

# **JSS LAW COLLEGE**

*AUTONOMOUS*

MYSORE



**LL.B. (3 Years)**

**SYLLABUS**

**2018-19**

**LL.B (3 Years)**  
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**COURSE I**  
**CONSTITUTIONAL LAW – I**  
**(CONSTITUTIONAL FEATURES AND PRINCIPLES)**

**Course Objectives:**

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

**Unit I**

Historical Background of the Indian Constitution.

Meaning of Constitution, Constitutionalism, Kinds of Constitution, Framing of the Constitution. (Act of 1909, 1919 & 1935) Constitutional Assembly and Various Committees; Nature of the Indian Constitution, Federalism Principles as practiced in India.

Features of Indian Constitution.

Preamble: Objectives and Values.

**Unit II**

The Union and its Territories (Art. 1-4).

Citizenship (Art.5-11) - Citizenship Act 1955, Citizenship Amendment Act, 2003, Overseas Citizenship.

Fundamental Rights: The Concept of State. (Art.12) –Pre-Constitutional and Post-Constitutional Law Art. 13; Right to Equality (Art. 14): New concept of Equality, Reasonable classifications.

**Unit III**

Prohibition of Discrimination (Art.15-16); Untouchability Art.17 and Abolition of Titles Art.18.

Right to Freedom: (Art 19 (1) (a-g) Reasonable Restrictions. Art.19 (2-6)

**Unit IV**

**Protection in respect of conviction of offences and Personal Liberty** (Art.20-22): Rights of the Accused - Ex post facto law, Double Jeopardy, Self-incrimination.

**Right to Life and Personal Liberty** – Scope and Limitation, Judicial Interpretation, Safeguards against arbitrary arrest and Preventive Detention

**Right against Exploitation** (Art.23-24): Forced labour and child employment.

**Freedom of Religion** (Art.25-28) Concept of Secularism (Judicial Interpretation).

**Cultural and Educational Rights** (Art.29-30), Safeguards to Minorities Educational Institutions.

**Unit V**

**Right to Property** – Art. 31 A,B,C & Art. 300(A) and present situation in India.

**Right to Constitutional Remedies** – Art. 32 & 226, Writs.

A Dynamic Approach – Public Interest Litigation. Fundamental Duties – Art.51A.

Directive Principles of State Policy.

Interrelationship between Fundamental Rights and Directive Principles – Judicial Balancing.

**Prescribed Book:**

1. V.N. Shukla – Constitution of India

**Reference Books:**

1. F.C. Strong – Federalism
2. V.D. Mahajan – Modern Government
3. D.D. Basu – Shorter Indian Constitutional Law
4. Dr. Subhash C. Kashyap – The Framing of India's Constitution
5. M.P. Jain – Indian Constitutional Law.
6. H.M. Seervai – Constituion of India

**Case Laws**

1. A B S K Sangh v. Union of India, AIR 1981 SC 298
2. Ajay Hasia v. Kalib Mujib, 1981 SC 487
3. Arun Ray v. Union of India, AIR 2003 SC 3176
4. Ashok Kumar Thakur v. Union of India (OBC), AIR 1996 SC 75
5. B.C.P.P. Mazdoor Sangh v. N.T.P.C.(Balco)Company Case, AIR 2008 SC 336
6. Balaji v. State of Mysore, AIR 1963 SC 649
7. Bandhu Mukti Morcha v. Union of India, AIR 1984 SC 804
8. Berubari v. Union of India, AIR 1960 SC 845
9. D. S. Nakara v. Union of India, AIR 1 983 SC 130
10. Electricity Board, Rajasthan v. Mohan Lal, AIR 1967 SC 1857
11. Excel wear v Union of India, AIR 1979 SC 36
12. Gian Kaur v. State of Punjab, (1996) 2 SCC 648
13. Golak Nath v. State of Punjab, AIR 1967 SC 1643
14. Indira Sawhney v. Union of India – The Mandal case, AIR 1993 SC 477
15. Islamic Academy v. State of Karnataka, AIR 2003 SC 3724
16. Jogindra Kumar v. State of Uttar Pradesh, (1994) 4 SCC 260
17. Keshavanada Bharati v. State of Kerala, AIR 1973 SC 1461
18. L. Chandra Kumar v. Union of India, AIR 1997 SC 1125
19. M.C. Mehta v. Union of India, (1987) 4 SCC 463
20. Maneka Gandhi v. Union of India AIR 1978 SC 597
21. Maruti Sripati Dubey v. State of Maharashtra, AIR 1987Cr.L.J. 549
22. Meera Kanwaria v. Sumith, AIR 2006 SC 597
23. Minerva Mills v. Union of India, AIR 1980 SC 1789
24. Mr. X v. Z Hospital Case, AIR 1995 SC 495
25. Nivedita v. State of M.P. AIR 1981 SC 2045
26. Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180
27. Peoples Union for Civil Liberties v. Union of India, AIR 1997 SC 1203
28. Pradeep Jain v. Union of India, AIR 1984 SC 1420
29. Ramesh Thapper v. State of Madras, AIR 1950 SC 124
30. Sajjan Singh v. State of Rajasthan, AIR 1965 SC 845
31. Sarala Mudgal v. Union of India, (1995) 3 SCC 635
32. Shankari Prasad v. Union of India, AIR 1951 SC458
33. Sunil Batra v. Delhi Administration, AIR 1980 SC 1579
34. T.M.A. Pai V. State of Karnataka, AIR 2003 SC 355
35. Ujjambai v. State of U.P, AIR 1962 SC 1621
36. Union of India v. Association for Democratic Reforms (2002) 5 SCC 294
37. Vijaylakshmi v. Punjab University, AIR 2003 SC 3331

**COURSE II**  
**CONTRACT - I**  
**(GENERAL PRINCIPLES OF CONTRACT)**

**Course Objectives:**

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

**Unit I**

**Introduction:**

Formation of an Agreement, Intention to create legal relationship, Proposal and Acceptance, their various forms, Essential elements, communication and revocation, Mode of Revocation of offer, proposal and invitations for proposal, Making of an Agreement.

**Consideration:** Meaning, basis and the nature of Consideration –kinds – essential elements, Doctrine of Privity of Contract and Consideration and its exceptions, nudum pactum, Adequacy of Consideration – Present, past and adequate consideration.

**Unit II**

**Capacity to Contract:**

Legal disability to enter into contract – Minors, Persons of unsound mind, Person under legal disability - lunatics, idiots. Restitution in cases of minor's agreement liability for necessities supplied to the minor, fraud by a minor agreements made on behalf of a minor and Estoppels Evaluation of the law relating to minor's agreements and the illustrations.

**Free consent** – Its need and definition, factors vitiating Free Consent. Coercion - definition, essential elements, Misrepresentation, Undue Influence, Fraud-definition, essentials elements. Mistake – definition, mistake of law and of fact, their effects.

**Unit III**

**Legality of objects:**

Unlawful Agreements, Forbidden by law, Defeating the provisions of any law, injurious to person or property, immoral, against public policy.

Void Agreement: Agreement without consideration, Agreements in restraint of marriage, Agreements in restraint of trade and its exception, Wagering agreement – its exceptions.

**Formation of Contract through Tenders**

**Unit IV**

**Discharge of a contract and its various modes:** By performance, by breach, frustration – application to leases, theories of frustration – Effect of frustration, frustration and restitution.

By agreement and novation, rescission and restoration, remission of performance – extension of time – accord and satisfaction.

**Remedies for Breach of Contract:** Damages –kinds – remoteness of damages- measure of damages. Quasi contract

## **Unit V**

### **E Contracts and Specific Relief Act:**

E-Contracts, Section 10A of Information Technology Act, 2000, Electronic Documents as Web Pages, Digital Certificates as Entry Passes, Time and Place of Contract, Secured Custody of Electronic Records.

**Government as a contracting Party:** Constitutional provisions – Government's power to contract, procedural requirements kinds of Government contracts, Settlement of disputes and remedies.

**Nature of Specific Relief Act:** Recovery of Possession of movable and immovable Property, Specific performance when granted and not granted, Who may obtain and against whom, Discretionary remedy, Powers of Court to grant relief. Rectification of instruments, Cancellation, Declaratory decrees, Preventive relief, Temporary injunctions, Perpetual and Mandatory Injunctions.

### **Prescribed Books:**

1. Avtar Singh - Law of Contract and Specific Relief

### **Reference Books:**

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

### **Cases:**

1. Abdul Aziz v. Masum Ali, AIR 1914 All. 22
2. Adams v. Lindsell (1818) 106 ER 250.
3. Balfour v. Balfour (1919) 2 KB 571.
4. Bank of India v. O.P. Swarankar, AIR 2003 SC 858
5. Bhagwandas Goverdhandas Kedia v. M/s Girdharilal Parshottamdas &
6. Bodgen v. Metropolitan Railway Co (1877) 2 App Case 666 HL.
7. Carlill v. Carbolic Smoke Ball Co (1893) 1 QB 256.
8. Central Inland Water Transport Corpn. v. Brojo Nath AIR 1986 SC 1571
9. Chikama Amiraju v. Chikamma Sheshamma (1917) 41 Mad 33.
10. Chinnaya v. Ramayya (1882) Mad 137.
11. Devaraja Urs v. Ram Krishnaiah AIR 1952 Mys 109.
12. Dunlop Pneumatic Tyre Co Ltd v. New Garage and Motor Co Ltd (1915) AC 79.
13. Durgaprasad v. Baldeo (1880) 3 All 221.
14. Dutton v. Polee (1677) 2 210.
15. Felthouse v. Bindley (1863) 7 LT 835.
16. Hadley v. Baxendale (1854) 9 Ex 341.

17. Harvey v. Facey (1893) AC 552..
18. Horne v. Midland Railway Company (1873) LR 8 CP 131.
19. Hyde v. Wrench (1840) 3 Bea V 334.
20. Jackson v. Horizon Holidays (1975) 3 all ER 92.
21. Kanhaiya Lal Aggarwal v. Union of India, AIR 2002 SC 2766
22. Kedharnath v. Gorie Mohammed 1886 ILR 14 Cal.
23. Khwaja Muhammad Khan v. Hussaini Begum (1910) 37 IA 152.
24. Krell v. Henry (1903) 2 KB 740.
25. Lalman v. Gowri Datt (1913) 11 All LJ 489.
26. M/s Alop Parshad & Sons Ltd. v. Union of India, AIR 1960 SC 588
27. Mohiribibi v. Dharmodas Ghosh (1903) 30 IA 114.
28. Nordenfelt v. Maxim Nordenfelt Guns and Ammunitions CO ltd (1894) AC535.
29. Oil & Natural Gas Corporation Ltd. v. Saw Pipes Ltd.(2003) 4 SCALE 92
30. Plinche v. Colburn (1831) 5 C & P 58.
31. Powell v. Lee (1908) 24 TLR 606.
32. Robinson v. Davinson (1871) LR 6 Exch 269.
33. Smith v. Hughes 1871 LR 6QB 597.
34. State of West Bengal v. S.K.Mondal & Sons, AIR1962 SC 779
35. Taylor v. Cadwell (1863) 3 B & 826.
36. Tersem Singh v. Sukhminder Singh (1988) 3 SCC 471
37. Tweddle v. Atkinson 123 ER 762.
38. Upton Rural District Council v. Powell (1942) 1 All ER 220.

**COURSE III**  
**FAMILY LAW-I**  
**(HINDU LAW)**

**Course Objectives:**

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

**Unit I**

**Introduction:** Concept of Dharma, Hindu Philosophy & Social Structure.

Sources of Hindu Law, Modern and Ancient schools of Hindu law.

Mitakshara and Dayabhaga. Application of Hindu law.

**Unit II**

**Hindu Joint Family:** Mitakshara Joint Family & Coparcenary- Formation and Incidents.

Dhayabhaga Joint Family & Coparcenary Property under schools.

**Kartha:** Position, Powers, Privileges and Obligations.

Alienation of Property-Separate and Coparcenary.

**Debts:** Doctrine of Pious Obligation.

**Partition:** Modes, Shares & Re-union.

**Unit III**

**Evolution of the Institution of Marriage:** Concept of Marriage, forms, essential conditions of marriage, ceremonies and registration.

**Hindu Marriage Act, 1955:** Nullity of marriage, Restitution of Conjugal Rights, Judicial Separation, Theories of Divorce, Grounds, Matrimonial Reliefs & Remedies.

**Maintenance and Alimony.**

**Dowry Prohibition Act, 1961.**

**Unit IV**

**Inheritance and Succession:** Intestate Succession, A detailed study of Hindu Succession Act, 1956, Succession to the property of Hindu male & female, recent state and central amendments to Hindu Succession Act, disqualifications.

**Stridhan & Women's Estate,** enlargement of limited estate of women into their absolute estate.

**Gifts & Wills:** Testamentary Succession, Formalities & subject matter, Restriction & Revocation.

**Family Courts:** Powers and Functions.

**Unit V**

**Concept of Adoption:** Scope and Significance.

**Law of Maintenance:** Concept and Significance

**Law of Guardianship:** Hindu Minority & Guardianship Act, 1956, Hindu Adoption and Maintenance Act, 1956.

Maintenance of neglected wives, divorced wives, minor children, disabled children & parents who are unable to support themselves under Cr.P.C 1973.



**Prescribed Books:**

1. Paras Diwan – Modern Hindu Law
2. R. K. Agarwal - Hindu law

**Reference Books:**

1. John D. Mayne – Hindu Law Usages
2. Mulla – Principles of Hindu Law
3. Venkataraman – Treatise on Hindu Law
4. N. R. Raghavachariyar – Principles of Hindu Law
5. Paras Diwan – Law of Adoption, Ministry Guardianship's custody
6. Basu .N. D – Law of Succession
7. A. M. Bhattachargee – Hindu Law's Constitution
8. T. R. Desai – Introduction to Hindu Law
9. J. D. M. Derrett – Hindu Law – Past and Present

**Case laws**

1. Manohar Joshi v. N.B Patil AIR (1966)SC 796 at p 812
2. Yagnapurudasji v. Muldas AIR 1966 SC 1119.
3. Kusum v. Satya (1903) 30 Cal 999.
4. Peerumal v. Poonuswami AIR 1971 SC, 2352.
5. Mohan Das v. Devasan Board 2975 KCT.
6. Sarla Mudgal v. Union of India (1995) 35CC p 635.
7. Gokal Chand v. Parvin Kumari AIR 1952 SC 231.
8. T. Sareetha v. Venkatasubbaiah AIR 1983 Andhra Pradesh 356.
9. Smt. Havinder Kaur v. Harmander Singh AIR 1984 Delhi 66.
10. Saroj Rani v. Sudarshan Kumar AIR 1984SC 1502.
11. Ashwini Kumar v. Seema 2006.
12. Ramesh Kumar v. Sunita Devi 2005 p & H 55.
13. Ram Narayan v. Rameshwari 1989 SC 149.
14. A.Jaya Chandrs v. Aneel Kaur 2005 SC 534
15. Debanti Devi v. Rupan Janty, 2005 Thar 49
16. Jagannath v. Krishna 82 PLR 83.
17. Lachman v. Meena 1964 SC 40.
18. Bipinchandra v. Prabhavathi
19. Chandra v. Sudesh 1971 Delhi 208.
20. A.Premchand v. Padmalriya 1997 Mad 135.
21. Harbhajan v. Brij Bala.
22. Ananth Nath v. Lajjabati 1959 cal 799.
23. Judupi Venkata Vijaya Bhaskar v. Judupi Kesava Rao. AIR 2003 SC 3314.
24. Siddaramappa v. Gouravva AIR 2004 Kant. 230.
25. Viswambharan v. Dhanya AIR 2005 Kea at p 236.
26. Baburao Marutrao Mane v. Ramchandra Balasaheb Mane AIR 2005 Bom 375.
27. K.C. Kapoor v. Radhika Devi, 198 SC 2128.

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

**Course Objectives:**

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

**Unit I**

**Definition and Nature of Tort.**

Evolution of Law of Torts: Ubi Jus ibi Remedium, Definition, Distinction between Tort and Contract, Crime, and Breach of Trust.

**Essentials of Torts:** a. Act and Omission; b. Legal Damage - Damnum Sine Injuria, Injuria Sine Damnum.

**Nature of Tortious Liability:** Mental Element: Intention, Motive, Malice in Law and in Fact.

**Rule of Strict and Absolute Liability:** Rylands v. Fletcher, Exceptions to Strict Liability.

**Unit II**

General Defences, Doctrine of Vicarious Liability, Joint Tort Feasors. Torts against persons and personal relations.

**Unit III**

**Negligence:** Ingredients of Negligence, Proof of Negligence – Res ipsa loquitur, Contributory negligence and Composite Negligence.

**Nuisance:** Meaning, Essentials, Kinds – Private and Public Nuisance, Specific Defences. Remedies.

**Unit IV**

**Consumer Protection:** Brief history of Consumer Movement. Introduction to Consumer Protection Act, 1986. Consumer Protection Councils.

**Definition of key terms:** Consumer, Defect, Deficiency, Unfair Trade Practice, Restrictive Trade Practice.

**Grievances Redressal Mechanism under the COPRA, 1986:** District Forum, State Commission & National Commission.

**Unit V**

**Key Consumer Issues:** Insurance Sector, Housing/Real Estate and Consumer, Medical, Legal Professions. Telecom, Electricity, Banking, services. **Procedure of filing a Complaint:**

Contents of a Complaint. Relief available to Consumers, **Consumer Protection in other Statutes:** Drugs and Cosmetics Act, 1940, Food Safety and Standards Act, 2006, Legal Metrology Act, 2009. Mis leading advertisements. E-Consumer.

**Prescribed Books:**

1. Avtar Singh - The Law of Torts
2. Dr. Gurubax Singh - Law of Consumer Protection

**Reference Books:**

1. Ratan Lal and Dhiraj Lal - The Law of Torts
2. Winfield - Law of Torts
3. D. D. Basu - The Law of Torts
4. Salmond and Heuston - Law of Torts
5. Gurjeet Singh - Consumer Protection Act
6. R. M. Vatsa - Consumer and the Law
7. Achuthan Pillai - The Law of Torts
8. R. K. Bangia - The Law of Torts
9. D. N. Saraf - Law of Consumer Protection in India

**Cases:**

1. Donoghue v. Stevenson(1809) Camp 493
2. Gloucester Grammar School Case(1410) Y.B. Hill 11 Hen, 4 of 47
3. Mogul Steamship Co. v. McGregor Gow and Co.(1892) AC 25
4. Bradford Corporation v. Pickles (1895) AC 587
5. Ashby v. White(1703) 11 Sm LC 251
6. Bhim Singh v. State of J & K, AIR 1986 SC 494
7. Ryland v. Fletcher 1868 LR 3 HL 330
8. M.C. Mehta v. Union of India AIR 1987 SC 1086
9. Hall v. Brooklands Auto-Racing Club (1932) All. ER 221
10. Smith v. Baker 1891 AC 325
11. Haynes v. Harwood (1935) 1 KB 146
12. Wagner v. International Railway(1921) 232 Ny 176
13. Nichols v. Marsland (1876) 46 LJ. Ex 174
14. Kallulal v. Hemchand, AIR MP 48
15. Nitro-Glycerine Case (1872) 15 Wallace 524
16. Padmavati v. Dugganaika (1975) 1 KLJ 93
17. Bird v. Hallbrook(1828) 4 Bing 628
18. Morgans v. Launchbury (1973) AC 127
19. Cassidy v. Ministry of Health (1951) 2 KB 343
20. Lloyd v. Grace Smith & Co. (1912) AB 716
21. St. Helen's Smelting Co. v. Tipping (1865) 11 HCL 642
22. Ushaben v. Bhagyalakshmi Chitra Mandir AIR 1978 Guj 13
23. Campbell v. Paddington Corporation, (1911)(1) KB 869
24. Byrne v. Boadle (1863) 2 HVE 722
25. Municipal Corporation, Delhi, v. Subhagwanti AIR 1966 SC 1750
26. Butterfield v. Forrester (1809) 10 R.R. 433
27. Lucknow Development Authority v. M.K. Gupta AIR 1994 SC 787

**COURSE V**  
**ENGLISH AND LEGAL LANGUAGE**

**Course Objectives:**

*One of the significant aspects of introducing this course is to develop general linguistic abilities and to familiarize the students with sources of legal material. The course is aimed at training the students in increasing their vocabulary, proper use of idioms and phrases, introducing them to legal terms, legal maxims and Latin terms. The syllabus also has a prescribed text “Nani Phalkivala - The Court Room Genius” which sheds light on the importance of oratorical skills for successful advocacy.*

**Unit I**

**Kinds of sentence:** Simple, compound and complex sentences. Transformations. Use of connectives.

**Composition:** Punctuation, common errors in English (articles, preposition, verb etc.,) Vocabulary (Homonyms ,Homophones)

**Unit II**

Idioms and Phrases, comprehension passage, formal correspondence, words for different expressions, pairs of words used differently, Expressive expression)

**Unit III**

**Significance of Legal Language:** Communication, Phonetics, the concept, the characteristics, purpose and scope of legal language, Distinction between conventional and legal language. Problems of Legal Language.

Sources of legal language:

Primary sources: Statutes, Statutory instruments, Reports, Judicial decisions- Case Laws, Government Official Publications, Academic Journals.

Secondary Sources: Legal Encyclopedias, Dictionaries, Digests Manuals, Legal Research.

**Unit IV**

**Aids to understand Legal Language:**

Legal maxims – Analysis of the Principles.

Legal terms including Latin terms and Concepts –Civil Law and Criminal Law.

Sentences and Awards, Legal Arguments, Contentions, Prayers, Appeals.

Reading of the selected Judgments.

**Unit V**

“Nani Phalkivala - The Court Room Genius” by Soli. J. Sorabji and Aravind. P. Datar.

**Chapters: 1,2,3,5.i, 5.ii, 5.v, 5.vi,5.xii & 9**

**Prescribed Books:**

1. Nani Phalkivala - The Court Room Genius by Soli J Sorabji and Aravind P Datar.
2. O.R. Krishnaswamy and M.Ranganathan- Methodology of Research in Social Sciences.
3. AIR, SCC & other Law reporters & journals.

**Reference Books:**

1. R.W.Zandvoort - A Handbook of English Grammar.
2. Michael Swan - Practical English Usage.
3. Dr S.C.Tripathi –Legal Language, Legal writing, General English.
4. M. Gandhi,L. Solomon Raja-Introduction to Legal Method and Legal Research.
5. Srikanth Mishra – Legal Language, Legal Method and General English.
6. Julius Stone – Legal System and Lawyers’ Reasoning.
7. H.L.A.HART- The Concept of Law
8. Herbert Broom’s- Legal Maxims
9. Wren and Martin- High School English Grammar and Composition

**SEMESTER II**  
**COURSE I**  
**LAW OF BANKING**

**Course Objectives:**

*Banking Institutions have become important players in the present day economy. They play pivotal role in the growth of trade, commerce and industry. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions into agents of social change. Appreciating the importance, the Government has enacted several enactments to direct, regulate and control the banks and banking operations through Reserve Bank of India and Ministry of Finance. The course is designed to primarily acquaint the learners with operational parameters of banking law and to teach the general principles of banking law and to develop appreciative faculty of the students in statutory as well as case laws in this area.*

**Unit I**

**Institution of Banking in India:** Evolution of Banking Law & Banking Institutions, Development of British Banking & Bank of England, Nationalization of Banks, (Main Provisions of the Nationalization Act). The Banking (Regulation) Act, 1949: Applicability, Objects and Main Provisions. Reserve Bank of India and its Role: Functions, Organization and Controlling Powers.

**Unit II**

**Commercial Banks:** Functions (Subsidiary Services, General Utility Services & Special Banking Services), **Banker and Customer:** Definition of Banker and Customer, General Relationship & Special Relationship. Banker's Book Evidence Act, 1891.

**Opening of New Accounts:** Savings Bank account, Current account, Recurring Deposit account & Fixed Deposit account.

**Special Types of Customers:** Precautions required to be taken by a banker to open an account in case of administrators, clubs, societies and charitable institutions. (Minors, Joint stock company, Partnership firm, Joint accounts etc.,)

**Ancillary Services:** (General, DD, MT, TT, Traveler's cheques, bank orders, credit card, debit/smart cards, safe deposit vaults, gift cheques, stock invest).

**Unit III**

**Negotiable Instruments Act, 1881:** Negotiable Instruments, Bills in Sets, Crossing of Cheques, Holder & Holder in Due Course, Parties, Endorsements, Negotiation, Assignment, Liability of Parties, Obligations of Paying Banker, Collecting Banker & Customers' Account (NI Act). Presentment, Discharge from Liability, Material Alteration, Noting & Protest, Reasonable Time for giving Notice of Dishonor, Compensation, Special rules of Evidence, Acceptance and Payment for Honor and Reference in case of need.

**Unit IV**

**Negotiable Instruments Act, 1881 (Continued): Dishonor of Cheques. Penal Provisions (Section 138-142)**

**E-Banking:** Definition, Internet banking, Mobile Banking, ATM banking, and computerized Banking (NEFT, RTGS etc); E-banking services: retail services, wholesale services and E-Cheque-authentication, Cyber Evidence. Banking Ombudsman Scheme.

**Securitization Act, 2002** (Relevant Provisions relating to recovery of debts due to banks & DRT).

## **Unit V**

**Employment of Funds:** Important factors governing Cash Reserve, Profitable uses of Funds, Investments in Government and other Stock Exchange Securities. Loans & Advances: General Principles and Forms. New Concept of Bank Lending (Credit Agencies). Fund Flow Analysis, Working Capital Finance, Term Loans, Precautions in Discounting Bills, Recovery of advances

### **Prescribed Books:**

1. M. L. Tannan - Law of Banking
2. Khergamvala - Negotiable Instruments Act – M. S. Parthasarathy (Ed.)

### **Reference Books:**

1. Avtar Singh – Negotiable Instruments Act.
2. Basu - Review of current banking theory and practise, Macmilan.
3. Pagets Law of Banking - Butterworths, London.
4. L. C. Goyle – The Law of Banking and Bankers – Eastern Book Co.
5. K. Subramanyan – Banking Reforms in India
6. R. K. Talavar- Report of working group on customer service in Banks
7. S. N. Gupta - The Banking law in theory & practice.
8. G. S. N. Tripathi (Ed.) Sethi's commentaries on Banking Regulation Act 1949 and allied Banking Laws.
9. Bashyam and Adiga – The Negotiable Instruments Act.
10. Mukherjee. T. K. - Banking Law and practice.
11. Chorley – Law of Banking
12. Paget – Law of Banking
13. Information System for Banks - Taxmann
14. Vasantha Desai and Joshi - Managing Indian Banks.
15. Justice Bhaghabati Prasad Banerjee- Guide to Securitisation and Reconstruction of financial assets and Enforcement of Security Interest Act, 2002
16. Relevant provisions of Information Technology Act, 2000

### **Case Laws:**

1. Barclays Bank v. Astley Industrial Trust Ltd [(1970) 2 QB 527]
2. Brandao v. Barnett [(1846) 12 CI & F 787]
3. Commissioners of Taxation v. English Scottish & Australian Bank [(1920) A.C. 683]
4. Royal British Bank v. Turuquand [(1856) 6 E & B – 327]
5. Sutherland v. Barclays Bank [The Times Nov.25-1938; 5 LDB 163]
6. The Bank of India v. The Official Liquidator [AIR 1950 Bombay 375]
7. Tournier v. National Provincial and Union Bank of England [(1924) 1 KB 461]
8. Bank of Van Dieman's Land v. Bank of Victoria [(1871) LR 3 PC 526]
9. Evans v. London and Provincial Bank [(1854) 9 Ex. 354]
10. Great Western Ry. Co. v. London & County Banking Co., [(1901) AC 414]
11. Hongkong and Shanghai Banking Corpn., v. Lo Lee Shi [(1928) AC 181 (PC)]
12. Raephal v. Bank of England [(1855) 104 RR 638:25 LJCP 33]

**COURSE II**  
**CONSTITUTIONAL LAW – II**  
**(CONSTITUTIONAL INSTITUTIONS)**

**Course Objectives:**

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

**Unit I**

Federal System: Indian Federalism, Identification of Federal Features, challenges to Indian Federalism (Sarkaria Commission) Co-operative Federalism.

Distribution of Power between Centre and State Legislature: Principles of Interpretation of Lists (Territorial nexus, Pith and Substances, Colorable Legislation, Harmonious construction).

Administrative Powers: Financial Distribution (Finance Commission) Freedom of Trade and Commerce, Constitutional Position of Jammu and Kashmir.

**Unit-II**

Centre and State Executive: President of India and Governor of State, Constitutional position and powers, Election, qualification tenure and impeachment, Bicameralism. Council of Ministers (Cabinet System): Parliament and State legislature, composition, election, qualifications, and tenure of members, collective responsibility and individual responsibility, Position of Prime Minister and Chief Minister.

Privileges of the Legislatures: Art. 105 & Art.194  
(Legislature v/s Judiciary).

**Unit III**

Speakers and Anti Defection Law: Powers and functions of Parliament and State Legislatures, process of law making, Ordinary Bills, Money Bills, Financial Bills and Appropriation Bills.

Judiciary: Supreme Court–composition, appointment, jurisdiction, removal, etc. High Court - Composition, Appointment and Transfer, Jurisdiction, Independence of Judiciary. Subordinate Judiciary.

**Unit-IV**

Services under the Centre and State – Doctrine of Pleasure, Constitutional Safeguards to Civil Servants. Administrative Tribunals.

Public Service Commission: Powers and Functions.

Election Commission: Powers and Functions. Code of Conduct.

Tortious Liability and Government Contracts- Art. 299 and 300

**Unit-V**

Local Self Government with special emphasis on 73rd and 74th Amendment. Emergency Provisions – Kinds of Emergencies, Effect of Emergency.

Amendment of the Constitution – Doctrine of Basic Structure.

Official Language.

Special Provisions relating to certain classes - Art. 332 – 342.(Scheduled Caste/ Scheduled Tribes, and Backward Classes)



**Prescribed Books:**

1. V.N. Shukla – Constitution of India

**Reference Books:**

1. D.D. Basu – Shorter Indian Constitutional Law.
2. M.P. Jain – Indian Constitutional Law.
3. Dr. L.M. Singvi – Constitution of India.

**Cases:**

1. H.S. Dhillan v. Union of India, AIR 1972 SC 1061
2. Prapulla Kumar v. Bank of Commerce, AIR 1947 PC 6
3. State of Bihar v. Kameswar Singh, AIR 1952 SC 252
4. State of Bombay v. F.N. Balsara, AIR 1966 SC 318
5. State of Rajasthan v. G. Chavala, AIR 1959 SC 544
6. B.R. Kappor v. State of Tamilnadu, (2001) SCALE 309
7. D.C. Wadhwa v. State of Bihar, (1987) 1 SCC 378
8. Jaya Bacchan v. Union of India, AIR 2006 SC 2119
9. K.M. Nanavati v. State of Bombay, AIR 1961 SC 112
10. Kehar Singh v. Union of India, AIR 1989 SC 653
11. Kihot Hollohan v. Zachllu, (1992) 1 SCC 309
12. Kuljeet Singh v. Governor of Delhi, AIR 1982 SC 774
13. A.R. Antulay v. R.S. Nayak, (1988) 2 SCC 602
14. Advocate on Record Association v. Union of India, (1993) 4 SCC 441
15. Ismail Farukui v. Union of India, AIR 1992 SC 522
16. S.P. Gupta v. Union of India, AIR 1982 SC 149
17. State of Karnataka v. Union of India, AIR 1978 SC 68
18. Supreme Court Bar Association v. Union of India, AIR 1998 SC 1895
19. Union Carbide Corporation v. Union of India, AIR 1992 SC 248
20. Parashottam Lal Dhingra v. Union of India, AIR 1958 SC 36
21. Ponnuswamy v. Returning Officer, Namakal, AIR 1962 SC 64
22. Sampat Kumar v. Union of India, (1987) 1 SCC 124
23. T.N. Seshan v. Union of India, (1995) 4 SCC 611
24. Venkatachalam v. Swamickan, AIR 1999 SC 172
25. Golanath v. State of Punjab, AIR 1967 SC 1643
26. Makkan Singh v. State of Punjab, AIR 1964 SC 381
27. Rameswar Prasad v. Union of India, (2006) 2 SCC 1
28. S.R. Bommai v. Union of India, AIR 1994 SC 1918
29. State of Rajasthan v. Union of India, AIR 1977 SC 1361

## **COURSE III**

### **CORPORATE LAW**

#### **Course Objectives:**

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

#### **Unit I**

**The Concept of Corporate Personality:** Advantages and disadvantages, History of Company Legislation (England and India), Modes of Business Organization. Differences between Modes of Business Organization, **Companies Act, 1956/2013:** Classification of Companies, Promoters- Definition, Legal position of Promoter, Duties and Liabilities, Remedies available to the Company against the Promoter, Registration & Incorporation - Important steps. Preliminary Contracts, Pre-incorporation Contracts, Provisional Contracts.

#### **Unit II**

**Memorandum of Association:** Nature, Purpose, Form, Contents, Registration, Doctrine of Ultravires, Alteration of MOA

**Articles of Association:** Nature, Purpose, Form, Contents, Registration, Distinction between MOA and AOA, Legal effects of MOA and AOA, Doctrine of Constructive Notice, Doctrine of Indoor Management, its exceptions

**Prospectus-** Meaning and Definition, when prospectus is not required to be issued, Statement in lieu of Prospectus, Contents/Disclosures of prospectus, Types of prospectus, Criminal Liability for Mis-statement in Prospectus, Remedies for Misrepresentation in prospectus, against directors and promoters, Disclosure as per SEBI Guidelines.

**Directors:** Concept, Definition, Types, Legal position, Qualifications, Number of Directors, Appointment of Directors, Removal, Retirement, Resignation, Vacation of office, Remuneration, Office or place of profit, Liabilities and Duties, Responsibilities, Criminal Liability, Managing director, Executive director/whole-time director, Manager, Chairman. **Meetings:** Meaning, Kinds, Requisites of a valid meeting, Notice, Venue, Agenda, Quorum, Proxy, Duties and role of Chairman, Resolutions, Minutes of proceedings of meetings, Registration of Resolutions and Agreements. Role of Company Secretary,

**Corporate Social Responsibility.**

#### **Unit III**

**Financial structure:** Meaning of the term 'Capital', Sources of Capital, Equity Capital, Shares: Meaning, Nature, Kinds, Issue of shares, Dividends, Alteration of share capital, Debt Capital, Debentures and its kinds, deposits, Procedure for allotment of shares and debentures.

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

**Winding up of companies:** Different Modes

## **Unit IV**

**Securities Market in India:** Primary and Secondary Market.

**Regulatory Mechanism:** SEBI, ROC, Ministry of Company Affairs, Securities Contracts (Regulation) Act, 1956, SEBI Act, 1992. SEBI (Disclosure and Investor Protection Guidelines), 2000, Clause 49 of Listing Agreement on Corporate Governance

## **Unit V**

**FEMA, 1999:** Objectives, Regulations and Management of Foreign Exchange, Contravention and penalty provisions, Adjudication and Appeal, Enforcement of Appeal Orders. Functioning of BPO's and LPO's in India - need for regulation.

**Corporate restructuring: - Laws relating to Mergers & acquisitions**

### **Prescribed Books:**

1. A.K.Majumdar - Taxman's Corporate Laws
2. Avtar Singh - Company Law

### **Reference Books:**

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

### **JOURNALS:**

1. Journal of Indian Law Institute, Journal of Business Law, Company Secretary, Company Law Journal.

## **STATUTORY MATERIALS:**

1. Companies Act and laws relating to SEBI, Depositories Act.

### **Case Laws**

1. Salomon v. Salomon and Co. Ltd (1897) A.C. 22
2. Lee v. Lee's Air Farming Ltd.(1961) A.C. 12 (P.C)
3. Foss v. Harbottle (1843) Hare 461
4. Re Kondoli Tea Co.Ltd (1886) ILR 13 Cal.43
5. Bacha F.Guzdar v. CIT, Bombay AIR 1955 S.C. 564
6. Re: Sir Dinshaw Manakjee Petit, A.I.R. 1927 Bombay 371
7. R.C.Copper v. Union of India
8. Daimler Co. Ltd v. Continental Tyre Co. (1916) 2 A.C 307 HL
9. Andhra Pradesh Road Transport Corporation v. ITOAIR1964 sc1486
10. Hindustan Steel Works Construction Ltd.v. State of Kerala (1998) 2 Comp CLJ 383
11. Derry v. Peek
12. Erlanger v. New Sombrero Phosphate Co. (1873) 3 A.C 1218-1236
13. Moosa v. Ebrahim ILR (1913) 40 Cal. 1(P.C)
14. Ashbury Railway Carriage & Iron Co. Ltd. v. Riche (1875) L.R.7 H.L.653
15. Boreland's Trustee v. Steel Brother and Co. Ltd. (1901) 1 Ch. 279
16. Eley v. Positive Life Insurance Co. (1876) 1 E.X.D. 88
17. Royal British Bank v. Turquand (1956) 5 E&B 327
18. Rouben v. Great Fingal Consolidated (1906) AC 439
19. Howard v. Patent Ivory Co. (38 Ch. D 156)
20. Pramatha Nath Sanyal v. Kali Kumar Dutt A.I.R 1925 Cal. 714
21. Bamford v. Bamford (1969) 39 Com Cases 369
22. Kumaran Potty v. Venad Pharmaceuticals & Chemicals Ltd. (1996) 2 Comp. L.J. 2888 (Ker)
23. Dove Investments P.Ltd v. Gujarat Industrial Investment Corpn. Ltd (2005) 60 SCL 604 (MAD)
24. Charanjiv Lal v. ITC Ltd. and Another (2005) 5 COMP LJ 138 (CLB)
25. Essar Oil Ltd., In Re (2005) 126 SCL (GUJ) KA Puj

**COURSE IV**  
**FAMILY LAW-II**  
**(MOHAMMEDAN LAW AND INDIAN SUCCESSION ACT)**

**Course Objectives:**

*This course deals with the laws which are applicable to Mohammedans in India. Muslims in India are governed by their personal law contained in Shariat Act. Personal laws of Muslims are protected by the Constitution. This course analyzes the Islamic laws related to marriage and divorce, gifts and wills, maintenance and inheritance which create rights and obligations of individual Muslims etc., Indian Succession Act creates rights and obligations of Indians who are not Hindus or Muslims in relation to Succession. It is a secular law of succession.*

**Unit I**

**Advent of Islam and Development of Muslim Law:** History, origin and schools of Muslim Law, Application, operation and interpretation of Muslim Law.

**Shariat Act, 1937;** Definition of ‘Muslim’ ; Conversion to Islam and its effect, Sources of Muslim law; Primary Sources and Secondary sources;

**Marriage:** Definition, object, nature; Essential requirements of a Muslim marriage, classification of marriage, legal effects of valid, void and irregular marriages.

**Muta marriage.**

**Unit II**

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

**Divorce:** Classification.

**Talaq:** Talaq-e-tafweez, Khula, ila, Mubarat, Zihar, Lian, Faskh, Formalities of Talaq. Judicial divorce. Dissolution of Muslim Marriage Act, 1939.

**Parentage:** Legitimacy and Acknowledgements, Establishment of Paternity and Maternity, special rules regarding presumption of legitimacy, conditions of valid acknowledgement

**Guardianship:** Kinds and duties of Guardians.

**Unit III**

**Maintenance :** Traditional and present law, Gifts, Pre-emption, Wakf, Will and Gift made in death or illness, limitation on testamentary disposition, Muslim Law of Inheritance.

**Unit IV**

**Indian Succession Act:** Preliminary; Domicile (Sec. 1-19) and Consanguinity (Sec.23-28, Intestate Succession (Sec.29-56), Testamentary Succession (Sec. 57 –191)

**Unit V**

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

**Prescribed Books:**

1. Mulla - Principles of Mohammadan Law
2. B.B. Mitra - Indian Succession Act
3. Fyzee - Outlines of Mohammadan Law
4. Indian Divorce Act

**Reference Books:**

1. Aquil Ahmad- Mohammedan Law
2. Paruck- Indian Succession Act
3. Basu -Indian Succession Act

**Cases:**

1. Skinner v. Orde (1871) 14 M.I.A 309
2. Anis Begum v. Mohammad Istafa (1933) 55 APP743
3. Abdul Razak v. Aga Mohammad (21 IA 56)
4. Abdul Kabir v. Salima I.L.R (1886) 8 all 149
5. Rashid Ahmad v. Anisa Khatoon (1932) 59 IA 21
6. Shamim Ara v. State of Uttar Pradesh JT 2002(7) SC 520
7. Sarala Mudgal v. Union Of India 1995 SCC (3) 635
8. Manijila Bibi v. Noor Hussian AIR 1992 Cal 93
9. Yasuf v. Sowramma AIR 1971 Ker 261
10. K. Muhamma Lateef v. Nishanth AIR 2004 Ker 22
11. Mohammad Alladad khan v. Mohammad Ismail Khan (1888) 10 AII 289
12. Shah Banu Begum v. Mohammad Ahmed Khan AIR 1985 SC 945
13. Chand Patel v. Bissmillah Begum (2008) 4 SCC 774
14. Danial Latifi v. Union of India (2001) 7 SCC 740
15. Govinda Dayal v. Inayatullah I.L.R AII 775(FB)
16. Noor Saba Khatoon v. Mohammad Quasim AIR 1997 SC 3280
17. Seema v. Ashwani Kumar 2006 (2) SCC

**COURSE V**  
**CONTRACT -II**  
**(SPECIAL CONTRACTS)**

**Course Objectives:**

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

**Unit I**

**Indemnity:** Definition, Nature and Extent of liability of the Indemnifier, Commencement of liability of the Indemnifier.

**Guarantee:** Definition of Guarantee- as distinguished from Indemnity, Continuing Guarantee, Nature of Surety's Liability, Duration and termination of such liability, Rights of surety, Extent of Sureties liability, Discharge of Liability of Sureties.

**Bailment:** Definition of Bailment, Features of Bailment, Duties of Bailor and Bailee towards each other, Rights of Bailor and Bailee.

**Pledge:** Definition of pledge, Comparison with Bailment; Rights of the Pawnor and Pawnee, Pledge by certain specified persons.

**Unit II**

**Contract of Agency:** Definition of Agent and Principal. Kinds of agents and Essentials of agency. Distinction between Agent and Servant. Various methods of Creation of Agency, Rights, Duties and Liabilities of Principal and Agent, Scope and Limitation. Ratification and Revocation of Authority. Termination of Agency, Liability of the Principal and Agent before and after such termination.

**Unit III**

**The Sale of Goods Act, 1930:**

Formation of Contract of Sale - Concept of goods, Sale and Agreement, Features of Contract of Sale, Statutory Transactions, Contract of Works & Labour.

Conditions and Warranties: Stipulation as to time, Implied conditions and warranties as to title, quality, fitness etc., Sale by description and by Sample, Treating conditions as warranties, Doctrine of Caveat Emptor.

**Effects of the Contract:** Transfer of Property, Doctrine of Nemo dat Quad non Habet, Sale by a person other than the owner, by joint owner, mercantile agent, seller or buyer in possession after sale, Estoppels.

**Performance of Contracts:** Duties of Seller and Buyer, Rules relating to delivery of goods.

**Rights of Unpaid Seller:** Un paid seller's Rights – Right of Lien, Rights of Stoppage in Transit, Resale. Transfer of goods by Buyer and Seller.

**Suit for Breach of Contract:** For price, Non delivery, Non acceptance, Damages for breach of conditions and warranties, Repudiation of Contract, Payment of damages and special damages. Auction Sale.

## **Unit IV**

**Indian Partnership Act, 1932:** Nature of Partnership – Definition of Partnership, Essentials of Partnership. Partnership not created by Status, Mode of determining existence of partnership, Partnership at Will, Particular partnership, Partnership and Private Limited Company, Advantages and Disadvantages.

**Mutual Relations:** Rights and Duties of Partners, Incoming and Outgoing Partners, Dissolution of Firm, Registration of Firms.

## **Unit V**

### **Limited Liability of Partnership (LLP)**

**The Limited Liability Partnership Act, 2008:** Concept and nature of Limited Liabilities Partnerships, Distinction between LLP and a Company, Incorporation of LLPs, Effects of registration, Partners and their relations, Liabilities of LLP and its partners, Holding Out, Protection to whistle blowers, Investigation.

The Carriage by Road Act, 2007

### **Prescribed Books:**

1. Avtar Singh - Law of Contract
2. Avtar Singh - Law on Carriage of Goods
3. Avtar Singh - Indian Partnership Act
4. Avtar Singh - Sale of Goods Act

### **Reference Books:**

1. J. P. Verma - The Law of Partnership in India
2. Saharay. H. K - Indian Partnership and Sale of Goods Act
3. Krishnan Nair - Law of Contract
4. Pollock and Mulla - Indian Contract Act
5. Anson - Law of Contract
6. Avtar Singh - Sale of Goods Act
7. Mulla - Sale of Goods Act
8. S. D. Singh and S. P. Gupta - Law of Partnership
9. Rajagopalachari - Partnership Act
10. Avtar Singh – Law of Carriage

### **Cases:**

1. Adamson v. Jarvis, (1827) 4 Bing 66
2. Dugdale v. Lovering, (1875) 10 CP 196
3. Secretary of State v. Bank of India Ltd, (1938) 175 IC 327(PC)
4. Birkmyr v. Darnell, (1704) 91 ER 27
5. London General Omnibus Co v. Holloway, (1912) 2 KB 72
6. Kay v. Groves, (1829) 80 ER 1274
7. Centex (India) Ltd v. Vinmar Impex Inc.(1986) 4 SCC 136
8. State of Gujarat v. Memon Mohamed, AIR 1967SC 1885
9. Shephard v. Cartwright, (1983) Ch 728
10. Lakshminarayan Ram Gopal and Sons v. Hyderabad Government, AIR 1954 SC 364
11. Harshad J Shah v. LIC of India, (1997) 5 SCC 64



12. Great Northern Rly Co. v. Swafield, (1874)LR Ex 132
13. Pannalal Jankidas v. Mohanlal, AIR 1951 SC 144
14. Lilley v. Doubleday, (1881) 7 QBD 510
15. John McCain and Co. v. Pow, (1975) 1 All ER 129
16. Green v. Bartlett,(1863) 14 CB (NS) 681
17. Panorama Development (Guildford) v. Fidelis Furnishing Fabrics, (1971) 2 QB 711
18. Graff v. Evans, (1882) 8 Q BD 373
19. Lee v. Griffin,(1861) 30 LJ QB 252
20. Helby v. Matthews, (1895)AC 471
21. Asfar and Co. v. Blundell, (1896) 1 QB 123(CA)
22. Varely v. Whipp, (1900) 1 QB 513
23. Harlingdon and Leinster Enterprises Ltd v. Christopher Hull Fine Art Ltd, (1990) 3 WLR 13
24. Stevenson v. Rogers, 1999 QB 1028
25. Mercantile Bank of India Ltd v. Central Bank of India Ltd, 1938 AC 287
26. Shipton Anderson and Co v. Weil Brother and Co Ltd, (1972) 1 KB 574
27. Thomas Yound and Sons ltd v. Hobson and Partners, (1949) 65 TLR 365
28. CST v. K. Kelukutty (1985) 4 SCC 35
29. Cox v. Hickman(1860) 8 HLC 268
30. Badley v. Consolidated Bank,(1888) 38 Ch D 238
31. Bentley v. Craven (1853) 18 Beav 75
32. Velji Rabhavji v. State of Maharashtra AIR 1965 SC 1433
33. Snow v. Milford, (1868) 18 LT 142
34. Jagdish Chandra Gupta v. Kajarai Traders(India) Ltd, AIR 1964 SC 1882
35. Kerala Transport Co. v. Kunath Textiles, 1983 KLT 480
36. Lister v. Lancashire and Yorkshire Ry. Co,(1903) 1 KB 878
37. Gould v. South Easter and Catham Ry. Co, (1920) 2 KB 186
38. Sims & Co. Midland Ry. Co, (1913) 1 KB 103

**SEMESTER-III**  
**COURSE I**  
**INDUSTRIAL LAW**

**Course Objectives:**

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

**Unit I**

**The Industrial Disputes Act, 1947:** History, scope and features.

**Area of interaction and participants:** Industry, Workmen and Employer, Industrial Dispute and Individual Dispute.

**Settlement of Industrial Disputes:** Works Committee, Conciliation Machinery, Court of Enquiry, Voluntary Arbitration.

**Adjudication:** Labour Court, Tribunal and National Tribunal.

Powers of the Appropriate Government, Unfair Labour Practice.

**Unit II**

**Modes of Coercion:**

**Strike** - Kinds of Strike, Right to Strike, General prohibition of strikes in Public Utility Services, Illegal Strikes.

**Lock-out:** General prohibition of Lock-outs in Public Utility Services, Illegal Lock-outs. Gherao and Bandh.

**Lay-off, Retrenchment and Closure:** Retrenchment Compensation, Compensation to workmen in case of transfer of undertaking.

**Unit III**

**Concept and Nature of Standing Orders:** Scope and Coverage of the Industrial Employment (Standing Orders) Act, 1946. Certification process, Procedure for Certification, Appeals against Certification, Condition for certification, Date of operation of Standing Orders, Binding nature and effect of certified Standing Orders, Posting of Standing Orders, Modification and temporary application of model Standing Orders, Interpretation and Enforcement of Standing Orders, Penalties and Procedure.

**The Apprentices Act, 1961:**

Object and Scope, Definitions, Apprentices and their training, Obligations of employers and apprentices, Authorities under Act- Constitution of Councils and appointment of apprenticeship adviser, power and functions, Penalties.

**Unit IV**

**Trade Unionism in India:** Trade Union movement in Britain, Trade Unionism in India, Definition of Trade Union and trade disputes, Registration of Trade Unions, Legal status of registered Trade Union, Mode of registration, Powers and duties of Registrar. Cancellation and Dissolution of Trade Union, Procedure for change of name. Amalgamation and Dissolution of trade union. Disqualifications of office-bearers, Rights and Duties of office bearers and

members, General and Political funds of Trade Union, Civil and Criminal immunities of registered Trade Unions. Recognition of Trade Union. Collective Bargaining.

## **Unit V**

**Factories Act, 1948:** Concept of 'Factory', 'Manufacturing Process', 'Worker' and 'Occupier'. General duties of Occupier, Measures to be taken in factories for Health, Safety and Welfare of Workers, Working hours of Adults, Employment of Young Persons and Children, Annual leave with wages, Additional Provisions regulating employment of Women in factory.

### **Prescribed Books:**

1. S.N. Mishra.– Labour and Industrial Laws
2. Dr. V. G. Goswami- Labour and Industrial Laws

### **Reference Books**

1. Malhotra.O.P - The Law of Industrial Disputes
2. Memoria and Memoria - Dynamics of Industrial Relations.
3. K.D. Srivastava –Laws Relating to Trade Union Act

### **Cases**

1. Assam Cha Karamachari Sangh v. Dimakurchi Tea State, 1958(1) LLJ 500
2. Associated Cement Companies Ltd, Jhinkapani v. Their Workmen, 1960 (1) LLJ 1 (SC)
3. Bangalore Water Supply & Sewerage, Board v. A. Rajappa, AIR 1978 SC 548.
4. Bokajan Cement Corporation Employees Union v. Cement Corporation of India Ltd. (2004) 1 SCC 142
5. Borosil Glass Works Ltd, Employees Union v. D.D. Bombode(2001)1 SCC 350
6. D.C. & G Mills Co. v. Chief Commissioner, Delhi, AIR 1971 SC 344.
7. D.K. Yadav v. J.M.A. Industries Ltd. (1993) 3 SCC 259
8. D.N. Banerjee v. P.R. Mukherjee, AIR 1953 SC 58
9. Delhi Transport Corporation v. Sardar Singh (2004) 7 SCC 574
10. Indian Express and Chronicle Press v. M.C. Kapur SC (1974) 2 LLJ 240
11. Indian Oxygen Ltd v. Their Workmen, SC (1969) 1 LLJ 235
12. K.M.P. Kodar Moideen v. State, AIR 1953 Mad 406
13. Motipur Zamindari Co.(P) Ltd. v. State of Bihar, 1970(1)LLJ 634
14. NUCE v. IT, Bombay, AIR 1962 SC 1080
15. Punjab National Bank v. Their Workmen, 1959(2) LLJ SC 666
16. Rajasthan State Road Transport Corporation and Another v. Krishnakant and Others(1995) 5 SCC 75
17. Regional Manager, SBI v. Rakesh Kumar Tewary, SC 2006 LLR 209
18. Rohatas Industries v. Ramalakhn Singh, AIR 1978 SC 849
19. Rohtak and Hissar District Electricity Supply Co. Ltd, and Another v. State of UP, SC (1966) 2 LLJ 330
20. Rohtas Industries Ltd v. Rohatas Industries Staff Union, SC (1976) 1 LLJ 274
21. Shankar Balaji v. State of Maharashtra, AIR 1962 SC 517
22. State of Bihar v. Deodhar Jah, AIR 1958 Pat 51.
23. State of Bombay v. Ali Saheb Kashim Tomboli, (1995) 2LLJ 182
24. University of Delhi v. Ram Nath, AIR 1963 SC 1873
25. Workman of Dimacuchi Tea State v. The Management of the Dimakuchi Tea State, AIR 1958 SC 53
26. Workmen of Tata Nagar Foundry Co. v. Their Workmen, 1962(1) LLJ 382

## **COURSE II**

### **JURISPRUDENCE**

#### **Objectives**

*Any academic discipline, worthy of the name, must develop in the student the capacity for critical thought. Legal education needs to impart both law and its context- social, political and theoretical. Without deep understanding of the concept of law neither legal practice nor legal education can be a purposive activity. This course in Jurisprudence is designed, primarily, to induct students into a realm of questions concerning nature of law questions like, what is law. What are the purposes of law? The relationship between law and justice and the like. This course also deals with the meaning of the term “rights” in the abstract and seeks to distinguish various kinds of rights. Similarly, it investigates other legal concepts and tries to build up a general and more comprehensive picture of each concept.*

#### **Unit I**

**Introduction:** Meaning and nature of ‘Jurisprudence’, Purpose and value of Jurisprudence.

**Schools of Jurisprudence:** Natural law Theory: The Greek notion., Analytical Positivism-Critical Approach, The Historical School: Savigny’s concept of Law, The Comparative School of Law, Sociological School of Law, American Realism-Holmes and Frank-The rule Skeptics and Facts Skeptics

#### **Unit II**

**The Authority of Law:** Function and Purpose of law, the territorial nature of law, dimensions to International law.

**The concept of Justice:** Corrective and Distributive Justice.

**Administration of Justice:** Courts, Civil Justice and Criminal Justice, Primary and Secondary functions of Courts.

#### **Unit III**

**Sources of law:**

**Legislation:** The process, Importance of legislation in modern days. Subordinate legislation and its kinds.

**Precedent:** Common law system, Doctrine of Stare decises, Nature of Precedent, kinds of Precedent: The doctrines of Ratio-decidenti and Obiter dicta, the authority of Precedent and its exceptions.

**Customs:** Legal and Historical customs.

Stages in the formation of customs, the characteristics of legal customs.

**Equity:** Evolution and its Application.

#### **Unit IV**

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

Possession, Idea of Ownership, kinds of Ownership, Difference between Possession and Ownership, Nature of Personality, Status of the Unborn, Minor, Lunatic, Drunken and Dead Persons.

## **Unit V**

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

### **Prescribed Books:**

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

### **Reference Books:**

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

**COURSE III**  
**CIVIL PROCEDURE CODE AND LIMITATION ACT**

**Course Objectives:**

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

**Unit I**

**Civil Procedure Code:** Introduction: Distinction between procedural law and substantive law, History of the code, extent and its application, definition. Suits: Jurisdiction of the civil courts, Kinds of jurisdiction, Bar on suits, Suits of civil nature (Sec.9). Doctrine of Res sub judice and Res judicata (Sec. 10, 11 and 12), Foreign Judgement (Sec. 13, 14). Place of Suits (Sec. 15 to 20). Transfer of Cases (Sec. 22 to 25).

**Unit II**

**Institution of Suits and Summons:** (Sec. 26, O. IV and Sec. 27, 28, 31 and 0V). Interest and Costs (Sec. 34, 35, 35A, B). Pleading: Fundamental rules of pleadings, Plaintiff and written statement, Return and rejection of plaint, Defences, Set off- Counter claim. Parties to the suit (O.I), Joinder, misjoinder and non-joinder of parties, Misjoinder of causes of action, Multifariousness.

**Unit III**

**Appearance and examination of parties** (O.IX, & XVIII): Discovery, inspection and production of documents (O.XI & XIII), First hearing and framing of issues (O.X & XIV), Admission and affidavit (O.XII & XIX), Adjournment (O.XVII), Death, marriage, Insolvency of the parties (O.XXII), Withdrawal and compromise of suits (O.XXIII)- Judgement and Decree (O.XX). **Execution** (Sec. 30 to 74, O.XXI):

**General Principle of execution:** Power of executing court, Transfer of decrees for execution.

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

**Unit IV**

**Suits in particular cases:** Suits by or against Governments (Sec. 79 to 82 O.XXVII), Suits by aliens and by or against foreign rulers, ambassadors (Sec. 85 to 87), Suits relating to public matters (Sec. 91 to 93), Suits by or against firms (O.XXX), Suits by or against minors and unsound persons (O.XXXII), Suits by indigent persons (O.XXXIII), Inter-pleader suits (Sec. 88, O.XXXV). Interim Orders.Commissions (Sec. 75, O.XXVI). Arrest before judgement and attachments before judgement (O.XXXVIII). Temporary injunctions (O.XXXIX). Appointment of receivers (O.XL).

**Appeals** (Sec. 90 to 109, O.XLI, XLII, XLIII, XLV). Reference- Review and Revision (Sec. 113, 114, 115, O.XLVI). Caveat (Sec. 144.A), Inherent powers of the court (Sec. 148, 149, 151)

## **Unit V**

### **The Indian Limitation Act, 1963**

#### **Prescribed Books:**

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

#### **Reference Books:**

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

**COURSE IV**  
**TRANSFER OF PROPERTY LAW**

**Course Objectives:**

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

**Unit I**

**Transfer of Property:** General principles, Concept and meaning of immovable property, Transferable Immovable Property, Persons Competent to transfer, Operation of Transfer, Conditions restraining alienation and restrictions repugnant to the interest created. **Transfer for the benefit of unborn person.** Rule against perpetuity and its exceptions. Direction for Accumulation. Vested interest and contingent interest.

**Unit II**

**Doctrine of Election:** Transfer by ostensible and Co-owner.

**Apportionment:** Priority of rights, Rent paid to holder under defective title. Improvements made by bonafide holder.

**Unit III**

**Doctrine of Lis pendense.** Fraudulent transfer and Part-performance. **Mortgage:** Definition, Kinds and its features, rights and liabilities of mortgagor and mortgagee, priority of securities, marshalling and contribution. **Charges.**

**Unit IV**

**Sale:** Rights and liabilities of seller and buyer before and after completion of sale. Difference between sale and contract for sale. **Lease:** Definition, creation, rights and liabilities of lessor and lessee, Determination and holding over. **Exchange:** Definition and Mode. Actionable Claims. **Gift:** Scope, meaning, mode of transfer, universal gifts and onerous gifts. **Easement rights.**

**Unit-V**

**Law of Trusts with Fiduciary Relations:** Definitions of Trust and its comparison with other relationships like Debt, Ownership, Bailment, Agency and Contract, Kinds of Trusts. Creation of Trust: Appointment of Trustees, Duties and Liabilities of Trustees, Rights and Powers of Trustees, Disabilities of Trustee, Rights and Liabilities of the Beneficiary, Vacating the office of trustee and Extinction of Trusts.

**Prescribed Books**

1. Mulla – Transfer of Property Act, 1882
2. Dr. Tripathi- The Transfer of Property Act

**Reference Books:**

1. Subbarao – Transfer of Property
2. Shah – Principles of the Law of Property
3. Shukla – Transfer of Property Act



4. Menon – Property Law
5. M. P. Tandon – Indian Trust Act.

### **Cases**

1. Marshall v. Green 33 LT 400
2. Seeni Chettiar v. Santhanathan (1897) 20 Mad 58
3. Skinner v. Bank of Upper India AIR 1935 P.C 108
4. Ideal Bank Ltd v. Pride of India Pictures Ltd AIR 1983 Del 546
5. Daniels v. Davinson (1809)16 Ves 249
6. Mahesh Chandra Sharma v. Smt. Raj Kumari Sharma AIR 1996 SC 869
7. Har Prasad v. Fazal Ahmad AIR 1929 All 465
8. Perumal Ammal v. Perumal Naiker 44 Mad 196
9. Roser v. Roser 44 L.J Ch 44
10. Re Macky case 44 Ch 441
11. Rukmini Bai v. Lakshmi Bai 44 Bom 304
12. Tulk v. Moxhay 2( 1848) 2 Ph 774
13. Girijesh Dutt v. Data Din AIR 1934 Oudh 35
14. Sopher v. Administrator General of Bengal AIR 1944 PC 67
15. whitby v. Mitchell )1890) 54 Ch .D .85
16. Theluson v. Woodford 35 E.R 979
17. Mohammad Afzal's Case (1933) 30 Cal 843
18. Ram Kumar v. Maqueen 18 E.R 166
19. Nirus Purve v. Tetri Pasin (1916) 20 C.W.N 103
20. Annoda Mohan Case (1922) 26 C.W.N 436
21. Bala Ramachandra v. Daulu AIR 1925Bom 176
22. Maddision v. Alderson (1833) 8 A.A.A 467
23. Kumar Harish Chandra Singh Deo v. Bansidhar Mohanty,AIR 1965 SC 1738
24. Ram Niwas v. Bano, AIR 2000 SC 2921
25. Shivdev Singh v. Sucha Singh, AIR 2000 SC 1935

**COURSE V**  
**LAW OF CRIMES**

**Course Objectives:**

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

**Unit I**

**Concept of Crime:** Distinction between Crime and other wrongs under Common Law, Crime and Morality, State's responsibility to detect, control and punish crime.

**Principles of Criminal Liability:** Actus non facit reum nisi mens sit rea, statutory offences.

**Variations in liability:** Mistake, Intoxication, Compulsion, Legally abnormal persons. **Possible parties to the crime:** Principal in the I degree, Principal in the II degree, Accessories before the fact, Accessories after the fact.

**General Explanation:** Sec. 6 – 33 and 39 – 52A **Criminal acts by several persons or group:** Sec. 34 – 38. **Punishment:** Sec. 53 – 75- Social relevance of Capital Punishment, Discretion in awarding punishment.

**Unit II**

**Sec 76-229A**

General Exceptions: Sec. 76 – 106:

Abetment: Sec. 107 – 120, Criminal Conspiracy: Sec. 120A & 120B, Offences against State: Sec. 121 – 130, Offences against public tranquility: Sec. 141 – 160, Offences relating to election: Sec. 171A – 171-I, Contempt of lawful authority and public servants: Sec. 172 – 190, False Evidence and offences against Public Trust: Sections 172 – 229A,

**Unit III**

**S 230-338**

Offences relating to Coins and Government Stamps: S. 230 – 260, Offences relating to Weights and Measures: Sec. 261 – 294A, Offences relating to Religion Sec. 295 – 298

**Offences affecting Human Life:** Culpable Homicide, Murder, Death caused by negligence, Causing Miscarriage, Injuries to unborn children, Exposure of infants, Concealment of Birth, Hurt, Grievous hurt,

**Unit IV**

**S 349-414:** Wrongful Restraint, Wrongful Confinement, Criminal Force and Assault etc.

Kidnapping, Abduction, Slavery and forced labour. Rape, Prohibition of indecent representation of women, Unnatural Offences (Criminal Law Amendment Act 2013).

**Offences against Property:** Theft, Robbery, Dacoity, Criminal Misappropriation of Property, Criminal Breach of Trust, Receiving of Stolen Property.

**Unit V**

**Sec 415-511**

Cheating, Fraudulent deeds and disposition of property etc.

**Mischief** (Sec.425 – 440), **Criminal Trespass** (Sec. 441 – 462), Offences relating to document and Property Marks (Sec.463 – 480), **Offences relating to Marriage** (Sec. 493 – 498 A),

**Defamation** (Sec. 499 – 502). Criminal Intimidation and annoyance and attempt to Commit such Offences, Sec.506 – 511.

**Prescribed Books:**

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

**Reference Books:**

1. K. D. Gaur - A Text Book on the Indian Penal Code
2. P. S. Achuthan Pillai - Criminal Law.
3. Law Commission Reports.
4. Smith and Hogan- Criminal Law.

**Cases:**

1. R.v. Prince.
2. R. v. Tolson
3. K. Veeraswamy v. U.O.I.1991.3scc 655.
4. Ranaprathap v. State Of Haryana.AIR1983.sc 680.
5. S.C Bahri v. State of Kerala. AIR 1994. SC 2020.
6. Joshi v. State of Kerala. 1996. Cr. L.J 143 Ker.
7. Smt. Indira Gandhi's case.1988, SCC, 609.
8. R. v. Govinda.1876, Bom,342.
9. Moorthy v. State of T.N.1988,3 SCC 207,
10. Rekha Rai v. U.O.I.1927,6, Pat,471.
11. Varadarajan v. State of Madras. AIR 1965, SC,942.
12. Madanlal v. Jaswant Batra-1994, Cr L J 1761.
13. Jagannath Rao v. Kamaraju, 1900, 24. Mad, 284.
14. Shyama Sunder v. State .2003. CrLJ 1354.
15. Pani Bhushan Behre v. State of Orissa 1992, 2 4 LJ.
16. Nagarajan v. State Of Tamilnadu, 1995, Cr L J 3211.
17. George v. State of Kerala. AIR 2002. SC 1647.
18. State v. Sitaram. 1998, Cr LJ 4225 All.
19. Narantakat v. Parakkal, 1922, 45, Mad 986.

## ***COURSE VI*** ***LAND LAWS***

### **Course Objectives:**

*Land Laws is the form of Law that deals with the rights to use, alienate, or exclude others from land. This course is an integral part of the Law course, as they socially enforce groups of individuals' rights to own land in concurrence with the Land Laws of a nation. Land Laws addresses the legal mandates set forth by a country in regards to land ownership. It intends to be a systematic and practical guide to the basic features of modern Land Legislations.*

### **Unit I**

#### **Karnataka Land Revenue Act, 1964:**

Historical development of Land Laws, Pre-Independence & Post-Independence scenario, KLR Act, 1964: Definitions, Constitution and Powers of the Revenue Officers & Karnataka Revenue Appellate Tribunal, Land and Land Revenue - Grant, use and relinquishment of un-alienated land, Revenue Survey - Record of Rights, boundaries and boundary marks - Realisation of Revenue and other Public Demands, Land Grant Rules.

### **Unit II**

#### **Indian Registration Act, 1908:**

Definitions, Registration Establishment, Registrable Documents, Time of Presentation, Place of Registration, Enforcing the Appearance of Executants and Witnesses, Deposit of Wills, Effects of Registration and Non-Registration, Duties and Powers of Registering Officers, Refusal to Register, Fees for Registration, Searches and Copies, Penalties.

### **Unit III**

#### **Karnataka Rent Act, 1999:**

Definitions, Regulation of Rent, Deposit of Rent, Registration of Middlemen or Estate Agents, Controllers: Their Powers and Procedure, Regulation of Eviction, Special Obligations of Landlords and Tenants.

#### **Karnataka Industrial Areas Development Act 1966-Special features.**

### **Unit IV**

#### **Land Acquisition, Rehabilitation & Resettlement Act, 2013- Features**

##### **To be read with Previous Land Acquisition Act.**

Application of Act, Definitions, Determination of Social Impact and Public Purpose, Special Provision to Safeguard Food Security, Notification and Acquisition, Rehabilitation and Resettlement Award, Procedure and Manner of Rehabilitation and Resettlement, National Monitoring Committee for Rehabilitation and Resettlement, Establishment of Land Acquisition, Rehabilitation and Resettlement Authority, Apportionment of Compensation, Payment, Temporary Occupation of Land, Offences and Penalties, miscellaneous.

### **Unit V**

#### **Indian Stamp Act, 1899:**

Definitions, Stamp Duties, Adjudication as to Stamps, Instruments not duly stamped, Allowances for Stamps in certain cases, Reference and Revision, Criminal Offences and Procedure, Supplemental Provisions.

With reference to recent Amendments and Landmark Judgements

***Prescribed Books:***

1. T. S. Nagarajan - Karnataka Land Revenue Act
2. Karnataka Rent Act
3. Sirohi - Indian Registration Act
4. Karnataka Industrial Areas Development Act
5. Indian Stamp Act

***Reference Books:***

1. M. R. Achar and T. Venkanna - Karnataka Land Revenue Act.
2. Srishaila - Karnataka Land Revenue Act, Rules relating to Land Grants.
3. Karnataka Land Reforms Act.
4. D. F. Mulla - Indian Registration Act.

**SEMESTER-IV**  
**COURSE I**  
**ADMINISTRATIVE LAW**

**Course Objectives:**

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

**Unit I**

**Introduction to Administrative Law:** Evolution, Nature and Scope of Administrative Law, Relation with Constitutional Law, Theory of Separation of Powers, its application in India, Concept of Rule of law and its application in India.

**The French Administrative Model:** Droit Administratif. Conseil-d-Etat.

**Classification of Administrative Action:** Rule making action, Rule decision, Rule application, Ministerial action.

**Unit II**

**Quasi Legislative Action/Rule Making Action/ Delegated Legislation:** The need for Quasi Legislative Action, Classification of Quasi Legislative Action, Extent of delegation, Constitutional validity of Quasi Legislative Action.

**Control over Delegated Legislation:** Parliamentary Control, Procedural Control, Judicial Control, Sub-delegation.

**Unit III**

**Adjudicating Power of the Administration:** Quasi Judicial power of Administration: Characteristic of Quasi Judicial power, Test for determining the quasi-judicial nature, Distinction between Quasi Judicial power and Judicial power and executive power, Tribunals: need, nature, constitution, jurisdiction and procedure.

**Principles of Natural Justice:** Meaning and scope, Rule against Bias, Doctrine of fair hearing, Rule of reasoned decision, Effect of non-compliance with principle of Natural Justice, exceptions to the Principles of Natural Justice.

**Unit IV**

**Administrative Discretion:** need, Principles for the exercise of Administrative discretion, Judicial control of discretionary power.

**Judicial Review:** Grounds, Modes of Judicial review: **Public Law review:** Writs: Principles and procedure, Jurisdiction of Supreme Court and High Court.

**Private Law review:** Ordinary remedies: injunctions, declarations and damages.

Doctrine of Legitimate expectation, Doctrine of Accountability and Doctrine of Proportionality.

## **Unit V**

**Administrative Liability:** Liability in Tort, Liability in Contract, Doctrine of Waiver, Doctrine of estoppel. Administrative Privileges and Immunities, Accountability and transparency: Right to know, Ombudsman – Lokpal and Lokayuktha, Central Vigilance Commission, Central bureau of Investigation, Anti corruption Bureau, Corporations and Public Undertakings, Significance of Prevention of Corruption Act, 1988, Concept of Good Governance.

### **Prescribed Books:**

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

### **Reference Books:**

1. Takwani C.K. – Lectures on Administrative Law
2. Sathe S.P. –Administrative Law
3. Wade – Administrative Law
4. Desmith – Judicial Review of Administrative Action

### **Cases:**

1. A.K. Kraipak v. Union of India AIR 1950 SC 150
2. ADM Jabalpur v. Shivakant Shukla, AIR 1976 SC 1207
3. AIR India v. Nergesh Meerza AIR 1981 SC 1829
4. Bachan Singh v. State of Punjab AIR 1982 SC 1325
5. Board of High School v. Ghanshyam, AIR 1962 SC 1110
6. Bool Chand v. Kurukshetra University, AIR 1968 SC 294
7. D.K. Yadav v. JMA Industries,(1993) 3 SCC 1323
8. Delhi Laws Act case, AIR 1951 SC 332
9. E.P. Rayappa v. State of Tamil Nadu AIR 1974 SC 555
10. Express Newspaper (P) Ltd. v. Union of India, AIR 1958 SC 578
11. FCI v. Janadhenu Cattle Feed Industries AIR 1993 SC 1601
12. Gwalior Rayon Mills Mfg. Co. Ltd v. Assistant Commr. of Sales Tax, AIR 1974SC 1660
13. Hamdard Dawakhana v. Union of India, AIR 1965 SC 1167
14. Indira Nehru Gandhi v. Raj Narain, AIR 1975 SC 2299
15. Industrial Department v. American Petroleum Institute,448 US 607(1980)
16. K.I. Shephard v. Union of India, AIR 1988 SC 686
17. Kasturi Lal v. State of U.P. AIR 1965 SC 1039
18. M.P. Industries v. Union of India, AIR 1060 SC 671
19. Maneka Gandhi v. Union of India, AIR 1978 SC 597
20. Nilabati Behera v. State of Oriss, (1993)2 SCC 746
21. Olga Tellis v. Bombay Muncipal Corporation, AIR 1986 SC 180
22. Panama Refining co. v. Ryan,293 US 388,434(1935)
23. Sitaram Sugar co. Ltd. v. Union of India, AIR 1990 SC 1277
24. Som Prakash Rekhi v. Union of India, (1981) 1 SCC 449
25. State of Bihar v. Karam Chand Thapar & Bros. Ltd, AIR 1962 SC 110
26. State of Kerala v. K.G. Madhavan Pillai, (1988) 4 SCC 669
27. State of Orissa v. Madan Gopal, AIR 1952 SC 12
28. Union of India v. Cynbamid India Ltd. AIR 1987 SC 1802
29. Union of India v. Parma Nanda, (1989) 2 SCC 177

**COURSE II**  
**RIGHT TO INFORMATION AND INFORMATION TECHNOLOGY LAWS**

**Course Objectives:**

*Free exchange of ideas is a basic pillar of a democratic society. Corruption thrives in sacred places, therefore it is stated that sunlight is the best disinfectant. There should be governance in sunshine. The course is designed to convince the students how right to information can infuse transparency and accountability in governance, preventing abuse of power. The course deals with the enactment, rules and regulations regarding the information technology. The object of this paper is to keep pace with legal developments in the context of emerging technology in various fields.*

**Unit I**

**Right to Information Act, 2005:** Historical background: Colonial and Post Independent Scenario, British and American Experiences, Prominence of Information, Evolution of Access Law, Role of civil society, Significance of Right to Information in Democracy, Constitutional Basis, Supreme Court on Right to Information.

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

**Unit II**

**RTI Act:** Definitions, Right to Information and Obligations of Public Authorities. Central Information Commission, State Information Commission, Powers and Functions of Information Commissions, Appeals and Penalties.

**Best practices:** A study of decisions rendered by State Commissions and Central Commission in the following areas of: Police, Revenue, PWD, Irrigation, Secretariat, BSNL, Posts and Telegraphs, Scheduled Banks, CPWD, Income Tax Department, Central Excise Department, Local Authorities. Significant Decisions of Central and Karnataka State Information Commission.

**Unit III**

**Information Technology:** Evolution & growth, Privacy and Data Protection, Scope & Need for data protection, Cyber Security, Cyber crimes & frauds, obscenity, defamation, hacking and cracking, spamming and phishing, cyber pornography, crime through mobile phones, Legal Issues of the Internet and its regulation, Consequential Amendments in various convention laws in India

**Unit IV**

**Information Technology Act, 2000 :** (Along with Rules & Regulations) Preliminary, digital signature and electronic signature, Electronic Governance, attribution, acknowledgment and dispatch, electronic records, secure electronic records and secure electronic signatures, Regulation of Certifying Authorities, Electronic signature certificates



## Unit V

**Duties of Subscribers:** Penalties, compensation and adjudication, The Cyber Appellate Tribunal, Offences, Liabilities of Intermediaries, Electronic Evidence miscellaneous provisions and Amendments.

### Prescribed Books:

1. J.H.Barowalia - Commentary on the Right to Information Act
2. Dr. Madabhushi Sridhar - Right to Information : Law & Practice
3. Dr. Jyothi Rattan - Cyber Laws & Information Technology

### Reference Books:

1. S.V. Joga Rao - Law Relating to Right to Information
2. Ian J Lloyd - Information Technology law
3. Yatindra Singh - Cyber Laws
4. Vijay Kumar. Na - Cyber laws for every netizen in India
5. Vakul Sharma - Information Technology law and practice
6. Ian J Lloyd - Information Technology
7. Dr.Gupta & Agrawal, Information Technology Law and Practice
8. Relevant Bare Acts.

### Cases:

1. Benette Coleman & Co.Ltd. v. Steven S. Lalwani, (case no. D2000-0014, Adm. Panel Decision, WIPO)
2. Cotrone v. Realnetworks, No. C00-330 (WD, Washington field 1<sup>st</sup> March, 2000)
3. Eicher Limited & Another v. Web Link India & Another 2002 (25) PTC 322 (Del)
4. DPP v. Me Kewnon (1997) 1 Criminal Appeal 155
5. Satyam Infoway v. Sify net Solutions 2004 PTC (28) 566 (SC)
6. Tata Sons Ltd. v. Monu Kosuri and Others, 2001 PTC 432
7. Zee Telefilms v. Sundial Communication 2003 (27) PTC 457
8. Yahoo Inc. Akash Arora, 1999 PTC 201
9. Avnish Bajaj v. State, On 29<sup>th</sup> May, 2008, 150 (2008) DLT 769
10. A&M Records, Inc. v. Napster, Inc., 239 F 3d 1004, 1023 (9<sup>th</sup> Cir 2001)
11. Bazee.com Case
12. Sushas Katti v. State of Kerala
13. Kharak Singh v. State of U.P (1964) 1 SCR 332
14. M. Saravanan and Dr.L.Prakesh & Others v. State 4<sup>th</sup> July, 2012
15. B.N. Prios v. State of Kerala 2004 IPLR (April) 109
16. Thalapalam Service Co-Operative v. Union of India on 3 April, 2009
17. Mr.R S Misra vs Supreme Court Of India on 11 May, 2011
18. Mr.Vinod Sunder R v. Department Of Space on 20 March, 2012
19. Mr. Shekhar Singh v. Central Information Commission on 6 September, 2010
20. Mr.D K Bhaumik v. Ministry of Communications And ... on 10 April, 2012
21. Shri.Yashwant v. Samant v. Central Information Commission on 25 June, 2012
22. Mr.Aditya Raghav v. CBSE on 7 December, 2012
23. Shri Anand Sarup Garg v. Central Board of Secondary ... on 18 July, 2008
24. Mr. Harikrishan Das Nijhawan v. Municipal Corporation Of Delhi
25. Mr.Mohan Vidhani v. Ministry of Commerce and Industry on 24 November, 2011
26. Shri B S Alagu v. Customs on 13 January, 2010
27. Mr.Chanderkant J Karira v. Delhi High Court on 28 September, 2010
28. Union of India Thr. Director v. Central Information Commission & on 30 November, 2009
29. The Registrar General v. K.U.Rajasekar on 17 April, 2013

**COURSE III**  
**LAW OF INSURANCE**

**Course Objectives:**

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

**Unit I**

**History of Insurance:** Definition, development of Insurance in India.

**Insurance Regulatory Authority Act, 1999:** Composition, Powers and Functions. Registration of Insurance companies. Classification of Contract of Insurance.

**General Principles of Contract of Insurance.** Uberime fides-utmost good faith, Contract of Indemnity, Insurable interest, causa proxima.

**Unit II**

**Life Insurance:** Nature and scope of Life Insurance. The formation of a life insurance contract. Parties to the contract, Insurable Interest, free consent, misrepresentation, consideration and legal object (coparcener in a Hindu Joint Family) Meaning and scope of risk. Premium- mode of payment-days of grace. Event insured against Life Insurance contract, circumstances affecting the risk, amount recoverable under the Life Policy, settlement of claim and payment of money, assignment of life Insurance.

**Unit III**

**Fire Insurance and Miscellaneous Insurance:** Nature and scope of Fire Insurance, Basic Principles and Kinds of policies. Standard Fire Policy, Conditions & Warranties, Right & Duties of Parties, Claims, Reinsurance, Double Insurance, Insurable Interest in Fire Insurance.

**Special doctrines:** Doctrine of Subrogation, Contribution and Reinstatement, Burglary and Theft insurance (including Robbery and Dacoity).

**Unit IV**

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

**Loss:** Kinds of Loss.

**Unit V**

**Motor Vehicle Insurance:** Introduction, Absolute or No fault liabilities, Third party or compulsory insurance, Claims Tribunal, Public Liability Insurance, coverage of third party risk. Surveyors and Loss Assessors. Application of Res ipsa loquitur principle. Agriculture Insurance, Health Insurance, Insurance of Livestock.

**Prescribed Books:**

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

**Reference Books:**

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

**Cases:**

1. LIC v. Shakuntala devi AIR 1975 AP 68
2. Duargavathi Devi v. LIC AIR 1997
3. Nandan v. Ocean accident or Guarantee Corporation
4. Casdin v. Preston 380
5. Dalby v. The India Assurance Company 1854-15 CB 365
6. Wilson v. Jones 1867 LR
7. Carbolic Smoke Ball Company v. Carlil
8. Pink v. Fleming (1890) QBD 396
9. Reserve Bank of India v. Peerless General Insurance Company AIR 1987 SC 1023
10. LIC v. Komalavalli AIR 1984 2 SCC 719
11. Benarasi Devi v. New India Assurance Co Ltd (1997)6 Rel 281
12. Northern India Insurance co v. Kavyalal ILR (1938) Lahore 542
13. Asia Assurace co v. Kartiya Devi AIR 1940
14. Nirmala adi Reddy v. LIC AIR 1962
15. General Assurance Society v. chard Null 1966 3sc (500)
16. Harris V. Polland. Young v. Newzealand Insurance Co (AII ER 204)1941
17. Young v. New Iceland Insurance co (1976) p 196
18. Midland Insurance v. Smith.
19. Brown v. Royal Insurance Co (1888) 6 QBD 561
20. Brown v. Royal Insurance Co 28 LJ QB 275 (SC)
21. Chinnaswamy Nadar v. Home Insurance co 1981 SCJ 919 (SC)
22. Home Insurance v. Ramnath tlr 29 (1907)
23. Bhagvan Das v. Netherlands Insurance Co AIR 1984 MP 126
24. Hamilton v. Pendroff (1887) 12 APP cas 518
25. Canada Rice Mill Ltd v. Union Marine and General Insurance co ALL ER 169
26. Wood v. Associated National Assurance Co ltd 1984 ODR 297
27. Geismar v. Sum Alliance of London Insurance co (1977) 3 QBD 570
28. Haji Habib v. Commercial Union Assurance co AIR 1952
29. Green R.J in Ocean Steam Navigation Co ltd v. Evans (1867) 2 QB 203.

## **COURSE IV**

### **LAW OF INTELLECTUAL PROPERTY**

#### **Course Objectives:**

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

#### **Unit –I**

Intellectual Property and Industrial property: Nature of Intellectual property, the main forms of Intellectual property, Rationale for Protection of rights. Intellectual Property and Economic Development. World Intellectual Property Organization. Major International Conventions: Paris convention, Berne convention, Patent Co-operative Treaty, TRIPS.

#### **Unit II**

Analysis of Indian Patent Act- Meaning of Patent, Historical evolution of the concept of patent, Acquisition and loss of the right to the patentee, Grounds of opposition, Wrongfully obtaining the invention, Prior publication, lack of inventive step, insufficient description. Rights conferred by patents and obligation of patentee, Patents as chosen in action, Duration of patent, Use and exercises of rights, right to secrecy, Abuse of patent rights, Compulsory licensing. Remedies. **“Standard Essential Patents-its Glimpses”**

#### **Unit-III**

Analysis of Trade Mark Act: Historical evolution of Trademark Law: Definition, Registration, Rights conferred, Registered user, Assignment and transmission, Well-Known trademarks, **Non-Conventional Trademarks**, domain name, collective trademark, action for passing off and infringement of trademarks. Remedies.

#### **Unit-IV**

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

#### **Unit-V**

Confidential Information. Plant varieties protection. Utility models: Transfer of technology patents, Patenting Biotechnological Inventions, Industrial designs. Geographical Indications. Protection of Traditional Knowledge. IPR and Human Rights. Legal Practice in IPR.

#### **Prescribed Books**

1. P. Narayanan - Intellectual Property Law
2. Dr. Ahuja- Intellectual Property Law

**Reference Books:**

1. B.L Wadhera- Intellectual Property
2. WIPO - Reading Material on Intellectual Property Law
3. Brainbridge, David – Cases and Materials in Intellectual Property Law
4. Cornish W.R - Cases and Materials in Intellectual Property Law
5. Dr.S.K Singh- Intellectual Property Rights Laws
6. Patents(Amendment) Act, 2002
7. Copy Right Act, 1957
8. Trade Marks Act, 1999.
9. The Biological Diversities Act, 2002
10. The Protection of Plant Varieties and Farmers' Right Act, 2001
11. Geographical Indications of Goods (Registration and Protection) Act, 1999

**Cases:**

1. Cadilla Health Care Ltd v. Cadilla Pharmaceuticals Ltd (2001) 5 SCC 73
2. Scotch Whisky Association v. Pravara Shanksr Karkhana AIR 1992 Bom 294
3. Diamond v. Chakraborty 447 US 303 (1980)
4. Basmathi Case
5. Neem Case
6. Turmeric Case
7. U.S v. Canada ( Mail Box Provisions Case)
8. Nirmala Chemical works Pvt Ltd v. Nirman High School and others AIR 2011 (NOC) Guj
9. Shelke Beverages Pvt Ltd v. Rasiklal Manickchand Dhariwal AIR 2010 (NOC) 1064
10. Satyam Infoway Ltd v. Sifnet Solutions Pvt Ltd AIR 2004 SC3540
11. Rediff Communications Ltd v. Cyberbooth AIR 2000 Bom 27
12. Goneka Institute of Education and Research v. Anjani Kumar Goneka 2009(40) PT 393 Del
13. Natco Pharma Ltd v. Bayer Corporation ( 13<sup>th</sup> March 2012)
14. Novartics AG v. Union of India (2013)
15. Kamal Trading Co v. Gillette U.K Ltd (1998) 1 PCR 135
16. Amrathadhara Pharmacy v. Satya Deo AIR 1963 SC 449
17. University London Press v. University Tutorial Press (1916) 2 Ch 601
18. Macmillan v. COOPER air 1924 PC 75
19. Express News Papers v. Liverpool Daily Post and Echople (1985) 1 WLR 1089
20. Najma Heptulla v. Orient Longman Ltd AIR 1989 Del 63
21. Walter v. Lane (1900) AC 539
22. Manu Bhandari v. Kala Vikas Pictures AIR 1987 Del 1
23. Amarnth Segal v. Union of India (2002) 25 PT 56
24. R.G Anand v. Delux Films AIR 1978 sc 1613.
25. Anil Gupta v. Kunal Das Gupta (2002) 25 PTC

**COURSE V**  
**LAW OF CRIMINAL PROCEDURE**

**Course Objectives:**

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

**Unit I**

**Introduction and classes of Criminal Courts:** Concept of Procedural Law, Importance of procedural Law and its applications. Definitions. Construction of References. Trial of offences under the Indian Penal Code and Special Acts. Classes and hierarchy of Criminal Courts in India. Powers of various Criminal Courts. Metropolitan Areas and their Magistrates and Judges, Executive Magistrates and Public Prosecutors.

**Unit II**

**Powers of Police Officers,** Arrest of persons and Process to compel Appearance. Powers of Police Officers including Superior Officers. Aid to Magistrate and the Police. Arrest and its procedures. Examination of Accused and Victim. Other related provisions relating to arrest. **Process to compel appearance:** Summons, Warrant, Proclamation and Attachment. Process to compel the production of things: Search Warrants, Summons to produce, Seizure of properties, Reciprocal arrangements for production of person or thing in India and vice versa. **Preventive action by Police:** Information to the Police and their powers to investigate. Security for peace and for good behavior, maintenance of public order and tranquility. Related case laws.

**Unit III**

**Order for maintenance of Wives, Children and Parents.** Jurisdiction of Criminal Courts in Inquiries and Trial, Condition requisite for initiation of proceedings, Complaints to Magistrates, Commencement of proceedings before Magistrates.

**The Charge:** Contents of Charge, alteration of Charge, Joinder of Charge, Trial before Court of Sessions, Trial of Warrant Cases by Magistrates based on Police Report, Trial of Summons case by Magistrates, Summary Trials, Plea Bargaining. Related case laws.

**Unit IV**

**Attendance of persons confined or detained in prison.** Evidence in Inquiries and Trials, Mode of recording evidence, Commissions. General provisions as to Inquiries and Trials, Trial of persons of unsound mind, Offences affecting administration of Justice, Judgement. Confirmation of death sentence, Appeals, Reference and Revision, Transfer of Criminal Cases, Execution, Suspension, Remission and Commutation of Sentence, Provisions as to Bail and Bonds, Disposal

of property, Irregular Proceedings, Limitation for taking Cognizance of cases, Miscellaneous Provisions. Related case laws.

### **Unit V**

Juvenile Justice (Care and Protection of Children) Act, 2000

The Probation of Offenders Act, 1958

### **Prescribed Books:**

1. Rathanlal and Dhiraj Lal- Criminal Procedure Code

### **Reference Books:**

1. Sohoni's - Criminal Procedure Code.
2. Batuk Lal's - Criminal Procedure Code.
3. R.V. Kelkar - Criminal Procedure Code.
4. Decided cases on Criminal Procedure Code.
5. Criminal Judicial System in India.
6. Rarest of rare cases.
7. Annual Digests.
8. Justice. Malimath' Committee on Reforms of Criminal Procedure Code.
9. Relevant Bare Acts.

## **COURSE VI**

### **LAW OF TAXATION**

#### **Course Objectives:**

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

#### **Unit I**

Concept of Tax: Nature and characteristics of taxes, Distinction between tax and fee, tax and cess. Direct and Indirect Taxes: Tax evasion and tax avoidance, Scope of taxing powers of Parliament, State Legislatures and Local bodies. Income Tax Act: Basic Concepts, Assessee, Assessment Year, Previous Year. Residential Status and Incidence of Tax, Capital and Revenue Receipts, Incomes Exempted from Tax, Income from Salaries, Income from House Property, Income from Business or Profession, Income from other Sources.

#### **Unit II**

Deductions from Gross Total Income: Computation of Total Income of Individuals and tax liability, Computation of Total Income of HUF and tax liability, Computation of Total Income of Partnership Firms and tax liability. Income Tax Authorities, their appointment, Jurisdiction, powers and functions. Advance Tax: Tax Deduction at Source, Provisions relating to Procedure for assessment/re-assessment, Appeals and Revision Provisions, Offences and Penalties.

#### **Unit III**

Introduction to Indirect Taxes:

Excise Laws: Nature of Excise Duty, Definitions and meaning of goods, manufacture, manufacturer, taxable event, Rates of Excise duty; Basis of excise duty; valuation of goods and other provisions.

Customs Law: Customs Duty, Taxable Event, Types of Customs Duty, Valuation of Goods; other provisions.

Sales Tax:

Objectives of CST Act, 1956; Concept of State, Dealer, Declared Goods; Principles for determining the place of sale or purchase Determination of taxable turnover; Registration of dealers; How and when the central sales tax is imposed;

Main features of Value Added Tax (VAT) and Service Tax

Brief note on Excise laws, Customs laws and Sales Tax laws including VAT & Service Tax.

Goods and Services Tax: Background -Demonitisation and Curbing Black Money;

Combating tax evasion;

Major features of the Constitution (122nd Amendment) Bill, 2014;

Taxation Laws (Amendment) Bill, 2017 (Indirect Tax Laws Amendment Bill);

#### **Unit IV**

Integrated Goods and Services Tax Act, 2017;

The Central Goods and Services Tax Act, 2017;



Salient features of GST, Advantages of GST, HSN (Harmonised System of Nomenclature) , Service Code, Input Tax Credit, GST Council, other provisions of GST, Tax Slabs under GST, SGST, CGST, IGST comparison, Administering GST; Challenges ahead etc.

CGST Act, 2017: Overview – Definitions, registration , Levy and Collection on tax, input tax credit, tax invoice, credit and debit notes, accounts and records, returns, payment of tax, refunds, assessment, audit, inspection, search, seizure and arrest, appeals and revision, offences and penalties .

#### **Unit V**

International Taxation: Double taxation; Unilateral and bilateral relief; Tax treaties; Types of Tax haven countries; OECD and UN models of tax treaties; Tax Planning and Management; types of tax planning; factors to be considered for tax planning.

#### **Prescribed Books:**

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

#### **Reference Books:**

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

**SEMESTER - V**  
**COURSE I**  
**LAW OF ENVIRONMENT**

**Course Objectives:**

*Environmental problems have attained alarming proportions. It is essential to sensitise the students to environmental issues and the laws. The important principles in the field such as inter-generation equity, carrying capacity, sustainable development, precautionary principle and polluter pays principles are to be appreciated. The law in practice is to be analysed and evaluated. The recent development relating to the compliance towards international environment conventions and its initiatives, particularly by imposing the Corporate Social Responsibility on various sectors and its measures to implement are the challenging issues in the protection of environment and management. The course is designed towards these objectives.*

**Unit I**

**Concept of Ecology and Environment:** the basic concepts of ecology and ecosystem, Biosphere and Biomes. Kinds of pollution-Air, Water, Soil. Causes and Effects of pollution-green house effect-ozone layer depletion acid rain. Ancient Indian approach to Environment, Traditional approach. Natural and Biological Sciences.

**Conflicting dimensions:** Anthropogenic V. Anthropocentric approaches- recent issues relating to Environment, Environment and sustainable development, National and International Perspectives, Population and Developmental impact on environment.

**SEZ, Land Acquisition Policy, Rehabilitation & Resettlement.**

**Unit II**

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

**Indian Constitution and Environment:** Right to Environment, Constitutional provisions on Environment and its Protection, Role of Judiciary on Environmental issues, evolving of new Principles, Absolute Liability, Polluter Pays Principle, Precautionary Principle, and Public Trust Doctrine.

**Unit III**

**International Law and Environmental Protection:** International Conventions in the development of Environmental Laws and its Policy - From Stockholm to recent Conventions (Special Emphasis on Major conventions and Protocols) Brown and Green agreements- Multilateral environmental agreements- Outcomes from Doha Climate Change Conference, Carbon Credit, Corporate Social Responsibility. Control on Marine Pollution.

**Common Law aspects of Environmental Protection:** Riparian rights and Prior-appropriation. Relevant Provisions of I.P.C., Cr.P.C and C.P.C for preventing pollution.

**Unit IV**

**The Pollution Prevention Laws:** Prevention and Control of Pollution through Scientific methods, prevention of Water pollution- Ground water conservation. Legal Control of Water and Air Pollution, The Water Act, 1974; The Air Act, 1981.

**Pollution Controlling Mechanisms-** Modalities of control, Noise Pollution and its control, Noise Pollution control order. Disposal of Waste, Laws on waste disposal and its control - Trans-boundary Pollution hazards and Regulation on Bio-Medical Waste.

**Laws relating to Conservation of Flora and Fauna:** Bio-diversity and Legal regulation - Authorities under Biological Diversity Act, 2002 -Utilization of flora and fauna. Forest (Conservation) Act, 1980.

**Problems in legal regulation of Medicinal Plants:** Objectives of the Protection of Plant Varieties and Farmers' Rights Act, 2001 Wildlife Protection Act 1972, Symbiotic relationship and tribal people- Rights of Tribal- Forest Dwellers. Animal Welfare Act, 2010. Experimentation on animals, Legal and Ethical issues.

**Wetland Conservation and Law.**

## **Unit V**

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

**Environmental Protection to Environmental Management.**

### **Prescribed Books:**

1. Leelakrishnan - Environmental Law in India /Cases
2. S. Shantha Kumar - Introduction to Environmental Law

### **Reference Books:**

1. Simon Ball & Stuart Bell - Environmental Law.
2. Armin Rosen Cranz - Environmental Law and Its Policy in India.
3. Sanjay Upadhyay and Videh Upadhyay - Handbook on Environmental Laws
4. Dr.S.R.Myneni - Environmental Law
5. Relevant Bare Acts/Notifications
6. S.Diwan and A. Roscencranz - Environmental Law and Policy in India
7. P. Leelakrishnan - Environmental Law in India, Butterworths Kladhira (2008)
8. P.S. Jaswal - Environmental Law (Pioneer Publications)
9. S. Lal Commentaries on Water, Air and Environmental Pollution
10. D.S. Senegar - Environmental Law.
11. S.K.Nanda - Environmental Law, 2007
12. S. Lal - Commentaries on Water, Air and Environmental Pollution

### **Cases:**

1. Indian Council for Enviro-Legal Action v. Union of India, AIR 1996 SC 1446 (Bichhri Village case)
2. Narmada Bachao Andolan v. Union of India, AIR 2000 SC 3751

3. M.C. Mehta v. Union of India, AIR 2002 SC 1696 (CNG Vehicles case)
4. Rural Litigation and Entitlement Kendra v. State of U.P., AIR 1982 SC 652 (Dehradun-Mussorie Hills quarrying case)
5. M.C. Mehta v. Union of India, AIR 1997 SC 734 (Taj Trapezium case)
6. M.C. Mehta v. Union of India, (2006) 3 SCC 399 (Closure of industries in Delhi)
7. M.C. Mehta v. Union of India, AIR 1988 SC 1037 (Kanpur Tanneries case)
8. M.C. Mehta v. Union of India, AIR 1988 SC 1115 (Municipalities case)
9. M.C. Mehta v. Union of India, AIR 1987 SC 965 (Oleum Gas Leakage)
10. Charan Lal Sahu v. UOI 1990, AIR 1990 SC 1480
11. U.P. Pollution Control Board v. Dr. Bhopendra Kumar Modi (2009) 2 SCC 147
12. T. Damodhar Rao v. S.O. Municipal Corporation, Hyderabad AIR 1987 AP 171
13. T.N. Godavarman Thirumulpad v. Union of India (2002), 10 SCC.606
14. Vellore Citizen's Welfare Forum v. Union of India (1996) 5 SCC, 647 AIR, 1996 SC 2715
15. Subhash Kumar v. State of Bihar AIR 1991 SC.420
16. Goa Foundation v. Goa State Committee on Coastal Environment W.P. 115/1992
17. Goa Foundation v. Konkan Railway Corporation AIR 1992 Bom 471

**Prescribed Legislations:**

1. The Water (Prevention and Control of Pollution) Act, 1974
2. The Air (Prevention and Control of Pollution) Act, 1981
3. The Environment (Protection) Act, 1986
4. The Public Liability Insurance Act, 1991
5. The National Green Tribunal Act, 2010
6. The Protection of Plant Varieties and Farmer's Rights Act, 2001
7. The Biological Diversity Act, 2002
8. The Wildlife (Protection) Act, 1972
9. The Forest (Conservation) Act, 1980
10. The Indian Forest Act, 1927
11. The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2007.
12. The Animals Welfare Act, 2010
13. The relevant Notifications issued by the Central Government of India
14. Hazardous Wastes (Management, Handling & Transboundary) Rules, 2008
15. The Protection of Plant Varieties and Farmers' and Breeders Rights Act, 2001

## **COURSE II**

### **INTERPRETATION OF STATUTES**

#### **Course Objectives:**

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

#### **Unit I**

**Introduction:** The meaning and purpose of a Statute. Interpretation and construction of Statutes. Legislation and Kinds of legislations, brief introduction involved in the process of framing legislation, distinction between statute law and judicial law, advantages of statute law over case law.

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

#### **Unit II**

**The basic principles of interpretation:** Intention of the legislature, Statute must be read as a whole and in its context, construction to make it effective and workable every word should be given a plain meaning irrespective of consequence, appraisal of plain meaning rule.

**General rules of interpretation:** Basic methods of interpretation, Rule of Literal construction (Mischief and Golden rule).

**Internal aids to construction:** Preamble, Heading, Marginal notes, Schedule, Punctuation, illustration, Explanations, Definitions, Proviso.

**External aids of Construction:** Parliamentary history, historical facts, reports of committees and commissions, International Conventions, and Contemporanea expositio, Dictionaries.

#### **Unit III**

**Subsidiary Rules of Interpretation:** Conjunctive and disjunctive words, SAME word, same meaning, Use of different words, Rule of last antecedent, Non-obstante clause, Legal fiction- Mandatory and directory provisions, use of „or“ & „and“.

**Construction of general words:** General Principles, Rule of Ejusdem Generis, words of rank, Redendo Singula Singulus, Bonam Partem, Causus Omnisus.

**Construction of general words,** Doctrine of Noscitur a Sociis, Contemporanea expositio, Understanding associated words in a common sense and the expositio unius rule.

#### **Unit IV**

**Statutes affecting jurisdiction of Courts:** Extent of exclusion, territorial application, Exclusion of jurisdiction, Jurisdiction of Superior Courts.

**Interpretation of Taxing Statutes: Principle of construction of a fiscal Statute. Strict construction of Taxing statutes, evasion of statutes**

**Interpretation of the Constitution:** General Principles

## Unit V

**Operation of the Statutes:** Retrospective Operation, Liberal construction of Remedial Statutes, Strict Construction of Penal Statutes, Mens rea in statutory offences.

**The General Clauses Act, 1897:** The purpose of General Clauses Act and general definitions, (Special Emphasis on SS. 5 to 13, 14 to 19, 20, 24, and 28).

### Prescribed Books:

1. G. P. Singh – Principles of Statutory Interpretation.

### Reference Books:

1. Maxwell on the Interpretation of Statutes
2. V. P. Sarathi - Interpretation of Statutes
3. Bindra - Interpretation of Statutes
4. General Clauses Act, 1897
5. Avtar Singh - Interpretation of Statutes

### Cases:

1. Reserve Bank of India v. Pearless General Insurance Finance and Investment Co. (1987) 1 S.C.C .424
2. Municipal Corporation Hyderabad. v. T.N Murthy (1987) 1 SCC 568
3. C.I.T v. Teja Singh AIR 1959 SC 352
4. ITO, Mangalore v. M. Damodhar Bhat, AIR 1969 SC 408
5. Sussex Peerage Case (844) 11 C1 & F 85
6. D. Stephen Joseph .v. Union of India, (1997) 4 SCC 753
7. Suthendran v. Immigration Appeal Tribunal, (1976) 3 All ER 611
8. Municipal Board v. State Transport Authority Rajasthan, AIR 1965 sc 458
9. Ramavtar v. Assistant Sale Tax Officer, AIR 1955 SC 1325
10. Grey v. Pearson (1857) 6 HCL 61
11. Motipur Zamindary Co Ltd v. State of Bihar, AIR 1962 SC 660
12. Forest Range Officer v. Khushboo Enterprise, AIR 1994 SC 2288
13. Ashwini Kumar Ghose v. Arabindo Bose, AIR 1952 SC 369
14. Jivabhai v. Chhagan AIR 1961 SC 1491
15. Manohar Lal v. State of Punjab, AIR 1961 SC 418
16. Raj Kiran v. Binod, AIR 1954 SC 202
17. Heydon's Case.
18. Smith.v. Hughes (1960) 1 WLR 830
19. Bengal Immunity Co. v. State of Bihar AIR, 1955 SC 661
20. CIT, Madya Pradesh. v. Sodra Devi, AIR 1957 SC 837
21. Sopher v. Administrative General Bengal, AIR 1944 PC 67
22. Mohd. Sydeol Ariffin v. Yeah Oai Gark, 43 IA 256
23. Union Carbide Corporation v. Union of India, AIR 1988 SC 1531
24. State of Madhya Pradesh v. Swaroop Chand AIR1997 SC 301
25. State of Bombay v. R.M.D.C AIR 1957 SC 699

*Note: The cases mentioned above are suggested only. Students are informed to refer the recent cases available at various law reports and also refer to online law journals*

**COURSE III**  
**LABOUR WELFARE LEGISLATION**

**Course Objectives:**

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

**Unit I**

**The Concept of Welfare State:** Evolution and Functions, Social Welfare and Social Security, Constitutional aspirations of social welfare.

**Labour welfare and International Scenario:** ILO-Objectives, Constitution, Organs, impact of ILO on Indian Labor Legislations.

**The Employees' Compensation Act,1923:**

Introduction-features and definitions.

Employees Compensation: Employers liability for compensation-Occupational disease--Arising out of and in the course of employment- Doctrine of Notional Extension- Doctrine of Added-Peril-Amount of compensation-Method of calculating wage-distribution of compensation.

**Commissioner:** Appointment, Reference to commissioner-Jurisdiction of the Civil Court-Venue of proceedings and transfer-powers and Procedure of Commissioners-Appeals.

**Unit II**

**The Employees State Insurance Act,1948:**

Introduction-Application and Scope of the act

Definitions: Contribution-Corporation, Dependent-Employment injury, Employment, Employee and Wages.

Corporation-Standing Committee and Medical Benefit Council-Contributions and Benefits.

**The Maternity Benefit Act, 1961:** Definition: Child, Delivery, Maternity Benefit, Medical termination of Pregnancy, Miscarriage, Wages, Women, Employment of or Work by Women prohibited during certain period, Right to payment of Maternity Benefit, continuance and payment of maternity benefit in certain cases, notice of Claim for maternity and payment thereof, payment of maternity benefit in case of death of a women, payment of medical bonus, leave for miscarriage, leave with wages for tubectomy operation, other leaves, nursing breaks, dismissed during absence of pregnancy, deduction of wages.

**The Child Labour (Prohibition and Regulation) Act, 1986:** Object and Scope, Definitions: Child, Family, Workshop, Prohibition of Employment of children in certain occupations and processes, regulation of conditions of work of children.

**Unit III**

**Minimum Wages Act, 1948:** Concept of Minimum Wages, Fair Wage, Living Wage and Need Based Minimum Wage, Constitutional Validity, Procedure for Fixation and Revision of Minimum Wages, Fixation of Minimum Rates of Wage by time rate or by price rate, Procedure for hearing and deciding claims.

**The Payment of Wages Act, 1936:** Object, Scope and Application of the Act.

**Definition:** Wage, Responsibility for Payment of Wages, Fixation of Wage period, time of payment of wage, deductions which may be made from wages, minimum amount of deduction.

**The Contract Labour (Regulation and Abolition) Act, 1970:** Object and scope, **Definitions:** Contract Labor, Contractor, Controlled Industry, Principal Employer, Wages, Workmen, Registration of Establishments employing Contract Labor, Licensing of Contractors, Welfare and Health of Contract Labor.

#### **Unit IV**

**The Employees Provident Funds and Miscellaneous Provisions Act, 1952:** Object and Scope of the Act.

**Definitions:** Basic Wages, Contributions, Employer, Employee, Exempted Employee, Exempted Establishment, Fund, Pension Fund and Scheme, Superannuation, Determination of Escaped Amount, Recovery of Money due from employers.

**The Payment of Bonus Act, 1965:** Object of the Act.

**Definitions:** Payment of Wages and Deductions from Wages, Inspectors Powers and Functions.

**The Payment of Gratuity Act, 1972:** Object and Scope.

**Definitions:** Employee, Employer, Factory, Family, Wages, Continuous Service, Payment of Gratuity, Protection of Gratuity.

#### **Unit V**

**The Equal Remuneration Act, 1976: Introduction, Definitions.** Payment of Remuneration at Equal Rates to Men and Women Workers and other matters.

**The Bonded Labor System(Abolition) Act,1976:** Aims, Objects and Operation, **Definitions:** Abolition of Bonded Labor System, Extinguishment of liability to repay bonded debt, Implementing Authorities, Vigilance Committee.

**Benefit Schemes for the Unorganized sector:** Issue and Problems. Anxieties of employees in Call Centers and Out Sourcing Centers.

#### **Prescribed Book:**

1. Surya Narayan Misra - Labour and Industrial Laws

Reference Books:

1. Dr.Goswami, V.G. - Labor and Industrial laws
2. Jivitesh Kumar Singh - Labor Economics- Principles, problems and practices
3. Srivastava, S.C. - Treaties on Social Security and Labor Laws
4. Meenu Paul - Labor and Industrial Law.

#### **Cases:**

1. Indar Singh v.Secretary of State, AIR129.Lah.573.
2. Upper Doaba Sugar Mills Ltd.v.Daulat Ram AIR 1960 ALL.493.
3. General Manager G.R.P.Railway, Bombay v.Shankar, AIR 1950. Nag.201.
4. New India Assurance Co. Ltd.v.Kotam Appa Rao and another (1995)II L.L.J.436.(A.P.)
5. Pratap Narain Singh Deo v.Srinivasa, AIR 1976 S.C.222.
6. State of Kerala v.Khadeeja Beevi,1989,II L.L.J.438 (Kerala)



**COURSE IV**  
**CLINIC I: DRAFTING, PLEADING AND CONVEYANCING**

**Course Objectives:**

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

**Drafting, Pleadings and Conveyancing:**

- a. General Principles of Drafting
- b. Pleadings

**I. Civil Cases:**

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

**II. Criminal Cases:**

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

**III. Conveyance:**

- a. Sale Agreement
- b. Sale Deed
- c. Lease Deed
- d. Mortgage Deed
- e. Gift Deed
- f. Release Deed
- g. Partition Deed
- h. Adoption Deed
- i. Power of Attorney
- j. Trust Deed
- k. Partnership Deed
- l. Will

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

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

**Prescribed Book:**

1. Moga's Indian Conveyance
2. Bindra's – Pleading and Practice

**Reference Books:**

1. P.K. Majumdar – Guide to the Deeds
2. R.K. Gupta – Deeds
3. D'Souza's – Law and Practice of Conveyancing, Deeds and Documents
4. Shiva Gopal – Conveyancing precedents and forms

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

**Course Objectives:**

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

**Syllabus**

The importance of legal education. Professional Conduct and Advocacy (Krishnaswami Aiyar) **Advocates Act 1961**, Professional Ethics: Standards of professional conduct & Etiquette.

Bar-Bench relationship. Professional & Other Misconduct:

**Bar Council of India Rules:** Part- IV & VI.

**Analysis of important case laws relating to professional & other misconduct.**

Contempt of Court 1971. Features of the Act, Contempt Proceedings:

**Analysis of important case laws relating to Contempt of Court.**

**Accountancy for lawyers:** Need for maintenance of accounts, books of accounts. Elementary aspects of book-keeping. Journal entries, cash book, profit & loss account. Ledger.

**The scheme of evaluation will be as under:**

Division of marks; **Total marks = 100**

**Tests = 80**

**(There shall be two tests for 40 marks each, one at the end of 8<sup>th</sup> week and the other at the end of the semester)**

**Case Analysis/Assignment =10**

**Viva = 10**

**Reference Books:**

1. Krishnaswami Aiyar - Professional Conduct and Advocacy, Oxford Publication.
2. N. R. Madhava Menon, (ed.) - Clinical Legal Education(1998), Code of Ethics for Advocates published in the Appendix-II and other relevant articles
3. Judgments of Supreme Court on professional ethics
4. Decisions of the Disciplinary committee of the Bar Council of India reports in the Indian Bar Review.
5. Bar Council of India-Selected Judgments on Professional Ethics Vol. I & II

**Prescribed Books:**

1. Dr. Kailash Rai- Legal Ethics, Accountability for Lawyers & Bar-bench Relations.
2. Sirohi.J P S-Legal Ethics, Accountability for Lawyers, Bench-Bar Relations.
3. Myneni S R-Professional Ethics, Accountability for Lawyers, Bench-Bar Relations.

4. Gupta S P - Professional Ethics, Accountability for Lawyers, Bench-Bar Relations.
5. Dr. B. Malik, (Ed.) - Art of Lawyer (New Delhi, Universal Book Agency, 1999)- Relevant articles
6. Pre-University text books on Accountancy

**Acts & Rules:**

1. The Advocates Act, 1961
2. The Advocates Welfare Fund Act, 2001
3. The Bar Council of India Rules 1961
4. Notaries Act, 1952.
5. The Notaries Rules 1956
6. Contempt of Court Act, 1971
7. The Contempt of Courts (CAT) Rules 1992.

**SEMESTER - VI**  
**COURSE I**  
**PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS**

**Course Objectives:**

*The course deals with the study of general principles of International Law including Law of Peace. Third World concerns in respect of security and development and the role of U.N. and International Agencies in structuring solutions in the context of changing balance of power are also to be appreciated. The objectives of the course are to prepare for responsible citizenship with awareness of the relationship between Human Rights, democracy and development; to foster respect for International obligations for peace and development; to impart education on National and International regime of Human Rights; to sensitize students to human suffering and promotion of human life with dignity; to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.*

**Unit I**

**Historical Development of International Law:** Definitions of International Law; Nature & Basis of International Law, Theories forming the basis of International Law, Natural Law Theory, Positivism, Consent Theory, Auto Limitation Theory, Pacta Sunt Servanda, Theory of Fundamental Rights. Difference between Public & Private International Law, Codification of International Law

**Sources of International Law:** International Conventions and Treaties, International Customs, General Principles of Law recognized by Civilized Nations, Decisions of Judicial or Arbitral Tribunals, Juristic Works, Decisions of the organs of International Institutions; Relationship between International Law and Municipal Law-Monism, Dualism, Specific Adoption Theory, Transformation Theory, Delegation Theory, State Practices regarding the relationship between International Law and Municipal Law, Subjects of International Law, Theories on Subject of International Law, State as a Subject of International Law, Nature of State, Essential elements of State, Different kinds of State and Non-State entities, Individual as a Subject of International Law.

**Unit II**

**Position of State in International Law:** State Jurisdiction, Basis of Jurisdiction, Civil & Criminal, Principles of Jurisdiction, Subjective and Objective Territorial Principle, Extra-territorial Jurisdiction, International Servitudes, State Recognition- Theories of Recognition, De jure & De facto Recognition, Doctrines on Recognition, Consequences of Non- Recognition, State Responsibility- Notion of Imputability, State responsibility in different fields.

**Unit III**

**State and Individual:** Nationality, Extradition, Asylum, Diplomatic & Consular Privileges and Immunities.

**Law of the Sea-** Development of Law of the Sea, Concept of Freedom of Sea; United Nations Convention on Law of the Sea- Territorial Sea, Contiguous Zone, Exclusive Economic Zone, High Seas, Continental Shelf, International Sea Bed Authority, International Tribunal for Law of the Sea and Sea-Bed Dispute Chamber.

**International Treaties-** Formation, Termination, Interpretation, Amendment and Modification of treaties

#### **Unit IV**

**League of Nations:** Formation and Failures, UNO Charter, Objectives, Principal Organs of UN & their functions, General Assembly, Security Council- Composition, Veto Power and International Sanctions, Economic and Social Council, Trusteeship Council, Secretariat,

**International Court of Justice:** Composition, & Jurisdiction of ICJ.

**Specialized Agencies:** Composition, Powers and Functions.

Appraisal of the performance of UNO in relation to emerging trends.

#### **Unit V**

**Concept of Human Rights:** Development of the concept of Human Rights, provisions relating to Human Rights in Charter of UN, International Bill of Human Rights, Enumeration of provision of rights in UDHR, International Covenant on Civil and Political Rights, 1966, International Covenant on Social, Economic and Cultural Rights, 1966. Regional Protection of Human Rights, European Convention on Human Rights, American Convention on Human Rights, African Charter on Human and People's Rights.

**Human Rights in Indian Scenario:** Protection of Human Rights under Human Rights Act 1993- Definition of Human Rights, Objectives, Constitution, Powers and Functions of National Human Rights Commission & State Human Rights Commission.

#### **Prescribed Books**

1. J.G.Starke- International Law
2. Oppenheim- International Law

#### **Reference Books**

1. John O Brian - International Law
2. Dr. S.K Kapoor - International Law & Human Rights
3. Martin Dixon - Textbook on International Law
4. Malcolm Nathan Shaw - International Law
5. S.K Verma -An Introduction to International Law
6. Antonio Cassese - Human Rights in a Changing World.
7. Dr. S.K Kapoor - Human Rights

#### **Cases**

1. Asylum Case, ICJ 1950, 266
2. Scotia Case, (1871) 14 Wallace 170
3. Lotus Case, (1927) PCIJ No.10
4. Wimbledon Case, (1923) PCIJ No.1
5. Paquete Habana and Lola Case, (1900) 175 US 677
6. Alabama Arbitration Claims, (US v. Britain) 1872
7. Barcelona Traction Case, ICJ 1973, 3
8. Arantazazu Mendi Case, (1939) AC 256
9. Civil Air Transport Incorporation v. Central Air Transport Corporation, (1953) AC 70

10. Joyce v. Director of Public Prosecution, (1946) AC 347
11. Youman's Case, Annual Digest of Public International Case 1925-1926, 223
12. North American Dredging Company Case.(U.S. v. Mexico) Annual Digest of Public International Cases, 1925-1926 No. 218
13. Nottebohem Case, (Germany v. Liechtenstein) ICJ 1955, 4
14. Corfu Channel Case, ICJ 1948, 15
15. North Sea Continental Shelf Case, ICJ 1969, 3
16. Fisheries Jurisdiction Case, ICJ 1974

## **COURSE II**

### **LAW OF EVIDENCE**

#### **Course Objectives:**

*Every legal system will have laws prescribing rights and duties and procedure to enforce such laws. They are Substantive Law and Procedural laws, also known as adjective Law. The Law of evidence is one of the most important parts of the procedural laws. It plays a very significant role in the effective functioning of the judicial system and works as an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. The course enables one to appreciate the concepts and principles underlying the law of evidence and identify the recognized forms of evidence and its sources. Also, it seeks to impart to the student, the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics.*

#### **Unit I**

**Introductory:** History and development of Evidence law; Procedure and Substantive law; customary principles of evidence; British principles of evidence (**Sec. 1-3**). Preamble, Short title, Extent and Commencement, Acts which deal with Evidence, Applicability of Evidence Act. Judicial proceedings, Court, Court martial, Tribunals, Commissions of Inquiry, Arbitration, Affidavits, Contempt of Court.

**Central Conceptions in Law of Evidence (Sec. 3-4):** Facts: Definition (Section 3), Evidence: Meaning and kinds (Section 3), Presumption (Section 4), "Proved", "Disproved" and "Not proved" (Section 3), Witness, Appreciation of Evidence.

**Relevancy of Facts (Sec. 5-16):** Doctrine of res gestae (Section 6, 7, 8, 9), Evidence of common intention (Section 10), Facts not otherwise relevant (Section 11), Relevant facts for proof of custom (Section 13), Facts concerning bodies & mental state (Section 14, 15).

**Admissions and confessions (Sec. 17-31):** General principles regarding admission (Section 17, 23), Differences between "admission" and "confession", Non-admissibility of confessions caused by "any inducement, threat or promise" (Section 24), Inadmissibility of confession made before a Police Officer (Section 25), Admissibility of custodial confessions (Section 26), Admissibility of "information" received from accused person (Section 27), Confession by co-accused (Section 30), Admissions are not the conclusive proof of the matters admitted (Section 31) .

#### **Unit II**

**Dying Declarations (Sec. 32-58):** Relevancy of dying declarations (Section 32), Judicial standards regarding evidentiary value of dying declarations.

**Relevancy of Judgments:** General principles, Admissibility of judgments in civil and criminal matters (Section 43), "Fraud" and "Collusion"(Section44).

**Expert Testimony:** General principles, Who is an expert? : Types of expert evidence, Opinion on relationship especially proof of marriage (Section 50), the problems of judicial defence to expert testimony.

**Relevancy of Character:** In civil cases (Section 52), in civil criminal cases (Section 53), Previous bad character (Section 54),



### **Unit III**

**Oral and Documentary Evidence (Sec. 59-100):** General principles concerning Oral Evidence (Sections 59-60), General principles concerning Documentary Evidence (Sections 67-90), General Principles Regarding Exclusion of Oral by Documentary Evidence, Special problems: re-hearing evidence.

### **Unit IV**

**Burden of Proof (Sec. 101-134):** Tenancy estoppel (Section 116), The general conception of onus probandi (Section 101), General and special exceptions to onus probandi, Presumption as to certain offences, Presumptions as to abetment of suicide by a married women (Section 113-A), Presumption as to dowry death (Section 113-B), Presumptions as to absence of consent in certain prosecution of rape.

**Estoppel:** General Principle (Section 115), Estoppel, res judicata and waiver and presumption, Estoppel by deed, Estoppel by conduct, Equitable and promissory estoppels. **Witnesses:** Competent witness (Section 118), State privilege (Section 123), Professional privilege (Section 126, 127, 128), Accomplice (Section 133).

### **Unit V**

**Examination and Cross Examination of witnesses (Sec. 134-167),** General principles of examination and cross examination (Section 135-166), Leading questions (Section 141-143), Lawful questions in cross-examination (Section 146), Compulsion to answer questions put to witness, Hostile witness (Section 154), Impeaching of the standing or credit of witness (Section 155). Refreshing memory, Powers of the Judges, Improper and rejection of evidence.

#### **Prescribed Book:**

1. Ratan Lal, Dhiraj Lal - Law of Evidence (latest edition, Wadhwa, Nagpur)

#### **Reference Books:**

1. Sarkar and Manohar - Sarkar on Evidence (1999), Wadha & Co., Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Polein Murphy, Evidence (5th Edn. Reprint 2000), Universal, Delhi.
4. Albert S.Osborn - The Problem of Proof (First Indian Reprint 1998), Universal, Delhi.
5. Avtar Singh - Principles of the Law of Evidence (1992), Central Law Agency, New Delhi.
6. Vepa P. Sarathi - Law of Evidence (6th ed., 2006)
7. M. Monir - Law of Evidence (14th ed., 2006)

#### **Cases:**

1. Bhuboni Sahu v. The King, AIR 1949 PC 257 158
2. Haroon Haji Abdulla v. State of Maharashtra, AIR 1975 SC 856 163
3. Ravinder Singh v. State of Haryana, AIR 1975 SC 856 169
4. Sec 3, State of Rajasthan v. Darshan Singh Alias Darshan Lal, 21-May-2012, SC
5. Bhera Singh v. State of Rajasthan, 12-April-2012, SC
6. Sec 4, Raja Ram Seth & Sons v. Delhi Admn, 12-October-2012, Delhi
7. Murad Ali, Son of Md. Kayam v. State of Bihar, 17-October-2012, Patna
8. Sec 6, Vutukuru Lakshmaiah v. State of AP, 22-March-2007, AP

9. Sec 7, Hind Mosaic & Cement Works v. Shree Sahjanand Trading Corporation, 24-July-2012, Gujarat
10. Essaki Ammal Alias Chitra v. Veerabhadra Alias Kumar, 15-June-2012, Madras
11. Sec 8, Sandeep v. State of UP, 11-May-2012, SC
12. Shyamal Ghosh v. State of West Bengal, 11-July-2012, SC
13. Sec 10, Mohammed Ajmal Mohammad Amir Kasab & Abu Mujahid v. State of Maharashtra, 29-August-2012, SC
14. Central Bureau of Investigation v. Raju Chintaman Sonawane, 20-October-2012, Bombay
15. Sec 11, 13, 14, 15, Hind Mosaic & Cement Works v. Shree Sahjanand Trading Corporation, 24-July-2012, Gujarat
16. Sec 17, Escolastico Mazarello v. Stacey Moraes, 07-September-2012, Bombay
17. Handicraft & Handloom Export Corporation of India Ltd v. Unisilk Ltd, 09-July-2012, Delhi
18. Sec 23, Chandan Prakash v. Vidya Devi, 14-August-2012, Delhi
19. Chakkiparambath Abdul Rasheed v. Chenakkal Juma-Ath Palli Paripalana Committee, Moonniyoor, Tirurangadi Taluk, Malappuram, 30-March-2012, Kerala
20. Sec 24, Shanti Devi v. State of Rajasthan, 05-October-2012, SC
21. Sahadevan v. State of Tamil Nadu, 08-May-2012, SC
22. Sec 25, Sandeep v. State of UP, 11-May-2012, SC
23. Subramanian Swamy v. Manmohan Singh, 31-January-2012, SC
24. Sec 26, Madhu v. State of Kerala, 13-January-2012, SC
25. Ram Sah Son of Late Jitan Sah v. State of Bihar, 12-October-2012, Patna
26. Sec 27, Sunil Clifford Daniel v. State of Punjab, 14-September-2012, SC
27. Thoti Manohar v. State of Andhra Pradesh, 15-May-2012, SC
28. Sec 30, Abdul Kalam & Kalamoni v. State of Assam, 19-July-2012, Gauhati
29. Vaibhav S/O Khushalrao Tijare v. State of Maharashtra, 13-June-2012, Bombay
30. Sec 31, Mohd Yunus v. State, 05-April-2010, Delhi
31. Sec 32, M Sarvana & K D Saravana v. State of Karnataka, 24-July-2012, SC
32. Shudhakar v. State of MP, 24-July-2012, SC
33. Sec 43, N.Gurucharanam v. State of Andhra Pradesh, 12-October-2012, AP
34. Reliance Industries Limited v. State of UP, 07-September-2012, Allahabad
35. Sec 44, Sarabjit Singh v. Gurpal Kaur, 27-July-2012, Delhi
36. Heriberto Francisco Maria D'cunha Alias Hariberto D'cunha v. Victor Luis, 13-July-2012, Bombay
37. Sec 50, Rameshbhai Dabhai Naika v. State of Gujarat, 18-January-2012, SC
38. Jai Narain Mahton v. Gopal Rai, 04-October-2012, Patna
39. Sec 52, State of Himachal Pradesh v. Hari Dass, 21-May-2012, HP
40. Sec 53, Mohd Yunus v. State, 05-April-2010, Delhi
41. Sec 54, Narender Kumar v. State Nct of Delhi, 25-May-2012, SC
42. Prashant Appasaheb Alias Apparao Kate v. State of Maharashtra, 05-March-2012, Bombay
43. R. S. Maddanappa v. Chandramma (1965) 3 SCR 283 114
44. Madhuri Patel v. Addl. Commissioner, Tribal Development, AIR 1995 SC 94 120
45. Sanatan Gauda v. Berhampur University, AIR 1990 SC 1075 131
46. M.C. Vergheese v. T.J. Ponnann, AIR 1970 SC 1876 136
47. State of U.P. v. Raj Narain, AIR 1975 SC 865 140
48. Sec 59, Durlabhji Damjibhai Vandra v. State of Gujarat, 15-September-2012, Gujarat
49. Dev Parkash v. Kalawati Widow of Het Ram, 29-May-2012, HP

50. Sec 60, Sher Ali Sardar v. State of West Bengal, 27-September-2012, Calcutta
51. Sundar Raj v. M.Srinivasa Naidu, 05-September-2012, Karnataka
52. Sec 67, Sudhir Kumar v. Ramesh Kumar, 23-July-2012, HP
53. V Pandi v. M Thyagarajan, 18-July-2012, Madras
54. Sec 90, Union of India v. Ibrahim Uddin, 17-July-2012, SC
55. Safiya Ahmed Qureshi v. Saiyed Hanif Mustafa, 13-September-2012, Gujarat
56. Sec 116, Rehoboth Garment Process v. Radha Lakshmi, 04-October-2012, Madras
57. Sharma Montessori School v. Union of India, 24-September-2012, Delhi
58. Sec 101, Ningamma W/O Late Gopalaraju v. Devanga Sangha, 04-October-2012, Karnataka
59. Munshi Lal Mahendra Kumar Jain v. Gopal Gupta, 24-September-2012, MP
60. Sec 113(A), Vitthalrao S/O Dattarao Kale v. State of Maharashtra, 10-October-2012, Bombay
61. Umesh Kumar v. State of Madhya Pradesh, 03-July-2012, MP
62. Sec 113(B), Rajesh Bhatnagar v. State of Uttarakhand, 10-May-2012, SC
63. Neeraj Kumar Alias Basante v. State of UP, 30-April-2012, Allahabad
64. Sec 115, Omprakash Jain v. Shyamlal Vyas, 18-October-2012, MP
65. Zaineb Begum v. Abdul Aziz Mir, 14-September-2012, Jammu & Kashmir
66. Sec 118, Amrit Sharma & Amit v. State, 18-October-2012, Delhi
67. Korra Govardhan v. State of A.P. Rep. By Public Prosecutor, High Court of AP., Hyderabad, 17-October-2012, AP
68. Sec 123, Shyam Agency v. Union of India, 18-October-2012, SC
69. N.Jothi v. Secretary Department of Home, 01-October-2012, Madras
70. Sec 126, Council of The Institute of Chartered Accountants of India v. Ajay Kumar Gupta, 28-February-2012, Delhi
71. Sec 133, Shanti Devi v. State of Rajasthan, 05 Oct, 2012, SC
72. In Reference(Received Fro Iii Asj(Fast Track Court) Narsinghpur v. Rahul Rajak, 25 Jul, 2012, MP
73. Sec 166, Moolchand Kotdiya v. Paraschand Vaidya, 01 Mar, 2012, Chhattisgarh
74. Sec 143, Vipin Nair Intelligence Officer Nacotics Control Bureau Mumbai v. Gulam Mohammed Malik R/O Panzinara Shumbal Road Patan Baramulla, 07-May-2012, Bombay
75. Sec 146, R K Chandolia v. Cbi, 11-April-2012, Delhi
76. Sec 154, Bhajju Alias Karan Singh v. State of MP, 15-March-2012, SC
77. Hanu Baistav v. State of Assam, 18-September-2012, Gauhati
78. Sec 155, Rajubhai Jangubhai Rathwaq v. State of Gujarat, 06-September-2012, Gujarat
79. Shajahan Alias Shajan v. State of Kerala, 07-August-2012, Kerala
80. State of Maharashtra v. Prafulla B. Desai (Dr.) (2003) 4 SCC 601
81. R. M. Malkani v. State of Maharashtra, AIR 1973 SC 157 10
82. Mirza Akbar v. Emperor, AIR 1940 PC 176 17
83. Badri Rai v. State of Bihar, AIR 1958 SC 953 23
84. Mohd. Khalid v. State of W.B. (2002) 7 SCC 334 26
85. Jayantibhai Bhenkerbhai v. State of Gujarat (2002) 8 SCC 165 39
86. Bishwanath Prasad v. Dwarka Prasad, AIR 1974 SC 117 46
87. Central Bureau of Investigation v. V.C. Shukla, AIR 1998 SC 1406 49
88. Veera Ibrahim v. State of Maharashtra, AIR 1976 SC 1167 59
89. Aghnoo Nagesia v. State of Bihar, AIR 1966 SC 119 64
90. Pulukuri Kottaya v. Emperor, AIR 1947 PC 67 70

91. Bodhraj v. State of J. & K. (2002) 8 SCC 45 76
92. Khushal Rao v. State of Bombay, AIR 1958 SC 22 86
93. Sudhakar v. State of Maharashtra (2000) 6 SCC 671 95
94. Patel Hiralal Joitaram v. State of Gujarat (2002) 1 SCC 22 101
95. Laxman v. State of Maharashtra (2002) 6 SCC 710 108
96. Ram Narain v. State of U.P., AIR 1973 SC 2200: (1973) 2 SCC 86 111
97. State of Bihar v. Laloo Prasad (2002) 9 SCC 626 176

**Prescribed Legislation:**

1. The Indian Evidence Act, 1872
2. Indian Penal Code, 1860
3. Information Technology Act, 2000
4. Civil Procedure Code, 1908
5. Criminal Procedure Code, 1973
6. Banker's Book Evidence Act -1971

**COURSE III**  
**SEMINAR**  
**(Principles of Research)**

**COURSE OBJECTIVES:**

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

**Unit I**

**Concept of Research:** Types of Research: Doctrinal & Non-doctrinal Research.

Methods of Research: Historical, Analytical, Statistical and Comparative.

Research Techniques (Tools of Research):

- a. **Observation:** Participant and Non-participant, Controlled and uncontrolled observation, Structured and unstructured observation.
- b. **Interview:** Structured and unstructured interview.
- c. Questionnaire, Characteristics of a good questionnaire, Structured and unstructured questionnaire.
- d. **Survey:** Characteristics of a good survey, advantages and disadvantages of survey, Interview survey, Questionnaire Survey, Group survey.
- e. **Sampling:** Characteristics of a good sample, advantages of sampling, Simple random sampling.
- f. **Case Study Method:** Meaning, advantages and disadvantages of case study method.

**Unit II**

- a. Hypothesis: Meaning, Characteristics of good hypothesis.
- b. Research Report: Meaning of Research report, Parts of Research Report, Preliminary Text and Reference materials, Title Page, Declaration, Preface, Foreword, Acknowledgement, Table of Cases, Introduction, The Texts, Conclusion & Suggestions, Bibliography, Appendix and Footnotes.
- c. Style and Language, Page, Size, Spacing and Numbering,

**Unit III**

**Method of citation:**

**Note:**

The Indian Law Institute has formulated a set pattern of footnoting, which is followed in The Journal of Indian Law Institute, Annual Survey of Indian Law and various other publications of the Institute. This method is widely accepted in India. In addition to this, students are informed to refer the standard Law journals for studying the method of citation.

## Part I

### Mode of citation for books

#### A. FOR AN AUTHORED BOOK

##### (i) By a single author:

Name of the author, *Title of the book* p.no. (if referring to specific page or pages) (Publisher, Place of publication, edition/year of publication).

E.g. M.P.Jain, *Indian Constitutional Law* 98 (Kamal Law House, Calcutta, 5<sup>th</sup> edn., 1998).

##### (ii) By two authors:

Name of the authors, *Title of the book* p.no. (if referring to specific page or pages) (Publisher, Place of publication, edition/year of publication).

E.g. M.P.Jain and S.N. Jain, *Principles of Administrative Law* 38 (Wadhawa, Nagpur, 2001)

##### (iii) By multiple authors (more than two):

Name of the first two authors, *et.al. Title of the book* p.no. (If referring to specific page or pages) (Publisher, Place of publication, edition/year of publication).

E.g. Jerry L. Mashaw, Richard A. Merrill, *et.al.*, *The American Public Law System –Cases and Materials* 50 (West Group, St. Paul, MN, 1992).

#### B. FOR EDITED BOOKS

##### (i) By a single editor:

Name of the editor (ed.), *Title of the book* p.no. (if referring to specific page or pages) (Publisher, Place of publication, edn/year).

E.g. Nilendra Kumar (ed.), *Nana Palkhivala: A Tribute* (Universal Publishers, Delhi, 2004).

##### (ii) By two editors:

Name of the editors (eds.), *Title of the book* p.no. (if referring to specific page or pages) (Publisher, Place of publication, edn/year).

E.g. S.K. Verma and Raman Mittal (eds.), *Intellectual Property Rights: A Global Vision* 38-42 (ILI, Delhi, 2004).

##### (iii) By more than two editors:

Name of the editors, the first two only, *et.al.* (eds.), *Title of the book* p.no. (if referring to specific page or pages) (Publisher, Place of publication, edn/year).

E.g. Chatrapati Singh, P.K. Coudhary, *et.al.* (eds.), *Towards Energy Conservation Law* 78 (ILI, Delhi, 1989).

##### (iv) By, or an auspices of, an organization/institution:

Indian Law Institute, *Index to Indian Legal Periodicals* (ILI, Delhi, 2002)

## Part II

### MODE OF CITATION FOR ARTICLES/ESSAYS

#### (i) Citation of a paper published in a journal/periodical:

Name of author of the article, title of the essay within inverted commas, volume number of journal, *Name of the journal in abbreviation* & page number (year).

E.g. K. Madhusudhana Rao, "Authority to Recommend President's Rule under Article 356 of the Constitution" 46 *JILI* 125 (2004).

**(ii) Citation of a paper published in a case reporter:**

P.K. Thakur, "Permissibility of Probation in Offences Punishable with Minimum Imprisonment" 2 *SCJ* 26-38 (2002).

**(iii) Citation of an essay published in a book edited:**

Name of author of the essay, title of the essay within inverted commas, in Name of the editor(s), *title of the edited book* page number (publisher, edition/year).

E.g. R.K. Nayak, "Evolving Global Drugs Law for the 21 st Century" in D.C. Jayasuriya, R.K. Nayak *et.al.*(eds.), *Global Drugs Law* 70 (1997).

**(iv) Citation of an essay published as a part of a Survey of Law (e.g. Annual Survey of Indian Law – [an annual publication of the Indian Law Institute, New Delhi]:**

Name of author of the essay, title of the essay within inverted commas, \ volume number *name of the survey*, page number (year).

E.g.: P.S. Jaswal, "Constitutional Law-I" XXXVIII *ASIL* 115-150(2002).

**(v) Citation of a write-up published in a news paper/periodical:**

Name of the writer, Title of the write-up within inverted commas, Name of the news paper date.

Robert I. Freidman, "India's Shame: Sexual Slavery and Political Corruption are Leading to an AIDS Catastrophe" *The Nation*, Apr. 8, 1996.

**(vi) Citation of an editorial from a newspaper:**

Editorial, Title of the Editorial within inverted commas *Name of the newspaper*, date. Editorial, "Short-circuited" *The Times of India*, Aug. 2, 2004.

**(vii)Citing a reference form Encyclopedia:**

Edwin R.A. Seligman (ed.), XV *Encyclopedia of the Social Sciences* (The Macmillan Co., NY, 1957).

**Part III**

**WEBSITES**

If the websites gives information as to when it was last modified, the must be cited, if not one must cite the date of visiting the website.

(i) Information Technology Act 2000, India, *available at:* <http://www.mit.gov.in/it-bill.asp> (Last Modified July 29, 2003).

ii) Information Technology Act 2000, India, *available at:* <http://www.mit.gov.in/it-bill.asp> (Visited on July 29, 2003).

**Part IV**

**UNPUBLISHED WORKS**

**i. Unpublished Research Work (E. g., Dissertation/Thesis):**

Name of the Researcher, *Title of the dissertation/thesis* (Year) (Unpublished Ph.D. thesis, Name of the University/organization).

Raman Mittal, xyz (2004) (Unpublished Ph.D. dissertation, Punjab University).

## **ii. Interviews:**

Interview with M. Veerappa Moily, Law Minister, *The Hindu*, July 25, 2004.

## **iii. Forthcoming publication of a book:**

G. Gann Xu, *Information for Corporate IP Management* (In Press, 2004).

## **iv. Forthcoming publication of an article:**

Shabistan Aquil, "Classification of Human Rights", in S.K. Verma, Shabistan Aquil, *et. al.* (eds.), *Human Rights: Cases and Material* (In Press, 2004).

## **Part V**

### **MODE OF CITATION OF CASE LAW**

#### **(a) All India Reporter(AIR)**

(i) If the case name and citation together are to be written in the text of the article itself

[Note: This format is not allowed in JILI]: *Kesavananda Bharati v.State of Kerala* (AIR 1962 SC 933).

(ii) If the name and citation are to be written in the footnote itself: *Kesavnanda Bharati v.State of Kerala*, AIR 1962 SC 933.

(iii) Where the case title is written in the body of the text, only the name of the case shall be in the text e.g. *Kesavananda Bharathi v. State of Kerala* and the citation is written in the footnote as AIR 1973 SC 1461.

#### **(b) Supreme Court Cases (SCC)**

(i) If the case name and citation together are to be written in the text of the article itself [Note: This format is not allowed in JILI] *Jassa Singh*

*Jassa Singh v. State of Haryana* [(2002) 2 SCC 481]

(ii) If the name and citation are to be written in the footnote itself:

(iii) *Jassa Singh v.State of Haryana* (2002) 2 SCC 481

(iv) If the case title is to be written in the body of the research paper, only the name of the case shall be written e.g., *Jassa Singh v. State of Haryana* then the citation would be written in the footnote as (2002) 2 SCC 481.

#### **(c) Criminal Law Journal (Cr.L.J)**

*Lakhwinder Singh & Ors. v. State of Punjab*, 2003 Cri LJ 3058 (SC).

*Ujjagar Singh v. State of Haryana*, 2003 Cri LJ 1691 (P&H).

#### **(d) All England Reports (All ER)**

*Wilcox v. Jeffery* [1951] 1 All ER 464.

#### **(e) If parties to a case are numerous, for e.g.**

*State of Punjab v. Union of India*

This case is to be cited as: *State of Punjab v. Union of India* (1977) 3 SCC 592.



## **Part VI**

### **ACTS**

The Information Technology Act, 2000 (Act 21 of 2000)

## **Part VII**

### **REPORTS**

(i) Law Commission of India, 144 th Report on Conflicting Judicial Decisions Pertaining to the Code of Civil Procedure, 1908 (April, 1992).

(ii) Government of India, Report: *Committee on Reforms of Criminal Justice System* (Ministry of Home Affairs, 2003).

## **Unit IV**

### **Research Activity Task – I**

**(Based on the selected seminar topics)\***

- a. **Explanation of various stages of research:** Indication of the preparation of synopsis in brief, exact idea and vision statement, examination of Synopsis, corrections and suggestions.
- b. **Examination of synopsis:** Collection of Synopsis, corrections and suggestions.
- c. **Guidance on data collection:** Doctrinal, Non Doctrinal. Documentation of the data, target groups, areas covered, guidance on preparation of questionnaire, administration of questionnaire, Survey methods, examination of questionnaire, action plan for survey.
- d. **Guidance for the preparation of research projects action plan:** Methodology, expected outcomes, expected constraints, areas of data collection, examination of project plan, corrections and suggestions.
- e. **Examination of project plan,** Corrections and suggestions

## **Unit V**

### **Research Activity Task – II**

Submission of I Report, submission of II Report, classification and analysis of data, submission of III report, submission of Draft Report, submission of final report, Seminar Presentation.

*\*Note: The seminar topics shall be chosen by the students in the arena of law or its interdisciplinary emerging areas. The topics may also be selected by the students in consultation with their guides before the commencement of the respective semester/programme. The course coordinator will finalize the names of the Guide. The assigned seminar topics and its research activity tasks I & II reports shall be submitted to their respective guides on or before the specified date.*

### **Prescribed Books:**

1. F.L. Whitney – Elements of Research
2. Goode and Hatt – Methods in Social Resarch
3. S.K. Verma and M.Afzal Wani (Edited) – Legal Research and Methodology, Indian Law Institute Publication

**References:**

1. Morris L. Cohen – Legal Research
2. N. Sadhu - Research Methodology in Social Sciences
3. Victor Tunkell - Legal Research
4. Dr. S.R Myneni – Legal Research and Methodology
5. B.A.V. Sharma – Research Methods in Social Sciences
6. Dr. H.N. Tewari - Research Methodology
7. Soloman Raja & Gandhi – Research Methodology
8. John H. Farrar & Anthony M.Dugdale – Introduction to Legal Method.
9. Harvard Blue Book of Citation ( 19<sup>th</sup> & 21<sup>st</sup> Edition)

**COURSE IV**  
**CLINIC III: ALTERNATIVE DISPUTE RESOLUTION SYSTEMS**

**Course Objectives:**

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

***The students are required to study:***

The different methods of ADR

**The Arbitration & Conciliation Act 1996.**

**Mediation:**

**Stages in Mediation, The role of the Mediators, The role of the Advocate, Code of conduct for Mediators, Qualities of a Good Mediator, Techniques of Negotiation.**

**The Services Authority Act 1987.**

**Lok-Adalath**

**The scheme of evaluation will be as under:**

Division of marks; **Total marks = 100**

**Tests = 60**

(There shall be two tests for 30 marks each, one at the end of 8<sup>th</sup> week and the other at the end of the semester)

**Simulation exercises: = 20**

There shall be four simulation exercises for 5 marks each. (One exercises each in Negotiation, mediation, arbitration & conciliation.)

**Viva = 20**

**Prescribed Books:**

1. Sridhar Madabhushi - Alternative Dispute Resolution
2. P.C. Rao - The Arbitration & Conciliation Act 1996

**Reference Books:**

1. Sampath D.K. - Mediation, National Law School, Bangalore
2. Rajan R.D. - A Primer on Alternative Dispute Resolution
3. Gold Neil, et.al., Learning Lawyers Skills (Chapter-7)
4. Michael Noone - Mediation, (Chapters-1,2&3)

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

**Course Objectives:**

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

*The students should familiarize themselves with the various stages of trial in civil and criminal cases. They should be exposed to real court experience. Further they should imbibe the skills of client interviewing.*

**Litigation Advocacy**

**Moot Court:** The Paper will have following components of **30 marks** each:

1. Every student may be required to do at least three moot courts in a year. The moot court work will be on an assigned problem.

**(10 marks)**

2. Observance of Trial in two cases, one Civil and one Criminal. Students may be required to attend two trials in the course of the final year of their LL.B. Programme. They will maintain a record and enter the various steps observed during their attendance on different days in the courts assigned.

**(10 Marks)**

3. Final Moot Examination: The Clinical Evaluation Committee shall evaluate Moot Court at the end of the semester. The problem for the Moot examination shall be notified at least 25 days before the date of examination. The moot problem given is common to all the batches. Students have to submit memorials in hand written form (along with Citation or supporting documents) for both the sides.

**(10 Marks)**

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

**(25 Marks)**

**Pre-Trial Preparation and Internship:** Each student shall observe the interviewing sessions of events when they visit the Chambers of Advocates or legal aid offices and shall record the proceedings in a diary. The course teacher shall evaluate this record for fifteen marks.

**(15 Marks)**

The student shall also observe the preparation of documents and court papers by the advocate and the procedure for filing of the suit or petition and shall record in the dairy. The course teacher shall evaluate this dairy for 10 marks along with internship diary for 10 marks.

**(20 Marks)**

At the end of the course, Viva-Voce will be held for 10 marks.

**(10 marks)**