

JSS Law College

Autonomous
Mysuru



SYLLABUS
LL.B(3 Years)

Subject List of LL.B. (3Years) (2020-21) Batch

	FIRST SEMESTER		SECOND SEMESTER
1.1	English	2.1	Kannada/Kannada Kali
1.2	Contract – I (General Principles Of Contract)	2.2	Contract – II (Special Contracts)
1.3	Law of Torts, MV Act and Consumer Protection Laws	2.3	Family Law – II(Mohammedan Law and Indian Succession Act)
1.4	Family Law I (Hindu Law)	2.4	Company Law (Corporate Law)
1.5	Constitutional Law – I (Constitutional Features and Principles)	2.5	Constitutional Law – II (Constitutional Institutions and Dimensions)
		2.6	Law of Banking/Law of Carriage (Optional – I)
	THIRD SEMESTER		FOURTH SEMESTER
3.1	Jurisprudence	4.1	Administrative Law
3.2	Law of Crimes -Paper I (Indian Penal Code)	4.2	Law of Crimes – Paper II (Criminal Procedure Code)
3.3	Labour and Industrial Law – Paper - I	4.3	Principles of Taxation Law
3.4	Property Law	4.4	Law of Insurance/Private International Law (Optional – III)
3.5	Land Laws/Gender Justice and Feminist Jurisprudence (Optional – II)	4.5	Right to Information and Information Technology Laws/Human Rights Law and Practice (Optional – IV)
3.6	Civil Procedure Code and Limitation Act	4.6	Intellectual Property Law /Penology and Victimology (Optional – V)
	FIFTH SEMESTER		SIXTH SEMESTER
5.1	Environmental Law	6.1	Public International Law
5.2	Labour and Industrial Law – Paper II (Labour Welfare Legislations)	6.2	Law of Evidence
5.3	Drafting, Pleading and Conveyance (Clinic – I)	6.3	Alternative Dispute Resolution Systems (Clinic – III)
5.4	Professional Ethics and Professional Accounting System (Clinic – II)	6.4	Litigation Advocacy and Internship (Clinic – IV)
5.5	Interpretation of Statutes and Principles of Legislation/ Corporate Governance (Optional – VI)	6.5	Seminar

COURSE 1.1

ENGLISH

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

COURSE 1.2
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, Recission 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

COURSE 1.5

LAW OF TORTS INCLUDING MV ACCIDENT AND CONSUMER PROTECTION LAWS

Course Objectives:

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connected therewith. 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 and 2019.

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: Assault, Battery, False Imprisonment, Malicious Persecution, Defamation- Libel and Slander.

Tort against Property: Trespass.

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.

Legal Remedies: Kinds- Damages, Injunction, Specific Restitution of Property

Unit IV

Consumer Protection: Brief history of Consumer Movement. Introduction to Consumer Protection Act, 2019. Consumer Protection Councils.

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

Grievances Redressal Mechanism under the COPRA, 2019: District Commission, State Commission & National Commission.

Unit V

Procedure involved in District Commission, State and National Commission

Redressal Mechanism in Service Sectors: Electricity and Telecom.

Motor Vehicles Act, 1988- Salient Features, Compulsory Insurance, First Party Insurance, Third Party Insurance, Claim Tribunal

Prescribed Books:

1. Avtar Singh - The Law of Torts
2. Dr. Gurubax Singh - Law of Consumer Protection
3. Bare Act- Motor Vehicles Act, 1988

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

COURSE 1.4
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.

Mitakashara 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

COURSE 1.5
CONSTITUTIONAL LAW – I
(CONSTITUTIONAL FEATURES AND PRINCIPLES)

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

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

COURSE 2.1

ಕನ್ನಡ

ಉದ್ದೇಶಗಳು:

ಕಾನೂನು ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಸಾಹಿತ್ಯಕ್ಷೇತ್ರ ಹೆಚ್ಚಾಗಿ ಭಾಷೆಯಲ್ಲಿ ಪ್ರಾವೀಣ್ಯತೆ ಸಾಧಿಸಬೇಕಾಗುತ್ತದೆ. ಆ ದೃಷ್ಟಿಯಿಂದ ಭಾಷೆ, ಭಾಷೆಯ ಅಗತ್ಯ ಪ್ರಯೋಜನಗಳು, ವಾಕ್ಯಗಳ ರಚನೆ, ವ್ಯಾಕರಣ ಶುದ್ಧತೆ ಇವುಗಳಿಗೆ ಆದ್ಯತೆ ನೀಡಲಾಗಿದೆ, ಅನ್ಯದೇಶೀಯ ಕಾನೂನು ಪಾರಿಭಾಷಿಕ ಪದಗಳ ಬಗೆಗೂ ಅವಿವಿಧ ಮೂಡಿಸುವ ಪ್ರಯತ್ನ ಮಾಡಲಾಗಿದೆ. ಕನ್ನಡ ಭಾಷಾ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಭಾಷಾಂತರದ ಅನಿವಾರ್ಯತೆಯನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಸರಕಾರಿ ಪತ್ರಗಳ, ಕಾನೂನು ಪತ್ರಗಳ ರಚನೆ ಹಾಗೂ ಸ್ವರೂಪದಲ್ಲಿ ಗಮನಿಸಬೇಕಾದ ಸಂಗತಿಗಳನ್ನು ತಿಳಿಸಲು ಪ್ರಯತ್ನಿಸಲಾಗಿದೆ.

ಘಟಕ- 1

ಭಾಷೆಯಿಂದರೇನು? ಭಾಷೆಯ ಸ್ವರೂಪ. ಭಾಷೆಯ ಅಗತ್ಯಗಳು, ಪ್ರಯೋಜನಗಳು, ಅನ್ಯದೇಶೀಯ ಪದಗಳು (ಕಾನೂನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಒತ್ತು ನೀಡುವುದು) ಪಾರಿಭಾಷಿಕ ಪದಗಳು, ಆಡುನುಡಿ ಮತ್ತು ಶಿಷ್ಟ ಪದಗಳ ಪರಿಚಯ, ಸ್ವರ ವ್ಯಂಜನಾಕ್ಷರಗಳ ಪರಿಚಯ.

ಘಟಕ- 2

ಪತ್ರರಚನೆ, ವ್ಯವಹಾರ ಪತ್ರದ ವಿವಿಧ ಅಂಗಗಳು (ವಾಣಿಜ್ಯ ಪತ್ರಗಳು) ವ್ಯವಹಾರ ಪತ್ರದ ದೃಷ್ಟಿ ಶೈಲಿ, ರಚನೆ, ಬ್ಯಾಂಕ್ ಪತ್ರಗಳು, ವಿಮಾ ಪತ್ರಗಳು, ಕಂಪನಿ ಕಾರ್ಯದರ್ಶಿ - ಕಾರ್ಯವಿಧಾನ, ಪತ್ರ ವ್ಯವಹಾರ, ಸಭೆಯ ನಡಾವಳಿಗಳು.

ಘಟಕ- 3

ವಾಕ್ಯಗಳ ರಚನೆ, ರಚನೆಯ ದೃಷ್ಟಿಯಿಂದ ವಾಕ್ಯಗಳ ರಚನೆ, (ಸರಳ, ಸಂಯುಕ್ತ, ಮತ್ತು ಸಂಕೀರ್ಣ ವಾಕ್ಯಗಳು Simple, Compound & Complex Sentences) ಅರ್ಥದ ದೃಷ್ಟಿಯಿಂದ ವಾಕ್ಯಗಳ ರಚನೆ, (ವಿದ್ಯಾರ್ಥಕ, ನಿಷೇಧಾರ್ಥಕ, ಸಂಭಾವನಾರ್ಥಕ ವಾಕ್ಯಗಳು. ಕರ್ತೃಕರ್ಮಕ್ರಿಯಾ (Subject Object Predicate) ಪದಗಳ ರಚನೆ, ಲೇಖನ ಚಿಹ್ನೆಗಳು.

ಘಟಕ- 4

ಭಾಷೆಯ ಬಗೆಗೆ ಸಂವಿಧಾನಿಕ ನಿಯಮಗಳು (ಅನುಚ್ಛೇದ 343 ರಿಂದ 351), ಕನ್ನಡ ಭಾಷೆಯ ವಿವಿಧ ಮಜಲುಗಳು. ಹಳಗನ್ನಡ, ನಡುಗನ್ನಡ, ಹೊಸಗನ್ನಡ, ಕವಿಕಾವ್ಯಗಳ ಪರಿಚಯ, ವಚನ ಸಾಹಿತ್ಯ, ದಾಸ ಸಾಹಿತ್ಯ, ಸರ್ವಜ್ಞನ ವಚನಗಳ ಪರಿಚಯ (ಸಾಮಾಜಿಕ ನ್ಯಾಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ).

ಘಟಕ- 5

ಸರಕಾರಿ ಪತ್ರಗಳು - ಅಧಿಕೃತ ಪತ್ರ, ಅರೆಸರಕಾರಿ ಪತ್ರ, ಸುತ್ತೋಲೆ, ಅಧಿಕೃತಜ್ಞಾಪನಪತ್ರ, ಕ್ರಯಪತ್ರ, ದಾನಪತ್ರ, ಭೋಗ್ಯಪತ್ರಗಳ ರಚನೆ, ಉಯಿಲು (Will) ಪತ್ರಗಳ ರಚನೆ.

ಆಕರ ಗ್ರಂಥಗಳು:

1. ರಮೇಶ್ ಬೇವೂರ್, ಎಚ್.ಎಸ್.ಕೆ - ಆಡಳಿತ ಕನ್ನಡ.
2. ಡಾ. ಎಂ. ಚಿದಾನಂದ ಮೂರ್ತಿ - ಬಾಷಾ ವಿಜ್ಞಾನದ ಮೂಲತತ್ವಗಳು.
3. ಡಿ.ಟಿ. ರಂಗಸ್ವಾಮಿ - ಸರ್ಕಾರಿ ಪತ್ರಲೇಖನ.
4. ತಿ.ನಂ.ಶ್ರೀ - ಕನ್ನಡ ಮಾಧ್ಯಮಿಕ ವ್ಯಾಕರಣ.

COURSE 2.1
ಕನ್ನಡ ಕಲಿ
(ಪಠ್ಯಕ್ರಮ)
KANNADA KALI

ಉದ್ದೇಶಗಳು:

ಕನ್ನಡ ಕಲಿ ಎಂಬ ಈ ಭಾಷೆಯ ಪಠ್ಯವನ್ನು ವೃತ್ತಿ ಪದವಿಯ ಶಿಕ್ಷಣ ತರಗತಿಗಳಲ್ಲಿ ಅಭ್ಯಾಸ ಮಾಡುತ್ತಿರುವ ಕನ್ನಡೇತನ ವಿದ್ಯಾರ್ಥಿಗಳಿಗಾಗಿ ರಚಿಸಲಾಗಿದೆ. ಹೊರ ರಾಜ್ಯಗಳಿಂದ ನಮ್ಮಲ್ಲಿ ಶೈಕ್ಷಣಿಕ ವ್ಯಾಸಂಗಕ್ಕಾಗಿ ಬರುವ ಕನ್ನಡೇತರ ವಿದ್ಯಾರ್ಥಿಗಳಿಗೆ ಕನ್ನಡ ಭಾಷೆಯ ಜ್ಞಾನ ಅತ್ಯವಶ್ಯಕವಾಗಿರುವುದರಿಂದ, ಕ.ರಾ.ಕಾ.ವಿ.ಯ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುವಂತಹ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಕನ್ನಡ ಭಾಷಾಜ್ಞಾನವನ್ನು ಕಡ್ಡಾಯಗೊಳಿಸುವ ಸದುದ್ದೇಶದಿಂದ ಪಠ್ಯಕ್ರಮದಲ್ಲಿ “ಕನ್ನಡ ಕಲಿ” ಎಂಬ ಪುಸ್ತಕವನ್ನು ನಿಗದಿಪಡಿಸಲಾಗಿದೆ.

ಕನ್ನಡೇತರ ವಿದ್ಯಾರ್ಥಿಗಳ ಅಧ್ಯಯನಕ್ಕೆಂದು ರಚಿಸಲಾಗಿರುವ ಕನ್ನಡ ಕಲಿ ಪಠ್ಯವನ್ನು ಈ ಕ್ಷೇತ್ರದಲ್ಲಿ ಪರಿಣಿತರಾದವರು ಲಿಂಗದೇವರು ಹಳೆಮನೆ ಅವರು ವಿಶೇಷ ಪರಿಶ್ರಮದಿಂದ ಮತ್ತು ಈ ಕ್ಷೇತ್ರದ ತಮ್ಮ ಸುದೀರ್ಘ ಅನುಭವದಿಂದ ತುಂಬ ಆಸಕ್ತಿ ವಹಿಸಿ ರಚಿಸಿ ಕೊಟ್ಟಿದ್ದಾರೆ. ಕನ್ನಡ ಭಾಷೆಯನ್ನು ಅತ್ಯಂತ ಸುಗಮವಾಗಿ ಕಲಿಯಲು, ಪ್ರಯೋಗಿಸಲು ಮತ್ತು ಅದರಲ್ಲಿ ವ್ಯವಹರಿಸಲು ಮತ್ತು ಆ ಮೂಲಕ ತಮ್ಮ ವಿಷಯಕ್ಷೇತ್ರದಲ್ಲಿ ಈ ನಾಡವರೊಡನೆ ಅರ್ಥಪೂರ್ಣ ಸಂಪರ್ಕ ಮತ್ತು ಸಂವಹನವನ್ನು ಸಾಧಿಸಲು ನೆರವಾಗುವ ರೀತಿಯಲ್ಲಿ ಇದು ರಚಿತವಾಗಿದೆ.

Part I : Structure (ಕನ್ನಡ ಭಾಷೆಯ ಸಂರಚನೆಯನ್ನು ತಿಳಿಸಲಾಗಿದೆ)	
ಘಟಕ1 (Unit – 1) Lesson 1 to Lesson 5:	Lesson: 1. Introducing each other Personal Pronouns, Possessive forms, Interrogative words. Lesson: 2. Introducing each other Personal Pronouns, Possessive forms, Yes/No Type Interrogative. Lesson: 3. About Ramayana. Possessive forms of nouns, dubitive question, Relative nouns. Lesson: 4. Enquiring about college. Qualitative and quantitative adjectives. Lesson: 5. Enquiring about room. Predicative forms, locative case.
ಘಟಕ2 (Unit – 2) Lesson 6 to Lesson 10:	Lesson: 6. Vegetable Market. Diative case, basic numerals Lesson: 7. About Medical college Ordinal numerals, plural markers. Lesson: 8 In a cloth shop. Color adjectives, defective verbs. Lesson: 9 Plan to go for picnic. Imperative, permissive and hortative. Lesson: 10 Enquiring about one's family. Verb iru, and corresponding negation.
ಘಟಕ3 (Unit – 3) Lesson 11 to Lesson 15:	Lesson: 11 Plan to go for a movie. Comparative, non- past tense, instrumental and ablative case. Lesson: 12 Conversations between Doctor and Patient. Potential forms, accusative case.

	Lesson: 13 Enquiring about friend's family. Past tense –d- and –t- and negation. Lesson: 14 Conversation between friends. Past tense –k- -t- -d- and –id-, negation, verbal noun. Lesson: 15 Routine activities of a student.
ಘಟಕ4 (Unit – 4) Lesson 16 to Lesson 20:	Lesson: 16 About children's education. Continuous, Perfect tenses and negations. Lesson:17 Halebid – Belur Relative participle, negation and Participle nouns. Lesson:18 Discussing about Examination and future plan Conditional and negative conditions. Lesson:19 Karnataka (Lesson for reading) Lesson:20 Bekubedagalu (lesson for reading)
ಘಟಕ5 (Unit – 5)	Part II : Kannada Script (ಕೇಳುವ ಮತ್ತುಕಲಿಯುವ ಕೌಶಲ್ಯಗಳನ್ನು ಅಭಿವೃದ್ಧಿ ಪಡಿಸುವಗುರಿಯನ್ನು ಹೊಂದಿದೆ)

ಪುಸ್ತಕ: ಕನ್ನಡ ಕಲಿ

ಲೇಖಕರು: ಲಿಂಗದೇವರು ಹಳೇಮನೆ (ಕನ್ನಡ ವಿಶ್ವವಿದ್ಯಾಲಯ, ಹಂಪಿ, ಬಳ್ಳಾರಿ)

Kannada Kali (A Language Text Book for the Non-Kannada Professional Degree courses by LingadevaruHalemane)

Published by Publication Division, Prasaraṅga Kannada University, Hampi, Vidyaṛanya – 583276 Published year 2002

COURSE 2.2
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 Quod 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

COURSE 2.3
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

COURSE 2.4

COMPANY LAW (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:

Companies Act and laws relating to SEBI, Depositories Act.

COURSE 2.5
CONSTITUTIONAL LAW – II
(CONSTITUTIONAL INSTITUTIONS AND DIMENSIONS)

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, Colourable Legislation, Harmonious construction).

Administrative Powers: Financial Distribution (Finance Commission) Freedom of Trade and Commerce, Constitutional present status 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.

COURSE 2.6

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 Dishonour, Compensation, Special rules of Evidence, Acceptance and Payment for Honour and Reference in case of need. Dishonour of Cheques. Penal Provisions (Section 138-142)

Unit IV

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. Khargamvala - 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

COURSE 2.6

LAW OF CARRIAGE (OPTIONAL – I)

Course objectives:

A study of the general principles and basic regulations governing carriers (Land, Air and Sea) of persons and goods. The course includes study of the rights and obligations of the parties as well as a study of the regulatory framework that governs the transportation business and other public utilities. The course will end with discussion of the basic rules regarding the agencies that regulate public utilities.

Unit I

Carriage by Road- Carriage by Road Act, 2007-The Carriers Act, 1865- Definition, Classification of carriers, Liability of Carrier, Duties of Common Carrier, Principles of absolute liability, Carriage of animals, liability during transit, exceptions, Goods of dangerous nature & liability-, measure of Damages, rights to sue, suit by non-owner, subrogation, Liability for criminal breach of trust.

Unit II

Carriage by Air- The Carriage by Air Act, 1972, International Carriage by Air, Liability of Carrier, Accident, the Hague Protocol, Liability, Combined Carriage, Consumer cases on Airline services, Travel agent- deficiency in services & liability, Carriage of goods by air, Limitation.

Unit III

Carriage by Rail- Carriage of Goods- dangerous & offensive, Railways (Prescription of Offensive Goods) Rules, 1990, Railways (Prescription of Infectious and Contagious Diseases for Animals) Rules, 1990, The Railways (Punitive Charges for Overloading of Wagon) Rules, 2004, The Railways (Manner of Delivery of Consignments and Sale Proceeds in the Absence of Railway Receipt) Rules, 1990, Weighment of Consignments (in Wagon-load or Train-load) Rules, 1990, Manner of Giving Open Delivery and Prescription of Partial Delivery Certificate Form rules, 1990- Sale of goods held under lien, Responsibility of railway administration as Carriers, Right to Sue, Carriage of passengers, Compensation payable for death and injuries, The Railways Act, 1989.

Unit IV

Carriage by Sea- Contract of Affreightment- implied undertakings, charter parties, payment of Hire, Bill of Lading, Carriage of Goods by Sea Act, 1925, Parties of Bills of Lading, loading and discharge of joint operation, Rights & Immunities, Conditions, Liability & burden, Excepted Perils, Act of God, Waiver of privilege by carrier and increasing liability, Demurrage & Lay Days, Freight, Right to sue for loss or damage, Lien, The Merchant Shipping Act, 1958.

Unit V

Carriage of Passengers- Passage Money, liability for personal injuries-basis of liability, standard of care- Duties of carrier, burden of proof, liability for loss of luggage, The Multimodal Transportation of Goods Act, 1993.

Consumer Cases on Carriers of Passengers- Air crash, railway reservation, cloakroom service, responsibility for luggage, Discrimination in amenities, Bus passengers.

Prescribed Books:

1. Avtar Singh, 'Law of Carriage- Air, Land & Sea', Eastern Book Company, 5th edition 2015.

Reference Books:

1. David A. Glass, Chris Cashmore, "Introduction to the Law of Carriage of Goods", Sweet& Maxwell, 1989.
2. H.K. Saharay, "The Law of carriage of Goods", ISBN Number: 978817177259, 2nd Edition, 2013.
3. Michiel Spanjaart, "Multimodal Transport Law", 1st Edition, *ISBN 9780415789813*, Routledge Publications, 2017.
4. Stephen Girvin, "Carriage of Goods by Sea", 2nd Edition, Oxford publications.
5. Tala Fathima, "Transport Law in India", Wolters Cluver Law & Business publications.
6. Tan Lee Meng, "Law on Carriage of Goods by Sea", 3rd Edition Academy Publishing.
7. Paula Backden, "The Contract of Carriage-Multi Model Transport and Unimodel regulation", Informa law from Routledge.

COURSE 3.1

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 decisis, 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 3.2
LAW OF CRIMES –I
(INDIAN PENAL CODE)

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.

COURSE 3.3
LABOUR AND INDUSTRIAL LAW – Paper: I

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 Unions Act, 1926: 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

COURSE 3.4

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 pendens. 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.

COURSE 3.5

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.

COURSE 3.5
(Optional-II)
GENDER JUSTICE AND FEMINIST JURISPRUDENCE

Objectives:

It is a historical fact that women constitute the vulnerable section and they have been exploited in patriarchal and feudal systems. But in the last two centuries, in all democratic countries, law has been considered as a tool and technique to provide social justice to women. This course attempts to highlight the struggle for equality of women and the efforts of social legislation to provide solutions, remedies and redressal.

UNIT I

The status of women in the course of history: Roman period, ancient India, Islamic ideals
The Socio religious movements for the uplift of women
The role of women in the struggle of Indian Independence
Constitution and women: fundamental rights, directive principles, fundamental duties towards women.

UNIT II

Feminist theorizing and legal order: distinction between —sex|| (nature) and—gender|| (culture).
Equality approach: Equality in wages, work-place, access to public services, matrimonial remedies, inheritance and property rights, reservation in legislative representation.

UNIT III

Political rights of women: The British experience, Article of Universal Declaration of Human Rights, the 1952 Convention on Political Rights of Women, the 1979 Convention on the Abolition of all forms of discrimination against women. The programme of action by the United Nations Convention on traffic in women and children 1949.

UNIT IV

Law as a factor-affecting fertility; rising the minimum age of marriage through the law: problems and prospects
Women and Inheritance Right: Personal laws
Marriage and Divorce: Personal law
Maintenance: Personal laws

UNIT V

Social Legislation: Family Courts Act, Dowry Prohibition Act, Sex Determination Act, Medical Termination of Pregnancy, Exploitation of Women in working places.
Domestic Violence Act
National Commission for Women Act, 1990: role, powers, functions and constitution.
National Human Rights Commission, State Human Rights Commission, NGO and Women Empowerment.

Prescribed Books:

1. Indu Prakash Singh, Women, Law, and Social Change in India, 1989, Radiant Publishers, New Delhi.

2. Paras Dewan, Dowry and Protection to Married Women, 1995, Deep and Deep Publications, New Delhi.

Reference Books:

1. S.P.Sathe, Towards Gender Justice, 1993, RCWS, SNTD W.V. Bombay.
2. Dwarka Nath Mittal, Position of Women in Hindu Law, 1989, Inter-India Publications, New Delhi.
3. Shaukat Nasir, Muslim Women and their Rights, 1992, Ashoka Law House, New Delhi.
4. Paras Diwan and Piyush Diwan, Women and Legal Protection.
5. Kelly.D.Askin, Dorean.M.Koenig, Women and International Human Rights Law,(1999).
6. Janaki Nair, Women and Law in Colonial India, (1996).
7. Susan Edwards (ed.), Gender, Sex, Law (1985).
8. E. Diane Pask, Kathleen E. Mahency and Catherine A. Brown (ed.), Women, the Law and Economy (1985).
9. Catherine A. Mackinnon, Toward a Feminist Theory of the State (1989).
10. RatnaKapur and Brinda Crossman, Subversive Sites: Feminist Engagements with Law in India (1996), Sage.
11. Patricia Smith (ed.), Feminist Jurisprudence (1993), Oxford.
12. Manushi, A Journal about Women and Society.
13. Basu, D.D., Human Rights in Constitutional Law, (1994).
14. Krishna Iyer, V.R., Human Rights – A Judge's Miscellany, (1995).
15. Rama Jois,M., Human Rights: Bharatiya Values, (1998).
16. S. R. Bakshi and Kiran Bala, Development of Women, Children and Weaker Sections 1999, Deep and Deep Publications.

COURSE 3.6

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 complaints, 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, Complaint and written statement, Return and rejection of complaint, 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 4.1

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

COURSE 4.2
LAW OF CRIMES – Paper II
(CRIMINAL PROCEDURE CODE)

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, 2016.

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 4.3

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.

Unit II

Income from Salaries, Income from House Property, Income from Business or Profession, Income from other Sources. Deductions from Gross Total Income applicable for Individual Assessee. Income Tax Authorities, 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

Indirect Tax Law Regime: Constitutional Background and Centre State Inter-relations, Concept of Goods and Services Tax, Salient features of GST, Benefits of GST, Overview of GST Acts, GST Council and its role, GSTIN, HSN code, Important Definitions, Supply: Types of supply (Taxable and non-taxable supply), Place of supply, Principal supply, Zero-rated supply, scope of supply, consideration, time of supply of goods and time of supply of services, supply under IGST (intra-state supply).

Unit IV

Registration Procedure under GST, Levy and collection of tax, Composition under GST, Tax Invoice, Credit and Debit Notes, Input tax credit, Payment of tax, Returns, Refunds, Assessment, Concept of e-waybill, Appeals and Revisions, Offences and Penalties, GST Practitioners.

Unit V

Customs Law: Introduction, Definition, GATT, WTO, Prohibition on Importation and Exportation of goods, levy, exemption and collection of customs duties and overview of law

and procedure, clearance of goods from the port, including baggage, goods imported or exported by post and stores and goods in transit, duty drawback provisions.

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. Dr. H. C Malhotra and Dr. S. P. Goyal- Direct taxes, Sahitya Bhawan, Agra.
4. P. L. Malik- Commentaries of Customs Act, Eastern Book Company, Lucknow.

Relevant Acts and Rules

COURSE 4.4

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 loquitor 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.

COURSE 4.4
PRIVATE INTERNATIONAL LAW (Optional – III)

Objective: In this 21st century, Liberalisation, Privatisation and Globalization (LPG) works beyond national barriers. The course creates an understanding on the conflict of laws under various legal systems pertaining to jurisdiction, marriage, divorce, adoption, maintenance, property. The course also covers torts and contracts laws. The course also covers enforcement of foreign judgements and arbitral awards.

UNIT – I

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

UNIT – II

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

UNIT – III

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

UNIT – IV

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

UNIT – V

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

Prescribed Books:

V. C. Govindaraj – The conflict of Law in India, Oxford.
ParasDiwan – Private International Law, Deep & Deep Publication.
Setalvad – Conflict of Laws, Lexis Nexis Publications.

Reference Books:

Cheshire, North and Fawcett – Private International Law

COURSE 4.5

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 ofSubscribers: 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.

COURSE 4.5
HUMAN RIGHTS LAW & PRACTISE (Optional - IV)

Objectives: 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 Jurisprudence of Human Rights Nature, definition, origin and theories of human rights

UNIT - II Universal protection of human rights -United Nations and human rights - Universal Declaration of Human Rights, 1948; International Covenant on Civil and Political Rights, 1966; International Covenant Economic, Social and Cultural Rights, 1966

UNIT - III Regional Protection of Human rights - European system - Inter American System - African System

UNIT - IV Protection of human rights at national level Human rights and the constitution The Protection of Human rights Act, 1993

UNIT - V Human Rights and Vulnerable Groups: Rights of Women, Children, Disabled, Tribals, Aged and Minorities - National and International Legal Developments

Prescribed Books:

- Meron Theodor, Ed, Human Rights and International Law: Legal and Policy Issues, 2 Vols,
- Oxford: Clarendon Press, 1983
- S K Kapoor, Human rights Under International Law and Indian Law

Reference Books:

- Henkin Luis, Rights of Man Today,
- London: Stevens, 1978
- Singh Nagendra, Enforcement of Human Rights in Peace and War and the future of humanity, Calcutta: Eastern Law House, 1986
- Relevant International Instruments United Nations Charter,
- 1945 Universal Declaration of Human Rights,
- 1948 International Convention on the Elimination of All Forms of Racial Discrimination,
- 1948 International covenant on civil and Political Rights,
- 1966 International covenant on Economic and Cultural Rights,
- 1966 Convention on Elimination of All forms of Discrimination Against Women,
- 1979 Convention on the Rights of the Child, 1989

COURSE 4.6
INTELLECTUAL PROPERTY LAW
(PATENT, TRADE MARK, COPYRIGHT, OTHER FORMS – CREATION AND
REGISTRATION)

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

COURSE 4.6
PENOLOGY AND VICTIMOLOGY (Optional - V)

Course Objectives: This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problem of exercise of discretion in sentencing. In addition the course introduces students to the discipline of victimology which will shift the study from accused centric approach to much needed victim centric approach.

Unit I

Introduction: Notion of punishment in law. Penology and Theories of Punishment: Definition of Penology, Theories of Punishment: Retribution, Deterrence, Preventive, Rehabilitation, Reformation, Expiation. Efficacy of Punishment. Classical Hindu and Islamic approaches to Punishment. Crime Prevention – Present scenario, Difference between crime prevention and control. Problems involved in crime prevention.

Unit II

Kinds of punishment. Sentencing policies and processes. Capital punishment – its constitutionality, problems related to capital punishment, the riddle of capital punishment judicial attitude towards capital punishment, law reforms.

Unit III

Rights of prisoners and prison administration. Prison reforms. Alternatives to imprisonment – Probation, Parole, Open prisons, corrective labour. Reparation by the offender/by the court. Victimology – Introduction, history and philosophy, emerging trends and policies.

Unit IV

Victimology – European experience, American experience, Australian experience. Victim witness assistance programmes. Restitution.

Unit V

Victimology – Indian experience. Legal framework, Emerging trends and policies. Victim Compensation Scheme. Victim Assistance Programmes. Role of Courts, Role of NHRC.

Prescribed Books:

1. Ahmad Siddique – Criminology, Penology and Victimology (Lucknow- Eastern Book Company 2016)
2. Dr. N. V. Paranjape – Criminology, Penology and Victimology (Allahabad – Central Law Publications – 2017.
3. V. N. Rajan – Victimology in India (New Delhi – A P H Publishing Corporation)

Reference Books:

1. Edwin H. Sutherland, David R Cressey, David F Luckenbill – Principles of Criminology (Delhi – Universal Law Publishing)
2. Nigel Walker and Nicola Padfield – Sentencing: Theory, Law and Practice (London – Butterworths)
3. G.S. Bajpai, ShriyaGaubha – Victim Justice (Thomson Reuters – 2016)

COURSE 5.1

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 and precautionary, 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 Vidh Upadhyay - Handbook on Environmental Laws
4. Dr.S.R.Myneni - Environmental Law
5. Relevant Bare Acts/Notifications
6. S.Diwan and A. Rosencranz - 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

COURSE 5.2
LABOUR AND INDUSTRIAL LAW – PAPER II
(LABOUR WELFARE LEGISLATIONS)

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.

COURSE 5.3
CLINIC I: DRAFTING, PLEADING AND CONVEYANCE (CLINIC –I)

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. Complaint
- b. Written Statement
- c. Interlocutory Application
- d. Affidavit
- e. Original Petition
- f. Execution Petition
- g. Memorandum of Appeal, Revision
- h. Petitions under Article 226 and 32 of the Constitution of India
- i. Issue of notices of demand/and statutory notices under section 138 of NI Act, 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 | i. Power of Attorney |
| b. Sale Deed | j. Trust Deed |
| c. Lease Deed | k. Partnership Deed |
| d. Mortgage Deed | l. Will |
| e. Gift Deed | |
| f. Release Deed | |
| g. Partition Deed | |
| h. Adoption Deed | |

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 5.4
PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM
(CLINIC II)

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 8th 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.

COURSE 5.5

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

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 Singulis, Bonam Partem, Causus Omnisus. Doctrine of Noscitur a Sociis, Contemporanea expositio, Understanding associated words in a common sense and the expostionius 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

COURSE 5.5

CORPORATE GOVERNANCE (OPTIONAL – VI) (Reference not updated)

Course Objectives

Corporate governance is the set of processes, customs, policies, laws and institutions affecting the way a corporation is directed or controlled. The course aims at providing basic idea about corporate governance and its impact and implications on society and legal system.

UNIT I

INTRODUCTION TO CORPORATE GOVERNANCE

- Corporate governance - meaning and structure
- Importance of corporate governance
- Corporate governance v Public Governance
- History of corporate governance
- Concept of corporate governance and stakeholders
- Evolution of corporate governance-Developments in India, US, UK
- Development of corporate governance in India

UNIT II

LEGISLATIVE FRAMEWORK OF CORPORATE GOVERNANCE IN INDIA

- Companies Act, 2013
- SEBI
- Listing Agreement

- Provisions Of Securities Contract (Regulation) Act Relating To Corporate Governance

UNIT III

BOARD OF DIRECTORS

- Directors- Introduction, types of directors, duties and responsibilities, independence
- SEBI regulation
- Corporate Fraud and crimes
- Analysis of Whistle Blower Policy
- Clause 49 of Listing Agreement
- Board Committees-Composition, role and responsibilities, contribution to board governance, Auditors, Audit Committee, Shareholders Grievance committee, Remuneration committee,
- Corporate Governance committee, Nomination committee, Corporate Compliance committees.

UNIT IV

CORPORATE GOVERNANCE AND SHAREHOLDER RIGHTS

- Rights of share holders
- Challenges in exercising shareholder's rights
- Protection Of Minority Interest
- Corporate governance and related party transactions
- Investor protection in India; Role of institutional investors
- Whistle-blowing and Corporate governance

UNIT V

CORPORATE SOCIAL RESPONSIBILITY

- Need and New Developments.
- Provisions under New Companies Act, 2013.
- CSR and CSR Activities
- CSR to CNR (Corporate Nature Responsibility)
- Analysis of CSR report of random popular corporations.
- Criticism on CSR

COURSE 6.1

PUBLIC INTERNATIONAL LAW

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

COURSE 6.2

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"(Section 44).

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, VutukuruLakshmaiah 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. EssakiAmmal 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 ChintamanSonawane, 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, EscolasticoMazarello 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. ChenakkalJuma-AthPalliParipalana 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 KhushalraoTijare v. State of Maharashtra, 13-June-2012, Bombay
30. Sec 31, MohdYunus 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 HaribertoD'cunha v. Victor Luis, 13-July-2012, Bombay
37. Sec 50, RameshbhaiDabhaiNaika v. State of Gujarat, 18-January-2012, SC
38. Jai NarainMahton v. Gopal Rai, 04-October-2012, Patna
39. Sec 52, State of Himachal Pradesh v. Hari Dass, 21-May-2012, HP
40. Sec 53, MohdYunus 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 From 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 Narcotics 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, RajubhaiJangubhaiRathwaq 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. JayantibhaiBhenkerbhai 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. AghnooNagesia v. State of Bihar, AIR 1966 SC 119 64
90. PulukuriKottaya 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 HiralalJoitaram 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 6.3
ALTERNATIVE DISPUTE RESOLUTION SYSTEMS (CLINIC - III)

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 8th 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 6.4
LITIGATION ADVOCACY AND INTERNSHIP (CLINIC- IV)

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)**

COURSE 6.5
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, 5thedn., 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 21st 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 Research
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 (19th & 21st Edition)