fraudulent trade practices
Crimes in the professions – Medical, Legal Engineering
State Criminality
Perpetrators of ordinary crime
The situation criminal
The chronic offender
Criminality of Women
Young offenders
Criminal gangs
Crimes of the marginalized with special reference to i. Forest offences; ii. States
offenders, vagrants, prostitution.

Unit-2. The Police and to Criminal Justice

The Police System
Structural organization of Police at the center and the states
Mode of recruitment and training
Powers and duties of police under the police acts
Criminal Procedure Code and other laws
Arrest, search and seizure and Constitutional imperatives
Methods of police investigation
Third degree methods, Corruption in police
Relationship between police and prosecution
Liability of police for custodial violence
Police Public relations, Select aspects of National Police Commission Report.

Unit-3. Punishment of Offender some discarded modes of punishment

Corporal punishment: Whipping and flogging
Mutilation and Branding
Transportation Exile
Public execution
An appraisal of these modes of punishment
Punishments under the Indian Criminals Law
Capital punishment
Imprisonment, Fine, Cancellation or withdrawal of licenses, etc,

Unit-4.The Prison system

Administrative organization of prisons
 Mode of recruitment and training
 The Jail Manual, Powers of prison officials
 Prisoners classification – Male, Female: Juvenile and Adult: Under trial
 Constitutional imperatives and prison reforms and convicted prisoners
 Open Prisons
 Violation of prison code and its consequences
 Appraisal of imprisonment as a mode of punishment.

Unit-5.Treatment and correction of Offenders

The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment,
 Classification of offenders through modern diagnostic techniques
 The role of psychiatrists, psychoanalysts and social workers in the prison
 vocational and religious education and apprenticeship programmes for the offenders
 Group counseling and re-socialization programmes
 Prisoners Organizations for self-government.
 Participation of inmates in community services,
 An appraisal of reformatory techniques suggested forms of treatment of offenders under the IPC (Amendment) Bill, 1972
 Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

Unit-6.Re-socialization processes**Unit-7.Probation, The Probation of Offenders Act, 1958.**

The attitude of judges towards probation, Mechanism of probation and standards of probation services,
 Problems and prospects of probation,
 The suspended sentence.

Unit-8.Parole, Nature of Parole

Authority for granting parole
 Supervision Paroles
 Parole and conditional release
 Release of the offender
 Problems of the released offender
 Attitudes of the Community towards released offender
 Prisoner Aid Societies and other voluntary Organization
 Governmental action
 An appraisal.

Unit-9.Nature and Development.

Its expanding dimensions, typology of victims, compensation, compensation by application of Article 21 and 300A
 Victim and criminal justice, emerging trends and policies.

Unit-10. Law Reforms

Introduction:

1. Criminology: Meaning and Definition
2. Criminology: Its Nature and Scope
3. Criminology: Whether a Science
4. Criminology and criminal Law
5. Criminology and Penology
6. Criminology,penology and Criminal Law

