

Schedule I

THREE YEARS' LL.B. PROGRAMME Semester – I

Per Lecture	Subjects	Lectures	Others	Total	Credits (Sem) 29
CORE COURSE 101	Law of Tort including MV Accident And Consumer Protection Laws	4	1	5	5
CORE COURSE 102	Criminal Law Paper – I (Bharatiya Nyaya Sanhita, 2023 Chapters I to VI)	4	1	5	5
CORE COURSE 103	Criminal Law Paper – II (Bharatiya Nyaya Sanhita, 2023 Chapters VII to XX)	4	1	5	5
CORE COURSE 104	Law of Contract	4	1	5	5
CORE COURSE 105	Special Contract	4	1	5	5
FOUNDATI ON 106 F	Constitutional History of India	1	1	2	2
SOFT SKILL 107 K	Use of Law Journals and Legal Software	1	1	2	2



THREE YEARS' LL.B. PROGRAMME
LL. B. Semester – II

Per Lecture	Subjects	Lectures	Others	Total	Credits (Sem) 29
CORE COURSE 108	Constitutional Law Paper – I	4	1	5	5
CORE COURSE 109	Constitutional Law Paper – II	4	1	5	5
CORE COURSE 110	Company Law	4	1	5	5
CORE COURSE 111	Environmental Law	4	1	5	5
CORE COURSE 112	Property Law	4	1	5	5
FOUNDATION 113 F	Principles of Political Science & Theory	1	1	2	2
SOFT SKILL 114 K	Use of Internet in Legal Education	1	1	2	2



THREE YEARS' LL.B. PROGRAMME
LL.B. Semester – III

Per Lecture	Subjects	Lectures	Others	Total	Credits (Sem) 29
CORE COURSE 201	Family Law - I	4	1	5	5
CORE COURSE 202	Labour & Industrial Law - I	4	1	5	5
CORE COURSE 203	Principles of Taxation Law	4	1	5	5
CORE COURSE 204	Administrative Law	4	1	5	5
CORE COURSE 205	Public International Law	4	1	5	5
FOUNDATIO N 206 F	Principles of Equity	1	1	2	2
SOFT SKILL 207 K	Legal Terms, Phrases & Maxims	1	1	2	2



**THREE YEARS' LL.B. PROGRAMME
SEMESTER - IV**

Per Lecture	Subjects	Lectures	Others	Total	Credits (Sem) 29
CORE COURSE 208	Legal Methods & Legal Theories (Jurisprudence)	4	1	5	5
CORE COURSE 209	Family Law - II	4	1	5	5
CORE COURSE 210	Interpretation of Statutes and Principles of Legislation	4	1	5	5
CORE COURSE 211	Labour & Industrial Law – II	4	1	5	5
ELECTIVE COURSE 212 E	Human Right Law and Practice	4	1	5	5
FOUNDATION 213 F	Principles of Banking Laws	1	1	2	2
SOFT SKILL 214 K	Legal Principles through Case Study	1	1	2	2



THREE YEARS' LL.B. PROGRAMME
Semester – V

Per Lecture	Subjects	Lectures	Others	Total	Credits (Sem) 29
CORE COURSE 301	Civil Procedure Code and Limitation Act	4	1	5	5
CORE COURSE 302	Bharatiya Nagarik Suraksha Sanhita, 2023	4	1	5	5
CORE COURSE 303	Bharatiya Shakhya Adhinyam, 2023	4	1	5	5
ELECTIVE COURSE 304 E	Public Interest Lawyering	4	1	5	5
ELECTIVE COURSE 305 E	Intellectual Property Law	4	1	5	5
FOUNDATI ON 306 F	Principles of Negotiable Instruments	1	1	2	2
SOFT SKILL 307 K	Rehabilitation of Criminals & Juveniles in Society & Law	1	1	2	2



THREE YEARS' LL.B. PROGRAMME
LL.B. Semester : VI

Per Lecture	Subjects	Lectures	Others	Total	Credits (Sem) 29
CORE COURSE 308	Drafting of Pleading and Conveyancing	4	1	5	5
CORE COURSE 309	Professional Ethics & Professional Accounting System	4	1	5	5
CORE COURSE 310	Alternative Dispute Resolution	4	1	5	5
CORE COURSE 311	Moot Court Exercise and Internship	4	1	5	5
CORE COURSE 312	Legal Language /Legal Writing including General English	4	1	5	5
FOUNDATI ON 313 F	Forensic Science, Law & Crime Detection Methods	1	1	2	2
SOFT SKILL 314 K	Legal Aid, Para-legal Services & Clinical Training	1	1	2	2



KSKV Kachchh University

Semester – I

CORE COURSE 101 : LAW OF TORT INCLUDING MV ACCIDENT AND CONSUMER PROTECTION LAWS

Objectives of the Course :

With rapid industrialization, tort action came to be used against manufacturers and industrial units for products injurious to human beings. Presently the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in developed economies.

In modern era of consumer concern of goods and services, the law of torts has an added significance with its forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and in those areas relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions of various legislation and judicial decisions in India, so connected with the human right for a healthy life and environment, has now become a core subject to be taught as an indispensable part of a socially relevant curriculum. The provisions of the Motor Vehicles Act relating to payment of compensation in case of hit and run accidents and compulsory third party insurance are also included in this paper.

Syllabus :

1. General Principles of Tort

- 1.1 Tort : Definition, Distinction from Crime, Breach of Contract etc., Nature, Scope and object of Tort, who may sue? Who may not be sued ?
- 1.2 Damnum sine Injuria, Injuria Sine Damnum
- 1.3 Volenti non fit Injuria, ubi jus ibi remedium
- 1.4 Vicarious Liability : Basis, scope, Justification, Different types
- 1.5 Extinguishment of Liability in Tort
- 1.6 Justification in Tort, defences to the defendants

2. Torts against person, property, Freedom & Reputation

- 2.1 Trespass to person : Assault, Battery, Mayhem, False Imprisonment
- 2.2 Torts affecting Property (Movable & Immovable) : Trespass, Trespass ab initio etc.
- 2.3 Torts related to Reputation (Defamation) & personal relations
- 2.4 Torts affecting person & Property : Nuisance, Negligence, Fraud
- 2.5 Third party liability of owner under the Motor Vehicles Act

3. Principles of Liability in Torts and Legal Remedies

- 3.1 Principle of Strict Liability : Ryland V. Fletcher case with exceptions
- 3.2 Principle of Absolute Liability : Bhopal Gas Disaster case and Shree Ram Food Gas Leakage case
- 3.3 Remoteness of damage – foreseeability and directness Injunction
Specific restitution of property



3.4 Extra-legal remedies – self-help, re-entry on land, re-capture of goods, *distress damage feasant*

4. Concept of Consumer & Consumer Protection Act

4.1 Consumer : Definition,

4.2 Services : Types of services, Deficiency- meaning,

4.3 Commercial & Professional Services, Medical Services

4.4 Denial of Services

4.5 Consumer Protection Councils

4.6 Consumer Disputes Redressal Agencies : District Forum, State Commission & National Commission, Judicial Review

Suggested Reading

Salmond and Heuston – On the Law of Torts, Universal, Delhi

D.D. Basu. The Law of Torts, Kamal , Calcutta. D. M. Gandhi Law of Tort Eastern, Lucknow

P.S. Achuthan Pillai, The Law of Torts, Eastern, Lucknow

Ratanlal & Dhirajlal.. The Law of Torts, Universal, Delhi.

Winfield and Jolowiz on Torts, Sweet and Maxwell, London.

Saraf, D. N. Law of Consumer Protection in India, Tripathi, Bombay.

Avtar Singh. The Law of Consumer Protection, Principles and Practice, Eastern Book Co. Lucknow.

J. N. Barowalia, Commentary on Consumer Protection Act, 1986, Universal Delhi.

P. K. Majundar, The Law of Consumer Protection In India, Orient Publishing Co. New Delhi.

R.M. Vats, Consumer and the Law, Universal, Delhi. Winfield and Jolowiz on Tort , Sweet and Maxwell London.

Saraf, D. n. Law of Consumer Protection In India, Tripathi, Bombay.

Avtar Singh, The Law of Consumer Protection Principles and Practice, Eastern Book Co. Lucknow

J. N. Barowalia, Commentary on Consumer Protection Act, 2019, Universal Delhi.



Core Course 102:

CRIMINAL LAW PAPER – I

(Bharatiya Nyaya Sanhita, 2023: Chapters I to VI)

Objective of the course:

The Parliament has approved new legislation – Bharatiya Nyaya Sanhita, 2023 by repealing old legislation Indian Penal Code 1860 and the new legislation, by notification made applicable from the 1st July 2024. The Parliament has also incorporated necessary suggestions and recommendations of the 246th Report on Bharatiya Nyaya Sanhita, 2023 submitted by the Parliamentary Standing Committee on Home Affairs in the present legislation. The present legislation of 2023 is simplified and the offences as well as punishments are streamlined. Some new offences are added taking into consideration the safety of citizens, security of the nation and Unity and integrity of the country, punishment of imprisonment and fine were enhanced so as to have deterrent effect. Bharatiya Nyaya Sanhita, 2023 has also taken care to meet with the challenges of global terrorism, armed rebellion and organized offences. Bharatiya Nyaya Sanhita, 2023 is covered within two core courses of the present syllabi so as to appraise the law students about complete. While perusing the judgments of the Apex Court related to the offences, the students are expected to see the provisions of the Indian Penal Code.

SYLLABUS:

1. General:

- 1.1 Objects and reasons of Bharatiya Nyaya Sanhita, 2023, Introduction of Newly inserted and amended provisions of BNS
- 1.2 Conception of Crime, Stages of Crime, Mens Rea,
- 1.3 Commencement and application of the Bharatiya Nyaya Sanhita, 2023
- 1.4 Intra-Territorial Jurisdiction and Extra-Territorial Jurisdiction, General Explanations Sec. 3(1) to (9)
- 1.5 Punishments: Various Theories of Punishment and Kinds of Punishments
 - 1.5.1 Death Sentence, Arguments in favour and against Death Sentence and constitutionality of Death Sentence, Imprisonment for Life, Imprisonment: Simple and Rigorous, Forfeiture of Property, Fine and Community Service.
 - 1.5.2 Commutation of sentence, fractions of terms of Punishment
 - 1.5.3 Liability in default of payment of fine and related provisions
 - 1.5.4 Solitary Confinement, Enhanced punishment for certain offences after previous conviction

2. General Exceptions:

- 2.1 Mistake of Fact, Mistake of Law, Act of Judge, Act done pursuant to judgment/order of court etc, Accident as a defence, act without criminal intent
- 2.2 Mental Incapacity, Minority, consent, involuntary intoxication and Insanity as a defence, Act by a person compelled by threats, communication made in good faith, act causing slight harm etc.



- 2.3 Right of Private Defence of person and property: Justification and limits, When private defence extends to causing of death to protect body and property?
- 2.4 Abetment and its kinds, Abetment outside India for Offences in India (sec.48),
Criminal Conspiracy
- 2.5 Punishment for attempt to commit offence punishable with life imprisonment or other imprisonment

3. Offences against Women and Child :

- 3.1 Rape and other sexual offences, Punishment thereof,
- 3.2 Gang Rape and its punishment, other related provisions
- 3.3 Sexual harassment, Assault/use of Criminal Force to women with intent to disrobe,
- 3.4 cyber crimes : voyeurism, stalking on line modes of these offences and punishment
- 3.5 Dowry Death, marrying again during lifetime of husband/wife, Husband/relatives of husband of women subjecting her to cruelty, other marriage related offences and punishments
- 3.6 Offences against Child

4. Offences affecting the Human Body :

- 4.1 Offences affecting Life :
 - 4.1.1 Culpable Homicide, Murder, distinction between them, murder by 5 or more persons on ground of race, caste community, sex etc., punishment
 - 4.1.2 Causing death by rash or negligent act, causing death by rash or negligent motor driving, liability of Medical Practitioner in case of death by rash or negligent act,
 - 4.1.3 Attempt to murder, Attempt to commit Culpable Homicide,
 - 4.1.4 Abetment of Suicide, reasons for removing offence of attempt to commit suicide in BNS
- 4.2 Organized crime (Sec.111), Petty organized crime (Sec 112), Terrorist Act (SEC 113)
- 4.3 Hurt and Grievous hurt, Aggravated forms, Grievous hurt by Acid etc.
- 4.4 Wrongful restraint, wrongful confinement
- 4.5 Criminal Force, Assault,
- 4.6 Kidnapping, Abduction, Trafficking of person, Unlawful compulsory labour etc.

Suggested Reading :

Bare Act, Bharatiya Nyaya Sanhita, 2023
 Rekha Singh & Bhavesh Bharad's Bharatiya Nyaya Sanhita, 2023, Supriya Publication
 Bhavesh Bharad & Rekha Singh's New Criminal Major Act, Supriya Publication
 Kenny's Outlines of Criminal Law – Universal Law Publishing Co. Russell on Crime – Universal Law Publishing Co. (2 Volumes)
 K. D. Gaur, Criminal Law Cases and Materials, Butterworths, India
(Books for reference and referring to cases only) :
 Ratanlal&Dhirajlal's Indian Penal Code Butterworths Wadhwa, Nagpur
 K. D. Gaur, A text Book on the Indian Penal Code, Universal Delhi.



P. S. Achuthan Pillai, Criminal Law Eastern Book Co.,
B. M. Gandhi , Indian Penal Code, Eastern Book Co

Note : As Indian Penal Code is already replaced by Bharatiya Nyaya Sanhita, 2023 students are instructed to refer the above listed books. While referring the Apex Court decisions, the students are expected to peruse the Sections of Indian Penal Code.



Core Course 103:

CRIMINAL LAW PAPER - II

(Bharatiya Nyaya Sanhita, 2023 Chapter VII to XX)

The Parliament has approved new legislation – Bharatiya Nyaya Sanhita, 2023 by repealing old legislation Indian Penal Code 1860 and the new legislation, by notification made applicable from the 1st July 2024. The Parliament has also incorporated necessary suggestions and recommendations of the 246th Report on Bharatiya Nyaya Sanhita, 2023 submitted by the Parliamentary Standing Committee on Home Affairs in the present legislation. The present legislation of 2023 is simplified and the offences as well as punishments are streamlined. Some new offences are added taking into consideration the safety of citizens, security of the nation and Unity and integrity of the country, punishment of imprisonment and fine were enhanced so as to have deterrent effect. Bharatiya Nyaya Sanhita, 2023 has also taken care to meet with the challenges of global terrorism, armed rebellion and organized offences. Bharatiya Nyaya Sanhita, 2023 is covered within two core courses of the present syllabi so as to appraise the law students about complete. While perusing the judgments of the Apex Court related to the offences, the students are expected to see the provisions of the Indian Penal Code.

SYLLABUS :

1. Offences against the State, Offences relating to Army, Navy and Force and Offences relating to elections

1.1 Offences against the State:

- 1.1.1 Waging War against Government of India and related offences
- 1.1.2 Act endangering sovereignty, unity and integrity of India (Sec 152)
- 1.1.3 Public Servant negligently allowing Prisoner of State or war to escape and related offences.
- 1.1.4 Aiding escape of, rescuing or harbouring prisoner

1.2 Offences relating to the Army, Navy and Air Force

- 1.2.1 Abetting mutiny and related offences, attempt to seduce a soldier, sailor or airman from his duty, abetment of assault by soldier, sailor or airman on his superior officer etc.
- 1.2.2 Harboursing deserter, Abetment of Act of insubordination etc.

1.3 Offences relating to Elections

1.4 Offences relating to Coin, Currency Notes, Bank Notes and Government Stamps

2. Offences against the Public Tranquility, Offences by or against Public Servants:

2.1 Offences against Public Tranquility

- 2.1.1 Unlawful Assembly, Common Object, Difference between Common Object and Common Intention (Sec. 190 and Sec.3(5)), Rioting, Aggravated forms of Rioting, Affray, Promoting enmity between different groups
- 2.1.2 Imputations, assertions prejudicial to national integration



2.2 Offences by or relating to Public Servants :

- 2.2.1 Public Servant disobeying law with intent to cause injury, disobeying direction under law
- 2.2.2 punishment for non-treatment of victim (sec.200), public servant framing incorrect document with intent to cause injury, unlawfully engaging in Trade, unlawfully buying/bidding for property etc.

2.3 Contempts of the lawful authority of Public Servants :

- 2.3.1 Absconding to avoid service of summons, preventing service of, Non attendance in obedience to order from public servant and other related offences
- 2.3.2 Refusing to take oath/affirmation, refusing to answer public servant, refusing to sign statement etc., Resistance/obstruction by a person to his or another person's lawful apprehension etc.
- 2.3.3 Threat of Injury to public servant and related offences, Attempt to commit suicide to compel/restrain exercise of lawful power (Sec.226)

3. False Evidence and Offences against Public Justice, Offences affecting Public Health, safety etc. and offences relating to Religion,

3.1 Giving and fabricating False Evidence, punishment

- 3.1.1 Giving/ fabricating false evidence with intent to procure conviction of capital offences/ life imprisonment / imprisonment, related offences
- 3.1.2 Using evidence known to be false, issuing/signing false certificate, using as true certificate known to be false etc., giving false information and related offences, dishonestly making false claim in court, fraudulently obtaining degree for sum not due
- 3.1.3 Harboursing offender and related offences
- 3.1.4 Public servant disobeying direction of law to save person from punishment etc and other offences related to public servant

3.2 Offences affecting the Public Health, Safety etc.:

- 3.2.1 Public Nuisance and related offences
- 3.2.2 Adulteration of food or drink intended for sale, sale of noxious food/drink, adulteration of drugs and sale thereof, related offences
- 3.2.3 Rash driving or riding on public way etc., conveying person by water for hire in unsafe or overloaded vessel, Negligent conduct with respect to poisonous substances, fire/combustible matter, explosive substance, animal etc. punishment
- 3.2.4 Sale of obscene books, obscene objects to child, obscene acts and songs, keeping lottery office

3.3 Offences relating to Religion:

- 3.3.1 Injuring/ defiling place of worship with intent to insult religion of any class, Deliberate and malicious acts intended to outrage religious feelings etc.
- 3.3.2 Disturbing religious assembly, trespassing on burial places etc., uttering words etc. with intent to wound religious feelings

4. Offences against Property, documents and Property Marks, Criminal Intimidation, Defamation and Miscellaneous:



- 4.1 Theft, snatching & Extortion, aggravated forms of theft and extortion, punishment thereof, Robbery and Dacoity, Distinction between them, receiving and disposing of Stolen Property & other related offences
- 4.2 Criminal Misappropriation, Criminal Breach of Trust, Mischief including Mischief by causing loss to Government property etc (sec. 324(3))
- 4.3 Cheating: Types of Cheating Punishment, Criminal Trespass, House Trespass and House Breaking, aggravated forms and punishment
- 4.4 Making False Document and Forgery,
 - 4.4.1 Aggravated forms of forgery, punishment, Forge document/electronic record and using it as genuine etc.
 - 4.4.2 Fraudulent cancellation, destruction etc of will, authority to adopt or valuable security etc, falsification of account.
 - 4.4.3 Tampering with property marks, counterfeiting property marks etc.
- 4.5 Criminal Intimidation, Intentional Insult with intent to provoke breach of peace, statements conducting to public mischief, Act caused by inducing person to believe that he will be rendered an object of Divine Displeasure, Misconduct in public by a drunken person
- 4.6 Defamation, Breach of contract to attend on and supply wants of helpless person
- 4.7 Repeal and savings (sec 358)

Suggested Reading:

Bare Act, Bharatiya Nyaya Sanhita, 2023

Rekha Singh & Bhavesh Bharad's Bharatiya Nyaya Sanhita, 2023, Supriya Publication

Bhavesh Bharad & Rekha Singh's New Criminal Major Act, Supriya Publication

Kenny's Outlines of Criminal Law - Universal Law Publishing Co. Russell on Crime - Universal Law Publishing Co. (2 Volumes)

K. D. Gaur, Criminal Law Cases and Materials, Butterworths, India

(Books for reference and referring to cases only) :

Ratanlal & Dhirajlal's Indian Penal Code Butterworths Wadhwa, Nagpur

K. D. Gaur, A text Book on the Indian Penal Code, Universal Delhi.

P. S. Achuthan Pillai, Criminal Law Eastern Book Co.,

B. M. Gandhi, Indian Penal Code, Eastern Book Co,

Note: As Indian Penal Code is already replaced by Bharatiya Nyaya Sanhita, 2023 students are instructed to refer the above listed books can only be perused for earlier cases.



CORE COURSE 104 :
LAW OF CONTRACT

Objectives of the course:

Every man in his day to day life from dawn to dusk makes a variety of contracts, Man's contract making activities increase with the increasing trade, commerce and industry. In a way living in a modern society would be impossible if the law did not recognize this contract making power of person. This prompted Roscoe Pound to make his celebrated observation: "Wealth, in a commercial age, is made up largely of promises. In this sense India is also a "Promissory" Society. The conferment and protection by the law of this contract making power of person gives them a considerable leeway to strike best bargain for the contract making person. In a way they are permitted to regulate and define their relations in a best possible manner they chose. However, the contours of contractual relations in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in an independent and developing Indian society. Whatever may be the nature of a given society, the contractual relations as are obtained in that society, are governed by certain principles which are more or less of a general and basic nature. In India these general principles are statutised in the form of the Indian Contract Act, 1972.

This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

SYLLABUS:

1. General Principles of Law of contract:

- 1.1 Agreement and contract definitions, elements and kinds Proposal, Communication and revocation – proposal and invitation for proposal – floating offers
- 1.2 Acceptance – their various forms, essential elements
- 1.3 Consideration –its need, meaning, kinds, essential elements
- 1.4 Capacity to Contract

2. Capacity to contract & Free Consent :

- 2.1 Minor, Age of Majority, Nature of minor's agreement & effects thereof, Accessories supplied to a minor, Agreement beneficial and detrimental to a minor
- 2.2 Free consent –its need and definition, Effects of force, coercion & undue influence on contract
- 2.3 Mistake : definition – kinds- fundamental error mistake of law and of fact – their effects
- 2.4 Legality of objects :
 - 2.4.1 Unlawful Agreements: Kinds and effects thereof



2.4.2 Void Agreements, Uncertain Agreements, Wagering Agreements, Illegal & Void Agreements

3. Discharge of Contract & Quasi-Contracts:

3.1 Various modes of discharge of contract and effects thereof

3.2 Anticipatory Breach of Contract

3.3 Impossibility of performance – specific grounds of frustration – application to leases- theories of frustration – effect of frustration – frustration and restitution, by period of limitation

3.4 Rescission and alteration – their effect- remission and waiver of performance – extension of time – accord and satisfaction

3.5 Quasi-contracts or certain relations resembling those created by contracts, Quantum Meruit

4. Specific Relief Act

4.1 Persons against whom specific enforcement can be ordered

4.2 Rescission and cancellation

4.3 Injunction : Temporary and Perpetual

4.4 Declaratory orders

4.5 Discretion and power of court

Suggested Reading

Beasten (Ed), Anson's Law of Contract

P. S. Atiya, Introduction to the Law of Contract (Claredon Law Series)

Avtar Singh, Law of Contract, Eastern Lucknow

G. C. Cheshire, and H. S. Fifoot and M. P. Formston Law Contract ELBS with Butterworths.

M. Krishnan Nair, Law of Contract,

G.H. Trinel , Law of Contract Sweet & Maxwell

R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief Act, Butterworths Publication

Benerjee S.C. Law of Specific Relief, Universal

Anson, Law of Contract, Universal

Dutt on Contract, Universal

Anand and Aiyer, Law of Specific Relief, Universal.



Semester I
CORE COURSE 105 SPECIAL CONTRACT

Objectives of course :

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphases is on understanding and appreciating the basic essentials of valid contract and on the existence of contractual relationship in various instances. Obviously a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

SYLLABUS :

1. Indemnity and Guarantee

- 1.1 Indemnity : concept, Need for indemnity, definition
- 1.2 Methods of creating indemnity obligations
- 1.3 Commencement, Nature and extent of liability of the indemnifier
- 1.4 Situations of various type of indemnity creations, Documents/ agreements of indemnity, Nature of indemnity clauses
- 1.5 Guarantee : Concept, essentials for a valid guarantee contract
- 1.6 Rights & Liabilities of Surety

2. Bailment, Pledge and Agency :

- 2.1 Bailment : Essential Features, Rights & duties of Bailor & Bailee
- 2.2 Pledge : Definition Rights and duties of Pawnee, who can pledge?
- 2.3 Agency :
 - 2.3.1 Definition, Essentials, kinds of agents, creation of Agency
 - 2.3.2 Relations of Principal and Agent : Rights and duties of Agent
 - 2.3.3 Relations of Principal with Third Parties
 - 2.3.4 Methods of termination of Agency Contract
 - 2.3.5 Liabilities of Principal and Agent before and after termination of Agency Contract

3. Sale of Goods Act :

- 3.1 Contract of sale : Concept, Essentials, Implied Terms
- 3.2 Rule of Caveat Emptor
- 3.3 Conditions and Warrantees
- 3.4 Transfer of title and passing of risk
- 3.5 various rules regarding delivery of goods
- 3.6 Unpaid Seller and his rights

4. Partnership Act :

- 4.1 Partnership : Nature, Scope, Definition, Kinds of Partnership
- 4.2 Rights and duties of Partners, Liabilities of Partners
- 4.3 Registration of Firm, Effect of non-Registration
- 4.4 Dissolution of firm and its effects
- 4.5 Liability of Partners under the Limited Liability Partnership Act

Suggested Reading

Beasten (Ed), Anson's Law of Contract
P. S. Atiya, Introduction to the Law of Contract (Claredon Law Series)



Avtar Singh, Law of Contract, Eastern Lucknow
G. C. Cheshire, and H. S. Fifoot and M. P. Formston Law Contract ELBS with
Butterworths.
M. Krishnan Nair, Law of Contract,
G.H. Trinel , Law of Contract Sweet & Maxwell
R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief
Act, Butterworths Publication
Benerjee S.C. Law of Specific Relief, Universal
Anson, Law of Contract, Universal
Dutt on Contract, Universal
Anand and Aiyer, Law of Specific Relief, Universal.
Pollok and Mulla, Partnership Act, Butterworths Publication
Mulla on Sale of Goods Act



**FOUNDATION 106 F
CONSTITUTIONAL HISTORY OF INDIA**

1. Constitutional History of India

- 1.1 Government of India Act, 1935 :
 - 1.1.1 Federal Government
 - 1.1.2 Federal Court
 - 1.1.3 Provincial Government
- 1.2 Round Table Conferences
- 1.3 The Cripps Mission, 1942
- 1.4 C. Rajagopalachari's Formula, 1944
- 1.5 Wavell Plan and Simla Conference, 1945

2. Important Constitutional Developments before framing of Constitution of India :

- 2.1 Cabinet Mission
- 2.2 Attlee's Statement (1947)
- 2.3 Mountbatten Plan, 1947
- 2.4 Indian Independence Act, 1947 : Main Features

3. Committees to draft the Constitution of India

- 3.1 Framing of the Constitution of India
- 3.2 Constituent Assembly, Chairman, members and their contribution,
- 3.2 Drafting Committee, Chairman, members and their contribution,
- 3.3 Final Draft and adoption of the Constitution of India

Suggested Reading

- D. D. Basu : Introduction to the Constitution of India
- G. N. Singh : Landmark in Indian Constitutional & National Development
- V. D. Kulshreshtha's Landmarks in Indian Legal & Constitutional History, Eastern Book Co.
- J. N. Pandey : Constitutional Law of India
- Keith : Constitutional History in India
- M. P. Jain : Indian Constitutional Law
- M. V. Pylee : Constitutional History of India
- Shiva Rao : Framing of the Constitution of India (Vols. 1-4)
- V. N. Shukla : Constitution of India



SOFT SKILL 107 K
Use of Law Journals and Legal Software

Objectives of the Course :

The purpose behind introduction of this course is to provide the law students basic information about various Indian and Foreign Law Journals and make them acquaint with the use thereof. An art to find out the judgments supporting a legal issue will be taught to the student. After having acquired basic knowledge, by continuous practice, students are expected to know how to read and interpret the judgments of court. In the era of ICT, knowledge of Legal Software and use thereof has become inevitable. In this course, with the theoretical background, the students will become familiar about the use of legal software and its application at the library or at the office of a law firm.

1. Requirements of Legal Journalism & Basic about Law Journals

- 1.1 Code of Ethics of Legal Journalism (Adopted at the Stockholm Symposiums, 1991)
- 1.2 Legal Reasoning & its Importance
- 1.3 Importance of Law Journals in the legal profession :

2. Use of Law Journals and importance thereof

- 2.1 Format of Law Journals, Types of Law Journals
- 2.2 Art of finding relevant judgments from Law Journals
- 2.4 How to read a Judgment : Significance of Minority and Majority views

3. Legal Software : General Information and use :

- 3.1 Various types of Legal Softwares : General Information
- 3.2 Court Cases : Commenting and Reporting, Crime Reporting
- 3.3 Legal Software : Operating System, Utility Programme, upgradation & Installation

Suggested Reading

Nandan Kamath :- Law Relating to Computers and Internet, Universal Law Publishing Co.
Allan M. Gahten :- Internet : Law and Legal Profession
Kant D. Stuckey :- Internet and online law
Michoel D. Rostoker :- Computer Jurisprudence and Legal Responses to the Information Revolution
Rega Rao :- Use of computer, Interned for Law students & Legal Profession (Asia Law Book House, Hyderabad)
Baxi Upendra :- Legal Education in 21st Century



Semester – II
CORE COURSE 108 CONSTITUTIONAL LAW-I

OBJECTIVES:

India is a democracy and her Constitution embodies the main principles of the democratic government – how it comes into being, what are its powers, functions, responsibilities and obligations how power is limited and distributed. Whatever might have been the original power base of the construction today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence of the Constitution.

The purpose of teaching constitutional law is highlighting its never ending growth. Constitutional interpretation is bound to be influenced by one's social, economic or political predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why significant interrelation was adopted in a particular situation. Such a critical approach is a necessary requirement in the study of constitutional law.

Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. The concept of secularism and federalism engraved in the constitution are, and are to be interpreted progressively.

SYLLABUS :

1. Preamble of the Constitution :

- 1.1 Preamble : purpose, objectives importance
- 1.2 Preamble – Whether a part of the Constitution, Application of Basic Structure Theory to the Preamble
- 1.3 Amendment made in the Preamble : Effects thereof
- 1.4 Use of Preamble in Interpretation of Constitutional Provisions
- 1.5 Salient Features of the Constitution of India

2. Fundamental Rights - I :

- 2.1 Concept of "State" under Article 12 and judicial approach, Meaning of Law under Article 13
- 2.2 Right to equality and protective discrimination
- 2.3 Freedoms guaranteed to citizens of India under Article 19 and reasonable restrictions



- 2.4 Right of Self-incrimination and Principle of Double Jeopardy
- 2.5 Constitutional Remedy for the enforcement of Fundamental Rights (Writ remedies under Articles 32, Distinction from writs under Article 226)

3. Fundamental Rights - II

- 3.1 Right to life and personal liberty, due process of law (Article 21)
- 3.2 Safeguards against arbitrary Arrest and Detention
- 3.3 Right to Freedom of Religion & Secularism
- 3.4 Right to Education
- 3.5 Cultural and Educational Rights : Articles 29 & 30

4. Directive Principles of State Policy and Fundamental Duties :

- 4.1 Directive Principles : Nature, ideals, Distinction from Fundamental Rights & Inter-relationship with fundamental rights
- 4.2 Non-enforceability of Directive Principles before the court
- 4.3 Classification of Directive Principles, Uniform Civil Code
- 4.4 Reading Directive Principles into Fundamental Rights
- 4.5 Fundamental Duties

SUGGESTED READING :

- Constitutional Law of India : D. D. Basu
- Introduction to the Constitution of India D.D. Basu
- Shorter Constitution of India : Durga Das
- Constitutional Law of India : V. N. Shukla
- Constitutional Law of India : M. P. Jain
- Constitution of India : J. N. Pandey
- Constitutional Law of India (Vol. 1-3) : H. M. Seervai
- Constitutional law of India : P. M. Baxi
- Introduction to the Constitutional Law of India : Narendra Kumar, Allahabad Law Agency



Semester – II

CORE COURSE 109 CONSTITUTIONAL LAW- II

1. Executive, Legislature and Judiciary :

- 1.1 Union Executive : President, Prime Minister, their qualifications, position of the President vis-à-vis Prime Minister
- 1.2 State Executive : Governor, Chief Minister, Powers, Council of Ministers
- 1.3 Union Legislature : Composition of Parliament, Lok Sabha, Rajya Sabha, Qualifications and disqualifications of the Member of Parliament, Schedule X, Speaker, Dy. Speaker, Procedure for passing Ordinary Bill & Money Bill, Joint Session of House
- 1.4 State Legislature : Composition of House, Qualifications and disqualifications of MLAs
- 1.5 Union Judiciary : Supreme Court Judges & Chief Justice : Procedure for appointment and removal, qualifications, Jurisdiction of SC : Original, Appellate, Advisory, Article 141, 142
- 1.6 State Judiciary : Appointment, Transfer and removal procedure of High Court Judges and Chief Justice of High Court, Jurisdiction of High Courts, Writs

2. Amendment of the Constitution :

- 2.1 Procedure to amend the Constitution under Article 368
- 2.2 Limited power of the Parliament to amend the provisions of the Constitution
- 2.3 Judicial Pronouncements of the Supreme Court and relevant Constitutional Amendments
- 2.4 Basic Structure Doctrine

3. Emergency provisions :

- 3.1 National Emergency : Grounds, Effects of proclamation of Emergency : Suspension of Fundamental Rights during Emergency, Revocation of Emergency
- 3.2 Emergency due to failure of Constitutional Machinery in States : Grounds
- 3.3 Report of Sarkaria Commission, Guidelines of S. R. Bommai's case
- 3.4 Financial Emergency

4. Miscellaneous

- 4.1 Article 31-B & Schedule IX, Doctrine of Pleasure, Constitutional safeguards to Civil Servants, Attorney General, Advocate General, Chief Election Commissioner, Official Language
- 4.2 Freedom of Trade, Commerce and Intercourse
- 4.3 Special provisions relating to Jammu and Kashmir
- 4.4 Relations between Union and State : Legislative, Administrative and Financial, Schedule VII
- 4.5 Consolidated funds, Contingency Funds, CAG, Public Service Commission



SUGGESTED READING :

Constitutional Law of India : D. D. Basu

Introduction to the Constitution of India : D. D.

Basu Shorter Constitution of India : Durga Das

Basu Constitutional Law of India : V. N. Shukla

Constitutional Law of India : M. P. Jain

Constitution of India : J. N. Pandey

Constitutional Law of India : H. M. Seervai

Constitutional Law of India : P. M. Baxi

Introduction to the Constitutional Law of India : Narendra Kumar, Allahabad Law Agency



Semester – II
CORE COURSE 110 COMPANY LAW

OBJECTIVES:

Industrialization plays a very vital role in the economic development of India. In the post Independence era industrial regulation is employed as a principal means in the strategy for attaining constitutional values. Companies are no doubt powerful instruments for development. Besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, vast varieties of consumer goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risk.. hence taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

Syllabus :

1. Introduction, Memorandum & Article of Association:

- 1.1 Company : Definition, Theories of Corporate personality
- 1.2 Kinds of Companies : Private Companies – nature and advantages – Government Companies- holding and subsidiary companies
- 1.3 Registration and Incorporation of company
- 1.4 Memorandum of Association, Various clauses, Alteration therein, Doctrine of ultra virus, Consequences of ultra virus transaction
- 1.5 Articles of Association : binding force, alteration, its relation with Memorandum, doctrine of constructive notice and indoor management

2. Prospectus, Promoters, Shares, Share holder & Members, Share Capital etc.

- 2.1 Prospectus : contents, Shelf Prospectus, Misrepresentation in prospectus, Remedies for misrepresentation and liabilities thereof
- 2.2 Promoters, Shares : General Principles for allotment, statutory restrictions, Share Certificates, Transfer of shares, dematerialized shares (DEMAT)
- 2.3 Shareholder and members of company : Distinction, Modes of becoming members of company
- 2.4 Share Capital : Kinds, alteration and reduction of share capital, Buyback of shares

3. Directors, Dividends, Audit, Accounts, Oppression & Mismanagement etc.

- 3.1 Directors : Position, appointment, qualifications, vacation of office, removal, resignation, powers and duties of directors, Managing Director
- 3.2 Dividends, Audits and accounts, Debentures, Fixed and floating charges, kinds of debentures, protection of minority rights
- 3.3 Prevention of Oppression and Mismanagement



4. Provisions for Reconstruction, Amalgamation & Winding up of company :

4.1 Reconstruction and Amalgamation of Company

4.2 Types of winding up :Winding up by court : Reasons, grounds,who can apply?
Procedure, powers of liquidator, powers of court

4.3 Voluntary Winding Up

4.4 Corporate liability : Civil and Criminal

SUGGESTED READING :

Avtar Singh, Introduction to Company Law, Eastern Book Co., Lucknow

Avtar Singh, Company Law, Eastern Book Co.

L.C.B. Gower, Principles of Modern Company Law, Sweet and Maxwell, London

Palmer, Palmer's Company Law, Stevens, London R.R.

Pennington, Company Law, Butterworths.

A,Ramaiya, Guide to the Companies Act, Wadhva

S.M. Shah, Lectures on Company Law, Tripathi, Bombay.

Kailas Rai : Company Law, Allahabad Law Agency

Shah S. M., Lectures on Company Law

N. D. Kapoor & G. K. Kapoor, Company Law, Sultan Chand & Sons Law Pub., New Delhi

Note : Provisions of Companies Act, 2013 (with all amendments as well as the amendments which may be carried out in future) and relevant provisions of the Insolvency and Bankruptcy Code, 2016 shall be in the syllabus.



Semester – II
CORE COURSE 111 ENVIRONMENTAL LAW

(Including laws for Protection of wild life and other living creatures including animal welfare)

Syllabus :

1. Environment & Environmental Pollution

- 1.1 Environment : Meaning, Types : Natural & Man-made Environment
- 1.2 Eco System, Balance of Ecology
- 1.3 Environmental Pollution : Meaning, causes, Factors & Effects of Environmental Pollution
- 1.4 Types of Environmental Pollution : Air, Water and Noise Pollution

2. Environment Protection : International Scenario & Constitutional Remedies :

- 2.1 International Scenario : Stockholm Conference, Rio de' Janeiro Conference Sustainable Development
- 2.2 Constitutional perspectives for protection of Environment : Article 21, 48-A, 51-A(g), 32 and 226 42nd Constitutional Amendment
- 2.3 Contribution of Judiciary in Environment Protection through PILs, relevant decisions of the Supreme Court
- 2.4 Public Trust Doctrine, Polluter Pays Principle

3. Legislations for the protection of Environment :

- 3.1 Offences, Remedies and Procedure for prevention of Water Pollution under the Water (Prevention and Control of Pollution) Act, 1974
- 3.2 Offences, Remedies and Procedure for prevention of Air Pollution under the Air (Prevention and Control of Pollution) Act, 1981
- 3.3 Environment (Protection) Act, 1986 : Need to enact this legislation, Powers of the Central Government, Provisions for Prevention, Control and Abatement of Environmental Pollution : Offences & Punishment
- 3.4 Special provisions relating to Hazardous Process : Chapter IV-A of the Factories Act, 1948
- 3.5 Bhartiya Nagariks Suraksha Sanhita: Public Nuisance Sec. 152 to 162

4. Miscellaneous :

- 4.1 Public Liability Insurance Act, 1991: Liabilities of owners, Compulsory Insurance & Procedure for payment of compensation,
- 4.2 Wild Life (Protection) Act, 1972 : Authorities : Hunting of Wild Animals, Protected Areas, Offences
- 4.3 Forest Act, 1927 : Reserved Forests, Centuries, Powers of Forest Officer
- 4.4 Prevention of Cruelty to the Animals Act : Objects & main features



SUGGESTED READING :

The Water (Prevention and Control of Pollution) Act, 1974

The Air (Prevention and Control of Pollution) Act, 1981

The Environment (Protection) Act, 1986

The National Environment Tribunal Act, 1995

The Public Liability Insurance Act, 1991

The Factories Act -1948 (Cpat. IV-A)

Environmental Law and Policy in India by Armin Rosencranz, Syam Divan Tripathi
Publication

Lal's Commentaries on Water, Air Pollution and Environment (Protection) Laws by Law
Publishers (India) Pvt. Ltd.

Environmental Law in India by Jain and Jain (Idnore Law House)

Environmental Law by Prof. S. C. Shastri, Eastern Book Co.

Environment Law by Sumeet Malik, Edition, Eastern Book Co.

Aarmin Rosencranz, et. Al. (eds.) Environmental Law and Policy an India, Oxford

R.B. Singh & Suresh Misra, Environmental law in India Concept Publishing Co. New Delhi.

Kailash Thakur, Environmental Protection Law and Policy in India, Deep & Deep
Publications, New Delhi.

Richard L. Riverz, Et. Al. (eds.) Environmental law, the Economy and Sustainable
Development, Cambridge.

Christopher D. Stone, Should Trees Have standing and other Essays on Law, Morals and the
Environment, Oceana.

Leelakrishnan, P. Et. Al. (eds.) Law and Environment, Eastern, Lucknow.

Leelakrishnan, P. The Environmental Law in India, Butterworths- India

Department of science and Technology, Government of India, Report of the committee for
recommending legislative Measures and Administrative Machinery for Ensuring
Environmental Protection, (Tiwari Committee Report)

Indian Journal of Public Administration, Specvial Number on Environment and
Administration, July-September, 1988 Vol., XXXV No.3 PP 353-801 .

Centre for Science and Environment . The State of India's Environment 1982, the State of
India, Environment 1984-85 and the State of Indian Environment 1999-2000.



Semester – II
CORE COURSE 112 Property Law

OBJECTIVES OF THE COURSE :

The course on property conventionally deals with the Transfer of Property Act, 1882. More than a Century has elapsed since the passing of the Act and far-reaching changes have occurred in the field in property laws owing to altered social conditions. While archaic feudal rules enacted by the colonial administration like the rule against perpetuities find a place in the Act, the post , independence development relating to control and use of agricultural land do not find a place. The obsolescence of the Transfer of Property Act, can be best illustrated by citing the provisions relating to leases on unmovable properties.

Syllabus :

1. General Principles of Transfer of Property - I

- 1.1 Kinds of property : Movable, Immovable, Tangible and non-tangible property, Intellectual Property
- 1.2 Which properties may be transferred ? – Competency of person to transfer : Transfer for the benefit of unborn child
- 1.3 Rule against perpetuity
- 1.4 Vested Interest and Contingent Interest

2. General Principles of Transfer of Property – II

- 2.1 Doctrine of Election
- 2.2 Lis Pendens : Principle, Salient Features, application in India, Essential Requirements, Exceptions
- 2.3 Fraudulent Transfer : Essential Requirements, Exceptions
- 2.4 Doctrine of Part-performance : Essentials and Exceptions

3. Specific Transfers

- 3.1 Sale : Essentials, Rights & Liabilities of Buyer and Seller
- 3.2 Mortgage & Charge : Definition, Kinds of Mortgage, Rights & Liabilities of Mortgager – Mortgagee, Redemption-Clog on Redemption
- 3.3 Lease : Definition, Essentials, Rights & Liabilities of Lessor and Lessee
- 3.4 Gift : Definition, Essential requirements, Kinds of Gift, Onerous Gifts, Universal Donee, Exchange : Definition & Features
- 3.5 Actionable Claim : Definition & transfer of Actionable Claims

4. Easements :

- 4.1 Easements : Meaning, Nature, Essentials and Characteristics
- 4.2 Kinds of Easements, Incidents of Easements, Creation of Easement
- 4.3 Various Easementary Rights : Right of Way, Right of Air, Right of support, Right of water etc.
- 4.4 Extinction, Suspension and Revival of Easements,



4.5 Licences : Meaning, elements, Grant and Revocation of Licences

SUGGESTED READING :

Mulla, Transfer of Property Act, Universal Delhi

Subbarao, Transfer of Property Act, C. Subbiah Chetty, Madras

B. Sivaramayya, The equalities and the Law, Eastern Book Co. Lucknow.

P.C. Sen. The General Principles of Hindu, Jurisprudence (reprint) Allahabad Law Agency.

B.H. Baden- Powell, Land Systems of British India, Vol. 1 to 3 (1892),

Oxford V. P. Sarthy, Transfer of Property, Eastern Book Company,

Lucknow. Vepa P. Sarathi : Law of Transfer of Property, Eastern Book Company T. R. Desai : The Indian Easements Act, 1982

B. B. Katiyar : Easements and Licences, Universal Law Publishing Co.

Sanjiva Row : The Indian Easements Act

K. Joshi : Easements and Licences Peacock : The Law relating to Easements



Semester – II
FOUNDATION 113 F
PRINCIPLES OF POLITICAL SCIENCE & THEORY

Syllabus :

1. Concept of Citizenship and Federalism :

- 1.1 Citizenship : Definition under the Constitution of India
- 1.2 State-Citizen : Inter-relationship, Rights-Duties towards each other
- 1.3 Federalism : True Federalism and Quasi-Federalism – meaning, distinction, Merits & Demerits of Quasi Federalism

2. Meaning of “State” under Article 12 and its Significance :

- 2.1 Definition of “State” under Article 12 of the Constitution of India
- 2.2 Changing notion of “State” under Article 12 of the Constitution of India through Judicial Pronouncements
- 2.3 Change of trend in the Definition of State in the era of Liberalization
- 2.4 Change in the Judicial Trend in interpreting the definition of State after the year 2002

3. Democratic Systems and Constitutional Doctrines :

- 3.1 Democracy : Parliamentary Democratic System vis-à-vis Presidential Democratic System, Merits & Demerits
- 3.2 Doctrine of Separation of Powers : Legislature, Judiciary & Executive
- 3.3 Doctrine of Eclipse : Application and Importance
- 3.4 Doctrine of Waiver of Fundamental Rights : Circumstances

SUGGESTED READING :

- L. S. Rathore & S.A.H. Haqqi : Principles of Political Theory and Organisation, Eastern Book Co.
Gilchrist, R. N. : Principles of Political Science
Laski, Harold J. : The State in Theory & Practice
Fairlie J. A. : Separation of Powers
Lindsay A. D. : Essentials of Democracy
Constitutional Law of India : D. D. Basu
Constitutional Law of India : V. N. Shukla
Constitutional Law of India : M. P. Jain
Constitution of India : J. N. Pandey
Constitution of India : P. M. Baxi
Constitution of India : Kailas Rai



Semester – II
SOFT SKILL 114 K USE OF INTERNET IN LEGAL EDUCATION

Objectives of course :

In the era of computer technology, Internet and Web World, it becomes very essential for a law student to equip himself for the maximum use of the ICT technology to upgrade his legal knowledge. The use of ICT, not only gives speedy information but it is useful to compare the legal position, legislative approach and view of judiciary prevailing in India as well as in different countries. For the above purpose, basic theoretical knowledge about the utilization of internet, search engines and different web sites etc. for legal knowledge is must. This course will be taught in the form of theoretical information in order to give the proper guidance to the law students for effective and maximum use of the ICT.

Syllabus :

1. Theoretical Knowledge about Internet use in Legal Education :

1.1 Law Related Websites : Basic knowledge, Kinds and importance

1.2 Selection of Law Related Websites : .

1.2.1 For finding out International Conventions & Treaties

1.2.2 For knowing legal situation in other countries

1.2.3 For finding out Indian Legislations

1.2.4 For searching Judgments of various courts & comments there upon

2. Application of ICT in Legal Field :

2.1 Search Engines & Websites : Use for legal education purpose

2.2 Use of Law related Internet Sites : Knowledge about pdf & ppt files

2.3 Use of Internet for searching Head-notes, Cases & Legal Articles

3. Use of ICT : Finding the status of cases & Legal Profession Office

Management :

3.1 Knowledge of status of cases pending before High Courts and Supreme Court through Internet

3.2 Legal Profession Office Management through Internet : for knowing the case- list of the next day, to know about the business allotted to the judges etc.

Suggested Reading

Prof. R. P. SAoni, Harshal Arolkar & Dr. Sonal Jain, Working with Personal Computer Software, Wiley-India Pvt. Ltd., New Delhi

Nandan Kamath :- Law Relating to Computers and Internet, Universal Law Publishing Co.

Allan M. Gahten :- Internet : Law and Legal Profession

Kant D. Stuckey :- Internet and online law

Michoel D. Rostoker :- Computer Jurisprudence and Legal Responses to the Information Revolution

Rega Rao :- Use of computer, Interned for Law students & Legal Profession (Asia Law Book House, Hyderabad)

Baxi Upendra :- Legal Education in 21st Century



LL.B. Semester – III
CORE COURSE 201 Family LAW – I

OBJECTIVE OF THE COURSE:

The course structure is designed mainly with three objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal law based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restricting would make the study of familial relations more meaningful.

SYLLABUS:

1. General:

- 1.1 Concept of Family and Development of Family System, Types of Family
- 1.2 Sources of Family Law
- 1.3 Schools of Family Law
- 1.4 Uniform Civil Code : Concept, reasons, Need to enact, problems, relevant Constitutional provisions, Judicial pronouncements

2. MARRIAGE ;

- 2.1 Concept of Marriage, Essentials of valid Marriage under Different laws-Hindu, Muslim, Parsi, Christian laws and Special Marriage Act,
- 2.2 Emerging concepts : Maitri Sambandh (Live in Relationship) and divided home
- 2.3 Regular, irregular and void marriages under different family laws and effects thereof
- 2.4 Iddat and its types under Muslim Law
- 2.5 State Regulations over customary practices like Polygamy, Concubine, Child Marriage, Dowry, Sati System etc. by different legislations
- 2.6 Guardianship in Marriage (Jabar) and option of puberty under Muslim law

3. MATRIMONIAL DISPUTES AND REMEDIES :

- 3.1 Non-judicial resolution of marital conflicts.
- 3.2 Matrimonial Remedies : Restitution of Conjugal Rights, Judicial Separation and Dissolution of Marriage
- 3.3 Dissolution of Marriage ;
 - 3.3.1 Customary dissolution of marriage
 - 3.3.2 Unilateral divorce
 - 3.3.3 Divorce by mutual consent
 - 3.3.4 Other modes of dissolution of marriage like cruelty, desertion, adultery etc.
- 3.4 Emerging concept : Irretrievably breakdown Theory for granting divorce and Judicial pronouncements



- 3.5 Divorce under Muslim personal law –
 - 3.5.1 Talak and its kinds, Talaq-e-tafweez, Kinds of divorce
 - 3.5.2 Grounds for Divorce under the Dissolution of Muslim Marriages Act, 1939
- 3.6 Re-marriage under different Family Laws Judicial resolution of marital conflicts: the family court

4. GUARDIANSHIP, ADOPTION, ALIMONY AND MAINTENANCE:

- 4.1 Guardianship under different family laws
- 4.2 Provisions for adoption under various family laws and CARA Guidelines for Adoption
- 4.3 Maintenance and alimony under the The Bhartiya Nagarik Suraksha Sanhita 2023 and various Family Laws:
 - 4.3.1 Maintenance of neglected wives and divorced wives
 - 4.3.2 Maintenance of children : disabled, legitimate and illegitimate
 - 4.3.3 Maintenance of Parents and Grand Parents
 - 4.3.4 Alimony and maintenance as an independent remedy: a review under different personal laws - need for reforming the law, Alimony and maintenance as an ancillary relief
 - 4.3.5 Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act, 1986: a critical review, Judicial pronouncement on the issue : Shah Banoo's case and Ismail Faruki's case

Suggested Reading :

- Paras Diwan, Law of Interstate and Testamentary Succession, Universal
- Basu, N.D. Law of Succession, Universal
- Kusern, Marriage and Divorce Law Manual, Universal
- Machanda S. C. Law and Practice of Divorce in India, Universal
- P.V. Kane, History of Dharmasastras Vol.2 Pl.1 at 624-632
- A. Kuppaswami (ed) Mayne's Hindu Law and Usage Ch.4
- B. Sivaramayys, Inequalities and the Law
- K.C. Daiya, "Population control through family planning in India" Indian Journal of Legal Studies,
- J.D.M. Derrett, Hindu Law Past and Present
- J.D.M. Death of Marriage Law
- A.A.A. Fyzee, Outline of Muhammadan Law, Alladi Kuppaswami, Mayne's Hindu Law and Usage J.D.M. Derrett, A Critique of Modern Hindu Law
- Paras Diwan, Hindu Law



Semester – II
CORE COURSE : 202 LABOUR AND INDUSTRIAL LAW – I

OBJECTIVES OF THE COURSE :

Protection of labour is a constitutional mandate. A constitution inspired by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is factor of national progress. Labour makes significant contribution in this respect. Is labour merely a commodity? Is it only a factor in production? There may be different approaches towards this question. One fact is certain. Today's labour is engaged in a battle for position of honour and status equal with management. The law and practice relating to labour is the story of this battle. In this context, the study of labour law is not to be confined to mastering of the rules and regulations is relating to the employment of the work force. Its wings spread wider. It has aim on the societal impulses on, and state reactions to the complex social-economic, human and political problems arising out of the constant conflicts between different classes.

The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence. In order to meet with the above objectives important Labour Laws are divided into two courses to be studied in Sem. III and IV respectively.

SYLLABUS

1. The Industrial Disputes Act, 1947 :

- 1.1 Scope, objects and main features of the Act, Definitions : Industry, Industrial Dispute (Individual and Collective), Workman etc. and Judicial Pronouncements
- 1.2 Authorities under the Act : Works Committee, Conciliation Officer, Boards of conciliation, Courts of Inquiry, Labour Court, Tribunals
- 1.3 Procedure, powers and duties of the Authorities
- 1.4 Strikes and Lock-outs, Lay-off and Retrenchment
- 1.5 Unfair Labour Practices

2. The Industrial Employment (Standing Orders) Act, 1946

- 2.1 Application of the Act
- 2.2 Standing Orders. Model Standing Orders,
- 2.3 Certification and Cancellation of Standing Orders
- 2.4 Provisions of Appeal
- 2.5 Disciplinary Procedures : Departmental Enquiries

3. Trade Unions Act, 1926

- 3.1 History and Development of Trade Unionism in India
- 3.2 Registration of Trade Union : Procedure
- 3.3 Rights and Liabilities of Registered Trade Unions
- 3.4 Privileges of Registered Trade Unions



4. Gujarat Industrial Relations Act (former BIR Act) & Collective Bargaining :

- 4.1 Important definitions: Industry, Workman, Employee, Wage Board,
- 4.2 Classification of Unions : Primary Union, Qualified Union, Representative Union
- 4.3 Rights, duties and privileges of the Representative Union
- 4.4 Notice of Change
- 4.5 Concept and importance of Principle of Collective Bargaining

Suggested Reading :

John Bowers and Simon Honeyball, Tex Book on Labour Law, Blackstone, London.

Srivastava K. D. Commentaries on payment of Wages Act, 1936, Eastern, Lucknow.

Srivastava K. D. Commentaries on Minimum Wages Act, 1948, Eastern, Lucknow.

Rao S. B. Law and Practice on Minimum Wage, Law Publishing House, Allahabad.

Sheth D. D. Commentaries on industrial Disputes Act, 1947, Law Publishing House, Allahabad.

Srivastava K. D. Disciplinary Action against Industrial Employees and its Remedies, Eastern, Lucknow.

Srivastava K. D. Commentaries on Factories Act, 1948, Eastern, Lucknow.

R. C. Saxena, Labour Problems and Social Welfare Chapter 1.5 and V. V. Giri, Labour Problems in Indian Industry Chs. 1 and 15

Indian Law Institute, Labour Law and Labour Relation, Cochin University law Review, Vol. 6 app. 153-210

Report of the National Commission on Labour Ch. 14-17, 22, 23, and 24

O. P. Malhotra, The Law of Industrial Dispute, Universal, Delhi.

S.C. Srivastava, Social Security and Labour Laws, Universal Delhi.

S.C. Srivastava, Commentary on the Factories Act, 1948, Universal , Delhi.



LL.B. Semester - III

CORE COURSE 203

PRINCIPLES OF TAXATION LAW

**LL.B. : SEMESTER : 3 : CC 203 : PRINCIPLES OF TAXATION LAWS.
(W.e.f. Academic Year 2017-18)**

1. The Income Tax Act, 1961 : 70 % (15 X 2, 10X1 =40 Marks in Univ.Exam)
2. Law of Goods and Service Tax in India
30% (15 X2= 30 Marks in Univ. Exam)
100 % (Univ.Exam 70 Marks : Internal 30 Marks.)

Law of Goods and Service Tax in India

- 2.1 The Concept of the Development and History of G.S.T.in India.
 - 2.2 Salient features of G.S.T.in India.
 - 2.3 Liabilities (regarding Tax) under the Gujarat Goods and Service Tax Act, 2017 and Central Goods and Service Tax Act, 2017.
 - 2.4 Types of Councils under G.S.T. Laws in India.
 - 2.5 Formation and Functions of Councils under the Gujarat Goods and Service Tax Act and the Central Goods and Service Tax Act.
 - 2.6 Offences and Penalties under the Gujarat Goods and Service Tax Act and the Central Goods and Service Tax Act.
 - 2.7 Provisions for Appeal under the Gujarat Goods and Service Tax Act and the Central Goods and Service Tax Act.
 - 2.8 Powers of officers under various G.S.T. Laws in India.
 - 2.9 Various types of Rates under G.S.T. in India.
 - 2.10 Provisions for Registration under Gujarat State Goods and Service Tax Act, 2017 and Central Goods and Service Tax Act, 2017.
-



LL.B. Semester - III
CORE COURSE 204 ADMINISTRATIVE LAW

OBJECTIVES OF THE COURSE :

The modern state governs in the traditional sense, that is maintains law and order, adjudicates upon disputes and regulates economic and social life of individuals and group in the state. At the same time it is also the provider of essential service. In the event of need occasioned by unforeseen hazards of life in a complex society, it engages itself in giving relief and helps the citizenry towards self-reliance. The assumption of unprecedented responsibilities by the state has necessitated devolution on authority of numerous state functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs in an age of science and technology. The aggregate of such functionaries is an essential component of modern administration.

A formidable body of law has come into existence for the purpose of exercising control over administration. For long administrative lawyers have primarily been concerned with such matters as excess or abuse of power, mal administration and abuse of discretion. However, in recent years there has been a shift in emphasis from finding what the administration may not do to what it must do. The courts in Indian, no doubt, strike down administrative acts which are ultra vires or in violation of procedural norms however, not much has so far been achieved in compelling the administration to perform statutory duties, though a beginning has been made in respect of matters relating to fundamental human liberties, Most of the statutory duties imposed on administrative agencies or authorities remain largely in the realm of discretion.

A course on administrative law must, therefore, lay emphasis on understanding the structure and modus operandi of administration. It must take note of developmental perspectives and attainment of social welfare objectives through bureaucratic process. It should go into matter, which facilitate or hinder the attainment of these objectives. Though in the matter of protection of rights of individual against administration the role of courts cannot be minimized, it is no less important to know the advantages of informal methods of settlement. Many new methods of grievance redressal have been devised which are not only efficacious but also inexpensive and less time consuming. Remedies available for administrative deviance need a critical study and evaluation in the context of realities.

SYLLABUS :

1. Introduction and Basic Constitutional Principles:

- 1.1 Administrative Law: Definition, Nature, Scope Reasons for its growth
- 1.2 Development of Administrative Law, its relation with Constitutional law
- 1.3 Basic Constitutional Principles:
 - 1.3.1 Rule of Law
 - 1.3.2 Doctrine of Separation of Powers



1.3.3 Principles of Natural Justice, relevant statutory provisions, Natural Justice Principle as accepted in India, Judicial approach and important cases

1.4 Classification of Administrative actions, Administrative functions, Judicial Functions and Quasi-Judicial functions

2. Delegated Legislation and Quasi-Judicial Functions :

2.1 Delegated Legislation : Definition, Reasons of its growth

2.2 Delegated Legislation in USA and in India

2.3 Functions which can be and cannot be delegated, Conditional Legislation, Subdelegation,

General Principles for delegated legislations

2.4 Controls and Safeguards over Delegated Legislation : Purpose

2.5 Judicial, Legislative and other controls over Delegated Legislation

2.6 Quasi-judicial functions : Definition, distinction from Administrative functions.

3. Judicial Review of Administrative Discretion and Remedies :

3.1 Administrative Discretion, Judicial Review Definition

3.2 Judicial Review of Administrative Discretion :

3.2.1 Failure to exercise discretion

3.2.2 Excess or abuse of discretion

3.3 Judicial and other remedies :

3.3.1 Writ remedies, Kinds of writs, jurisdiction, powers, against whom writ to be issued, relevant constitutional provisions

3.3.2 Statutory remedies : Civil Suits, Appeals to Courts, Appeal to tribunals, Appeal before the Supreme Court, SLP, Public Interest Litigation

3.3.3 Other remedies like Council de Etat, Ombudsman, Lokpal & Lokayukt, self-help etc.

3.4 Administrative Tribunals : Definition, Origin, Nature, Scope, reasons for its growth,

3.5 Characteristics of Administrative Tribunals, Distinction from courts, Kinds of Administrative Tribunals, relevant Constitutional provisions and amendments effects thereof, Important judicial pronouncements : Case of Sampat Kumar, L. Chandrakumar

4. Miscellaneous :

4.1 Liability of the Government

4.1.1 Contractual Liability

4.1.2 Tortious liability, Doctrine of Estoppel, Crown Privilege

4.2 Public Corporations : Definition, characteristics, classification and working

4.3 Rights and liabilities of Public Corporations, Control over Public Corporations

4.4 Vigilance Commission,

4.5 Doctrine of Legitimate Expectation, Doctrine of unjust enrichment

Suggested Reading :



C. K. Thakker, Administrative Law
C. K. Takwani, Lectures on Administrative Law, Eastern Book Co.
C. K. Allen, Law & Orders D.D. Basu, Comparative Administrative law
M.A. Fazal, Judicial Control of Administrative Action in India , Pakistan and Bangladesh,
Butterworths - India.
Franks, Reports of the Committee on Administrative Tribunals and Inquiries HMSO, 1959
Peter Cane An Introduction to Administrative Law, Oxford.
Wade, Administrative law (Seventh Edition, Indian Print, Universal, Delhi.
J.C. Garner, Administrated Law, Butterworths (ed. B. L. Jones)
M. P. Jain, Cases and Materials on Indian Administrative Law, Vol . I and II Supplement
S. P. Sathe, Administrative Law
B.Schwartz, An Introduction to American Administrative Law
Indian Law Institute, Cases and Materials on Administrative Law in India, Vo. I Delhi.



LL.B. Semester – III
CORE COURSE 205 PUBLIC INTERNATIONAL LAW

OBJECTIVES OF THE COURSE :

The main thrust of this course shall be development of human rights (HR) law and jurisprudence at international, regional and national levels. There need not be an attempt to teach the whole gamut of international law in this course. The HR Dimensions shall be discussed in other papers like Environmental Law (BCI C 18). In the era of Globalization, it is a need of time to acquaint the law students about the Principles of Public International Law and its application to the Municipal Laws of the member nations.

SYLLABUS :

1. Definition and Concept of International Law

- 1.1 Definition
- 1.2 Public International Law & Private International Law
- 1.3 Nature of International Law and its functions
- 1.4 International Law – a weak law
- 1.5 Development of International Law in India

2. Theoretical Foundations of International Law :

- 2.1 Basic principles: sovereign equality of state – non-intervention, non use of force, international co-operation, peaceful settlement of disputes
- 2.2 Individuals as subject of international law
- 2.3 State jurisdiction on terrorism, hijacking, narcotics, war crimes and Crimes against peace
- 2.4 Treatment of aliens
- 2.5 Mechanism : Amnesty International, International Labour Organization (ILO) UNESCO, UNICEF

3. Concept :

- 3.1 Sources of International Law : Customs, Treaties, General Principles of Law recognized by the Civilized Nations, Judicial Decisions, Writing of Jurists, Equity, Resolutions of General Assembly
- 3.2 Subjects of International Law
- 3.3 Jurisdiction of States
- 3.4 Legal Responsibility of State

4. Miscellaneous :

- 4.1 States, Recognition, State Territory, State Jurisdiction, State Responsibility
- 4.2 Aliens
- 4.3 Extradition
- 4.4 Asylum
- 4.5 Treaties
- 4.6 Security Council



4.7 International Terrorism : Aircraft Hijacking, piracy

4.8 Disarmament : Threat to Human Rights

Suggested Reading :

S. K. Verma, Public International Law Prentice- Hall, New Delhi.

Peter J. Van Krieken (ed) . The Exclusion on Clause, Kluwer

Human Rights Watch Women's Rights Project. The Human Rights Watch Global Report on Women's Human Rights, Oxford

Limacora, Nowak and Tretter, International Human Rights, Sweet & Maxwell

Wallace, International Human Rights, Text & Materials, Sweet & Maxwell

Muntarbhom. The Statu of Refugees in Asia, Oxford

Human Rights and Global Diversity, Frank Cass, London

Nirmal C.J. (ed) Human Rights in India, Oxford

Nirmal B.C. The Rights to Self determination in International Law, Deep & Deep

P.R. Gandhin, International Human Right Documents, Universal, Delhi.

Agrawal : Public International Law

Dr. S. K. Kapoor : International Law : Central Law Agency



LL.B. Semester – III
FOUNDATION 206 K PRINCIPLES OF EQUITY

SYLLABUS :

1. Equity : Origin, Development & Importance:

- 1.1 Origin and Historical Background of Equity
- 1.2 Definition, nature and scope of Equity
- 1.3 Equity as a Branch of Law
- 1.4 Basis of Equity :
 - 1.4.1 Equity - A matter of grace,
 - 1.4.2 Equity – A matter of conscience
- 1.5 Development of Equity in India
- 1.6 Importance of Equity
- 1.7 Nature of Equitable Rights and interests :
 - 1.7.1 Evolution of Equitable Interests in property
 - 1.7.2 Difference between Legal and equitable estates

2. Maxims of Equity :

- 2.1 Equity will not suffer a wrong to be without a remedy
- 2.2 Equity Follows the Law
- 2.3 He who seeks Equity must do Equity
- 2.4 He who comes to Equity must come with clean hands
- 2.5 Delay defeats Equity
- 2.6 Equality is Equity

3. Maxims of Equity :

- 3.1 Equity looks to the Intent rather to the Form
- 3.2 Equity looks on that as done which ought to have been done
- 3.3 Equity imputes an intention to fulfil an obligation
- 3.4 Equity acts in Personam
- 3.5 Where the Equities are equal the first in time shall prevail
- 3.6 Where there is equal Equity, the law shall prevail

Suggested Reading :

- Snell, Equity
- Curzon L. B., Equity
- Horsfield, Peter M., Equity in a nutshell
- Pettit, Philip H., Equity and the Law of Trusts Butterworths Publication
- Keeton G. W., and L. A. Sheridan, Equity, Pitman
- H. G. Hanbury, Modern Equity The Principles of Equity English Language Book Society
- Aquil Ahmad, Equity, Trusts and Specific Relief, Central Law Publication
- Basu D. D., Equity, Trusts, Specific Relief
- Desai T. R., Equity, Trusts and Specific Relief
- B. M. Gandhi, Equity, Trusts and Specific Relief, Eastern Book Company



LL.B. Semester - III
SOFT SKILL 207 K LEGAL TERMS, PHRASES & MAXIMS

1. Legal Terms and Phrases :

- 1.1 Meaning and use in sentence
- 1.2 Importance of Legal Terms
- 1.3 Use Equivalent Legal Terms
- 1.4 Examples of Legal Terms :

Abandon, Abscond, Accord, Acquiescence, Ad interim, Bona fide, Caveat Emptor, Capricious, Causus Omissus, Cypres, Codicil, Coparcenery, Damage and damages, Damage Feascent, De hors, De novo, Domicile, Double Jeopardy, Endowment, Frivolous and Vexatious, Hereditary, Juvenile Delinquency, Legum Baccalaureus, Lunatic, reciprocal, Onerous, Pro bono Publico, Quid Pro Quo, Ratification, Rescind Contract, Rule absolute, Rule Discharged, Sub Judis, Submission, Subrogation, Testamentary, Tenure, Undue Influence, Vakalatnama, Valuable Security, Verdict, Vicarious Liability, Viva voce, Void and voidable,

Note : Above Legal Terms should be taught in the classrooms by explaining their meaning used in various laws and practically demonstrated by framing appropriate sentences.

2. Legal Maxims :

- 2.1 Meaning and importance of Legal Maxims
- 2.2 Legal Maxims :

- *Actio Personalis Moritur cum Persona*
- *Actus Non Facit, Reum, Nisi Mens Sit Sea*
- *Delegates non potest delegare*
- *Damnum Sine Injuria Esse Potest*
- *Delegatus Non Potest Delegate*
- *Ex Nudo Pacto Non Oritur Actio*
- *Ex Turpi Causa Non Oritur Actio*
- *Falsus In Uno Falsus In Omnibus*
- *Ignorantia Facit Excusact Ignorantia Juris Non Excusat (Ignorance Legis*
- *Neminem Excusant)*
- *In Jure Non Remota Causa, Sed Proxima Spectatus*
- *Injuria Sine Damno*

3. Legal Maxims :

- *In bonam partem*
- *Nemo Dat Quod Non Habet*
- *Novus Actus (Or Causa) Interveniens*
- *Qui Facit Per Alium Facit Per Se*
- *Res Ipsa Loquitur*
- *Respondeat Superior*
- *Re Non Potest Peceare*
- *Salus Populi Supreme Lex*
- *Sic Utero Tuo Ut Alienum Non Leadas*
- *Ubi Jus Ibi Idem Remedium (or) Ubi Jus Ibi Remedium*



- *Ut Res Magis Valeat Quam Pereat*
- *Volenti Non Fit Injuria*

Note : Above Maxims should be taught taking into consideration the relevant decided cases as well as the illustrative Examples.

Suggested Reading :

P. Ramaswami Aiyar, Law Lexicon, Wadhwa and Co.
Ramanathan Aiyer P., The Law Lexicon
Dr. Amit Sen : Text book of Legal Language
Gary Slapper and David Kelley : Lectures on Language System
Brayan Garner : A Dictionary of Modern Legal Usage
John Gibbons : Language and the Law
Peter M. Tiersma : Nature of Legal Language
Wikipedia : Legal English



LL.B. Semester – IV
CORE COURSE 208 LEGAL METHODS & LEGAL THEORIES

OBJECTIVE OF THE COURSE :

At the heart of the legal enterprise is the concept of law. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society. Moreover, without a comprehension of the cognitive and teleological foundations of the discipline, pedagogy becomes a mere teaching of the rules. It is unable to present various statutes, cases procedure, practices and customs as a systematic body of knowledge, nor is it able to show the inter-connection between these various branches of law, procedures and principles. The fact that the basic nature and purpose of law should be clear to every student and that it should be the very foundation of law teaching needs little argument. A

course in jurisprudence should, primarily, induct the student into a realm of questions concerning law so that he is able to live with their perplexity or complexity and is driven to seek out answers for himself.

It may not be possible that a one year jurisprudence course can impart knowledge of doctrines about law and justice, developed over the years, in various nations and historical situations. At best an undergraduate course should impart the analytical skill and equip the student with the basic problems concerning law and the types of solutions sought. Thus the student not only will be able to use this skill in practice but also is motivated to take up detailed historical studies on his own after the course. Since a basic idea in the designation of this course is to bring jurisprudence closer to our reality, in the selection of cases and reading materials the teachers should try to make use of the Indian materials as far as possible.

SYLLABUS :

1. Introduction and sources of Law

- 1.1 Meaning of the term 'jurisprudence', Importance
- 1.2 Nature and definition of law, Relation between : Law and Morality, Law and Justice
- 1.3 Sources of law : Legislation, custom, Precedents: concept of *stare decisis*, Juristic writings

2. Schools of Jurisprudence

- 2.1 Analytical positivism : Bentham and Austin's view, Criticism of Austin's theory of positivism
- 2.2 Natural law School, Historical school, Sociological School
- 2.3 Kelson's Pure Theory of Law

3. Legal Rights, duties, persons, Titles, liabilities etc. :

- 3.1 Rights, Duties and Wrongs : Definitions and relationship, Rights : kinds, Legal Rights as defined by Hohfeld, Right-duty Correlations
- 3.2 Nature of personality, types of persons : Natural and artificial persons
- 3.3 Corporate personality : Corporation sole and aggregate, Rights & liabilities
- 3.4 Status of the unborn, minor, lunatic, drunken and dead persons



3.5 Titles : kinds

3.6 Liabilities: conditions for imposing liabilities, Mens rea, Intention, negligence, Vicarious liability, Strict Liability,

3.7 Theories of punishment

4. Ownership, Possession and Property :

4.1 Possession : Definition, concept and importance

4.2 Kinds of possession, Essentials of possession : *Corpus Possessiones* and *Animus Possidendi*

4.3 Ownership : Definition, concept, kinds of ownership

4.4 Distinction between ownership and possession, Kinds of property

Suggested Reading :

Bodenheimer Jurisprudence - The Philosophy and Method of Law (1996), Universal. Delhi.

Fitrgerald, (ed) Salmond on Jurisprudence, Tripathi, Bombay.

W. Friedmann, Legal Theory, Universal, Delhi,

V. D. Mahajan, Jurisprudence and Legal Theory, Eastern, Lucknow M.D.A. Freeman (ed),

Lloyd's Introduction to Jurisprudence, Sweet & Maxwell Paton G. W., Jurisprudence Oxford, ELBS

H.L.A. Hart the concept of law, Oxford, ELBS

Roscoe pond introduction to the philosophy of Law, Universal Delhi

Dias, Jurisprudence, Adithya Books New Delhi.

Dhyani S.N. Jurisprudence A Study of Indian Legal Theory, Metropolitan, New Delhi.



LL.B. Semester – IV
CORE COURSE 209 FAMILY LAW - II

OBJECTIVE OF THE COURSE :

The course structure is designed mainly with flute objectives in view. One is to provide adequate sociological perspectives so that the basic concepts relating, to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

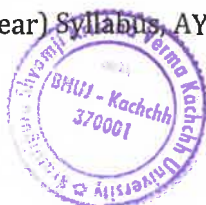
SYLLABUS

1. JOINT FAMILY:

- 1.1 Mitakshara joint family
- 1.2 Mitakshara coparcenary –
 - 1.2.1 formation and incidents
 - 1.2.2 Property under Mitakshara law- separate property and coparcener/property
- 1.3 Dayabhaga coparacenary –
 - 1.3.1 formation and incidents
 - 1.3.2 Property under Dayabhaga law
- 1.4 Karta of the joint family - his position, powers privileges and obligations
- 1.5 Alienation of property - separate and coparcenary.
- 1.6 Partition and re-union.
- 1.7 Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.

2. INHERITANCE:

- 2.1 Hindus
 - 2.1.1 Historical perspective of traditional Hindu Law as a background to the study of the Hindu Succession Act, 1956
 - 2.2.2 Succession to property of a Hindu male dying intestate under the provisions of the Hindu Succession Act, 1956.
 - 2.2.3 Devolution of interest in Mitakshara coparcenary with reference to the provision.: of Hindu Succession Act, 1956
 - 2.2.4 Succession to property of Hindu female dying intestate under the Hindu Succession Act, 1956
 - 2.2.5 Disqualification relating to succession, General rules of succession
- 2.2 Muslims
 - 2.2.1 General rules of succession and exclusion from succession.
 - 2.2.2 Classification of heirs under Hanafi and Ithana Ashria school and their share and distribution of property
- 2.3 Christians, Parsis and Jews
 - 2.3.1 Heirs and theirs shares and distribution of property under Indian Succession Act of 1925



2.3.2 Testamentary Succession under the Indian Succession Act : Rules for distribution of property of Christians, Parsis and Jews

2.3.3 Distribution of property of Christians, Parsis and Jews dying intestate

3. Gifts :

3.1 Essentials of valid gift under different family laws :

3.2 kinds of Gift : Competency of donor and donee, Subject matter of gift, properties which can be and cannot be the subject matter of gift, void gifts

3.3 Essentials of valid Hiba (Gift) under Muslim Law, kinds of Hiba, Sadquah, Marzulmaut,

Revocation of gift

4. Family Court Act and Miscellaneous Provisions :

4.1 Family Courts : Concept, need, Law Commission Reports

4.2 Powers and jurisdiction of the Family Court

4.3 Issues to be decided by the Family Court, Qualifications of Family Court Judge

4.4 provisions regarding appearance of advocates in family courts Exemption from court fees etc.

4.5 Provisions of Appeal under the Family Courts Act

4.6 Salient Features of the Protection against the Domestic Violence Act, 2005

Suggested Reading :

Paras Diwan, Family Law

Paras Diwan, Law of Intestate and Testamentary Succession (1PPS), Universal

Basu, N.D. Law of Succession, Universal

Kusem, Marriage and Divorce Law Manual, Universal

Machanda S.C. Law and Practice of Divorce in India, Universal

P.V. Kane, History of Dharmasastras Vol.2 Pt1 at 624-632

A. Kuppsuwami (e.d.) Mayne's Hindu Law and Usage Ch.4

B. Sivaramayys, Inequalities and the Law

K. C. Daiya, "Population control through family planning in India," Indian Journal of Legal Studies,

J.D.M. Derrett, Hindu Law past and present

J.D.M. Derrett, Death of marriage Law

A.A.A Fyzee outline of Muhammadan Law

Alladi Kappuswami (ed) Mayne's Hindu Law and Used J.D.M. Derret a Critique of Modern Hindu Law

Paras Diwan Hindu Law



LL.B. Semester – IV
CORE COURSE 210
INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION

G.P. Singh, Principles of Statutory Interpretation, Wadhwa, Nagpur.
P. St. Langan (Ed), Maxwell on The Interpretation of Statutes, N.M. Tripathi, Bombay.
K. Shanmukham, N.S. Binclras' Interpretation of Statutes, The Law Book Co. Allahabad.
V. Sarathi, Interpretation of Statutes, **OBJECTIVES OF THE COURSE :**

Legislation is the major source of law of the modern era Legislatures enact laws after much deliberation, No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. What are the techniques adopted by courts in construing statutes? How far are they successful in their strategy?

SYLLABUS

1. GENERAL AND RULES OF STATUTORY INTERPRETATION :

- 1.1 Meaning of the term "Statute".
- 1.2 Commencement, operation and repeal of statutes
- 1.3 Purpose and importance of Interpretation of Statutes
- 1.4 Meaning : 'Interpretation' and 'construction'
- 1.5 Rules of Statutory Interpretation
 - 1.5.1 Primary Rules
 - 1.5.2 Literal Rule
 - 1.5.3 Golden Rule
 - 1.5.4 Mischief Rule (Rule in Heydon's Case)
 - 1.5.5 Rule of Harmonious Construction
 - 1.5.6 Secondary Rules :

Noscitur a sociis

Ejusdem generis

Reddendo singula singulis

2. AIDS TO INTERPRETATION:

- 2.1 Internal aids
 - 2.1.1 Title, Preamble, Headings and marginal notes
 - 2.1.2 Sections and sub-sections, Punctuation marks
 - 2.1.3 Illustrations, exceptions, provisos and saving clauses
 - 2.1.4 Schedules, Non-obstante clause



2.2 External aids

2.2.1 Dictionaries

2.2.2 Translations

2.2.3 Travaux Preparatoires

2.2.4 Statutes in pari material

2.2.5 Contemporanea Exposito

2.2.6 Debates, inquiry commission report and Law Commission reports

3. PRESUMPTIONS IN STATUTORY INTERPRETATION:

3.1 Statutes are valid

3.2 Statutes are territorial in operation

3.3 Presumption as to jurisdiction

3.4 Presumption against what is inconvenient or absurd

3.5 Presumption against intending injustice

3.6 Presumption against impairing obligations or permitting advantage from one's own wrong

3.7 Prospective operation of statutes

4. INTERPRETATION WITH REFERENCE TO THE SUBJECT MATTER & PURPOSE AND PRINCIPLES OF CONSTITUTIONAL INTERPRETATION

4.1 Interpretation with reference to the subject matter & Purpose

4.1.1 Restrictive and beneficial construction

4.1.2 Taxing statutes

4.1.3 Penal states

4.1.4 Welfare legislation

4.2 Principles of Constitutional Interpretation :

4.2.1 Harmonious construction

4.2.2 Doctrine of pith and substance

4.2.3 Colorable legislation

4.2.4 Doctrine of repugnancy

4.2.5 Prospective Overruling

4.2.6 Doctrine of Eclips

Suggested Reading :

Eastern, Lucknow.

M.P. Jam, Constitutional Law of India, Wadhawa & Co

M.P. Singh (Ed), V.N. Shukla's Constitution of India, Eastern, Lucknow.

U. Baxi, Introduction to Justice K.K. Mathew's Democracy Equality and Freedom Eastern, Lucknow.



LL.B. Semester – IV
CORE COURSE 211
LABOUR & INDUSTRIAL LAW - II

Course Content:

1. Payment of Wages Act and Payment of Bonus Act :

1.1 Payment of Wages Act

1.1.1 Application and concept of Wages

1.1.2 Important Definitions : Wages, Workman etc.

1.1.3 Liabilities of employer for payment of wages

1.1.4 Authorised and Unauthorized Deductions

1.1.5 Remedies against unauthorized deductions (u/s. 15)

1.2 Payment of Bonus Act :

1.2.1 Application and concept of Bonus

1.2.2 Important Definitions : Bonus, Employees, continuous Services

1.2.3 Calculation of Bonus : Available surplus and allocable surplus

1.2.4 Provisions for new establishments relating to calculation of Bonus,

Calculation of Bonus : Available surplus and allocable surplus

1.2.5 Minimum Bonus & Maximum Bonus, Qualifications & Disqualifications for Bonus, Recovery of Bonus

2. Factories Act, 1948 :

2.1 Application of the Act, Important Definitions : Factory, Worker, Manufacturing Process

2.1.1 Provisions relating to adolescent and women

2.1.2 Provisions relating to working hours to adult workers, women and adolescent

2.2 Provisions relating to Health of Workers

2.3 Provisions relating to safety and Welfare of Workers

2.4 Special provisions relating to Hazardous Process (Chapter IV-A) & provisions relating to Leave with Wages

2.5 Authorities under the Factories Act

3. Employees' State Insurance Act :

3.1 Application and coverage of the Act

3.2 Important Definitions : Workmen, Benefit Period, Contribution Period, Wages, employer

3.3 Benefits available to the Employees under the Act

4. Payment of Gratuity Act :

4.1 Application and coverage of Act

4.2 Important Definitions : Wages, employee, continuous services

4.3 Qualifications and disqualifications of Gratuity

4.4 Formula for calculation of Gratuity and related Judicial Pronouncements



4.5 Recovery of Gratuity and authorities under the Act

Suggested Reading :

- John Bowers and Simon Honeyball, Text Book on Labour Law, Blackstone, London.
- Srivastava K. D. Commentaries on payment of Wages Act, 1936 Eastern, Lucknow.
- Srivastava K. D. Commentaries on Minimum Wages Act, 1948, Eastern, Lucknow.
- Rao S. B. Law and Practice on Minimum Wage, Law Publishing House, Allahabad.
- Sheth D. D. Commentaries on industrial Disputes Act, 1947, Law Publishing House, Allahabad.
- Srivastava K. D. Disciplinary Action against Industrial Employees and its Remedies, Eastern, Lucknow.
- Srivastava K. D. Commentaries on Factories Act, 1948, Eastern, Lucknow.
- R. C. Saxena, Labour Problems and Social Welfare
- V. V. Giri, Labour Problems in Indian Industry Chs. 1 and 15
- Indian Law Institute, Labour Law and Labour Relation, Cochin University law Review, Vol. 6 app. 153-210
- Report of the National Commission on Labour Ch. 14-17, 22, 23, and 24
- O. P. Malhotra, The Law of Industrial Dispute, Universal, Delhi.
- S.C. Srivastava, Social Security and Labour Laws Pts. 5 and 6, Universal Delhi.
- S.C. Srivastava, Commentary on the Factories Act, 1948, Universal, Delhi.



LL.B. Semester – IV
ELECTIVE COURSE 212
HUMAN RIGHT LAW & PRACTICE

1. HUMAN RIGHTS : GENERAL

- 1.1 Theoretical Foundations of Human Rights :
 - 1.1.1 Meaning, Basic Concept and Origin of Human Rights,
 - 1.1.2 Sources and significance of Human Rights
 - 1.1.3 Different definitions of Human Rights, First Official Use of the term 'Human Right' at UN Meeting, Classification of Human Rights
 - 1.1.4 Theories of Human Rights
- 1.2 Historical development of the concept of Human Rights :
 - 1.2.1 Human rights in Indian tradition: ancient, medieval and modern.
 - 1.2.2 Human rights in Western tradition
 - 1.2.3 Concept of natural Law, Concept of natural rights
 - 1.2.4 Human rights in legal tradition, international Law and National Law

2. UN and Human Rights:

- 2.1 International Documents relating to Human Rights
 - 2.1.1 Universal Declaration of Human Rights (1948) : Individual and group rights, its significance and limitations
 - 2.1.2 International Covenant on Human Rights :
 - o International Covenant on Civil & Political Rights, 1966
 - o International Covenant on Economic, Social & Cultural Rights, 1966
 - 2.1.3 I.L.O. and other Conventions and Protocols dealing with human Rights
 - 2.1.4 Importance and binding effect of above documents on the member countries of UN
- 2.2 Impact and implementation of international human rights norms in India :
 - 2.2.1 Human rights norms reflected in fundamental rights under the Constitution of India
 - 2.2.2 Directive Principles legislative and administrative implementation of international human rights norms.
 - 2.2.3 Implementation of international human rights norms through judicial process .

3. Human Rights under the Constitution and different Legislation in India :

- 3.1 Provisions for enshrining human rights to Women and Children
- 3.2 Human Rights granted to Schedule Caste, Schedule Tribes and other socially and economically backward communities
- 3.3 Human Rights of prisoners and arrestees
- 3.4 Human Rights of victims and development of compensatory jurisprudence

4. . Enforcement of Human Rights and machinery thereof :

- 4.1 International Commission of Human Rights, Amnesty International
- 4.2 Role of Courts : the Supreme Court, High Courts and other courts
- 4.3 Statutory commissions –
 - 4.3.1 National Commission for Women
 - 4.3.2 National Commission for Minority



4.3.3 National Commission for Schedule Castes and Schedule Tribes

4.4 . Protection of Human Rights Act, 1993 :

- National Human Rights Commission
- State Human Rights Commission
- Human Right Courts
- Protection of Human Rights Act, 1993 : adequacy of the legislation

4.5 Role of various NGOs in the protection of Human Rights

Suggested Reading :

S. K. Avesti and R.P. Kataria, Law Relating Human Rights , Chh. IV, V, VIII, XIV XXIX, and XXXIX Orient, New Delhi.

Human Rights Watch Women's Rights Project. The Human Rights Watch Global Report on Women's Human Rights Oxford

Limacora, Nowak and Tretter, International Human Rights, Sweet & Maxwell

Wallace, International Human Rights, Text & Materials, Sweet & Maxwell

Muntarbhom. The Statu of Refugees in Asia, Oxford

Human Rights and Global Diversity, Frank Cass, London

Nirmal C.J. (ed) Human Rights in India, Oxford

P.R. Gandhin, International Human Right Documents, Universal, Delhi.

K. C. Joshi : Internal Law & Human Rights, Eastern Book Company

Dr. Vijay Chitnis : Human Rights and the Law : National & Global Perspectives, Sno White Publication Pvt. Ltd.

Khwaja Abdul Muntaquim : Protection of Human Rights : Law Publishers (India) Pvt Ltd.

Law Relating to Human Rights : Asia Law House

Dr. S. K. Kapoor : Human Rights under International Law and Indian Law : Central Law Agency

Dr. Vijay S. Chitnis : Human Rights & Princes of Poverty : Snow White Publication Ltd.

Dr. N. Subramanya : Human Rights and Refugees : A.P.H. Publishing Corporation, New Delhi

Mangari Rajender : The Protection of Human Rights Act and Relating Laws : Law Book Agency



LL.B. Semester – IV

FOUNDATION COURSE 213 F PRINCIPLES OF BANKING LAWS

OBJECTIVES OF COURSE :

The modern society functions, contrary to the old batter system, on monetary transactions. In a developing country like India, the banking system takes off becomes quite common even among the common people. The services banks render to the general public do have a significant contribution to the development of the economy Pan passu, the security to the assets money as well as other valuable belonging to individuals and family units is to a large extent assured through the service of the bank. The variety of assistance tended by the banks to the common people and business community cannot be over emphasized in this context. The process of the working of the banks and the legal control over them as well as the protection to the consumers of banking services are areas which a student of law is necessarily familiar with.

SYLLABUS:

1. Origin and Development of Banking System :

- 1.1 Evolution of Banking Institutions, Origin of word 'Bank'
- 1.2 Development of British Banking and Banking System in India
- 1.3 Types of Banks in India, Nationalized Banks, Co-operative Banks, Multi functional Banks etc and their functions
- 1.4 Reserve Bank of India and its functions, Role of RBI as Central Bank

2. Constitutional Perspectives and Regulation of Banks & Banking Business in India :

- 2.1 Constitutional Perspectives relating to Banking Laws : Entries : 36, 37, 38, 43, 44, 45, 46 of List – I of the Schedule VII, Entry 30 of List II of Schedule VII of the Constitution of India
- 2.2 Bankers' Books Evidence Act : Main provisions
- 2.3 Banking Ombudsman System : Settlement of Disputes and complaints relating to Banking Services
- 2.4 Main provisions of Banking Regulation Act, 1949
 - 2.4.1 Regulation of Banking Companies
 - 2.4.2 Suspension and winding up of Banking Companies

3. Recovery of Debt due to Banks & other Financial Institutions :

- 3.1 Recovery of Debt due to Banks and other Financial Institutions Act
 - 3.1.1 Amount of Debt, who can initiate litigations ?
 - 3.1.2 Procedure to recover Debt under the Act
 - 3.1.3 Debt Recovery Tribunal : Constitution, Powers and Jurisdiction
 - 3.1.4 Powers of the Recovery Officer
 - 3.1.5 Provisions of Appeal



3.2 Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002

3.2.1 Objects and reasons of the act

3.2.2 Main provisions of the act

3.2.3 Issues covered under the act

Suggested Reading :

1. Recovery of Debt. Due to Bankers and Financial Institutions Act, 1993 Asia Law House Ltd.
2. Banking Regulation Act, 1949
3. Reserve Bank of India Act, 1935
4. Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act
5. M.L. Tannen, Tennen's Banking Law and Practice in India India Law House, New Delhi
6. S.N. Gupta, The Banking Law in Theory and Practice, Universal New Delhi



LL.B. Semester – IV
SOFT SKILL COURSE 214 K LEGAL PRINCIPLES THROUGH CASE STUDY

OBJECTIVES OF COURSE :

The main object of this course is to appraise the law students from various legal principles established by the apex court and/or foreign courts to develop the learning, understanding and writing skills. By reading the judgments taking into consideration the legal principles laid down in the judgments, the law students are expected to develop their skills of legal reasoning and applying the legal principles in practice and procedure.

1. Principle of Pro Bono Publico

Illustrative Case : Bandhua Mukti Morcha v. Union of India (AIR) 1984 SC 802)

2. Rule of Prospective Overruling :

Illustrative Case : Golak Nath v. State of Punjab (AIR 1967 SC 1642)

3. Basic Structure Theory

Illustrative Case : Kesavananda Bharti v. State of Kerala (AIR 1973 SC 1461)

4. Maintenance to Muslim Divorced Women :

Mohd. Ahmed Khan v. Shah Banoo Begum (AIR 1985 SC 945)

Ismail Faruki's case (2002)

5. Uniform Civil Code

Sarla Mudgal President v. Union of India (AIR 1995 SC 153)

6. Guidelines of Prevention of Sexual Harassment to women at working place

Visakha v. State of Rajasthan (AIR 1997 SC 3011)

7. Principle of Absolute Liability

M. C. Mehta v. Union of India (Bhopal Gas Disaster Case)

8. Medical Negligence and liabilities of Medical Practitioners :

Jacob Methew v. State of Punjab (AIR 2005 SC 3180)

9. Principle of Vicarious Liability :

State of Rajasthan v. Vidhyawati (AIR 1963 SC 1295)

10. Polluter Pays Principle :

M. C. Mehta v. Kamal Nath

11. Death Sentence for Murder : Rarest of Rare Cases :

Bachchan Singh v. State of Punjab (AIR 1980 SC 898)

12. Contract with minors : *Void ab initio*

Case : Mohri Bibee v. Dharamdas Ghosh (1903) 30 IA 114

13. Naveen Kohli v. Neely Kohli (AIR 2006 SC 1675)

Irretrievable breakdown of Marriage Theory leading to amendment in the Hindu Marriage Act, 1955

14. Dharm Dutta & Others vs. Union of India [(2004) 1 SCC 712]

(No right to strike, but right to Collective Bargaining)



15. State of Gujarat v. Umedbhai M. Patel (AIR 2010 SC 1109)

(Principles laid down for Compulsory Retirement)

16. Rupan Deol Bajaj v. K. P. S. Gill (AIR 1996 SC 309)

State of Hariyana v. Bhajan Lal (AIR 1992 SC 604)

Power of High Court to quash FIR, Criminal Complaints and pending Criminal Proceedings u/s. 528 of the Bhartiya Nagrik Suraksha Sanhita 2023.

Note : Each law college will be at liberty to teach the selected Legal Principles from the above suggested List. However, while teaching above legal principles, the colleges may take into consideration and discuss other relevant and relied cases of the Apex Court or foreign courts.

Suggested Reading :

All Law Journals

Legal Software

Comments on the above cases



Semester V

Law 301 CC : Code of Civil Procedure & Limitation Act.

Objectives of the course:

Civil Procedure code is a subject daily use by the courts and lawyers and a student cannot afford to have scant knowledge of civil procedure when he goes out practise as a lawyer. True that it is through expenses one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before one enters the profession. While the substantive law determines the rights of parties. Procedural law sets down the norms for enforcement. Whenever civil rights of persons are affected by action, judicial decisions will supply the omissions in the law.

The Codes of Civil Procedure in India has a chequered history and lays down the details of procedure for redressal of civil rights. Many questions may prop up when one goes to indicate one's civil rights. The courts where the suit is to be filed, the essential forms and procedure for institution of suit, the documents in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a decree and provisions for appeal and revision are all matters which a lawyer for any side is to be familiar with.

A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter on time, may place courts in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence the statute of Limitation fixes a period within which a case has to be filed.



1. INTRODUCTION

Concepts

Affidavit, order, Judgment, decree, plaint, restatution, execution, decree holder, judgment - debtor, mesne profits, written statement.

Distinction between decree and judgment and between decree and order.

2. JURISDICTION

Kinds

Hierarchy of Courts

Suits of civil nature- scope and limits

Res- sub-judice and Res judicata

Foreign judgment - enforcement

Place of suing

Institution of suit

Parties to suit joinder, mis-joinder or non-joinder of parties :

Representative suit.

Frame of suit : cause of action

Alternative disputes resolution (ADR)

Summons

3. PLEADINGS :

Rules of pleading, signing and verification

Alternative pleadings

Construction of Pleadings

Plaint particulars



Admission, return and rejection

Written statement particulars, rules and evidence

Set off and counter claim : distinction

Discovery, inspection and production of documents

Interrogatories

Privileged documents

Affidavits

4. APPEARANCE, EXAMINATION AND TRIAL

Appearance

Ex-parte procedure

Summary and attendance of witnesses

Trial

Adjournments

Interim orders : Commission, arrest or attachment before judgment, injunction and appointment of receiver

Interest and costs

5. EXECUTION :

The concept

General Principles

Power of Execution of decrees

Procedure for execution (SS 52-54)

Enforcement , arrest and detention (SS 55-59)

Attachment (SS 60-64)

Sale (SS 65-97)

Delivery of property



Admission, return and rejection

Written statement particulars, rules and evidence

Set off and counter claim : distinction

Discovery, inspection and production of documents

Interrogatories

Privileged documents

Affidavits

4. APPEARANCE, EXAMINATION AND TRIAL

Appearance

Ex-parte procedure

Summary and attendance of witnesses

Trial

Adjournments

Interim orders : Commission, arrest or attachment before judgment, injunction and appointment of receiver

Interest and costs

5. EXECUTION :

The concept

General Principles

Power of Execution of decrees

Procedure for execution (SS 52-54)

Enforcement , arrest and detention (SS 55-59)

Attachment (SS 60-64)

Sale (SS 65-97)

Delivery of property



6. SUITS IN PARTICULARS CASES :
- By or against government (SS 79-82)
 - By aliens and by or against foreign rules or ambassadors (ss83-87A)
 - Public nuisance (ss 91-93)
 - Suits by or against firm
 - Suits in forma pauperis
 - Mortgage
 - Interpleader suits
 - Suits relating to public charities
7. APPEALS :
- Appeals from original decree
 - Appeals from appellate decree
 - Appeals from orders
 - General Provisions relating to appeal
 - Appeal to the Supreme Court
8. REVIEW, REFERENCE AND REVISION
9. MISCELLANEOUS :
- Transfer of cases
 - Restitution
 - Caveat
 - Inherent powers of courts
10. LAW REFORM : OAW COMMISSION ON CIVIL PROCEDURE - AMENDMENTS :
11. LAW OF LIMITATION :
- The concept- the law assists the vigilant and not those who sleep



over the rights

Object:

Distinction with laches, acquiescence, Prescription

Extension and suspension of Limitation

Sufficient cause for not filing the proceedings

Illness

Mistaken legal advice

Mistaken view of law

Poverty, minority and Purdha

Imprisonment

Defective Vakalatnama

Legal Liabilities

Foreign rule of limitation: contract entered into under a foreign law

Acknowledgement - essential requisites:

Continuing tort and continuing breach of contract.

SELECT BIBLIOGRAPHY :

Mulla, Code of Civil Procedure (1999), Universal, Delhi.

C.K. Thakker, Code of Civil Procedure (2000), Universal, Delhi.

M.R. Mallick (ed), B.B. Mitra on Limitation Act(1998) Eastern Lacknow.

Majumdar P.K. and Kataria R.P. Commentary on the code of Civil Procedure, 1908 (1998), Universal, Delhi.

Shah A.N. The code of civil procedure (2000), Universal, Delhi.

Sarkar's Law of Civil Procedure, Vols, (2000) Universal, Delhi.



LL.B. Semester – V
CC 302 :Bharatiya Nagarik Suraksha Sanhita 2023

The New legislation with title Bharatiya Nagarik Suraksha Adhiniyam 2023 is introduced by the Government by replacing old legislation – Criminal Procedure Code. However the students are expected to go through the provisions of Criminal Procedure Code for the purpose of searching decided cases of the Apex Court. The new legislation BNSS not only deals with the procedure to try criminal cases, appeals, revision as well as powers and functions of the police and criminal courts, it also ensures protection to the citizens of India. The students are expected to learn New Legislation by having comparative study of new and old legislation in the syllabus.

Course Content

1. Object and reasons of BNSS, Constitution and powers of Criminal Courts and Police Officers & Provisions relating to Maintenance of Wives, Children & Parents :

- 1.1 Object, reasons and salient features of the BNSS, Definitions : Bailable and Non-bailable offences, Cognizable and Non-cognizable offences, Investigation, Comparative study : BNSS and Cr.PC provisions, Newly added provisions of BNSS.
- 1.2 Constitution, Classes of Criminal Courts, Powers of superior officers of police, Public Prosecutor, Asst. Public Prosecutor, Provisions relating to arrest of persons, Service of Summons, Warrant of Arrest, Proclamation and attachment provisions, search warrant
- 1.3 Provisions relating to attachment and forfeiture of property, Search and seizure of Property, Recording of search and seizure through audio-video electronic means Attachment, forfeiture or restoration of property, attachment of property of Proclaimed offender, Security for keeping peace and good behavior,
- 1.4 Order for maintenance of Wives, Children and Parents
 - 1.4.1 Order for maintenance of Wives, Children and Parents and procedure thereof
 - 1.4.2 Alteration in allowance, enforcement of order of maintenance
 - 1.4.3 Judicial Pronouncements

2. Maintenance of Public Order & Tranquility, Investigation, Inquiry and Jurisdiction of the Criminal Courts and Trial Procedures in Criminal Cases:

- 2.1 Maintenance of Public Order & Tranquility, Public Nuisance and procedures for its removal, Power of Magistrate to take action against public nuisance







- 2.2 Preventive action of the police, Persons bound to conform to lawful directions of police, Information to Police (FIR), Criminal Complaint, Power of Police to make investigation, procedure for Investigation, Visit of Forensic Experts on crime scene to collect forensic evidence in certain cases, filing of report, Charge-sheet
- 2.3 Jurisdiction of Criminal Courts in Inquiries and trials, conditions requisite for initiation of Proceedings, complaint to magistrates and commencement of proceedings before Magistrate
- 2.4 Charge :
 - 2.4.1 Provisions relating to framing of Charge
 - 2.4.2 Addition of Charge/s
 - 2.4.3 Alteration of Charge
 - 2.4.4 Separate charges for distinct offences, Joinder of Charge
 - 2.4.5 Power of courts in Plea Bargaining
- 2.5 Attendance of persons confined or detained in prisons
- 2.6 Evidence in inquiries and trial

3 . Trial Procedure in Criminal Cases & its General Provisions :

- 3.1 Criminal Trials :
 - 3.1.1 Trial before the Court of Session
 - 3.1.2 Warrant Trial Cases by Magistrates – procedure
 - 3.1.3 Summons Trial Cases by Magistrates – Procedure
 - 3.1.4 Summary Trials
 - 3.1.5 Distinction : Discharge, Acquittal and Conviction
- 3.2 Plea Bargaining : concept, procedure, importance
- 3.3 General Provisions relating to Inquiries and Trials :
 - 3.3.1 Person once convicted/acquitted, not to be tried for same offence
 - 3.3.2 Public Prosecutors, Legal Aid to accused, Tender of Pardon to accomplice,
Compounding of Offences and other provisions
- 3.4 Attendance of persons confined/detained in prisons, Evidences of Public Servants, Experts, Police officers in certain cases : Evidence not disputed, Evidence through electronic means
- 3.5 Evidence in Inquiries and Trials, general Provisions as to inquiries and trials, Inquiry, trial and judgment in absentia of proclaimed offender.
- 3.6 Provisions as to accused persons of unsound mind, Provisions as to offences affecting administration of Justice,



3.7 Provisions relating to judgment, Victim Compensation Scheme, Witness Protection Scheme

3.8 Submission of Death Sentence for confirmation

4 Appeals, Reference, Revision, Transfer of cases, Provisions relating to Bail and Bonds and Miscellaneous provisions

4.1 Appeal : Concept – creation of statute – cannot be filed as a matter of right

4.1.1 Kinds of Appeal :

4.1.1.1 Against conviction

4.1.1.2 For enhancement of sentence

4.1.1.3 Against acquittal order : By Public Prosecutor & by private person

4.1.1.4 For compensation to victims

4.1.2 When appeal is not permissible

4.1.3 Special Right to prefer appeal (Appeal in non-appealable cases)

4.1.4 Powers of the Appellate Court, Procedure to prefer appeal

4.2 Revision : Scope and purpose

4.2.1 When permissible ?

4.2.2 Revisional Courts & their Powers

4.3 Reference: purpose and significance, Distinction between Appeal, Revision and Reference

4.4 Execution, Suspension, Remission and Commutation of Sentences

4.4.1 Mercy petition in death sentence cases, Provisions relating to Death sentence, Imprisonment and Lei of fine

4.4.2 General provision regarding execution

4.4.3 Suspension, remission and commutation of sentences

4.5 Provisions relating to Bail and Bonds,

4.5.1 Bail in Bailable and Non-bailable Offences & related provisions, Judicial pronouncements

4.5.2 Cancellation of bail, relevant provisions relating to bond, bail bond, custody, Discharge of sureties etc.

4.5.3 Anticipatory Bail : Concept, powers, jurisdiction, Judicial approach

4.5.4 Provisions relating to disposal of Property, Irregular Proceedings, Limitation for taking cognizance of certain offences

4.6 Miscellaneous :

4.6.1 Trial before High Courts, Rule making powers of High Court, other powers of High Court

4.6.2 Inherent Powers of High Courts

4.6.2.1 Powers to quash FIR, Criminal Complaints and Criminal Proceedings



- 4.6.2.2 Judicial approach and guidelines given by the Apex Court while exercising quashing powers by High Courts
- 4.6.3 Trials and proceedings to be held in electronic mode
- 4.6.4 Provisions relating to repeal and savings

Suggested Readings :

Taxmann's Bare Act :Bharatiya Nagarik Suraksha Sanhita, 2023, 2024 Edition.

Books of Criminal Procedure Code For Comparative Studies :

Bhavesh Bharad& Rekha Singh's New Criminal Major Act, Supriya Publication

Chandrasekharan Pillai (Ed), Kelkar Lectures on Criminal Procedure, Eastern, Lucknow.

Principles, Commentaries on the Code of Criminal Procedure, 2 Vol., Universal

Woodroffe : Commentaries on Code of Criminal Procedure, 2 Vol, Universal

Chandrasekharan Pillai (Ed) , Kalkar's Outlines of Criminal Procedure, Eastern, Lacknow.

AIR's Criminal Major Act, AIR, Nagpur

R.V. Kelkar, Criminal Procedure, Eastern Book Co.

C. K. Thakkar, Criminal Procedure Code, Eastern Book Co.

S. N. Mishra, Code of Criminal Procedure, 1973 with Probation of Offenders Act and Juvenile Justice (Care & Protection of Children) Act, 2000, Central Law Publication

D. A. Sen, Criminal Major Act, Bharat Publication



Semester V
CC 303 Bharatiya Sakshya Adhiniyam 2023

Objectives of the course :

Bharatiya Sakshya Adhiniyam is made applicable from July 1, 2024 by replacing Evidence Act. The students in the present course are expected not only to study the provisions of Bharatiya Sakshya Adhiniyam, 2023 but also to have comparative study of old Evidence Act and newly implemented legislations. The new legislation has given boost in expediting cases by giving importance to technology as well as bypassing procedural technicalities. Students are expected to study the objects and reasons for deleting certain provisions of the Evidence Act.

1. Introduction, Definitions and Relevancy of Facts :

- 1.1 Aims, objects and Reasons of the Bharatiya Sakshya Adhiniyam and its applicability, Comparative Study of Bharatiya Sakshya Adhiniyam and Evidence Act. The admissibility of Electronic Information as well as electronic and digital record as evidence, applicability of BSA. Other newly inserted provisions of BSA
- 1.2 Definitions: 'Proved', 'Disproved' and 'Not Proved', 'May Presume' and 'Shall Presume', 'Conclusive Proof', electronic and digital records, etc.
- 1.3 Relevancy of Facts, Facts in Issue, Distinction between them
 - 1.3.1 Facts necessary to explain/introduce relevant facts
 - 1.3.2 When Facts not otherwise relevant become relevant
- 1.4 Admission: definition,
 - 1.4.1 Admission by different persons,
 - 1.4.2 Oral admission, relevant provisions
- 1.5 Confession: Definition, Distinction between Admission and Confession
 - 1.5.1 Confession made before different persons/authorities and its relevancy and evidential importance, relevant provisions
- 1.6 Distinction between Oral and Documentary Evidence
- 1.7 Statement by persons who cannot be called as witnesses
- 1.8 Statements made under special circumstances
- 1.9 Judgments of courts of justice, when relevant
- 1.10 Opinion of third persons: Its relevancy:
 - 1.10.1 Opinion of Experts
 - 1.10.2 Opinion as to handwriting experts
 - 1.10.3 Opinion as to digital signature other relevant provisions as to expert opinion
 - 1.10.4 Relevancy of opinion as to character

2. Types of Evidence :

- 2.1 Judicial Notice
- 2.2 Oral Evidence : General Provisions



- 2.3 Documentary Evidence : General Provisions
 - 2.3.1 Primary and Secondary Evidence and its related provisions
 - 2.3.2 Special provisions as to evidence relating to electronic record and its Admissibility, proof as to digital Signature & its Verification
 - 2.3.3 Public documents and private documents
 - 2.4 Presumptions of documents, maps etc., Presumption as to Gazettes in electronic or Digital record, Presumption as to Electronic Record and Electronic Signatures
 - 2.5 Statement by persons who cannot be called as witnesses
 - 2.6 Presumption in case of Dowry Death and cases involving violation of women's rights
3. Dying Declaration, Stages of Examination of Witnesses:
- 3.1 Dying Declaration: Definition, Principle for relying upon Dying Declaration
 - 3.1.1 Evidential Value of Dying Declaration
 - 3.1.2 Essentials for recording Dying Declaration
 - 3.1.3 Judicial Approach for appreciation of the contents of Dying Declaration
 - 3.2 Stages of Examination of Witnesses:
 - 3.2.1 Examination in Chief
 - 3.2.2 Cross Examination: Essentials & Art of Cross Examination
 - 3.2.3 Re-examination
 - 3.3 General Principles of examination and cross examination
 - 3.4 Lawful questions in cross – examination
 - 3.5 Leading questions
 - 3.6 Hostile witness, Impeaching of the standing or credit of witness
4. Burden of Proof and Estoppel:
- 4.1 Burden of Proof: Meaning
 - 4.1.1 The general conception of onus probandi
 - 4.1.2 General and special exceptions to onus probandi
 - 4.2 The Justification of presumption and of the doctrine of judicial notice
 - 4.3 Justification as to presumptions as to certain offences
 - 4.3.1 Presumption as to abetment of suicide by a married woman (Sec. 117 BSA) and dowry death (Section 118 BSA)
 - 4.3.2 Presumption as to absence of consent in certain prosecution for rape (Sec. 120 BSA)
 - 4.4 The Scope of the doctrine of judicial notice (Section 119)
 - 4.5 Estoppel: Meaning, importance
 - 4.5.1 Distinction: Estoppel, res judicata, Waiver and presumption
 - 4.5.2 Kinds of Estoppel:



- 4.5.2.1 Estoppel by deed
- 4.5.2.2 Estoppel by conduct
- 4.5.2.3 Equitable and Promissory Estoppel
- 4.5.2.4 Tenancy Estoppel
- 4.6 Questions of corroboration (Section 159-160 BSA)

Suggested Readings :

- Bare Act : Bharatiya Sakshya Adhiniyam, 2023
- Books of Evidence Act For Comparative Studies :
 - Bhaves̄h Bharad & Rekha Singh's New Criminal Major Act, Supriya Publication
 - Sarkar and manohar , Sarkar and Evidence, Wadha & Co. Nagpur
 - Sir John Wood Roffe & Syed S. Amir Ali's Law of Evidence Vol. 1-4
 - Indian Evidence Act, (Amendment up to date)
 - Rattan Lal & Dhiraj Lal Law of Evidence, LexisNexis – Butterworths Wadhwa, Nagpur
 - Pole in Murphy, Evidence) Universal Delhi.
 - Albert S. Osborn, The Problem of Proof, Universal Publication, Delhi.
 - Avtar Singh, Principles of the Law of Evidence, Central Law Agency, New Delhi
 - Batuk Lal, The Law of Evidence, Central Law Agency

Note : For comparative study and for the purpose of perusal of Judgments of the Apex Court, the students are expected to search through sections of the Evidence Act.



Law 304 CC : Public Interest Lawyering

Public Interest Lawyering :

20 Marks

PIL : Meaning, Origin, Growth,

Development in India

Jurisdiction of Courts to entertain PIL,

PIL : Relaxation to the rule of Locus standi

Contribution of PILs in protection of:

- Rights of poor and illiterates

- Rights of arrestees

- Payment in cases of custodial death

- Protection of Environment

- Preventing the politicians from misusing their powers

Limitations of PILs

Misuse/abuse of PILs and its remedies

Power of the Supreme Courts to issue guidelines in PILs

Practical hypothetical problems relating to PIL



Law 305 CC : Intellectual Property Law

OBJECTIVES OF THE COURSE :

The importance of this Branch of their law is to be sufficiently realized in the Indian Legal Education. Compendious courses on the law of copyright, trademarks and patents are offered in few law schools as optional courses, but these do not either integrate the significance of these subject matters under any comprehensive aspect of "modernization" or "development" nor do they spread even emphasis between and among the subject areas represented by these three interconnected bodies of the law.

The three areas are now internationally conceptualized as representing intellectual property. It is often the case that while the law of patents and trademarks is referred to as industrial property, the law relating to copyright is named intellectual property. While both these terms could be suitably invoked, we here speak of intellectual property as signifying all the three bodies of the law as well as the law on industrial designs.

Unlike other forms of property, intellectual property refers to regimes of legal recognition of primarily the products of the mind or imagination. The subject matter of property relations is here pre-eminently based on mental labour the law relating to intellectual property protects the right to mental labour.



The law confers right of proprietary nature on relative intellectual labour primarily on the basis that it is in the interest of society and state to promote creativeness and inventiveness. Limited monopoly, Provides incentive for greater inventive and innovative efforts in society. An important aspect of the exploration in this course would be the ways in which the laws strike a fair balance between the interests and rights of the intellectual labourers on the one hand and organized industrial enterprises on the other. Another dimension in a study of the ways in which this regime of laws militates against or favours, community property in national cultures.

As concerns "modernization" crucial questions arise in the field of copyright protection in computer software and hardware, interest electronic music and scientific research. Both copyright, trademarks, design and patent law here relate basically to the law of unfair competition and constitute an aspect of consumer protection and welfare not only in the context of national perspectives but also in view of the waves of globalization already set in. Both from the standpoint of human resources development, modernization and justice it is important that the curricular change takes serious notice of these areas

SYLLABUS :

1. INTRODUCTORY

The meaning of intellectual property



Competing rationales of the legal regimes for the protection of intellectual property. 21 --

The main forms of intellectual property copyright trademarks, patents, designs

The competing rationales for protection of rights in

Copyright

Trademarks

Patents

Designs

Trade Secrets

Other new forms such as plant varieties and geographical

Indians Introductions to the leading international instruments concerning intellectual

property rights : The Berne Convention, Universal Copyright

Convention : the Paris Union TRIPS the World Intellectual

Property

Rights Organization (WIPO) and the UNESCO.

SELECT ASPECTS OF THE LAW OF COPYRIGHT IN INDIA.

Historical evolution of the law.

Meaning of copyright.

Copyright in literary, dramatic and musical works

Copyright in sound records and cinematograph films

Copyright in computer programme

Ownership of copyright

Assignment of copyright

Notion of infringement.



Criteria of infringement

Infringement of copyright by films of literary and dramatic works

Importation and infringement

Fair use provisions

Piracy in internet

Aspects of copyright justice

Remedies, especially, the possibility of Anton pillar injunctive relief in India

3. INTELLECTUAL PROPERTY IN TRADEMARKS

The rationale of protection of trademarks as (a) an aspect of commercial and

(b) of consumer rights

Definition and concept of trademarks

Registration

Distinction between trademark and property mark

~~The doctrine of honest current user~~

The Doctrine of deceptive similarity

Protection of well-known marks

Passing off and infringement

Standards of proof in passing off action

Remedies

4. THE LAW OF INTELLECTUAL PROPERTY : PATENTS :

Concept of patent.

Historical view of the patents law in India.



products entailing creation of new forms of life
Patent protection for computer programme.
Process of obtaining a patent : application , examination **23** --
opposition and sealing of patent : general introduction
Procedure for filing patents : Patent Co-operation treaty
Some grounds for opposition
The problem of limited locus standi to oppose, specially in
relation investments having potential of ecological and mass
disasters
Wrong fully obtaining the invention
Prior Publication or anticipation
Obviousness and the lack of inventive step
Insufficient description
Rights and obligations of a Patentee
Patents as chose in action
Duration of patents law and policy considerations
Use and exercise rights
Right to secrecy
The notion of " abuse" of patent rights
Compulsory licenses
Special Categories
Employee Invention Law and Policy Consideration
International Patents, Transfer of Technology, Know-How and
problems of self reliant development
Infringement
Criteria of infringement



Onus of Proof

Modes of infringement the Doctrine of Colorable Variation.

Defense in suits of infringement

Injunctions and related remedies

5. Industrial Designs, Designs Act, 2000: Authorities, Procedure for registration of designs, Controller and Registrar : powers and duties, Assignment and transmission of designs, Powers of the Central Government, Copyright on registration of Industrial Designs : related provisions, Patents to designs, Piracy of registered designs, Remedial aspects, Appeal provisions,

SELECT BIBLIOGRAPHY :

- Cornish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights (1999) Asia Law House, Hyderabad.
- Vikas Vashishth, Law and Practice of Intellectual Property (1999) , Bharat Law House, Delhi.
- P. Narayanan, Intellectual Property Law (1999) (ed) Eastern Law House, Calcutta.
- Bibeck Debroy (ed) , Intellectual Property Rights (1998) Rajiv Gandhi Foundation , Delhi.
- E.I.F. Anderfelt, International Patent Legislation and Developing Countries (1971)
- W.R. Cornish. Intellectual Property (3rd ed) (1996), Sweet and Maxwell.
- W.R. Mann, Transfer of Technology (1982)
- Mata Din, Law of Passing off and Infringement Action of Trade Marks(1986)
- P.S. Sengal and Kishore Singh, Indian Patent System and Paris Convention : Legal Perspectives (1987)
- K. Thairani, Copyright The Indian Experience (1987)
- W.R. Cornish, Para and Materials on Intellectual Property(1999) Sweet & Maxwell.



Semester V
Law 306 F : Principles of Negotiable Instruments

OBJECTIVES OF THE COURSE :

In a fast growing society, no business transaction is possible in absence of any Negotiable instrument. It has now become very essential, not only for the law students but even for a common man to know the provisions relating to transaction of the Negotiable Instruments like Promissory Notes, Bills of Exchange and Cheques. It is very important to know all the rights conferred to the payee and remedies available to him to recover the debts from the debtor under the Act. Being innocent and bonafide payee of any instrument, one can claim all the rights available over any Negotiable Instrument and claim the amount mentioned therein. The provisions relating to Electronic Cheque is also required to be studied along with the basic concept and types of the Negotiable Instruments under the Act. There is a drastic change in the provisions relating to dishonour of cheque and its remedies available to the creditor under the Negotiable Instruments Act, 1881. In the year 2002, there are significant amendments made in Chapter XVII of the Negotiable Instruments Act, 1881 in order to effectively protect the right of the Payee of a cheque. The Burden of Proof is upon the drawer of the cheque in the criminal prosecution. Mens rea is not considered at all. The entire chapter is to be studied taking into consideration all subsequent amendments of the Act as well as various important decisions of the Supreme Court on the different issues arising out of civil and criminal litigations relating to dishonour of cheque.

Syllabus :

1. Introduction :

- 1.1 The Negotiable Instruments Act, 1881 : Object and Reasons
- 1.2 Types of Negotiable Instruments
- 1.3 Negotiable Instruments covered under the Act : Promissory Notes, Bills of Exchange and Cheques including Electronic Cheque, Validity period of cheque (3 months by RBI amendment)
- 1.4 Definition and Characteristics of the Negotiable Instruments
- 1.5 Presumptions relating to Negotiable Instruments
- 1.6 Drawer, Drawee and Payee : Definition, Rights and duties
- 1.7 Honder and Holder in due course : advantages, rights and powers
- 1.8 Distinction between Holder and Holder in due course

2. Various terms and phenomenon under the Act :

- 2.1 Ambiguous Instrument, Inchoate Stamped Instrument
- 2.2 Drawee in case of need
- 2.3 Acceptance for honour, Payment for honour
- 2.4 Notice of Dishonour, liabilities of Drawee and Drawer
- 2.5 Maturity of Negotiable Instrument and Days of Grace
- 2.6 Endorsement : Types and advantages
- 2.7 Crossing of Cheque : kinds of crossing, advantages of crossing
- 2.8 Negotiation of Instrument, Negotiation Back
- 2.9 Noting and Protest



3. Special provisions relating to Dishonour of Cheque and its remedies :
(Section 138 to 147 of the Negotiable Instruments Act, 1881 with all amendments from the year 2002 to 2023 further amendments if carried out in future)

- 3.1 Remedy to initiate criminal proceedings in case of dishonour of Cheque
- 3.2 Absolute Liability of Drawer of Cheque in case of its dishonour, absence of Mens rea no defence at all (Sec.139), Object and reasons of inserting chapter XVII under the Act
- 3.3 Modes of Dishonour of Cheque : Stop Payment, Funds not arranged for, Account Closed, Referred to the Drawer, Insufficient Funds, Post Dated Cheque etc. – its consequences
- 3.4 Essentials for criminal proceedings in case of dishonour of cheque :
 - 3.4.1 Cheque must be written pursuant to Legal Debt
 - 3.4.2 Notice of dishonour within prescribed time
 - 3.4.3 Cheque : can be deposited in bank more than once within its validity period before initiating criminal proceedings
 - 3.4.4 Filing of criminal complaint : formalities, Forum of Criminal court, time limit, jurisdiction of criminal courts
- 3.5 Penal Provisions under the Act in case of dishonour of cheque
- 3.6 Dishonour of cheque by a company or a firm : consequences, joint and several liabilities, Discharge from liability in case of Ex-officio Directors of Government Companies
- 3.7 Offence committed against a company or firm, persons competent to file criminal complaints, prior formalities
- 3.8 Delay in filing of criminal complaint u/s 138 of the Act : consequences
- 3.9 Compounding of offences under the Act : Powers of the Magistrate
- 3.10 Defences available to the Drawer of the Cheque
- 3.11 Important decisions of the Supreme Court

Suggested Readings :

- Avtar Singh, Negotiable Instruments Act, 1881 : Eastern Book Company
Bhashyam & Adiga, Negotiable Instruments Act, 1881, Bharat Law House, Delhi
Tanner's Banking Law & Practice in India, India Law House
Avtar Singh, Law of Banking & Negotiable Instruments, Central Law Publication
P. L. Malik, Negotiable Instruments Act, Eastern Book Company
Saharay, Negotiable Instruments Act with Special Emphasis on Dishonour of Cheques, Central Book Agency, Kolkotta
R. K. Suri, Dishonour of Cheques (Prosecution & Penalties), ALT Publications, Hyderabad
K. S. Gopala, Dishonour of Cheques (Law, Practice & Procedure), ALT Publications
P. S. Narayan, Law of Negotiable Instruments and Dishonour of Cheques, Asia Law House
Khargauwala, Negotiable Instruments Act, Butterworths
S. N. Gupta, Dishonour of Cheques- Liability – Civil and Criminal, Universal Law Book Co.
R. K. Bangia, Negotiable Instruments Act, Allahabad Law Agency
S. M. Chaturvedi, Negotiable Instruments Act, Central Law Agency
R. Swaroop, A Case Book on Dishonour of Cheques, Jain Book Depot.



Semester V
307 K Rehabilitation of Criminals & Juveniles in Society & Law

OBJECTIVES OF THE COURSE :

It is impossible to imagine any civilized society without crime and criminals. At the same time we should not forget that the factor of punishment is necessary to maintain law and order in the society. For every law student it becomes necessary to study the causes of crime and socio-economic factors behind crime and different theories for causation of crime as well as theories of punishment, kinds of punishment and significance thereof. In the modern era, the object of rehabilitation of the criminals in the main stream is given prime importance and accordingly the legislations are enacted taking into consideration the rehabilitation criteria for the first offenders as well as juveniles. This has become the dire need of the society. It is expected from the law students to thoroughly digest the Constitutional as well as legislative aspects relating to criminal and juveniles and the process of their reformation.

Syllabus :

1. Introduction :

1.1 Crime Causation :

1.1.1 "Man is not born as a criminal, but circumstances compels him to do crime."

1.1.2 Broken Home Theory, Neglected Juveniles' involvement in crime

1.1.3 Various theories of causation of Crimes : Lombroso, Enrico Ferri, Taft etc.

1.1.4 Differential Association Theory of Crime (Sutherland's Theory)

1.2 Punishment :

1.2.1 Meaning, need and object

1.2.2 Different Theories of Punishment in civil Society

○ Retributive Theory

○ Deterrent Theory

○ Preventive Theory

○ Expiation Theory

○ Reformatory Theory

1.2.3 World wide acceptance of Reformatory Theory of Punishment in civilized and cultural societies

○ "Kill the crime, not the criminal."

1.3 Kinds of Punishment :

1.3.1 Various kinds of punishment

1.3.2 Punishments accepted under the Indian Penal Code

2. Constitutional and Legislative Majors towards rehabilitation of Criminals on their good behavior :



- 2.1 Constitutional Provisions :
 - 2.1.1 Powers of the President of India to tender the pardon the criminal
 - 2.1.2 Powers of the Governor of State to tender the pardon to the criminal
 - 2.1.3 Powers of the Supreme Court under Article 142 (Complete Justice)
- 2.2 BharatiyaNagrik Suraksha Sanhita 2023
 - 2.2.1 Security for Good Behaviour
 - 2.2.2 Tender of pardon to accomplice
 - 2.2.3 Order to release on Probation of good conduct or after admonition
- 2.3 Bhartiya Nyay Sanhita
 - 2.3.1 Commutation of Death Sentence and Life Imprisonment
- 2.4 Parole and Furlough to the prisoners : concept, facilities and rules
- 2.5 Probation of Offenders' Act, 1958
 - 2.5.1 Powers of the court
 - To release certain offenders after admonition
 - To release certain offenders on probation of good conduct
 - To require released offenders to pay compensation and costs
 - 2.5.2 Restriction on imprisonment of offenders under 21 years of age
 - 2.5.3 Powers and duties of the probation officer

3. Legislative Protection and care for Juveniles :

- 3.1 Juvenile Justice (Care and Protection of Children) Act, 2015 (or any other legislation substituted for the time being in force)
 - 3.1.1 Object, reasons and salient features of the Act
 - 3.1.2 Definitions : child in need of care and protection, Juvenile, Juvenile in conflict with law
 - 3.1.3 Machineries for taking care and rehabilitation of Juveniles : Remand Homes, bservation Homes, Shelter Homes, Special Homes : Roles and functions
 - 3.1.4 Juvenile Justice Board, Child Welfare Committee : Constitution, Functions and Powers
 - 3.1.5 Provisions relating to escaped juveniles
 - 3.1.6 Provisions relating to protection, employment and rehabilitation of Juveniles
 - 3.1.7 Rehabilitation and social integration of Juveniles
 - 3.1.8 Presumption and determination of age of Juvenile
- 3.2 Approach of the society towards rehabilitation of Criminals and Juveniles :
 - 3.2.1 Role of parents, society, Government and NGOs



Suggested Readings :

- Sutherland, H.W. and Cressey, D.R.: Principles of Criminology, 6th Edition, The Times of India Press, Bombay
- N.V.Paranjape, Criminology and Penology, Eastern Book Co.
- Ahmed Siddiki, Criminology & Penology, Eastern Book Co.
- S.S. Srivastava, Criminology & Criminal Administration, Central Law Agency, Allahabad
- J.P.S. Sirohi, Criminology and Penology, Allahabad Law Agency
- S. N. Mishra, Code of Criminal Procedure, 1973 with Probation of Offenders Act and Juvenile Justice (Care & Protection of Children) Act, 2015 Central Law Publication
- S. K. Bava, Law relating to Juvenile Justice, Probation of Offender, Allahabad Law Agency
- K.S.Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Surver of Sociology and Social Anthropology.1969-179(National Report)
- S. K. Bhattacharyya, Juvenile Justice : an Indian Scenario, Regency Publications, New Delhi
- K.G.Balakrishnan J., Vijay Hansaria, P. I. Jose, Juvenile justice system : along with Juvenile Justice (Care and Protection of Children) Act, 2015 and rules, 2007 : working manual for stake holders, Universal Law Publication Co.
- Universal's Juvenile Justice (Care and Protection of Children) Act, 2015
- D. K. Ganguli, Commentaries on Juvenile Justice (Care and Protection of Children) Act, 2015, Dwevedi Law Agency
- Ke.Pt Simha, Chitragada Singh, A Handbook on Juvenile Justice: With Commentary on the Juvenile Justice (Care and Protection of Children) Act, 2015 & the Juvenile Justice (Care and Protection of Children) Rules, 2007, Bright Law House
- Prem Prakash Batra, The Probation of Offenders Act, 1958, Khurana Publication
- N. K. Chakrabarti, Probation system, in the administration of criminal justice, Regal Publication (former Deep & Deep Publication), New Delhi
- S. C. Raina, Probation : Philosophy, Law & Practice, Regency Publications, New Delhi
- Bharatiya Nagarik Suraksha Sanhita, 2023 : Bare Act



Semester VI

PAPER I

CC 308

DRAFTING, PLEADING
AND CONVEYANCING

MARKS-100

This course will be taught through class

Instructions and simulation exercises preferably
with assistance of practicing lawyers/retired judges

Apart from teaching the relevant provisions of law

The course will include -

15 Exercise in drafting - 45 Marks (15x3=45)

15 Exercise in conveyancing - 45 Marks (15x3=45)

Viva-voce examination 10 Marks

100

(a) Drafting

General Principles of Drafting and relevant Substantive
rules shall be taught.

(b) Pleadings :

(1) Civil

(i) Plaint (ii) Written Statement

(iii) Interlocutory Applications (iv) Original petition

(v) Affidavit (vi) execution Petition and



(vii) Memorandum of Appeal and Revision

(viii) Petition under Articles 226 and 32 of the Constitution

(2) Criminal (i) Complaints (ii) Criminal Miscellaneous Petition

(iii) Bail Application and (iv) Memorandum of Appeal and Revision

(c) Conveyancing :

(i) Sale Deed (ii) Mortgage Deeds (iii) Lease Deed (iv) Gift Deed

(v) Promissory-note (vi) Power of Attorney (v) will

Assignments to attempted in the Class-room at Regular Periodic intervals in the note-books to be evaluated by the Principal and the concerned teacher at the end of the semester.

(d) Viva-Voce Examination :

Which will test the understanding of legal practice in relation to Drafting, pleading and conveyancing.

Viva Voce Examination is to be conducted by the Principal of the College of his nominee and two examiners to be appointed by the University.



PAPER II

CC 309

PROFESSIONAL ETHICS
& PROFESSIONAL ACCOUNTING
SYSTEM

MARKS-100

Written Examination 80

Viva-voce Examination 20

Following course will be taught in the
Class-room in association with Practising
Lawyers on the following materials:

	Marks
Advocates Act.	
- Bar Council Code of Ethics	35
Accountancy for Lawyers.	
- Contempt of Courts Act, 1971	15
and Practice	
- 50 Selected opinions of the Disciplinary Committee of Bar Councils	15
- 10 Major Judgments of the Supreme	15



Court on the Disciplinary actions.

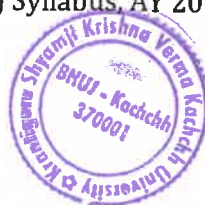
- University will conduct WRITTEN examination on the topics prescribed as above.
- Viva-voce examination is to be conducted by the Committee considered of Principal of the College or his nominee and two examiners to be appointed by the University

Bibliography :

Mr. Krishnamurthy Iyer's Books on "Advocacy"

Advocates Act, 1961

Contempt of Courts Act



PAPER-III ALTERNATE DISPUTE RESOLUTION 100 MARKS

CC 310

Theoretical Examination : 70 Marks

Practical Exercises : 30 Marks

OBJECTIVES OF THE COURSE :

The Major concern of law is conflict resolution. Familiarization with the modalities and techniques of resolution of conflict is necessary component in the endeavours of developing expertise in juridical exercise. The traditional justice delivery system through adjudication by courts had already given way to a large extent to many an alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this transformation every where. The study of ADR is highly significant in moulding the students of law to act as soldiers of justice in the ever - changing socioeconomic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its away in the past and in the new areas of conflicts that demand resolution by alternative methods. No doubt, the course has to be taught with comparative and international perspectives with a view to bringing out the essential awareness of the national and international systems emerging at the present context.

SYLLABUS :

1. Arbitration : Meaning, scope and types :
Distinctions



9/10 Law and 1996 law UNCITRAL Model Law

Arbitration and conciliation

Arbitration and expert determination

Extent of Judicial intervention

International commercial arbitration.

2. **ARBITRATION AGREEMENT :**

Essentials

Kinds

Who can enter into arbitration agreement

Validity

Reference to arbitration

Interim measures by court

3. **ARBITRATION TRIBUNAL :**

Appointment

Challenge

Jurisdiction of arbitral tribunal

Powers

Grounds of challenge

Proceudre

Court assistance

4. **AWARD :**

Rules of guidance

Form and content

Correction and interpretation

Grounds of setting aside an award

Can misconduct be a ground

Incapacity of a party, invalidity of arbitration agreement



Want of proper notice and hearing
Beyond the scope of reference.
Contravention of composition and procedure
Breach of conviviality
Impartiality of the arbitrator
Bar of limitation, res judicata
Consent of parties
Enforcement

5. APPEAL AND REVISION :

6. ENFORCEMENT OF FOREIGN AWARDS :

New York convention awards
Geneva convention awards

7. CONCILIATION :

Distinction between "Conciliation", "Negotiation", "Mediation"
and "Arbitration"
Appointment
Statements to conciliator
Interaction between conciliator and parties
Communication
Duty of the parties to co-operate
Suggestions by parties
Confidentiality
Resort to judicial proceedings
Costs

8. RULE - MAKING POWER :

High Court
General Government



9. Mediation Act, 2023

9.1 Object, reasons and significance, Mediation Agreement, Pre-litigation Mediation, Mediation Proceedings and role of Mediator, Mediated settlement Agreement and enforcement thereof

9.2 On Line Mediation, Mediation Council of India : Composition, duties and functions.

9.3 Mediation Service Providers and Mediation Institutes,

9.4 Community Mediation : Procedure

Practical Exercises :

30 Marks

- (i) Negotiation skills to be learned with simulated program
- (ii) Conciliation skills
- (iii) Arbitration Law and Practice including International arbitration and Arbitration rules.

The above mentioned exercises are required to be conducted by senior legal practitioners through simulation and case studies. At least three practical exercises/case study reports shall be written in a journal after having visited the Arbitration-Conciliation Centers by a student. Evaluation thereof shall be conducted in practical exercises to be submitted by a student in a journal/diary.

SELECT BIBLIOGRAPHY :

B.P. Saraf and M. Jhunjhunwala , Law of Arbitration and conciliation (2000) , Snow white, Mumbai.

Gerald R. Willfame (ed) , The New Arbitration and Conciliation Law of India, Indian Council of Arbitration,(1998) New Delhi.

A.K. Bansal, Law of International Commercial Arbitration(1999) , Universal, Delhi.

P.C. Rao & Willam Sheffield , Alternative Disputes Resolution - What it is and How it works ? (1997) Universal, Delhi.

G.K. KWATRA, The Arbitration and Conciliation Law of India (2000) Universal Delhi.

Basu N.D. Law of Arbitration and Conciliation (9th Edition Reprint 2000) Universal Delhi.

Johari, Commentary on Arbitration and Conciliatio Act, 1996 , (1999) , Universal , Delhi.

Markanda P.C. Law relation to Arbitration and Conciliation (1998) , Universal Delhi.



PAPER IV

CC 311

MOOT COURT EXERCISE AND
INTERNSHIP

100 Marks

Marks

(a) Moot Court

30

(b) Observance of Trial in
two cases, one Civil
and one Criminal

30

(c) Interviewing techniques
and Pre-trial preparations

30

(d) Viva-voce examination

10

(a) Moot-Court:

Each student will conduct at least three Moot Courts in a semester with 10 marks for Each. The moot court work will be assigned Problems and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy. The written submission shall be recorded in the prescribed diary.

The panel to evaluate moot court performance



of each student shall consist of the Principal or his/her nominee and the concerned teacher assigned with the subject.

(b) Observance of trial in two cases one Civil and one Criminal.

Civil Case

15 Marks

Criminal Case

15 Marks

Students will attend two trials in the course of the last 2 years of LL.B. studies or in III rd LL.B. They will maintain a record and enter various steps observed during their attendance on different days in the court assignment (diary). Attendance and performance to be certified by Advocates, enrolled and recognized by the Bar Council.

(c) Interviewing techniques and Pre-trial
30)

(Marks -

Preparations.

Marks.

- Interviewing techniques

15

- Pre-trial preparations

15

Each student will observe two interviewing sessions of clients at the Lawyer's Office / Legal Aid Office and record the Proceedings

11



in a diary. Each student will further observe the preparation of documents and court papers by the Advocate and procedure for filing of the suit / petition This will be recorded in the diary.

Practical work is to be evaluated by the Committee Constituted as per VI-CL. (c).

- (d) Viva-voce Examination on the above Three aspects. Viva-voce examination is to be conducted by the committee constituted of Principal and two examination to be appointed by the University.

Marks

10



PAPER V LEGAL LANGUAGE/LEGAL WRITING MARKS-100.

CC 312 INCLUDING GENERAL ENGLISH

WRITING EXAMINATION

MARKS

- Essay on topics relating to Law	20
- Legal Phrases	20
- Comprehension	15
- Translation	15
- Practical Problems relating to Indian Contract Act (SS 1 TO 75) Law of Crimes. and Law of Torts, and Family Laws.	15
- Preci writing	15

Total - 100 Marks



SELECTED BIBLIOGRAPHY :

- Abbet Parry, Seven Lamps of Advocacy
- Mogha's Conveyancing
- Mogha's Forms and Precedents
- Mogha's Pleadings
- Law and Language
- Bhatnagar R.P. & R. Bhargava, Law and Language, New Delhi, Macmillan
- Brown, Gordon. W. Legal Terminology, New Jersey, Prentice Hall. 1990
- Cochrane, Michael, Legal English, Paris Cujas, 1979
- Cross, Janet al., Skills for Lawyers, Jordan Publishing Co. 1997 Bristol
- Cuts, Martin, The Plain English Guide, Oxford University Press, 1995
- Garner, Bryan, A dictionary of Modern Legal Usage, New York OUP 1987
- Gibbons, John (ed) Language and the Law, Longon, 1996-London
- Gibbons, John (ed) " Language and the Law" . Annual Review of Applied Linguistics (1999). 19:156-173
- Kelkar, Ashok R. " Communication and style in Legal Language" Indian Bar Review Vol. 10 (3) 1993
- Lord Denning "Command of Language" The Discipline of the Law New Delhi, Aditya Books 1993.
- Lord Denning " Plain English" the Closing Chapter, New Delhi, Aditya Books, 1993
- Melinkoff, David, the Language of the law, Boston: Little Brown & Co 1963
- Molynenux, Hael, Legal Problems Macmillan, London
- Herbert Brown, A Selection of Legal Maxims (1993) Sweet and Maxwell
- Maxwell M.C. Setalvad, My life, law and other 150 years (2000) universal, Delhi
- Divererona, K. Legal Language and Reality in M.D.A. Freeman
- Introduction to Jurisprudence.



Riley, Alison, English for Law, London Macmillan 1991.
Williams, Glanville " Language and the Law" in Freeman pp 1350-53
Thomson, A.J. & A.V. Martinet. A Practical English Grammar Oxford OUP
Turton. N.D. 7 J.B. Heaton, Longman Dictionary of Common Errors
Williams, Glanville, Language and the Law in Freeman PP 1350-53
Williams, Glanville, Learning the Law (2000), Universal New Delhi
Blacks' Law Dictionary (2000) Universal, New Delhi
Broom's Legal Magazines (2000) Universal, New Delhi.
James and Stebbings, A dictionary of Legal Quotations (1997), Universal,
New Delhi.
Latin for lawyers, (1997), Sweet and Maxwell, Universal, New Delhi.
Trayner's Latin Magazines, (1997). University, New Delhi.



Semester VI
313 F Forensic Science, Law and Crime Detection Methods

OBJECTIVES OF THE COURSE :

The main object of including this course is to make the law students familiarize about the Forensic Science Technologies as well as role and functions Forensic Science Laboratories and how they are useful in detecting the crime and criminals. In the era of computer technology and internet, we can effectively solve the complicated cases of cyber crimes, forgery, rape, fire-arm used in the crime, identification of trace elements, identifying paternity of child or about various toxic materials. In the incidents of bomb-blast or terrorist attack, forensic science helps us to reach to the root of crime and catching the criminals. It is also possible to find out truth by application of various Forensic Psychology Techniques like lie detection test, brain mapping or narco test. While understanding various methods of Forensic Science in detection of crimes, law students are expected to understand the constitutionality of all the methods as well as the evidential value thereof.

Syllabus :

1. History, Scope, Need and application of Forensic Science in Crime Detection :

- 1.1 History and scope of Forensic Science
- 1.2 Need of Forensic Science in understanding modus operandi of criminals as well as Crime Investigation and Detection
- 1.3 Basic Principle of Criminal Jurisprudence relied in Forensic Science : " Man may lie, but circumstances cannot."
- 1.4 Evidence collected through Forensic Science Techniques and Report of Forensic Expert : Evidential value thereof
- 1.5 Various general techniques of Forensic Science used in detection of crimes :
 - 1.5.1 Blood-Alcohol Analysis
 - 1.5.2 Toxicology Reports
 - 1.5.3 Ballistic Expert Report regarding use of fire-arm or residues of firearm parts at the scene of offence
 - 1.5.4 Analysis of Body Fluids : Blood, Serum, saliva etc.
 - 1.5.5 Reports of Handwriting Experts (in crimes of forgery) & Finger-print Experts and identification of Handwriting in questioned documents
 - 1.5.6 Identification of Narcotic and Psychotropic Substances like Opium, Brown Sugar, Heroin etc.
 - 1.5.7 Crime detection/investigation through Track marks : Foot Prints, Naked Footprints etc.

2. Forensic Psychology Techniques, Crime Detection/Investigation and Law :

- 2.1 Forensic Psychology Techniques and importance thereof
- 2.2 Various types of Forensic Psychology Techniques used in Crime Detection :
 - 2.2.1 Lie Detection Test and its procedure
 - 2.2.2 Polygraph Test and its techniques
 - 2.2.3 Brain Mapping Test and procedure thereof
 - 2.2.4 Narco Analysis Test (Truth Serum Test)



2.2.5 Hypnotism

2.3 Constitutional validity of Forensic Psychology Techniques in context with Fundamental Right of Self Incrimination under Article 20(3) and 22 of the Constitution

2.4 Drawbacks and Hazards of Forensic Psychology Techniques

2.5 Evidential Value of confession of the accused made through or evidences gathered through Forensic Psychology Techniques

2.6 Judicial approach about acceptance of evidence gathered by Forensic Psychology Techniques

3. Recent Forensic Science Techniques for Crime Detection and Future Challenges :

3.1 Cyber Crime detection through forensic science

3.1.1 Retrieving the data from Computer Hard-disk

3.1.2 Retrieving SMS/MMS from mobile after having deleted

3.1.3 Detecting E-mail Hackers, Website Hackers and Computer Hackers

3.1.4 Tracking of E-mails in locating the criminals

3.1.5 Tracking offences of Electronic Fund Transfer and related crimes

3.1.6 Tracking offences related to Digital Signature, Software Piracy and other related crimes

3.2 Use of Facial Reconstruction and Skull Superimposition Techniques in crime detection

3.3 Voice Identification Technique

3.4 DNA Profiling : meaning

3.4.1 Importance and Nature of DNA Profiling

3.4.2 Evidentiary clue materials of DNA Profiling : Hair, Body Tissues etc.

3.4.3 Parental Identification and its Constitutional validity - Fundamental Right under Article 20(3) not available in Civil Proceedings

3.4.4 Judicial Pronouncements

3.5 Future Challenges to Forensic Sciences in countering the Global Terrorism, Cyber Terrorism and other technical offences

Suggested Readings :

Sharma B. R., Forensic Science in Criminal Investigation & Trials, Universal Law Publishing Co.

Sharma B. R., Law Relating to Handwriting Forensics, Universal Law Publishing Co.

Nanda B.B. & Tewari R. K., Forensic Science in India : A Vision for 21st Century, Select Publisher, New Delhi

Tewari R. K., Shashtri P. K. & Ravikumar K. V.. Computer Crime & Computer Forensics, Select Publications



SemesterVI

314 K Legal Aid, Para-Legal Services & Clinical Training

1. Provisions under the Constitutional and Procedural Laws to provide Legal Aid :

- 1.1 Free Legal Aid : Need, concept and scope - for providing social security and equal justice to all
- 1.2 Constitutional Provisions ensuring Legal Aid :
 - 1.2.1 Preamble of the Constitution
 - 1.2.2 Article 14 : Equality before Law and Equal Protection of Law
 - 1.2.3 Article 39-A : Equal Justice and Free Legal Aid
- 1.3 Provisions under the The Bhartiya Nagrik Suraksha Sanhita,2023
 - 1.3.1 Legal Aid to the accused at the expense of the State (Sec. 341)
- 1.4 Provisions under the Code of Civil Procedure to provide Legal Aid :
 - 1.4.1 Suit by indignant person (O. 33)

2. Legal Services Authorities Act, 1987 :

- 2.1 Object and reasons of the Act .
- 2.2 Authorities under the Act, their constitution, term and functions :
 - 2.2.1 National Legal Services Authorities
 - 2.2.2 State Legal Services Authorities
 - 2.2.3 District Legal Services Authorities
- 2.3 Committees under the Act, their constitution, term and functions
 - 2.3.1 Supreme Court Legal Services Committee
 - 2.3.2 High Court Legal Services Committee
 - 2.3.3 Taluka Legal Services Committee
- 2.4 Criteria for giving Legal Services
- 2.5 Entitlement for Legal Services
- 2.6 National, State and District Legal Aid Fund
- 2.7 Lok Adalats :
 - 2.7.1 Concept and significance of Lok Adalats& Permanent Lok Adalats
 - 2.7.2 Organization of Lok Adalats
 - 2.7.3 Awards of Lok Adalats
 - 2.7.4 Powers of Lok Adalats
- 2.8 Pre-litigation Conciliation and Settlement provisions :
 - 2.8.1 Establishment and powers of Permanent Lok Adalats
 - 2.8.2 Cognizance of cases by it and procedure thereof
 - 2.8.3 Award of the Permanent Lok Adalats : Final and binding to the parties
- 2.9 Rule making powers of State and Central Government
- 2.10 Regulation making powers of various authorities under the Act

3. Para-legal Services and Clinical Training :



- 3.1 Para-legal Services : Meaning, object and importance
- 3.2 Spreading Legal Awareness through Legal Literacy Camps
 - 3.2.1 Legal Literacy Camps by the authorities under the Act
 - 3.2.2 Legal Literacy Camps by law students in association with Authorities/NGOs
- 3.3 Legal Aid Camps
 - 3.3.1 For weaker section of the society for strengthening their rights
 - 3.3.2 For women empowerment
 - 3.3.3 For preventing Child Labour
- 3.4 Legal Aid Clinics : Object and Services
 - 3.4.1 Permanent Legal Aid Clinic and its services : Counseling, Pre-litigation solution through different cells like Pension Cell, SC/ST Cell, Women Cell etc., Providing para-legal training to law students and assigning clinical work to law students
- 3.5 Involvement of NGOs in providing Free Legal Services
- 3.6 Role of Law Students in securing Free Legal Aid and Advise
- 3.7 Para-legal Training by law students, its application and importance

Suggested Readings :

- Prof. Kailash Rai, Public Interest Lawyering Legal – Aid and Para – Legal Services, Central Law Publication
- Dr. N. V. Paranjape, Public Interest Litigation, Legal Aid & Services, Lok Adalats & Para-Legal Services, Central Law Agency
- Dr. S. S. Sharma, Legal Services, Public Interest Litigation and Para-legal Services, Central Law Agency
- Dr. S. R. Myneni, Public Interest Lawyering, Legal Aid and Para Legal Services, Asia Law House
- Mamta Rao, Public Interest Litigation (Legal Aid and Lok Adalats), Eastern Book Company
- Ajay Gulati, Public Interest Lawyering, Legal – Aid and Para – Legal Services, Central Law Publication

(As per introduction of new three act, Bharatiya Nyaya Sanhita, 2023, Bharatiya Sakshya Adhinyam and Bharatiya Nagarik Suraksha Sanhita, will replace Indian Penal Code, Indian Evidence Act and Criminal Procedure code wherever it applicable anywhere to Three Year LL.B Syllabus of KSKV Kachchh University from Academic year 2024-2025)

