



UNIVERSITY OF RAJASTHAN

JAIPUR

SYLLABUS

B.A.LL.B. Five Year (Hons.)

Semester Scheme

I & II Semester Examination	2022-23
III & IV Semester Examination	2023-24
V & VI Semester	2024-25
VII & VIII Semester	2025-26
IX & X Semester	2026-27

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Sequence of the Paper

I Semester

- 1.1. English-I
- 1.2. Legal & Constitutional History
- 1.3. Political Science-I
- 1.4. Law of Torts-I
- 1.5. Computer -I
- 1.6. Economics - I

II Semester

- 2.7. English-II
- 2.8. Right to Information
- 2.9. Political Science-II (International Relations)
- 2.10. Law of Torts-II (Consumer Protection Laws)
- 2.11. Computer-II
- 2.12. Economics-II

III Semester

- 3.13. English-III
- 3.14. Constitutional Law-I
- 3.15. Sociology-I
- 3.16. Contract-I
- 3.17. Foreign Language (French) -I
- 3.18. Banking Law

IV Semester

- 4.19. English-IV
- 4.20. Constitutional Law -II
- 4.21. Sociology-II (Research Methodology)
- 4.22. Contract-II
- 4.23. Foreign Language (French)-II
- 4.24. Public Interest Lawyering

V Semester

- 5.25. Jurisprudence - I
- 5.26. Trust, Equity and Fiduciary relations
- 5.27. Family Law-I
- 5.28. Labour Law-I
- 5.29. Company Law-I
- 5.30. Forensic Science and Criminal Investigations

VI Semester

- 6.31. Jurisprudence-II
- 6.32. Interpretation of Statutes & Principles of Legislation
- 6.33. Family Law - II
- 6.34. Labour Law-II
- 6.35. Company Law-II
- 6.36. Health Law (Medical Jurisprudence)

VII Semester

- 7.37. Law of Property
- 7.38. Patent Law
- 7.39. Administrative Law
- 7.40. Public International Law-I
- 7.41. Law of Crimes-I (IPC)
- 7.42. Principles of Taxation Laws

VIII Semester

- 8.43. Land Acquisition Law & Rajasthan Rent Law
- 8.44. Alternate Dispute Resolution
- 8.45. Indian Penal Code-II
- 8.46. Code of Civil Procedure-I
- 8.47. Evidence
- 8.48. Public International Law-II/Banking Law (Only for 2015 Exam)

IX Semester

- 9.49. Code of Civil Procedure-II
- 9.50. Competition Law, M & A
- 9.51. Private International Law
- 9.52. Drafting Pleading, Conveyancing & Rule of Court
- 9.53. Code of Criminal Procedure
- 9.54. Insurance Law

X Semester

- 10.55. Art of Cross Examination and Moot Court Exercises
- 10.56. Human Rights & Practice
- 10.57. Cyber Laws
- 10.58. Criminology, Penology & Victimology
- 10.59. Environmental Law
- 10.60. Professional Ethics & Professional Accounting

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Aims & Learning Objectives

1. Enable the students to use the language correctly and effectively.
2. Enhance the comprehension and analytical skills of the students.
3. Enrich their vocabulary.
4. help students acquire the ability to speak effectively in English in real-life situations
5. Develop the art of expression and train students in composition skills.

Module- 1

The Joy of Reading (Orient Longman): The following stories

- (a) "An Astrologer's Day" R.K. Narayan
- (b) "The Child" Premchand
"The Gift of the Magi" O. Henry

Module- 2

The Joy of Reading (Orient Longman): The following prose places

- (a) "Education: Indian and American" Anurag Mathur
- (b) (1) "Bangle Sellers" Sarojini Naidu
(2) "Where the Mind is Without Fear" Rabindranath Tagore

Module- 3

The Joy of Reading (Orient Longman): The following poems

- (a) "My Financial Career" Stephen Leacock
- (b) "The World is Too Much with US" William Wordsworth

Module- 4

The Joy of Reading (Orient Longman): The following Poems

- (a) Speech on Indian Independence Jawaharlal Nehru
- (b) (1) Sonnet : "When in disgrace..." William Shakespeare
(2) "Success is Counted Sweetest" Emily Dickinson

Module- 5

(a) Legal Terms : FIR, plant, written statement, plaintiff, defendant, appeal, tribunal, divorce, legitimate, illegitimate, adoption, maintenance, alimony, valid void, litigation, monogamy, bigamy, polygamy, crime, agreement, contract, fraud, minor, indemnity, guarantee, bailment, pledge, libel, slander, defamation, homicide, genocide, suicide, executive, legislature, judiciary, constitution, negligence, nuisance, precedent, prospective, mortgage, retrospective, summons, ultra vires, will, warrant, public, private

- (b) (1) Paragraph Writing
(2) Punctuation

Module- 6

Transformation of sentences

- (a) Active passive
- (b) Interrogative

Module- 7

- (a) Tenses
- (b) (1) Tenses
(2) Comprehension

Text Book

1. The Joy of Reading (Orient Longman)

Reference Books

1. Thomson, A.J., and A.V. Martinet. *A Practical English Grammar*, New Delhi : OUP, 2005

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Aim and Objective

This course attempts to provide a basic introduction to evolution of Law in India. Study of law relating to a particular country is not complete without understanding the history and development of the Laws and legal institutions. A student of law should be exposed to the ancient social order and religious philosophy as well as to the systems of dispute settlement mechanisms existing in those days. The medieval period had influence in the development of legal system. The advent of the British was an event, which also had its influence.

The traditions of the past have made our modern legal system what it is, and still live on in it. Without a proper historical background, it may be difficult to appreciate as to why a particular feature of the system is as it is. The historical perspective throws light on the anomalies that exist here and there in the system.

Module- 1

- (a) i. Emergence of East India Company: Development of authority under charters
- ii. Administration of Justice in Madras 1639-1726
- (b) i. Administration of Justice in Bombay 1668-1726
- ii. Administration of Justice in Calcutta before 1726
- iii. The mayor's Courts and the Genesis of the Charter of 1726, Provisions of the charter, charter of 1753, defects of judicial system.

Module- 2

- (a) Adalat System
 - i. Grant of Diwani
 - ii. Execution of Diwani Functions
 - iii. Judicial Plan of 1772
 - iv. Defects of the Plan
 - v. New Plan of 1774
 - vi. Reorganization of adalats in 1780
 - vii. Reforms of 1781
- (b) i. The Regulating Act of 1773
- ii. The Charter of 1774 and establishment of Supreme Court at Calcutta
- iii. Defects of the Supreme Court

Module- 3

- (a) i. Act of Settlement, 1781
- ii. Major Defects
- iii. Supreme Court of Calcutta, Bombay and Madras
- (b) i. Judicial Reforms of Lord Cornwallis
- ii. Reforms in Administration of Criminal Justice

Module- 4

- (a) i. The Indian High Court Act of 1861
- ii. The Indian High Court Act, 1911
- iii. The Indian High Court Act, 1915
- iv. High Court under the Act of 1935
- (b) i. The Federal Court of India
- ii. Privy Council (A Unique Institution)
- iii. Appeals from India

Module- 5

- (a) i. The Charter Act of 1833
- ii. The Charter Act of 1853. Main Provisions and Defects
- (b) i. Main Provisions of the Indian Council Act, 1861
- ii. The Indian Council Act of 1892

Module- 6

- (a) i. The Govt. of India Act, 1909
- ii. Minto Morley Reforms
- iii. Defects of the Act
- (b) i. Montague Chelmsford Reforms 1919
- ii. Dual System

Module- 7

- (a) The Govt. of India Act, 1935 (Background)
 - i. Federalism
 - ii. Provisional Constitution
- (b) Indian Independence Act, 1947

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Some landmarks cases-

- (a) Issue of Raja Nand Kumar (1775): Whether a Judicial Murder ?
- (b) The Patna case (1777-79)
- (c) The Cossijurah case
- (d) The case of Kamaludin

Reference books-

1. M.P. Jain, Outlines of India Legal History
2. M. Rama Jois, Legal and Constitutional History of India
3. A.B. Keith, Constitutional History of India
4. Rankin G.C. Background to Indian Law
5. V.D. Kulshrestha, Landmarks in Indian Legal History

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Objectives

State and Government are the institutions which are regulating the behaviour of individual in society by its laws. Political Science is the subject which is dealing with these institutions. The objective of this course is to create awareness among the students about the various socio-economic and political issues, their Rights and Duties as well as to impart them the knowledge about the basic concept of political science which will lay the foundation of their study of law.

Module- 1

- (a) Political Science : Meaning, Nature and Scope, Traditional and Modern perspectives.
- (b) Behavioralism and post behavioralism.

Module- 2

- (a) State : (i) Meaning and elements
(ii) Distinction between State and Government
- (b) Theories and functions of State: Liberal Democratic, Authoritarian and Welfare State

Module- 3

- (a) Rights and Duties : (i) Meaning and types of Rights and Duties
- (b) UN Declaration of human rights

Module- 4

- (a) Liberty (i) Meaning and definition, Negative and Positive concept of Liberty.
(ii) Safeguards of liberty.
- (b) Property : Concept, Liberal and Marxian theory of Property.

Module- 5 Concepts:

- (a) Justice : Concept, legal political and socio-economic dimensions.
- (b) Equality : Meaning and definition, legal, political and socio-economic dimensions.

Module- 6 Law meaning, nature and liability and law

- (a) Democracy : Concept, Features and types.
- (b) Sovereignty: Concept Attributes.

Module- 7

- (a) Power, Authority and Legitimacy
- (b) The Elite Theory/Political Parties and Pressure Groups.

Reference Books

1. M.P. Jain, Political theory liberal and Marxian.
2. L. Asirvatham, Political theory Lucknow House
3. William Ebenstein, Modern Political thought (New Delhi Oxford and IBH)
4. V.D. Mahajan, Political theory
5. R.C. Aggarwal, Political theory
6. J.C. Johari, Political Science
7. O.P. Gaba, Political Science
8. Prof. S.P. Verma, Modern Political Theory
9. Prof. S.L. Verma, Modern Political Theory

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Objectives of the course

With rapid industrialization, tort action can be used against manufacturers and industrial units for products injurious to human beings. 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. Law of Torts is developing fast in present scenario and the Supreme Court has created liabilities for injuries caused by hazardous and inherently dangerous industries.

The following syllabus has been prepared with this perspective and will comprise of 7 units.

Module - 1

- (a) Evolution, Definition, Nature, Scope of Law of Torts
 - i. Meaning and Evolution of Torts
 - ii. Torts: Distinguished from contract, Quasi-contract and crime.
 - iii. Constituents of Torts
- (b) General Defences
 - i. *Volenti non fit injuria*
 - ii. Necessity, Act of God, Inevitable Accidents, Private Defence
 - iii. Judicial Acts, Mistake Statutory Authority.

Module - 2

- (a) Vicarious Liability
 - i. Principles and basis of liability
 - ii. Principle and Agent Relationship
 - iii. Master and Servant relationship
 - iv. Doctrine of common employment
- (b) Vicarious Liability of State
 - i. Position in England
 - ii. Position in India

Module - 3

- (a) Rules of strict and absolute liability
 - i. *Rylands v. Fletcher*
 - ii. *M.C. Mehta v. Union of India*
- (b) Negligence
 - i. Essentials of negligence
 - ii. Duty of care
 - iii. Principle of reasonable forbearance
 - iv. Standard of care
 - v. Nervous Shock
 - vi. *Res ipsa loquitur*

Module - 4

- (a) A Contributory negligence
 - i. Last opportunity rule
 - ii. Rules to determine contributory negligence
 - iii. Doctrine of alternative danger
 - iv. Difference between contributory and composite negligence
- (b) Remoteness of damages
 - i. Test of reasonable foresight
 - ii. Test of directness

Module - 5

- (a) Defamation
 - i. Libel and Slander
 - ii. Essentials of defamation
 - iii. Defences
- (b) Trespass to person
 - i. Assault, battery, mayhem
 - ii. False imprisonment
 - iii. Malicious prosecution

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- i. Trespass ab initio
 - ii. Entry with licence
 - iii. Remedies
- (b) Nuisance.
- i. Definition and kinds
 - ii. Essentials
 - iii. Defences

Module – 7

- (a) Legal Remedies
 - i. Damages
 - ii. Injunctions
 - iii. Specific restitution of property
- b) Extra Judicial remedies
 - i. Abatement of nuisance
 - ii. Felonious Torts

Suggested Case Laws

1. Usha Ben v. Bhagyalaxmi Chitra Mandir, AIR 1978 Guj. 103
2. Ramanuja Mudali v. M. Gagan, AIR 1984 Mad. 103
3. R.K. Kranjia v. K.M. D. Thakersay, AIR 1970 Bom. 424
4. D.P. Chowdhary v. Manju Lata, AIR 1997 Raj. 170
5. State of Punjab v. Deshraj, AIR 2004 P&H 113
6. Municipal Corporation of Delhi v. Subhagwanti, AIR 1966 SC 1750
7. Y.S. Kumar v. Kuldip Singh, AIR 1972 P&H 326
8. Sumit Kumar v. Ladu Ram Sulania, AIR 2004 Raj. 30
9. Rajkot Municipal Corporation v. Manjul Ben Jayantilal Nakum (1997) 9 SCC 552
10. Rakesh Saini v. Union of India, AIR 2004 Del 107

Suggested Reading

1. D.D. Basu, Law of Torts
2. Rattan Lal & Dhiraj Lal, The Law of Torts
3. R.K. Bangia, Law of Torts
4. G.S. Pande, Law of Torts
5. B.S. Sinha, Law of Torts
6. S.P. Singh, Law of Torts

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Module-1

1. Computer Fundamentals: Characteristics of Computers (Versatility, Basic operations, speed accuracy, automation, storage, etc.).
2. Anatomy of Computer: Input Devices, Output Devices, Central Processing Unit, Storage Devices.
3. Classification of Computers: Micro, Mini, Mainframe, Super Computer).
4. Computer Software: Definition, Types of software-System and application software.
5. Operating System: Definition, Need, Types, Functions, Popular operating system and their applications.
6. Programming languages: Types of programming languages-Low level, high level programming languages and their evolution, oops:
7. Communication System: Data communication system, different data transmission mediums (twisted pair, Coaxial, Microwave, Communication Satellite, optical fiber) and their advantages.
8. Networking systems: Need, types, Internet working, Networking Standards.

Module- 2 (Operating System-MS-Windows)

1. Windows: Definition, Evolution of Windows, components, moving, resizing and closing a window. Features (User interface, file naming, easier mailing facility, easier remote access,
2. Working with Dialog boxes: Text boxes, list boxes, drop-down list boxes, option button, check box.
3. Using Menus: Special indicators in window, a triangle, ellipses, a dot, a key combination, grey option using scroll bars.
4. Navigating Windows: Using Windows explorer, Searching files and folders. Accessing a drive. Creating and moving a shortcuts
5. File & Folders: Difference between file and folders, Creating a file in an application, Creating a folder, copying files in a folder.
6. Creating copy of a file, creating subfolders, moving and renaming files and folders..
7. Customizing desktop: Customizing Task bar, Setting time & date of the system, using desktop themes, changing desktop of system, Setting patterns, Color palette, setting screen savers, changing appearance of a window.
8. Installing a printer, making a default printer, Printing a document.

Module- 3 (MS-Word)

1. Word Processing: Definition, Advantages, Functions, Popular word processors.
2. Working with MS-Word: Word application window, Getting help, creating, saving, closing and opening a document.
3. Editing a document: Navigating a document, Undo and Redo, Character level editing. Forming a block. Text correction and deletion. Moving, copying, finding and replacing text.
4. Templates and Wizards: Introduction of templates, using documents on templates, using wizards to create a document.
5. Page Formatting: Meaning, Setting paper size, orientation, setting margins. Setting header and footer. Inserting page no. and date. Inserting page break. Text alignment and indentation. Setting Tabs.
6. Text Formatting: Copying removing characters, using styles, modifying the styles. Setting border and shading.
7. Tables: Creating a table, changing the display of table, adjusting row column width. Applying arithmetic computation in table.
8. Mail merging: Meaning, Setting up main document, creating data source, merging a document. Using labels and Envelop wizards.

Module- 4 (MS-Excel)

1. Electronic Spread sheet: Definition, History, Terminology, Features, Application and Advantages.
2. Basics of MS-Excel: Starting MS-Excel, Components, Workbook, Worksheet, online help. Creating a Workbook, Data Entry in a work book. Copying and moving data saving a work book. Saving and Retrieving a work book.
3. Editing: Editing a cell, selecting range, deleting cell, column, row, worksheet. Renaming, moving, copying and moving a worksheet. Protecting a workbook.
4. Formatting: Adjusting a column width, row height, hiding /unhiding rows and columns, aligning a worksheet data. Number, currency, date formats.
5. Functions: Types of function in MS-Excel, Syntax, Mathematical function, logical function, date/time function. Function Wizard
6. Formula: Entering a formula, referencing technique, naming range, moving & copying formula.
7. Charts: Creating Charts, Components of a chart, types of a chart, using chart wizard. Moving and resizing charts, saving & retrieving charts.
8. Printing: Defining page layouts, setting header and footers, hiding gridlines, print preview, printing a worksheet.

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Module-6 (Internet)

1. Definition, Scope, History, Applications, services.
2. Getting Connected: Dial-up Connection, Direct & Dedicated connections.
3. World Wide Web: Meaning, Webpage, website, hyperlinks. Using web browsers. Domain name system & Address. TCP/IP Account (2 Lect.)
4. E-mailing: concept, Working, protocol, free email services.
5. HTML: Tags layout of HTML document, Creating HTML Document, Adding comment, Heading, color setting, inserting an image. Hyper link. (3 Lect.)

Module-7 (Networking system)

1. Concept of Networking: Meaning, Need, Types, Media.
2. Information System: Types of information, Levels, Quality, Components, functional areas.
3. Data Communication: Meaning, Elements, Modes, Speed, Mediums, Types of data transmission (2 Lect.)
4. Computer Networks: definition, Terminology, Technology (LAN, WAN, MAN etc.). Server, client. Work group, Host, System administrator. (2 lect.)
5. Network Applications: Topologies and their advantages, Role of Protocols, Communication Protocols.
6. Internetworks: Definition, Advantages, Popular Internetwork in India.

Books:

1. Introduction to computers, Peter Norton, TMH
2. Computer Fundamentals, P.K. Sinha, BPB
3. MS-Word 2003 complete reference.
4. MS-Excel 2003 complete reference.
5. MS-Access 2003 complete reference.
6. Internet-An Introduction, CISystems-TMHseries.
7. Computer Sciences, D.P. Nagpal, PHI
8. Internet- Every Thing You Need To Know, D.E. Comer, PHI
9. Comdex Computer Course Kit, Vikas Gupta, Dreamtech, N.Delhi

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Module I: Introduction to Economics

- Basic concept of Economics: Definition, Scope, Basic problems.
- Form of economic analysis: Macro Vs Micro economics, Normative Vs Positive economics, Static Vs Dynamic, Partial Vs General, and Long-run Vs Short-run.
- Free Enterprise: Capitalism, Socialism, Mixed Economy and Economic Planning.
- Economics offences and economic legislation.

Module II: Introduction to Microeconomics

- Theory of consumer behavior
- Theories of Demand- Demand function, Law of Demand.
- Concept of Utility and Utility theory- Utility Approach, Indifference Curve Approach.
- Law of Diminishing Marginal Utility and Equi-Marginal Utility.

Module III: Theory of Supply and Consumer Behaviour

- Law of Supply, Supply Function.
- Price determination, Shift of Demand and Supply.
- Elasticity of Demand and Supply.
- Applications of Demand and Supply- Tax floor and ceilings, Applications of Indifference curves-Tax, Labor and Work.
- Law of Consumer Surplus.

Module IV: Revenue & Market structure

- Revenue Concepts.
- Classification of Markets- Pure and Perfect Competition, Monopolistic, Imperfect Competition, Monopoly (Anti-Monopoly Law), Duopoly, Oligopoly and Cartels, Types of Horizontal Cartels, Market allocating Cartels and Price Fixing Cartels.
- Concept of Dumping- to be substantiated with the cases of International Court of Justice, Competition Law.

Module V: Introduction to Macroeconomics

- Interdependence of Micro and Macro Economics.
- Basic Concepts- Stock and Flows, National Products, Domestic Product, Aggregate Consumption
- Circular Flow of Income.
- National income, Real and Nominal GNP.
- Inflation-Demand Pull and Cost push, Inflation and Rate of Interest.

Module VI: Theory of money

- Function of Money, Classification, Supply and Demand for Money.
- Effects of Money on Output and Prices.
- Money Markets and Capital Markets.
- Inflation and Deflation.
- Concepts of Banking Sector: Bank rate, Cash Reserve Ratio(CRR), Statutory Liquidity Ratio(SLR)

Module VII: Introduction to Indian Economy

- Indian Economy: Structure and condition
- Trends of Population growth
- Post Independence economic policy in India (1991).
- Unemployment and Employment Generation Schemes in India.
- Poverty and Special study of Rural Poverty in India.

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Aims / Learning Objectives

1. Enable the students to use the language correctly and effectively.
2. Generate interest of student in English language.
3. Make the student write correctly in English language and help them to express their ideas.
4. Enrich their vocabulary
5. Train students in composition skills

Module- 1

M.C. Chagla: *Roses in December* : The following chapter

- (a) The Bar (Page 49 – 62)
- (b) The Bar (Page 63 – 74)

Module- 2

M.C. Chagla: *Roses in December* : The following chapter

- (a) Chief Justice (Page 147 – 158)
- (b) Chief Justice (Page 159 – 169)

Module- 3

M.C. Chagla: *Roses in December* : The following chapter

- (a) Chief Justice (Page 170 – 180)
- (b) Chief Justice (Page 180 – 189)

Module- 4

M.C. Chagla: *Roses in December* : The following chapters

- (a) International Court
- (b) Epilogue

Module- 5

Foreign words:

- (a) axiom, joie-de vivre, judicature, jussoli, suo jure, suo loco, ad absurdum, addendum, a deux, ad extremum, ad fin, ad infinitum, ad initium, bon jour, monsieur, en massé, en route, sans, vis-à-vis, post script, post meridian, ante meridian, milieu, haute couture, petite, plaza, summum bonum, synopsis, virtuoso
- (b) Essential of brief writing; to make a brief about the loss of vehicle

Module- 6

Vocabulary

- (a) Idioms
- (b) i. One Word Substitutions
ii. Prefixes/Suffixes, correction of verb

Module- 7

- (a) Report Writing
- (b) Letter writing (letter to Editor, resume writing)

Text Book

M.C. Chagla: *Roses in December* : Mumbai: Bhatrya Vidya Bhavan, 2000.

References

1. Thomson. A.J., and A.V. Martinet. A Practical English Grammar, New Delhi: OUP, 2005.
2. Best. Wilfred D. The Students Companion, New Delhi: Rupa & Co., 2005

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Right to Information

Paper 2.8

Maximum Marks: 50

This Course comprises of seven Modules of eight hours teaching duration. Each Module has been divided into two units again to be discussed in four hours in one week.

Module – 1

- (i) Constitutional validity, Objects and reasons of the Right to Information Act, 2005
- (ii) The Public Records Act, 1993
- (iii) Historical back ground of the movement for the Right to Information Act, 2005
- (iv) Preamble and Special features of the Right to Information Act, 2005
- (v) RTI and relation between Corruption and democracy
- (vi) Revelation of information in conflict with public Interest

Module – 2

- (i) Definitions
- (ii) Right to Information

Module – 3

- (i) Obligations of the public authority
- (ii) Designation of Public Information Officers
- (iii) Request for obtaining information under the Act

Module – 4

- (i) Disposal of request for obtaining information by Public Information Officers
- (ii) Exemption from disclosure of information
- (iii) Grounds for rejection to assess in certain cases
- (iv) Severability of information
- (v) Third party information

Module – 5

- (i) Constitution of Central Information Commission
- (ii) Term of office and conditions of service
- (iii) Power and Functions of Central Information Commission
- (iv) The Right to Information (Regulation of fee and cost) Rules, 2005

Module-6

- (i) Constitution of State Information Commission
- (ii) Term of office and conditions of service
- (iii) Power and Functions of State Information Commission
- (iv) The Central Information Commission (Appeal procedure) Rules, 2005

Module-7

- (i) The Rajasthan Guaranteed Delivery of Public Services Act, 2011

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Objectives

Foreign Policy and Diplomacy are the instruments which are used by various Nations to achieve their national interests in the International Relations, so the objective of this course is to create the awareness and impart the information about the emerging trends of International Relations, which are responsible for the changing international scenario particularly after the post-war period.

Module- 1

- (a) International Relations: Meaning, Nature and Scope
- (b) Emerging trends in International Relations

Module- 2

- (a) National Power : Meaning, Elements and limitations.
- (b) Theory of balance of Power, Collective Security system.

Module- 3

- (a) Foreign Policy: Meaning, determinants and significance.
- (b) Diplomacy : (i) Meaning and Nature
(ii) Relationship between Foreign policy and Diplomacy

Module- 4

- (a) Cold War : Meaning, Causes and impact on International Relations.
- (b) Détente, New Cold war and new détente, implications of the collapse of USSR

Module- 5

- (a) Decolonization: Causes, rise of third world and its impact on International Relations.
- (b) International Power structure : Bi-Polarity, Uni-Polarity, Multy-Polarity and steps towards Multy-Centralism.

Module- 6

- (a) Neo-colonialism : meaning and causes of its emergence.
- (b) Multi-national Corporations: meaning and role of MNCs in International Relations.

Module- 7

- (a) Relationship of India with US and Russia.
- (b) Relationship of India with China and Pakistan.

Reference Books

1. Norman D. Palmer and Howard C. Perkins – International Relations the world community in transition 1985
2. Raymond Aron – Peace and war a theory of International Relations
3. H.J. Morgantheau – Politics among Nations
4. J.C. Johari – International Politics
5. Prem Arora – International Relations and foreign policy

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Objectives of the Course

Consumer protective measures under Indian law have attained new legal and economic horizons in modern times. Consumer is victim of competitive social and economic forces prevailing in the society due to his technical ignorance, lack of time and weakness for competitive price. The law relating to consumer protection lying scattered in myriad provisions of various legislations and judicial decisions in India, so connected with the human rights for a healthy life and environment has now a core subject to be taught as an indispensable part of a socially relevant curriculum.

This syllabus with the above objective in view comprises of 7 units.

Module- 1

- (a) Consumer Protection – its necessity
 - i. Consumerism in India
 - ii. Need of Consumer Protection Act, 1986
 - iii. Objectives and scope of Consumer Protection Act, 1986
- (b) Consumer, the concept
 - i. Definition of consumer
 - ii. Position of third party beneficiary
 - iii. Voluntary and involuntary consumer
 - iv. When a person is not a consumer

Module- 2

- (a) Consumer of goods
 - i. Meaning of defects in goods
 - ii. Standards of purity, quality, quantity and potency
 - iii. Price control
 - iv. Statutes: food and drugs, engineering and electrical goods
- (b) Unfair trade practices
 - i. Misleading and false advertising
 - ii. Unsafe and hazardous products
 - iii. Bargain price
 - iv. Falsification of trademarks

Module- 3

- (a) Consumer Protection Councils
 - i. Constitution and procedure of central consumer protection council
 - ii. Constitution and procedure of state consumer protection council
 - iii. Consumer rights
- (b) Service
 - i. Deficiency-meaning
 - ii. service rendered free of charge
 - iii. Service under a contract of personal service

Module- 4

- (a) Medical service
 - i. How to determine negligence
 - ii. Patient is a consumer
 - iii. Denial of medical service: violation of human rights
- (b) Insurance
 - i. Controversy regarding insurance claim
 - ii. Insurance interest
 - iii. Insurance service
 - iv. Beneficiary of group insurance is consumer

Module- 5

- (a) Public Utilities
 - i. Supply of electricity
 - ii. Postal service
 - iii. Telephonic service
 - iv. Housing

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- (a) Redressal Mechanism
- i. Consumer dispute redressal agencies
 - ii. Jurisdiction of District Forum, the state commission and the national commission Part B Power to set aside ex parte order, transfer of cases circuit benches, finality of orders

Rule- 7

- (a) Enforcement of Consumer rights
- i. Execution of orders of district forum, state commission and the national commission
- (b)
- i. Judicial Review
 - ii. Public interest litigation
 - iii. Class action
 - iv. Administrative remedies

Suggested Judgments

1. Dr. Laxman Balkrishna Joshi v. Dr. Trimbak Bapu Godhbole and another, AIR 1969 SC 128
2. Dr. J.J. Merchant and others v. Shrinath Chaturvedi, AIR 2002 SC 2931
3. Indian Medical Association v. Shantha (1995) 6 SCC 243
4. Lucknow Development authority v. M.K. Gupta 1994(1) SCC 243
5. Laxmi Engineering works v. P.S.J. Industrial Institute 1995(2) CPJ 1(SC)
6. New India Assurance Company Ltd. v. D.N. Sainani, AIR 1997 SC 1938
7. State of Karnataka v. paramjit Singh and others ii (2006) SPJ6(SC)
8. Smt. Shashi Gupta v. LIC and another (1995) Suppl. (i) 1 SCC 754
9. Synco Industries v. State Bank of Bikaner and Jaipur 2002(3) CPR 105(SC)
10. Top line shoes ltd. v. Corporation bank, AIR 2002 SC 2487.

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Module- 1 (DOS/UNIX)

- (a) **Disk Operating System:** Introduction to operating system, How DOS works, Internal Commands: PROMPT, CLS, DATE, TIME, DIR, REN, DEL, MD, CD, RD, COPY, TYPE, VOL, VER, PATH. External Commands: XCOPY, DELTREE, FORMAT, CHKDSK, DISKCOPY, DISKCOMP, SCANDISK, TREE, APPEND, ATTRIB, LABEL, EDIT, DOSKEY.
- (b) **Unix Operating System:** Introduction, History, features, simple Unix commands.

Module- 2 (Page Maker)

- (a) **Introduction to page maker:** introduction, creating publications, setting up a new publication, opening editing and existing publication. Typing text moving a text block, page orientation
- (b) **Type menu :** applying a font, formatting and word processing, formatting characters, changing borders and applying fills, graphics and text blocks, wrapping text around graphics and drop down menus

Module- 3 (Excel)

- (a) **Electronic Spread sheet:** Definition, History, Terminology, Features, Application and Advantages. Basics of MS-Excel: Starting MS-Excel, Components, Workbook, Worksheet, online help. Creating a Workbook, Data Entry in a work book. Copying and moving data saving a work book. Saving and retrieving a work book.
- (b) **Editing:** Editing a cell, selecting range, deleting cell, column, row, worksheet. Renaming, moving, copying and moving a worksheet. Protecting a workbook.
- Formatting:** Adjusting a column width, row height, hiding /unhiding rows and columns, aligning a worksheet data. Number, currency, date formats.

Module- 4 (Excel)

- (a) **Functions:** Types of function in MS-Excel, Syntax, Mathematical function, logical function, date/time function. Function Wizard Formula: Entering a formula, referencing technique, naming range, moving & copying formula.
- (b) **Charts:** Creating Charts, Components of a chart, types of a chart, using chart wizard, Moving and resizing charts, saving & retrieving charts.
- Printing:** Defining page layouts, setting header and footers, hiding gridlines, print preview, printing a worksheet.

Module- 5 (Access)

- (a) i. **Database:** Definition, component, understanding RDBMS, basic object of a RDBMS.
- ii. **Creating Table:** Methods for creating table, setting datatypes, naming fields, entering records, saving, closing retrieving table. Adding validation in a table.
- (b) i. **Modifying a Table:** Rearranging fields, adding deleting, changing column width, editing record, selecting multiple fields, hiding/unhiding and freezing a field.
- ii. **Report:** Creating a report of table, query, designing a report, moving report to MS- word

Module- 6 (Multimedia)

- (a) **Multimedia :** What is multimedia, components (Text, graphics, Animation, Audio, video), Multimedia Applications : Multimedia Presentation, Foreign language learning, Video games. Special effects in movies, Multimedia conferencing, media center computer
- (b) **Topology :** introduction, star topology, Ring or circular Topology, tree topology, graph topology, mesh topology, Repeater, bridge, Router gateway

Module- 7 (Networking system)

- (a) **Concept of Networking:** What is a network, network goals, Types, Media. Data Communication: Meaning, Elements, Modes, Speed, Mediums, Types of data transmission
- (b) **Computer Networks:** definition, Terminology, Technology (LAN, WAN, MAN etc.), Server, client, Work group, Host, System administrator. Network Applications.

Suggested Readings:

1. Introduction to computers, Peter Norton, TMH
2. Computer Fundamentals, P.K.Sinha, BPB
3. MS-Excel 2003 complete reference.
4. MS-Access 2003 complete reference.
5. Internet-An Introduction, CISTems-TMHseries.
6. Computer Sciences, D.P.Nagpal, PHI
7. Internet- Every Thing You Need To Know, D.E. Comer, PHI
8. Comdex Computer Course Kit, Vikas Gupta, Dreamtech, N.Delhi

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Module-1. Money and Banking

- a) Indian Banking Structure
- b) The Central Bank of India (RBI)- functions and credit control policy (CRR, SLR, Repo rate, reverse repo rate)
- c) Commercial Banking- functions, organization and operation
- d) Banks v/s NBFIs, meaning and role of NBFIs
- e) Unorganized money market

Module-2. Macro Economics

- a) Problems in estimation of National Income
- b) Inflation- meaning and types of inflation
- c) Effects of inflation on the economy, measures to control inflation
- d) Deficit Financing- meaning and role in economic development
- e) Business cycle – meaning, phases and its features
- f) Concept of Consumer protection and unfair trade practices

Module-3. Principles of Public Finance

- a) Concept of public finance, public finance v/s private finance
- b) Tax system- meaning of taxation, canons of taxation
- c) Classification of taxes
- d) Fiscal policy- concept, objectives and instruments

Module-4. International Trade

- a) Meaning of free trade, arguments for and against free trade
- b) Protection- arguments for and against protection
- c) Foreign exchange- meaning and determination of foreign exchange rate
- d) Concept of Forward and spot exchange rate, hedging
- e) Fixed and flexible exchange rate

Module-5. Economic Reforms (A)

- a) New economic policy of 1991- key features
- b) Globalisation in India- Concept and growth, Advantages and disadvantages of globalization for a developing economy
- c) Foreign Aid- types and need for foreign aid
- d) Concept of FDI and FII, Advantages and disadvantages of FDI inflow,

Module-6. Economic Reforms (B)

- a) Reforms to strengthen Indian money market
- b) Reforms to strengthen Indian banking sector
- c) The role of public and private sector in the economy
- d) Concept of SMEs and their contribution in the economy

Module-7. Indian economy

- a) Concept of Financial inclusion and Micro financing
- b) Concept of poverty and poverty alleviation programmes in India
- c) Land reforms in India and commercialization of agriculture.

Suggested Readings:

1. Mishra and Puri: "Indian Economy"
2. H.L. Ahuja : "Macroeconomics"
3. Dr. Kalpana Satija: "Economics for Law Students"

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Aims / Learning Objectives

1. Enable the students to use the language correctly and effectively.
2. Develop the taste of students for the language.
3. Enrich their vocabulary.
4. Understand the proper use of words in various contexts. Develop the writing ability of the student.
5. Train students in composition skills.

Module- 1

Mulk Raj Anand : *Untouchable*

- (a) From beginning to the "touching" episode in the market
- (b) From beginning to the "touching" episode in the market (contd.)

Module- 2

Mulk Raj Anand : *Untouchable*

- (a) Bakha at Temple to Wedding of Ram Charan's sister
- (b) Bakha at Temple to Wedding of Ram Charan's sister (contd.)

Module- 3

Mulk Raj Anand : *Untouchable*

- (a) Havildar Charat Singh Episode to Colonel Hutchinson Episode
- (b) Havildar Charat Singh Episode to Colonel Hutchinson Episode (contd.)

Module- 4

Mulk Raj Anand : *Untouchable*

- (a) The Gole Bagh
- (b) The Gole Bagh (Contd.)

Module- 5

Selected College Poems : The following poems:

- (a) My Last Duchess
- (b) (1) La Belle Dame Sans Merci
(2) Night of the Scorpion

Module- 6

(a) Transformation of sentences :

- (1) To join two simple sentences to make a complex sentence
- (2) To join two simple sentences to make a compound sentence

- (b) Précis writing

Module- 7

(a) Translation & re-translation

- (b) (1) Essay writing
(2) Word building: Verbs from nouns

Text Books

1. Anand, Mulk Raj, *Untouchable*, New Delhi: Penguin Books, 2001
2. Sen Gupta, Ambika, ed, *Selected College Poems*, Orient Longman, 2001.

Reference Books

1. Thomson, A.J., and A.V. Martinet. *A Practical English Grammar*, New Delhi: OUP, 2005

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CONSTITUTIONAL LAW - I

Paper 3.14

Maximum Marks : 50

Aims and Objectives of the Course

India is a democracy and her Constitution embodies the basic principles of the democratic government how it comes into being what are its powers functions, responsibilities and obligations how power is in various organs distributed. Whatever had been the original power base of the Constitution, 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 pronouncement constitutional practice precedents and conventions is therefore, absolutely necessary for a student of law of study. He must also know the genesis, nature and special features and be aware of the social political and economic influence on the Constitution.

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

Judicial review is also one of the important aspect to 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 action is an insertion development of Indian constitutional law. The concept of secularism and federalism engraved in the constitution are to be interpreted progressively.

The following syllabus prepared with this perspective will comprise of about 7 units of 4 Hour each.

Module -1

- (a) i. Indian Constitution in the making
- ii. Nature and Special features of the Constitution.
- (b) Citizenship of India

Module -2

Equality and Social Justice

- (a) i. Equality before the law and equal protection of laws
- ii. Classification for differential treatment: constitutional validity
- (b). Justice to the weaker sections of society: scheduled castes, scheduled tribes and other backwards class, women and children.

Module - 3

- (a) i. Speech and expression
- ii. Media, press and information
- (b) i. Freedom of speech and contempt of court
- ii. Freedom of assembly

Module - 4

- (a) Right to life and personal liberty: meaning, scope and limitations
- (b) i. Rights of an accused-double jeopardy, self-incrimination and retroactive punishment
- ii. Preventive detention-constitutional policy

Module - 5

- (a) i. Concept of Secularism : historical perspective
- ii. Indian constitutional provisions relating Secularism
- (b) i. Freedom of religion and its scope
- ii. Religion and the State : its limitations and minority rights

Module - 6

- (a) i. Directive Principles-directions for social change-A new social order.
- ii. Fundamental Rights and Directive Principles, inter-relationship-judicial balancing.
- (b) i. Constitutional amendments-to strengthen Directive Principles.
- ii. Reading Directive Principles into Fundamental Rights.

Module - 7

- (a) i. Methods of Constitutional amendments
- ii. Limitations upon constitutional power of amendments
- (b) i. Development of the basic Structure : Doctrine
- ii. Judicial activism and its Restraint

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Judgments

1. S.R. Bommai v. UOI, AIR 1994 SC 1918
2. S.P. Gupta v. UOI, AIR 1982 SC 1991
3. Sunil Batra v. Delhi Administration
4. Keshvanand Bharti v. State of Kerala, AIR 1995 SC 2299
5. Minerva Mills Ltd. v. UOI, Air 1980 SC 1789
6. Hasinara Khatoon v. Home Secretary State of Bihar, 1979 SC 136
7. A.K. Gopalan State of Madras, AIR 1950 SC 27
8. Sachidanand v. Stae of West Bangal, AIR 1987 SC 1109
9. Rural Litigation and Entitlement Kendra v. State of UP
10. T.M.A. Pai Foundation v. State of Karnataka
11. M.C. Mehta v. UOI(1987) ISCC 395 AIR 1987 1086
12. Rudul Shah v. State of Bihar, AIR 1983 SC 1086
13. Bikunth nath v. C.D.M.O., AIR 1992 SC 1368
14. Indra Gandhi v. Raj Narain, AIR 1995 SC 2299
15. P&O Stream Navigation Co. v. UOI, AIR (1997) ISCC
16. People Union Civil Liberties v. UOI, AIR (1997)ISCC
17. Air India v. Nargesh Mirza, AIR 1981 SC 1829
18. Unnikrishnan v. State of A.P., AIR 1993 SC 2178
19. Indira Sawheny v. UOI, AIR 1993 SC 2178
20. Maneka Gandhi v. UOI, AIR 1978 SC 1789
21. I.R. Coolho (Dead) Through L.R.S. v. State of Tamil Naidu & ors. 2007 SC 137
22. Raja Ram Pal v. The Hon'ble Speaker Loksabha and Ors.
23. Kehar Singh v. State (1989)
24. Dhanjaya. Chaterjee v. State West Bengal, AIR 2004.

Recommended Books

1. Narinder Kumar 2006
2. Dr. J.N. Pandey 2006
3. Dr. D.D. Basu, Shorter Constitution of India
4. Dr. Seervai Constitution of India (1992) Vol. I/II/III
5. Dr. M.P. Singh (ed) V.N. Shukla

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Aims and Objectives

- To elaborate the basic concepts of the subject
- To make the learner know the relationship between Law and Sociology
- To interpret the procedures of formulation of Human grouping
- To get acquainted with the integrative and disintegrative social processes
- To understand the functioning and importance of social institutions

Module- 1

- (a) i. Sociology – Definitions and Importance
 ii. Scope of Sociology
 iii. Nature of Sociology
- (b) i. Methods in Sociology
 ii. Relationship between Law and Sociology

Module- 2

- (a) i. Norms – Definitions and Importance
 ii. Values – Definitions and Importance
 iii. Status – Meaning, Types and Importance
- (b) i. Role – Definitions, Types and Importance
 ii. Relationship between Role and Status

Module- 3

- (a) i. Social Groups – Meaning, Forms
 ii. Community – concept, Definitions and Importance
 iii. Association – Concept, Definition and Importance
- (b) i. Social Processes – Concept
 ii. Disintegrative Social Processes (Competition, Conflict)
 iii. Integrative Social Process (Accommodation, Assimilation, Adjustment)

Module- 4

- (a) i. Institutions – Definitions, Importance
 ii. Different types of Institutions (Social, Political and Economic)
- (b) i. Social Stratification – Meaning, Forms
 ii. Theories of Stratification – (Karl Marx / Davis Moore)

Module – 5

- (a) i. Social Control Concept, Importance
 ii. Formal Agencies of Social Control
 iii. Informal Agencies of Social Control
- (b) i. Social Change – Definitions, Features, Importance
 ii. Theories of Social Change
 iii. Pattern of Social Change

Module – 6

- (a) i. Socialization – meaning, Importance
 ii. Different Agencies for Socialization (Formal, Informal)
- (b) i. Culture – Meaning, Characteristic, Importance
 ii. Theory of Cultural Lag
 iii. Culture and Civilization

Module – 7

- (a) i. Customs – Meaning, Importance
 ii. Modes of Acquiring Customs (Language, Symbolic Interaction)
- (b) i. Problems and Perspectives of Linguistic Communities
 ii. Problems and Perspectives of Religious Communities
 iii. Role of Legislation

References

1. Johnsons. M. Turner (1960), *Sociology – A Systematic Introduction*, Allied Publishers Ltd., Delhi
2. *Unique Introduction to Sociology*, U.P.S.C. Publication, New Delhi
3. Ahuja Ram (1999), *Indian Social System*, Rawat Publishers, Jaipur
4. Ghurey G.S. (1999), *Caste and Race in India*, Popular Prakashan, Bombay
5. Singh, Yogendra, (2002), *Modernization of Indian Traditions*, Rawat Publishers, New Delhi
6. Haralambos, M. (1998), *Sociology – Themes and Perspective*, Oxford University Press, New Delhi
7. *Introduction to Sociology*, Spectrum Publishers, New Delhi
8. Thorpe Showick (2006), *The Pearsons Concise General Knowledge Manual*, Pearsons Education, New Delhi
9. Madan T.N. (2004), "India's Religion". Oxford University Press, New Delhi
10. Ellison N. Carolyn (2006), "Themes in Politics – Civil Society and Democracy" Oxford University Press, New Delhi

Aims and Objectives of the Course

Every society is governed by some contractual obligation and certain general Principles of Contract. Making of a Contract is now a day a Common Phenomenon. The subject will ensure better understanding about the subject. It will acquaint students with the conceptual and operational parameters of the contractual obligations. Specific Enforcement of the contract is also an important aspect of the law of contracts, so it has been introduced alongwith the general principles of the contract.

Module - 1

- (a) History and nature of Contractual Obligations
- (b) Formation of Contract: Proposal and Acceptance

Module - 2

- (a) Consideration
- (b) Capacity to Contract

Module - 3

- (a)
 - i. Coercion
 - ii. Undue Influence
 - iii. Misrepresentation
- (b)
 - i. Fraud
 - ii. Mistake

Module - 4

- (a) Void Agreements
- (b) Legality of Object and Consideration

Module - 5

- (a) Modes of discharge of contract
 - i. Performance
 - ii. Wagering Agreements
- (b)
 - i. Impossibility of Performance
 - ii. Anticipatory Breach

Module - 6

- (a) Quasi Contract
- (b)
 - i. Breach of Contract and Damages
 - ii. Measurement of Damages
 - iii. Standard form of Contracts

Module - 7**Specific Relief Act, 1963**

- (a)
 - i. Contracts which are specifically enforceable
 - ii. Contracts which are not specifically enforceable
 - iii. Injunction
- (b)
 - i. Rescission and Cancellation of Contract
 - ii. Discretion of Court

Judgments

1. Bhagwandas Goverdhan Dass Nadia v. M.S. Girdari Lal Parshottam Dass and Co., AIR 1956 SC 548
2. Khan Gul and Ors v. Lakha Singh, AIR 1928 SC Lahore 609
3. Sonia Bhatia v. State of U.P., AIR 1981 SC 1274
4. Gheru Lal Parakh v. Mahadeo Das, AIR 1959 SC 781
5. Satya Brata Ghosh v. Mugneeram Bangur and Co., AIR 1954 SC 44
6. Puran Lal Shah v. State of U.P., AIR 1971 SC 712
7. Patel Engineering Ltd. and Anr. v. National Highway Authority of India and Anr., AIR 2005 Del. 298
8. Shree Balaji Coal Linkers, U.P. v. Bharat Sanchar Nigam Ltd and Ors., AIR 2004 All. 141
9. Prentice Hall India Pvt. Ltd. v. Prentice Hall Inc. and Ors., AIR 2003 Del. 236
10. M/s Harayna Telcom Ltd. v. Union of India and Anr., AIR 2006 Del. 339

Suggested Readings :

1. Pollock and Mulla, Indian Contract Act and Specific Relief Act
2. Avtar Singh, Law of Contract
3. Beatesen (ed.), Anson's Law of Contract
4. G.C. Cheshire and H.S. Fifoot and M.P. Furmington, Law of Contract
5. Banerjee, S.C., Law of Specific Relief
6. Anand and Aiyer, Law of Specific Relief
7. Subha Rao, Law of Specific Relief

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Module- 1

- i The alphabet
- ii The accents
- iii Elision
- iv Liason
- v To spell one's name
- vi Numbers 1-10
- vii Subject Pronouns
- viii verbs : être and s'appeler
- ix To present oneself
- x Greet someone
- xi To take leave
- xii Understand a short dialogue [salutation]

Module- 2

- i Definite articles
- ii Nationalities and Professions
- iii Numbers 11 – 69
- iv verbs : avoir, habiter, apprendre
- v Understand short dialogues in which one talks about oneself [2]
- vi Filling up an official form

Module- 3

- i Indefinite articles
- ii Interrogation using "est-ce que...?" [oui / non]
- iii Negation
- iv Interrogation using "quel, où?"
- v Numbers after 70
- vi Understand short dialogues in which one present oneself [3]
- vii To ask someone to present himself

Module- 4

- i Possessive Adjectives [1]
- ii Verbs : aimer, adorer, préférer, detester [verbs ending -er]
- iii Hobbies [faire du / de la]
- iv Understand a short dialogues in which one talks about ones' likes and dislikes
- v To speak about ones likes and dislikes

Module- 5

- i Interrogation using "Qui, Qu'est-ce que? [C'est...]
- ii On = Nous
- iii Writing a short letter : starting and ending a letter
- iv Understanding a short letter giving information about oneself
- v To write a short letter informing about oneself

Module- 6

- i Months of the year, seasons, expressions with "avoir"
- ii Interrogation using "Quand"
- iii Verbs : aller, pouvoir, vouloir
- iv Making polite requests
- v Activities during vacations
- vi Recent past
- vii Near future
- viii Nouns [plurals]
- ix Understand / write a short letter talking about one's vacation

Module- 7

- i Pronom Tonique
- ii Telling / asking the time
- iii Making an appointment
- iv Verbs : venir, sortir, connaître, savoir
- v Inviting a friend
- vi Accepting / refusing an invitation

Objectives :To acquaint student with operational parameters of Banking law
To teach General Principals of Banking law

Module 1

History of Banking in India
Social control of the Banking companies
Licensing of Banking Companies

Module 2

Reserve Bank of India –Structure and Functions
Types of Banking Institution –Commercial Bank Regional Bank Rural Bank

Module 3

Promissionary Note Bills of Exchange Hundis Cheques Bank Draft
Dishonor of Cheques and criminal Liability on Dishonor of Cheques

Module 4

Banker and Customer relationship
Loans and Advances and Different Kinds of Accounts

Module 5

Securities for Bankers Loan
Guarantee pledge Lien Mortgage
Banking ombudsman

Module 6

Modern Aspect of Banking
Internet Banking ATM , RBI Guidelines for Internet Banking E- Commerce
Frauds In Banking Copying Hacking Fund Transfer Duplication Credit Card Abuse

Module 7

History of Micro Finance Micro Finance in India Microfinance and Social Intervention
Standard and Principals Role of Foreign Donors

Leading cases

- 1 Bharat Bank ltd vs Kashyap Industries
- 2 Uco Bank vs Hem Chandra Sarkar
- 3 Claytons case
- 4 Pramod Malhotra vs Union of India
- 5 Yuan –Kun –Yeu vs AG of Hong Kong

Suggested Readings

Banking Law
Banking Law
Banking Law

Advocate BDutta
RN Choudhary
CA Ketan M Bhatt

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Aims / Learning Objectives

1. Enable the students to use the language correctly and effectively.
2. Enrich their vocabulary.
3. Help students acquire the ability to speak effectively in English in real-life situations.
4. Develop the art of expression and train students in composition skills.
5. Enable the students to use the language correctly and effectively.

Module- 1

Shakespeare : *The Merchant of Venice*

- (a) Act I -(scene -1)
- (b) Act I -(scene - 2, 3)

Module- 2

Shakespeare : *The Merchant of Venice*

- (a) Act II -(scene 1-4)
- (b) Act II -(scene 5-9)

Module- 3

Shakespeare : *The Merchant of Venice*

- (a) Act III -(scene 1-2)
- (b) Act III -(scene 3-5)

Module- 4

Shakespeare : *The Merchant of Venice*

- (a) Act IV
- (b) Act V

Module- 5

Selected College Poems : The following poems:

- (a) The System
- (b) (1) Punishment in Kindergarten
(2) All the World's a Stage

Module- 6

- (a) Dialogue Writing
- (b) (1) Idioms and Phrases
(2) Words used as different parts of speech

Module- 7

- (a) Translation
- (b) Narration

Text Books

1. Shakespear, William, *The Merchant of Venice*
2. Sen Gupta, Ambika, ed, *Selected College Poems*, Orient Longman, 2001.

Reference Books

1. Thomson, A.J., and A.V. Martinet. *A Practical English Grammar*, New Delhi :OUP, 2005

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Goals and Objectives of the Course

India is a democracy and her Constitution embodies the basic principles of the democratic government how it comes into being what are its powers functions, responsibilities and obligations how power is in various organs distributed. Whatever had been the original power base of the Constitution, 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 pronouncement constitutional practice precedents and conventions is therefore, absolutely necessary for a student of law of study. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution.

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

Judicial review is also one of the important aspect to 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 action is an insertion development of Indian constitutional law. The concept of secularism and federalism engraved in the constitution are to be interpreted progressively.

The following syllabus prepared with this perspective will comprise of about 7 units of 4 Hour each.

Constitution, History and Development**Module -1**

- (a) i. Freedom of Trade/business
- ii. Emergency, meaning and scope
- (b) i. Proclamation of emergency-conditions and effect of emergency on Centre-state relations.
- ii. Emergency and suspension of fundamental rights

Module -2

- (a) i. President of India
- ii. Election, qualification, salary and impeachment
- (b) i. Power: legislative, executive and discretionary powers
- ii. Council of Ministers in union and states

Module -3

- (a) Prime Minister cabinet system-Collective Responsibility, individual responsibility.
- (b) i. Federalism-principles: comparative study
- ii. Indian Federalism: identification of federal features

Module -4

- (a) Legislative relation between union and states
- (b) i. Administrative Relations
- ii. Financial relations

Module -5

- (a) i. Governor and its role in States
- ii. Centers powers over the state-emergency
- (b) Challenges to Indian federalism

Module - 6

- (a) i. The Supreme Court
- ii. High Courts
- (b) i. Judges: appointment, removal, transfer and condition of service judicial independence
- ii. Judicial review: nature and scope

Module - 7

- (a) i. Freedom of Property: from fundamental right to constitutional right
- ii. Doctrine of pleasure (Art.310) of the constitution
- (b) i. Protection against arbitrary dismissal, removal, or reduction in rank - Art. 311 of the constitutional
- ii. Exceptions to Art. 311 of the constitution.

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Judgments

1. S.R. Bommai v. UOI, AIR 1994 SC 1918
2. S.P. Gupta v. UOI, AIR 1982 SC 1991
3. Sunil Batra v. Delhi Administration
4. Keshvanand Bharti v. State of Kerala, AIR 1995 SC 2299
5. Minerva Mills Ltd v. UOI, AIR 1980 SC 1789
6. Hasinara Khatoon v. Home Secretary State of Bihar, 1979 SC 136
7. A.K. Gopalan State of Madras, AIR 1950 SC 27
8. Sachidanand v. State of West Bengal, AIR 1987 SC 1109
9. Rural Litigatio and Entitlement Kendra v. State of U.P.
10. T.M.A. Pai Foundation v. State of Karnataka
11. M.C. Mehta v. UOI (1987) ISCC 395 AIR 1987 1086
12. Rudul Shah v. State of Bihar, AIR 1983 SC 1086
13. Bikunth nath v. C.D.M.O., AIR 1992 SC 1368
14. Indra Gandhi v. Raj Narain, AIR 1995 SC 2299
15. P & O Stream navigation Co v. Secy of State (1861) 5 HCR
16. People Union Civil Liberties v. UOI, AIR (1997) ISCC
17. Air India v. Nargesh Mirza, AIR 1981 SC 1829
18. Unnikrishnan v. UOI, AIR 1993 SC 2178
19. Indira Sawheny v. UOI Air 1993 SC 1789
20. Maneka Gandhi v. UOI, AIR 1978 SC 1789
21. I.R. Coolho (Dead) Through L.R.S. v. State of Tamil Naidu & ors, 2007 SC 137
22. Raja Ram Pal v. The Hon'ble Speaker Loksabha and Ors
23. Kehar Singh v. State (1989)
24. Dhanjaya Chaterjee v. State West Bengal, AIR 2004

Recommended Books

1. Dr. Narender Kumar 2006
2. Dr. J.N. Pandey 2006
3. Dr. D.D. Basu, Shorter Constitution of Indian
4. Dr. Seervai Constitution of India (1992) Vol. I/II/III
5. Dr. M.P. Singh (ed) V.N. Shukla

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Module I

(a) Scientific research: characteristics, types and methods

- i. Scientific Research and Scientific Methods in conduction research
- ii. Aims and steps in scientific research
- iii. Scientific and normative research
- iv. Value and value free research

(b). Developing Research Skills

- i. Writing research proposal—Steps
- ii. Review of Literature – Guidelines for evaluating Review of Literature
- iii. Writing Bibliography and citation of case laws

Module 2

Formulation of research problem and Developing Research Questions

- (a) I. Components in research and selection of research topic
 - ii. Sources of selecting research problem
 - iii. Precaution in selecting research problem
- (b) i. formulation of research questions or hypothesis
 - ii. Nature and criteria of a hypothesis
 - iii. Sources and Types of hypothesis
 - iv. Importance of hypothesis in research

Module 3

Designing of research

- (a) i. Meaning and functions of research design
 - ii. Types of research design: descriptive, explanatory and exploratory
- (b) i. meaning and purposes of sampling
 - ii. Criteria of good sample and key terms
 - iii. Types of sampling - Probability and Non probability

Module 4

Skills and Methods of Collecting Data

- (a) i. Meaning and definition of scientific data
 - ii. Types and sources and data—primary and secondary data
- (b) i. Methods of data collection:
Questionnaire,
Interview,
Observation and,
Case study method

Module 5

Data Analysis and Interpretation and Generalization

- (a) i Use and Significance of Computers in Sociological Research
 - ii. Measurement of central tendency— Mean, Mode and Median
- (b) i. Data Interpretation and inferencing
 - ii. Generalization

Module 6

- (a) Co relationship of theory and research—Merton, Karl Marx and Durkhiem
- (b) Formulation of new principle

Module 7

- (a) Documentation
 - i. Bibliography
 - ii. Citation of Case Laws
- (b) Präsentation of report/thesis

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References

1. Andrews Richard: Research Questions, Continuum, UK, 2005.
2. Bell J.: Doing Your Research Project, Open University Press, Buckingham, 1999.
3. Bryman Alan: Social Research Methods, Oxford 2001
4. Babbie Earl: The Practice of Social Research, Wordsworth, 2001..
5. Levin, Jack: Elementary Statistics in Social Research, New York, Harper and Row Publishers.
6. Kothari, C.R.: Research Methodology-Methods and Techniques, New Delhi: Wishwa Prakashan
7. Bailey, Kenneth D.: Methods in Social Research, New York: MacMillan Publishing Co..
8. Nachmias David & Nachmias Chava: Research Methods in the Social Sciences. New York. St. Martin's Press, 1981.
9. Sanders. Willam, B. & Pinhey Thomas K.: The Conduct of Social Research, New York, CBS College Publishing.

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Aims and Objectives of the Course

The Subject is introduced for understanding and appreciating the Basic essentials of a valid contract. It will provide understanding of the contractual relationship in various instances. The subject is emphasizing on the intricacies of the Contract concerned. It provides an insight in to the justification for the statutory provisions for certain kinds of the Contract.

Module - 1

Indian Contract Act

- (a) Indemnity and Guarantee
- (b) Bailment

Module - 2

- (a) i. Pledge
ii. Government as a Contracting Party
- (b) Agency

Module - 3

Sale of Goods Act, 1930

- (a) Concept of Sale and Agreement to sell
- (b) Implied Conditions and Warranties

Module - 4

- (a) Transfer of Title and Property
- (b) Performance of Contract

Module - 5

- (a) i. Rights of Unpaid Seller
ii. Suit for Breach of Contract
- (b) Indian Partnership Act, 1932
Nature and Definition

Module - 6

- (a) Relationship of Partners Interse, Registration of Firm
- (b) Relationship of Partners with Third Party

Module - 7

- (a) Incoming and Outgoing Partners
- (b) Dissolution of Firm

Judgments

1. Maharashtra State Electricity Board v. Official Liquidator, AIR 1988 SC 1497
2. Bank of Bihar v. State of Bihar, AIR 1971 SC 1210
3. P.S.N.S.A.C. and Co. v. Express Newspapers, AIR 1968 SC 741
4. Collector of Customs v. Pednekar and Co., AIR 1978 SC 1408
5. Vijaya Bank and Ors. V. Naveen Mechanised Construction Ltd., AIR 2004 Bom. 362
6. Veer Prabhu Marketing Ltd. and Ors. V. State of Maharashtra
7. Veer Prabhu Marketing Ltd and Ors. V. State of Maharashtra
8. Suresh Kumar Rajinder Kumar v. K. Assan Koya and Sons, AIR 1990 AP 20
9. Jute Distributors v. Sushil Kumar Gupta, AIR 1974 Ca. 386
10. M/s Devi Dayal Sales Pvt. Ltd. v. National Supply Corp. and Ors., AIR 2006 Cal. 301
11. Shivagodia Ravjit Patel v. Chander Kant Neelkanth Sadalgo, AIR 1965 SC 212
12. Narayanappa v. Bharkara Krishnappa, AIR 1966 SC 1300

Suggested Readings

1. Pollock and Mulla, Law of Contract
2. Avtar Singh, Law of Contract
3. G.C. Cheshire and H.S. Fifoot and M.P. Furmston, Law of Contract
4. Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase
5. J.P. Verma (ed.), The Law of Partnership in India
6. H.K. Saharay, Indian Partnership and Sales of Goods Act
7. Ramnanga, The Sales of Goods Act
8. A.G. Guest (ed.), Benjamin's Sale of Goods
9. Avtar Singh, Law of Partnership

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Module- 1

- i Alimentation
- ii Interrogation using "Combien?"
- iii Expression of quantity [countable, uncountable]
- iv Article partitif
- v Verbs : manger, prendre, boire
- vi Direct object pronouns
- vii "en" [replacing quantity]
- viii Understand a conversation in a shop / restaurant
- ix To order a meal in a restaurant / to make purchases in shop

Module- 2

- i Imperative
- ii Places in a city and genders of countries
- iii L'article contracté
- iv Locational prepositions
- v Pronoun y
- vi Verbs : plaire, offrir, voir
- vii To ask for / to give directions
- viii To describe a place / city

Module- 3

- i Rooms of a house,
- ii Adjectives of colour
- iii Adjectives of possession [2]
- iv quelq'un, quelque chose, personne, rien
- v Expression of obligation and necessity [verbs : falloir, devoir]
- vi Demonstrative adjectives
- vii Describe a residence

Module- 4

- i Past tense
- ii il y a , avant [marquers temporels]
- iii Indirect Pronouns
- iv Ne...que
- v Understand / describe an event in the past

Module- 5

- i Comparisons
- ii Relative pronouns [qui, que, où]
- iii Members of the family
- iv Pronominal verbes
- v Depuis, Pendant... other marquers temporels
- vi Pourquoi ? pour / Parceque
- vii Describing daily activities

Module- 6

- i Interrogation using inversion
- ii Adjectives [of character/ physique]
- iii Describe a person
- iv ne plus, jamais
- v Expression of one's opinion
- vi Express ones' opinion on a subject

Module- 7

- i Future tense
- ii Understanding / talking about the future [eg weather forecast]
- iii Subjunctive present
- iv Expressing one's wishes

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Public Interest Lawyering

Module-I

- A- I. Public Interest Litigation: It's origin and meaning
 II. Scope and nature and object of public interest litigation
- B- I. Difference between public interest litigation and private interest litigation
 II. Doctrine of Locus Standi

Module-II

- A- I. Judicial Activism. It's emergence
 II. Judicial activism and Public Interest Litigation in changing societal needs
- B- I. Judicial process and procedure in writ jurisdiction and public interest litigation

Module-III

- A- Dynamics and trades of public interest litigation in India:-
 I. Right to life
 II. Right of accused and prisoners
 III. Bonded labour
- B- I. Woman and children
 II. Right to education
 III. Ecological balance

Module-IV

- A- Problems of practice of Public Interest Litigation in India
 I. Effective implementation of public interest litigation decision
 II. The need for clarity, certainty and efficacy in public interest litigation adjudication
- B- Regulation of public interest litigation

Module-V

- A- Legal Service and legal education in India concept and functionalities
 B- Para legal service in India

Module-VI

- A- I. Legal Services under the
 i. Constitution
 ii. Code of criminal procedure
 iii. Code of civil procedure
 II. The Legal Service Authorities Act 1987, Legal Aid and Legal Profession
- B- Lok Adalts- Jurisdiction working and powers under the Legal Services Authorities Act 1987

Module-VII

- A- Writing of public interest litigation
 B- Writing of application for legal aid

Leading cases

1. Bandhua Mukti Morcha v. Union of India (1984) 3 SCC 161
2. Olga Tellis v. Bombay Municipal Corporation (1985) SCC 545
3. Sheela Barse v. State of Maharashtra, AIR 1988 SC 378
4. M.C. Mehta v. Union of Indian (2000_ 5 SCC 525
5. Nilabati Bahera v. State of Orissa, AIR 1993 SC 1960
6. Peoples Union for Civil Liberties v. Union of India (1997) 3 SCC 433
7. Vishakha v. State of Rajasthan, AIR 1997 SC 241

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Aims and Objectives:

The objective lies in opportunity for lawyers to bring theory and life into focus as it concerns human thought in relation to society. The course aims at developing an analytical approach to understand the nature of law and working of a legal system. The objective is to acquaint the students with contemporary concepts and trends in legal theory. Those concepts and methods of analysis of law which persons – the judges, lawyers and jurists encounters in the course of their work are introduced.

Module – 1

- i. Meaning, Definition, Nature and Scope of Jurisprudence.
- ii. Legal Theory and Jurisprudence.
- iii. Sources of Jurisprudence
(customs, legislations, precedents)

Module – 2

- i. Natural School of Law
(Greek, Medieval, Modern Classical era, Reaction against positivism)
- ii. Analytical School of Jurisprudence.
(Bentham, Austin, H L A Hart)

Module- 3

- i. Kelson's Pure Theory of Law and its criticism
- ii. Historical School of Jurisprudence
(Savigny, Puchta, Henry Maine)

Module- 4

- i. Sociological School of Jurisprudence
(Rescound, Ihering, Dnguit)
- ii. Realist School of Jurisprudence
(Lewellyn, Karl, J N Frank, Oliverconna, Alf Ross)

Module- 5

- i. Rights and Duties
- ii. Property

Module- 6

- i. Possession
- ii. Ownership

Module- 7

- i. Liability
- i. Obligation

CASE LAWS :

1. Maneka Gandhi v. U.O.I., AIR 1978 SC 597
2. Keshawananda Bharti v. State of Kerala, AIR 1973 SC 1461
3. Hussainarra Khatoon v. State of Bihar, AIR 1979 SC 1360
4. Olega Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180
5. Ram Jawaya Kapoor v. State of Punjab, AIR 1955 SC 549
6. Mohd. Ahmed Khan v. Shah Bano Begum, AIR 1985 SC 945
7. People's Union for Democratic Rights v. U.O.I., AIR 1982 SC 1473
8. Permanand Katata v. U.O.I., AIR 1989 SC 2039
9. Bachan Singh v. State of Punjab, AIR 1980 SC 898
10. State of Madras v. Champakam Dorajan, AIR 1951 SC 228

Selection Bibliography:

1. Bodenheimer, Jurisprudence – The Philosophy and Method of Law
2. Dias, Jurisprudence- Aditya Books (N.D.)
3. Dhyani, S.N. Jurisprudence- Fundamentals of Jurisprudence
4. Mahajan, V.D. Jurisprudence and Legal Theory

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Objectives of Course:

Trust being an obligation connected with property, the law has to play a key role in protecting interests of persons for whose benefit trust is created and for balancing the right and duties of persons connected with trust transactions. There are also instances where even in the absence of specific trust, law has to protect the beneficial interests of persons on the equitable considerations. Trust may also be created for public purposes of charitable and religious nature. The existing laws in respect of trusts, equitable and fiduciary relations connected with property are to be taught in detail.

Module- 1

- (a) i. The concept and evolution of Equity in Roman law
ii. Equity in Common Law
- (B) i. Equity in India and its application in land matters
ii. Modern application of equity

Module- 2

- (a) i. Concept of equitable remedies
ii. Equitable remedies of :-
- Specific performance
 - Equitable estoppels
 - Equitable rectifications
 - Cancellations
- (b) Various kinds of Injunctions

Module- 3

- (a) i. concept of trust and distinction from agency
ii. Development of trust law – common law and equity
- (b) i. Creation i.e. rules and kinds of trust
ii. Resulting trust
iii. Charitable and non charitable trusts

Module- 4

- (a) i. Law relating to trustees in India
ii. Appointment
iii. Removal
- (b) i. Right of trustees
ii. Duties of trustees

Module- 5

- (a) i. Power of trustees
ii. Disabilities of trustees
iii. Trustee's liability for breach of trust
- (b) i. Defense available to trustees against an allegation of breach
ii. Discharge of trustees

Module- 6

- (a) i. Rights of beneficiaries
(b) ii. Liabilities of beneficiaries

Module- 7**Constructive Trust: The Equitable & Fiduciary Relations**

- (a) i. Transfer without intent to dispose beneficial interest
ii. The Cypres doctrine
iii. Property acquired with notice of existing contract
- (b) i. Possession of property without whole beneficial interest
ii. Duties of constructive trustees
iii. Rights of bona fide purchaser

Referred Books

1. Rao C.R., The Indian Trust Act and Allied Laws (1999)
2. Rajarathnam, Natarajan and Thanksraj, commentary on Charitable Trust and Religious institutions (2000) Universal, Delhi
3. Philip H. Pettit, Equity and Law of Trust (1970)
4. R.E. Megarry and P.V. Baker, Snell's Principles of Equity (1964) ELBS. Sweet and Maxwell
5. S. Krishnamurty Aiyar and Harbans Lal Swin, Principles and Digest of Trust Laws (1998), University Book Agency, Allahabad

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Objectives 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 laws based upon religious 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.

Module - 1

- (a) Application of Hindu Law
- i. Who are Hindus
 - ii. Followers of Jainism, Sikhism and Buddhism
 - iii. Hindus by declaration, Birth
 - iv. Converts and reconverts to Hinduism
- (b)
- i. when one or both parents are Hindus
 - ii. Persons who are not Muslims, Christians, Parsis or Jews by Religion Schedule Tribe

Module - 2

- (a) Concept of Marriage
- i. Hindu Marriage a Sacrament or Contract
 - ii. Marriage under Hindu Marriage Act, 1955.
 - iii. Forms of Marriage
- (b)
- i. Capacity to Marry : Mental Capacity : Age
 - ii. Ceremonies of Marriage
 - iii. Guardianship in Marriage
 - iv. Intercaste & Inter religious Marriages
 - v. Marriages between Hindus and Non Hindus

Module - 3

- (a)
- i. Sapinda Relationship and Degree of Prohibited Relationship
 - ii. Bigamy : should bigamy be permitted in some limited cases
- (b)
- i. Matrimonial Remedies
 - ii. nullity of Marriages
 - iii. Option of Puberty
 - iv. Restitution of Conjugal Rights
 - v. Judicial Separation

Module - 4

- (a)
- i. Divorce : Desertion, Cruelty, Adultery & other grounds for Matrimonial Relief
 - ii. Wife's Special grounds for Divorce
- (b)
- i. Divorce by Mutual Consent
 - ii. Theories of Divorce : Guilt Theory, Consent Theory, Irretrievable Breakdown of Marriage Theory of Divorce

Module - 5

- (a)
- i. Bars to Matrimonial Relief
 - ii. Doctrine of Strict Proof
- (b)
- i. Taking Advantage of one's own wrong
 - ii. Accessory
 - iii. Connivance
 - iv. Condonation
 - v. Collusion
 - vi. Delay
 - vii. Other legal Grounds, Reconciliation

Module - 6**Muslim Marriage**

- (a)
- i. Concept of Marriage
 - ii. Capacity to Marry
 - iii. Kinds of Marriage
- (b)
- i. Classification of Marriages
 - ii. Shahih Marriage
 - iii. Batil Marriage
 - iv. Fasid Marriage
 - v. Guardianship in Marriage
 - vi. Essential Validity

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- (a) i. Mahr
ii. Specified & Proper
iii. Dower as Debt : Its nature and enforcement
- (b) i. Divorce
ii. Express Talaq
iii. Implied & Contingent Talaq
iv. Delegated Talaq
v. Formalities of Talaq
vi. Talaq at the Instance of Wife

Case Laws:

1. Bhaurao v. State of Maharashtra, AIR 1965 SC 1564
2. Mahendra v. Sushila, AIR 1965 SC 364
3. Shamim Ara v. State of U.P., 2002(4) RCR Civil 340
4. Kailashwati v. Ayodhya Prakash, 1977 PLR 216
5. M.M. Malhotra v. UOI & others, AIR 2006 SC 80
6. Seema v. Ashwani Kumar, AIR 2006 SC 1159
7. Vinita Saxena v. Pankaj Pandit, AIR 2006 SC 1662
8. Naveen Kohli v. Neelu Kohli, AIR 2006 SC 1676
9. Mohd. Ahmed Khan v. Shah Bano Begum, AIR 1985 SC 945
10. Daiel Latifi v. UOI, 2001 (7) SC 40

Reference :

1. Paras Diwan, Hindu Law (1985)
2. Paras Diwan, Muslim Law
3. Mulla, Muslim Law
4. Fyze, Outlines of Muslim Law
5. Tahir Mahmood, Hindu Law
6. Jaspal Singh, Law of Marriage and Divorce in India
7. N.D. Basu, Law of Succession

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Module - 1

The Industrial Disputes Act, 1947

- (a) Historical Development of Industrial Disputes, Legislation in India.
- (b) Object, scope and reasons
- (c) Definition of important terms.

Module - 2

- (a) Various modes of Settlement of disputes under I.D. Act, 1947
- (b) Voluntary Arbitration and compulsory Adjudication

Module - 3

- (a) Strike and Lock-out
- (b) Lay off and Retrenchment

Module - 4

The Trade Union Act, 1926

- (a) (i) Definitions
- (ii) Registration of Trade Unions
- (b) (i) Rights and Liabilities of Registered Trade Unions.
- (ii) Recognition of Trade Unions

Module - 5

The Minimum Wages Act, 1948

- (a) (i) Concept of Wage.
- (ii) Minimum, Fair and Living Wages
- (b) Fixation and revision of minimum wages

Module - 6

Maternity Benefits Act, 1961

- (a) Nature of benefits, eligibility, other privileges available
- (b) Portraiture, Role of Inspectors.

Module - 7

The Payment of Bonus Act, 1965

- (a) Concept and basis for the Calculation of Bonus
- (b) Eligibility and disqualification for Bonus.

Suggested Readings

1. Vaid K.N. : Labour Welfare in India
2. Kothari G.L. : Wages Dearness Allowances and Bonus
3. Chopra D.S. : Payment of Bonus Act, 1965
4. Misra S.N. Labour and Industrial Laws
5. Srivastava K.D. : Commentary on Industrial Disputes Act, 1947
6. Srivastava K.D. : Commentary on Minimum Wages Act, 1948
7. Srivastava K.D. : Commentary on Trade Union Act, 1926
8. Seth D.D. : Commentary on Industrial Disputes Act, 1948
9. O.P. Malhotra : The Law of Industrial Disputes
10. O.P. Malhotra : Law of Industrial Disputes
11. Bagri - Industrial Disputes Act.
12. Pair : labour Law in India.

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Aims and Objectives:

Industrialization plays a very vital role in the economic development India. In the post independence era, the 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 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 risks. Hence, taking recourse to the device of incorporation is the only efficacious way to surmount on such hurdles.

This course comprises of seven units of eight hour duration. Each unit is further divided into two parts

Module – 1

Definition Evolution and Nature of company

- (i) Advantages of Incorporation.
- (ii) Disadvantages of Incorporation.

Module – 2

(a) Registration and Incorporation

- (i) Pre-incorporation Contracts.
- (ii) Kinds of Companies

(b) Conversion of private company into public company and public company into private company.

Module – 3

(a) Memorandum of Association

- (b) Name clause
- (c) Registered office clause
- (d) Object clause - necessity

Module – 4

(a) Doctrine of Ultravires

- (b) Consequences of Ultravires Transactions
- (c) Articles of Association and relationship between Article of Association and Memorandum of Association

Module – 5

(a) Binding force of Articles of Association

- (b) Alteration of Article of Association.
- (c) Constructive notice of memorandum of Association and Articles of Association

Module – 6

(a) Doctrine of Indoor Management

- (b) Exception to Doctrine of Indoor Management

Module – 7

(a) Prospectus – Definition

- (b) Statement in lieu of Prospectus
- (c) Remedies for misrepresentation in prospectus

Judgments

1. Corporation of India v. Escorts Ltd. (1986) comp. cas. 548
2. New horizons ltd another v. Union of India (1995) comp.L.J. 100(SC)
3. Lakshmanaswami Mudaliar v. HC, AIR 1963 SC 1185
4. Raymonds synthetics ltd. v. Union of India (1992) 73 comp. cas. 762 (SC)
5. ICICI ltd v. Srinivas agencies (1996) (2) SCALE 774 (SC)
6. Union of India v. Shalimar works ltd. (1987) comp.cas. 664
7. Bajaj Auto ltd. v. N.K. Firodia & ors, AIR 1971 SC 321
8. Unity company v. Diamond suger mills, AIR 1971
9. M/s. Madhusudan Goverdhan Das and Company v. Madhav Wollen Industries Ltd., AIR 1971 SC 2690
10. Shanti Prasad Jain v. Kalinga Tubes LTD, AIR 1965 SC 1535

Suggested Readings

1. S.M. Shan : Lectures on Company Law, N.M. Tripathi, Mumbai
2. Avtar Singh : Company Law, Eastern Book Co., Lucknow
3. Taxmans : Company Law and Practice.
4. A.Ramaiya : Guide to Companies at, Wedhwa
5. S.M. Shaw : Lectures on Company Law, Tripathi, Mumbai
6. Topham and Lvamy: Company Law, Butterworth
7. L.C B. Gower : Principles of Modern Company Law. Sweet and Maxwell, London
8. Palmer Pliers Company Law. Stevens London

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Module- 1

The Role of Forensic Sciences in Criminal and Civil Cases:

- (a) The basic question in investigation -- Qui Bono; the scene of crime; discovery of traces of physical evidence classification and reference to classified record.
- (b) Systematization and classification of physical evidence and comparison with suspected material; the principles of exchange; the principles of heredity, Taxonomy, etc.

Module- 2

(a) The Establishment of Identity of Individuals :

Branding, tattooing, Mutilating, Scars, and Moles Bartillon system : photography; fingerprints; ridge characteristics; proscopy.

(b) The Establishment of Partial Identity of Individuals :

Footprints; hair, skin; blood grouping; physical peculiarities.

Module- 3

(a) The Establishment of the Identity of Physical Objects by Shape and Size:

Identifying marks and impressions made by physical objects; shoe prints; type and tread marks; die and tool marks; upure or fracture marks.

(b) The Establishment of the Identity of Physical Objects by Physical and Chemical Analysis:

Paints; coloured objects; metals; alloys; Chain and the earthen wares; cements; plaster; bricks; dusts, soil; minerals; plastics.

Module- 4

Questioned Documents and the Identification of Handwriting:

- (a) Paper, its types and identification; inks; pencils and writing tools; handwriting habit and flow; disguised writing; comparison and points of identity; sample;
- (b) Various type of forgery and their detection; additions; erasures alterations; seals; rubberstamps. type-writing; printing; blocks.

Module- 5

The Identification of Fire-Arms and Cartridges and Related Problems:

- (a) Types of fire-arms and their use; time and range of firing;
- (b) Identification of a fire-arm with a cartridge case and bullet;

Module- 6

Injuries to Persons:

- (a) Evidentiary value of details of injuries; traces left by the weapon used; its range and direction; danger to clothing worn by the victim and related problems.
- (b) The flow of blood from injuries; the shape and directions of blood drops and their evidentiary value, the discovery of blood and semen stains on various objects; accidental deaths and suicides.

Module- 7

(a) Miscellaneous Forensic Science Methods:

Restoration of numbers; examination of the walking picture of footprints; clothing; cooper wire, prices of wood etc.

(b) Evidentiary value of Physical Evidence as Evaluated a Forensic Sciences Laboratory viz. Evidence:

Findings of scientific methods of investigation; DNA, Narco analysis Brain mapping and lie Detector Tests

References :

1. Gour, A.N. : Fire Arms, Forensic Ballistics, Forensic Chemistry and Criminal Jurisprudence.
2. Lucas A. : Forensic Chemistry and Scientific Criminal Investigation.
3. Lundquist, F. : Methods of Forensic Science (Vol. 1)
4. Moreland, N : Science in Crime detection illustrated.
5. Kaul; Narco Analysis, Brain Mapping and Lie Detector Tests.

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Module - 1:

- a) Sources of Law, Custom as a source of Law
- b) Precedent as a source of Law

Module - 2:

- a) Legislation as a source of Law
- b) Other sources of Law

Module - 3:

- a) Legal Rights and Duties

Module - 4:

- a) Ownership
- b) Possession

Module - 5:

- a) Legal Personality
- b) Property

Module - 6:

- a) Liability
- b) Title

Module - 7:

- a) Obligation
- b) The Administration of Justice - Theories and forms of Punishment

Case Laws:

Hussainara Khatoon v. State of Bihar [AIR 1979 SC 360]
Keshavanand Bharti v. State of Kerala [AIR 1973 SC 1461]
Maneka Gandhi v. Union of India [AIR 1973 SC 597]

Reference Books:

Dias, Jurisprudence, Aditya Books (ND)
Dhyani, S.N., Fundamentals of Jurisprudence
Mahajan, V.D., Jurisprudence and Legal Theory
Paranjape, Dr. N.V., Studies in Jurisprudence and Legal Theory

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Module - 1

- (i) Different Parts of Statutes
- (ii) Classification of Statutes
- (iii) Interpretation and Construction
- (iv) Literal Interpretation
- (v) Mischief Rule of Interpretation
- (vi) The Golden Rule of Interpretation
- (vii) Harmonious Construction

Module - 2

- (i) The Statute should be read as a hole
- (ii) Construction *ut res magis valeat quam pereat*
- (iii) Identical expressions to have same meaning
- (iv) Construction *noscitur a sociis*
- (v) Construction *eiusdem generis*

Module - 3

- (i) Construction *expressio unius est exclusio alterius*
- (ii) Construction *contemporanea expositio est fortissima in lege*
- (iii) Beneficial construction
- (iv) Strict construction of penal statutes
- (v) Strict constructions of taxing (fiscal) statutes

Module - 4

- (i) Interpretation of statutes in *pari materia*
- (ii) Interpretation of amending statutes
- (iii) Interpretation of consolidating statutes
- (iv) Interpretation of codifying statutes
- (v) Mandatory and directory enactments
- (vi) Conjunctive and disjunctive enactments

Module - 5

- (i) Internal aids to interpretation
- (ii) External aids to interpretation
- (iii) Presumptions regarding jurisdiction
- (iv) Commencement of legislation
- (v) Repeal of legislation
- (vi) Revival of legislation
- (vii) Retrospective operation statutes

Module - 6

Interpretation of the Constitution

- (i) Principle of implied powers
- (ii) Principle of incidental and ancillary powers
- (iii) Principle of implied prohibition
- (iv) Principle of occupied field
- (v) Principle of pith and substance
- (vi) Principle of colourable legislation
- (vii) Principle of territorial nexus
- (viii) Principle of severability
- (ix) Principle of prospective over ruling
- (x) Principle of eclipse

Module - 7

- (i) **Principles of legislation**
 - Principle of utility (Chapter-I)
 - The Ascetic Principle (Chapter-II)
 - The Arbitrary Principle (or the principle of sympathy and antipathy) (Chapter-III)
 - Different kinds of Pleasures and Pains (Chapter-VI)
- (ii) **Principles of the Civil Code – Objects of the Civil Law**
 - Rights and obligations (chapter-I)
 - Ends of Civil Law (Chapter-II)
- (iii) **Principles of the Penal Code**
 - Classification of offences : subdivision of offences and some other divisions (Chapter-II & II)
 - Punishments which ought not to be inflicted (Chapter-I)
 - Proportion between offences and punishments (Chapter-II)
 - The kinds of punishments (Chapter-VII)

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Module – 1

Child and the Family

- (a) i. Legitimacy
- ii. Adoption
- (b) i. Custody, Maintenance and Education
- ii. Guardianship and Parental rights. Welfare of the child principle

Module – 2

Inheritance

- (a) i. Succession to Property of a Hindu male dying intestate under the provisions of HAS 1956
- ii. Succession to property of Hindu Female dying intestate Disqualification relating to succession
- (b) i. General rules of Succession & exclusion from Succession
- ii. Heirs and their shares and distribution of Property

Module – 3

Joint Family & Coparcenary

- (a) i. Mitakshara Joint family
- ii. Mitakshara Coparcenary – formation & incidents
- iii. Property under Mitakshara law-Separate Property and Coparcenary property
- (b) i. Dayabhaga Coparcenary –Formation & incidents
- ii. Property under Daybhaga law

Module – 4

- (a) i. Partition and reunion
- ii. Property Jointly Acquired by Coparceners
- iii. Income of hereditary Profession
- iv. Property thrown into Common stock and blended property
- (b) Karta of Joint Family-his position, powers, privilege and obligations

Module – 5

- (a) i. Alienation of Property
- ii. Separate Property
- iii. Coparcenary Property
- (b) i. Debts-Doctrines of Pious Obligations
- ii. Antecedent debt

Module – 6

- (a) i. Alimony & Maintenance
- ii. Maintenance as a Personal obligation
- iii. Neglected Wives, Divorced Wives
- (b) i. Quantum of Maintenance
- ii. Arrears of Maintenance
- iii. Maintenance as a charge on property
- iv. Alternation of the amount of Maintenance
- v. Alimony & Maintenance as an Ancillary relief

Module – 7


- (a) Maintenance of neglected wives, divorced wives, minor children, disabled children and parents who are unable to support themselves under the code of Criminal Procedure 1973
- (b) Special Marriage Act: Who and how a person can marry under the Act.
Right to Property to people who marry under special Marriage Act.

Case Laws

1. K.V. Narayana v. K.V. Ranganathan, AIR 1976 SC 1715
2. Commissioner of Wealth Tax v. Chandersen, AIR 1986 SC 1754
3. Raghavamma v. Chanchamma, AIR 1964 SC 136
4. Balmukund v. Kamlawati, AIR 2006 SC 3282
5. Anar Devi & others v. Parmeshwari Devi & others, AIR 2006 SC 3332
6. M/s Bay Berry Apartments Pvt. Ltd. & Anr v. Shobha & ors, AIR 2007 SC 226
7. Gurupad v. Hirabai, AIR 1978 SC 1239
8. Ritu Dutta & Anr v. Subhendu Dutta, AIR 2006 SC 189
9. Sharad Subramanyam v. Saumi Mazumdar & Ors, AIR 2006 SC 1993
10. Bhogadi Kannababu & Ors v. Vuggina Pydamma, AIR 2006 SC 2403

Reference

1. Paras Diwan, Hindu Law (1985)
2. Paras Diwan, Muslim Law
3. Mulla, Muslim Law
4. Fyzee, Outlines of Muslim Law
5. Tahir Mahood, Hindu Law
6. Jaspal Singh, Law of Marriage and Divorce in India
7. N D. Basu, Law of Succession


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LABOUR LAW - II

Paper 6.34

Maximum Marks : 50

Module - 1

Concept and Philosophy of Labour Welfare

- (a) Theories of Labour Welfare
- (b) Role of Labour Welfare Officers and Trade Unions

Module - 2

The Child Labour Prohibition and Registration Act, 1986

- (a) Definitions
- (b) Prohibition of Employment of Children in certain occupations and processes.

Module - 3

The Factories Act, 1948

- (a) (i) Definition and concept of factory
(ii) Manufacturing process
- (b) Provisions relating to health, safety and labour welfare

Module - 4

- (a) Working hour's leaves and Holidays under F.A., 1948
- (b) Protection to Women and Children

Module - 5

The Payment of Wages Act, 1936

- (a) Definitions
- (b) Payment of Wages and deductions from wages.

Module - 6

International Labour Organisation

- (a) Aims, Objectives, origin and development
- (b) Constitution and organs

Module - 7

Ratification of I.L.O. Convention by India, reasons of non ratification

Suggested Readings :

1. Misra S.N. : Labour and Industrial Law
2. Srivastava K.D. : Commentary on Factories Act, 1948
3. Dhyan S.N. : I.L.O. and India.
4. Chopra D.S. : Payment of Wages Act
5. Report of National Commission Labour
6. K.A. Vaid : Labour Welfare in India
7. Moorthy : Principles of Labour Welfare.
8. Johnson : I.L.O.

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Aims and Objectives:

Industrialisation plays a very vital role in the economic development India. In the post independence era, the 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 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 risks. Hence taking recourse to the device of incorporation is the only efficacious way to surmount on such hurdles.

This course comprises of seven units of eight hour duration. Each unit is further divided into two parts.

Module - 1

- (a) Shares :
 - (i) Allotment of Shares
 - (ii) Transfer of shares
- (b) Call, forfeiture, surrender of shares

Module - 2

- (a) Debentures
- (b) Kinds of debentures

Module - 3

- (a) Directors
 - (i) Position
 - (ii) Appointment
 - (iii) Removal

Module - 4

- (a) Powers of Directors
- (b) Duties of Directors

Module - 5

- (a) Meetings
 - (i) Statutory meeting
 - (ii) Annual General meeting
 - (iii) Extraordinary General meeting
 - (iv) Procedure and requisite of a valid meeting
- (b) Majority powers and Minority Rights.
 - (i) Fule in Foss v. Harbotile
 - (ii) Exceptions

Module - 6

- (a) Prevention of oppression
- (b) Prevention of Micromanagement

Module - 7

- (a) Winding up of companies
 - (i) By Court
 - (ii) Voluntary Winding up
 - Members' voluntary winding of
 - Creditors voluntary winding of

Judgments

1. Corporation of India v. Escorts Ltd. (1986) comp. cas. 548
2. New horizons ltd another v. Union of India (1995) comp.L.J. 100(SC)
3. Lakshmanaswami Mudaliar v. HC, AIR 1963 SC 1185
4. Raymonds synthetics ltd. v. Union of India (1992) 73 comp. cas. 762 (SC)
5. ICICI ltd v. Srinivas agencies (1996) (2) SCALE 774 (SC)
6. Union of India v. Shalimar works ltd. (1987) comp.cas. 664
7. Bajaj Auto ltd. v. N.K. Firodia & ors, AIR 1971 SC 321
8. Unity company v. Diamond suger mills, AIR 1971
9. M/s. Madhusudan Goverdhan Das and Company v. Madhav Wollen Industries Ltd., AIR 1971 SC 2600
10. Shanti Prasad Jain v. Kalinga Tubes LTD, AIR 1965 SC 1535

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Suggested Readings

1. S.M. Shan : Lectures on Company Law, N.M. Tripathi, Mumbai
2. Avtar Singh : Company Law, Eastern Book Co., Lucknow
3. Taxmans : Company Law and Practice.
4. A.Ramaiya : Guide to Companies at, Weelwa
5. S.M. Shaw : Lectures on Company Law, Tripathi, Mumbai
6. Topham and Lvanly: Company Law, Butterworth
7. L.C.B. Gower : Principles of Modern Company Law, Sweet and Maxwell, London
8. Palmer : Plmers Company Law, Stevans London

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Medical jurisprudence and toxicology is a very important subject and it has extensive application in daily crime investigation and the lowest to the highest court of law of the land in the dispensation of justice.

So this syllabus of Medical Jurisprudence is divided in 7 units.

Module -1

1. Definition and scope of Medical Jurisprudence, medical ethics.
2. Examination of body fluid- blood, semen, saliva, sweats etc.

Module -2

1. Parts of human body,
2. Human injuries –
 - (i) mechanical- blunt, sharp-edged, pointed sharp edged, firearm,
 - (ii) thermal- heat,
 - (iii) Regional Injuries
 - (iv) physical- electric, lightening, radiation
 - (v) legal- simple, grievous,

Module -3

1. Death and its modes, Medico-legal aspects,
2. Post mortem examination – aims and objectives

Module- 4

Post mortem changes-

1. Earliest changes, Post mortem staining, rigor mortis,
2. Cadaveric spasm, putrefaction, mummification, adipocere formation,

Module -5

Death due to asphyxia-

1. Hanging, strangulation,
2. Suffocation, drowning,

Module -6

Toxicology- classification of poisons,

1. Corrosives- strong acids and alkalies,
2. Irritant – Inorganic, Organic, Mechanical,
3. Systemic-cerebral, spinal cord, cardio-vascular system,
4. Miscellaneous,

Module-7

1. Decomposed bodies and other legal aspects,
2. Exhumation and governing rules,

Suggested readings

1. Modi's Medical Jurisprudence and toxicology
2. Dr. B. V. Subrahmanayam's Medical Jurisprudence and toxicology
3. Dr. R.M. Jhala and V.B. Raju's Medical Jurisprudence
4. Principles of Forensic medicine including toxicology by Dr. Apurba Nandy
5. Parikh's textbook of medical jurisprudence , forensic medicine and toxicology
6. Forensic science in criminal investigation and trials by Dr. B.R. Sharma

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Law of Property

Paper 7.37

Maximum Marks : 50

Objectives of the Course

Possession of property is considered a highly prestigious asset of a family. The law relating to transfer of immovable property must be understood in minute details as the complexities of law with regard to transfer of property must be necessarily be understood by the students of law. Any derivative transfer may give rise to a new series of crimes arising out of the holding of property. The prevalent system of various types of mortgages and various other encumbrances on the property should necessarily be understood by the student of law. With the regulation of rent laws of the urban property it is considered that the transfer of immovable property by way of lease has been modified in different states but the theme of regulation of transfer is still controlled by Transfer of Property Act, 1882. The study of Transfer of Property Act 1882 would make the student to understand the significance of property law in different jurisdiction.

Module - 1

- (a) i. Concept and meaning of property
- ii. Kinds of property movable property, immovable property, tangible intangible property
- (b) i. Intellectual property copyright patents and designs and trademarks
- ii. Law relating to registration of documents affecting property relations
- iii. Documents of which registration is compulsory.

Module - 2

- (a) i. Transfer of Property Act 1882; Object, Scope and Scheme
- ii. Immovable Property, Concept of Property, Kinds
- (b) i. Attestation, Notice
- ii. Actionable Claim

Module - 3

- (a) i. Transfer of Property. What may be Transferred, Persons competent to transfer, Operation of transfer. Oral transfer.
- ii. Conditions restraining Alienation, enjoyment, Transfer for the benefit of unborn person
- (b) i. Direction for accumulation, vested and contingent interest
- ii. conditional Transfers. Condition precedent, condition subsequent and collateral conditions

Module - 4

- (a) i. Doctrine of Election
- ii. Doctrine of *lis pendens*
- (b) i. Fraudulent Transfer
- ii. Doctrine of part performance

Module - 5

- (a) i. Sale Definition, right and duties of seller and buyer
- ii. Lease definition, Duration, lease making
- iii. Right and liabilities of lessor and lessee, Determination of lease
- (b) i. Waiver of forfeiture, Waiver of notice to quit, Relief against forfeiture for non-payment of rent and in certain other cases.
- ii. Effect of holding over, exemption of leases for agriculture purposes.

Module - 6

- (a) i. Mortgage, Its kinds, Mortgage when to by assurance.
- ii. Right and liabilities of mortgagor and mortgagee
- (b) i. Marshalling, contribution and Charge
- ii. Person who may sue for redemption, Subrogation

Module - 7

- (a) i. Gift; definition, suspension or revocation, onerous gift.
- ii. Easement; definition, types
- (b) i. Creation, Suspension, Revival
- ii. Licenses Creation, suspension, transfer and revocation

Leading Cases

1. R.K. Kempraj v. Burton Sons & Co., AIR SC 1872
2. Om Prakash v. Prakash Chand, AIR 1992 SC 885
3. Nathu Lal v. Phool Chand, AIR 1970 SC 546
4. Bhrmham Prakash v. Manbir Singh, AIR 1963 SC 1607
5. Cheriyan Sosamma and Others v. Sundaressan Pillai, AIR 1999 SC 947
6. Ramamurthy Subudhi v. Gopinath, AIR 1968 SC 919
7. Vishwa Nath v. Ramraj and Others, AIR 1991 All. 193
8. Rajbir Kaur v. S. Chokosiri and Co., AIR 1988 SC 1845

Bibliography

1. Mulla, Transfer of Property Act (1999) Universal, Delhi
2. Subbarao, Transfer of Property Act (1994), C. Subbiah Chetty, Madaras
3. V.P. Sarathy, Transfer of Property (1995), Eastern, Locknow
4. S.N. Shukla Transfer of Property Act, Allahabad Law Agency, Allahabad

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This Course comprises of seven Modules of eight hour teaching duration. Each Module has been divided in to units again to be discussed in four hours in one week.

Module-1

- (i) Inventions and Patents
- (ii) Origin and development of Patent Law in India

Module-2

- (i) Inventions not patentable
- (ii) Applications for Patents
- (iii) International arrangements

Module-3

- (i) Publication and Examination of applications
- (ii) Opposition proceedings to grant of Patents

Module-4

- (i) Anticipation of previous publication
- (ii) Secrecy of certain inventions

Module-5

- (i) Grant of Patents
- (ii) Right of Patentees
- (iii) Term of Patent
- (iv) Suits concerning infringement of Patents

Module-6

- (i) Patents of additions
- (ii) Amendment of applications and specifications
- (iii) Restoration of lapse Patents
- (iv) Surrender and revocation of Patents
- (v) Patent Agents
- (vi) Penalties under Patents Act

Module-7

- (i) Patent Office
- (ii) Register of Patents
- (iii) Working of Patents, Compulsory licenses and revocation
- (iv) Use of inventions by Central Govt.

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Objectives of the Course

Control of government for ensuring the exercise of public power according to the constitution and the rule of law is the function of administrative law. The scope of this law is as broad and involved as the extent of government itself. This course will examine the history of this branch of law, its nature, scope and functions, the nature and control of delegated power including the rule making, the regulation of administrative direction and principles of administrative adjudication. The subject will be handled in a comparative perspective wherever desired.

Module - 1

- (a) Evolution, Nature and Scope of Administrative Law:
 - i. From a Laissez- Faire to a social welfare state;
 - ii. Administrative law, Scope of - Administration and Administration Law;
 - iii. Classification of Administrative Action.
- (b) Administrative Law, Scope of - Contd-
 - i. Rule of Law and Administrative Law;
 - ii. Constitutional Background of Administrative Law;
 - iii. Some Representative definitions of Administrative Law;
 - iv. Relationship between Administrative Law and Constitutional Law.

Module - 2

- (a) Evolution of Administration as the fourth branch of Government-
 - i. Necessity for Separation of Powers and Delegation of Power on administration
 - ii. Separation of powers;
 - iii. Delegation of legislative power-
 - iv. Constitutionality of delegated legislation -- Powers of exclusion and inclusion and the power to modify the statute.
- (b) Delegation of powers - contd:
 - i. Subordinate, Conditional and delegated Legislation;
 - ii. What delegation is permissible, what functions cannot be delegated by the legislature. the power to remove difficulties;
 - iii. Requirements for the validity of delegated legislation and legislative control of delegated legislation.
 - iv. Publication of delegated legislation; laying procedures and their efficacy.

Module - 3

- (a) Delegated Legislation contd:
 - i. Judicial control of delegated legislation;
 - ii. Sub-Delegation of legislative powers
- (b) Administrative Tribunals and other adjudicating authorities:
 - i. Their ad-hoc character.
 - ii. Tribunals-need, nature, constitution, jurisdiction and procedures;
 - iii. Jurisdiction of administrative and other authorities

Module - 4

- (a) Administrative Functions and Control:
 - i. Distinction between quasi-judicial and administrative functions
 - ii. Rules of natural justice
 - iii. Reasoned decisions
- (b)
 - i. Institutional decisions
 - ii. Administrative Appeals

Module - 5

- (a) Judicial Control:
 - i. Judicial control of Administrative action;
 - ii. Exhaustion of administrative remedies;
 - iii. Standing: Standing for Public interest litigation (social action litigation) collusion, bias.
- (b)
 - i. Laches, Res Judicata
 - ii. Jurisdictional error/ultra vires-
 - 1) Abuse and non exercise of jurisdiction;
 - 2) Error apparent on the face of the record;
 - iii. Violation of principles of natural justice;
 - iv. Unreasonableness.

Module - 6

- (a) Remedies in judicial review:
 - i. Statutory appeals;
 - ii. Writs.
- (b)
 - i. Declaratory judgments and injunctions
 - ii. Specific performance and civil suits for compensation

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- (a) Administrative Discretion:
 - i. Need for administrative discretion;
 - ii. Administrative discretion and rule of law;
 - iii. Limitations on the exercise of discretion;
 - iv. Constitutional imperatives and use of discretionary authority;
 - v. Irrelevant considerations;
 - vi. Non-exercise of discretionary power.
- (b) Informal methods of settlement of disputes and grievance redressal procedures:
 - i. Conciliation and mediation through social action groups;
 - ii. use of media, lobbying and public participation;
 - iii. public inquires and commissions of inquiry;
 - iv. Ombudsman: Lok Pal and Lok Ayukta;
 - v. Vigilance Commission

Referred Case Laws:

1. Asif hameed v. State of J&K, AIR 1989 SC 1899
2. Ram Jawaya Kapoor v. State of Punjab., AIR 1955 SC 549
3. In re Delhi Laws Act, AIR 1951 SC 332
4. Lachmi Narayan v. Union of India, AIR 1992 SC 1848: (1992) 4 SCC 28
5. A.K. Kraipak v. Union of India, AIR 1970 SC 150
6. Amar nath Choudhary v. Braitfwaite & Co. Ltd. (2002) 2 SCC 290: AIR 2002 SC 1260
7. Bharat Petroleum Corpn. Ltd. v. Maharashtra General Kamgar Union (1999) 1 SCC 626
8. Maneka Gandhi v. Union of India (1978) 1 SCC 248
9. H.L. Trehan v. Union of India (1989) 1 SCC 764
10. S.N. Mukherjee v. Union of India (1990) 4 SCC 594: AIR 1990 SC 1984
11. State of U.P. v. Harendra Arora (2001) 6 SCC 392
12. Indian Rly. Construction Co. Ltd. v. Ajay Kumar (2003) 4SCC 579
13. Dwarka Prasad Laxmi Narain v. State of U.P. (1954) SCR 803
14. A.N. Parasuraman v. State of Tamil Nadu, AIR 1990 SC 40
15. Shri Lekha Vidhyaathi v. State of U.P., AIR 1991 SC 537
16. G. Sadananadan v. State of Kerala, AIR 2001 SC 343: (2001) 2SCC590
17. Express Newspapers (Pvt)Ltd. v. Union of India, AIR 1986 SC 872
18. State of Bombay v. K.P. Krishnan (1961) ISCR 227: AIR 1960 SC 1233
19. Shri Ram Sugar Industries Ltd. v. State of A.P. (1974) 1 SCC 534: AIR 1974 SC 1745
20. T.K. Rangarajan v. Govt. of Tamil nadu, AIR 2003 SC 3032
21. Surya Dev Rai v. Ram Chander Rai, AIR 2003 SC 3044
22. S.P. Gupta v. President of India, AIR 1982 SC 149 (Locus Standi)
23. Syed Yakoob v. K.S. Radha Krishna (1964) 5 SCR 64: AIR 1964 SC 477
24. Anadi Mukta Sadguru S.M.V.S.S. J.M.S. Trust v. V.R. Rudani (1989) 2 SCC 691: AIR 1989 SC 1607
25. Common Cause v. Union of India, AIR 2003 SC 4493 (No mandamus for the exercise of discretionary power)
26. Rupa Ashok Hurra v. Ashok Hurra, AIR 2002 SC 1771
27. India Jai Singh v. Registrar, 2003(4) SCALE 643
28. Chandra Kumar v. Union of India, AIR 1997 SC 1125

Bibliography

1. C.K. Allen, law and orders (1985)
2. D.D. Basu, Comparative Administrative law (1998)
3. Wade, Administrative law (Seventh Edition, Indian Print 1997), Universal, Delhi

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Aims and objectives :

To make students aware of law governing human conduct in global world.

Module - 1

- (a) i. Nature and scope of international law
- ii. Definition, Significance and difference between private and public International law
- (b) i. Sources of International law
- ii. Subjects of International law
- iii. Means of Acquisition of territory

Module - 2

Concepts of International Law

- i. Relationship between municipal law and International law
- ii. Concept of Nationality and Treatment of Aliens

Module - 3

- i. Recognition of States
- ii. Asylum, Extradition

Module - 4

- i. Intervention
- ii. Diplomatic agents

Module - 5

- i. Law of the seas, Territorial water, Contiguous Zone, continental Shelf, Exclusive Economic Zone, High Seas
- ii. Disarmament

Module - 6

- i. War
- ii. Pacific and Compulsive means of Settlement of disputes
- iii. Rules of Warfare

Module - 7

- (b) i. Neutrality
- ii. War Crimes

Books referred

1. International Law and Human Rights, Dr. S.K. Kapoor
2. International Law and Human Rights, M.P. Tandon and Dr. V.K. Anand
3. International Law, Dr. Gurdip Singh

Cases referred

1. Harbajan Singh v. Union of India, AIR 1987 SC 9
2. Century Twenty one (P) Ltd. v. Union of India, AIR 1987 Delhi p. 124
3. Daya Singh Lahoria v. Union of India, AIR 2001 SC p. 1716
4. Earth builders v. State of Maharashtra, AIR 1997 Bombay p. 148
5. Sagarmull Agarwala v. Union of India, AIR 1980 Sikkim p. 22
6. Mobarak Ali Ahmad v. State of Bombay AIR 1957 SC p. 857
7. Sugandha Roy v. Union of India, AIR 1983 Calcutta p. 468

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Themes and objectives :

Crimes take place in almost all societies. Therefore, almost every country has criminal laws. Criminal law of a country must contain the substantive criminal law, the procedural criminal law and law relating to evidence. The basic core substantive criminal law in India is contained in the Indian Penal Code, 1860. The procedural criminal law is in the form of Code of Criminal Procedure, 1973 and the evidence law has been codified in the Indian Evidence Act, 1872. It is necessary for the students of law to know these laws. The Indian Penal Code, 1860 has been divided under two parts – Criminal Law-I and Criminal Law-II which deal with general principles and specific offences respectively and are part of the syllabus of Seventh and Eight semesters in that order.

Module – 1

1. Nature and definition of crime
2. Crime and offence
3. Crime and Tort
4. Criminal Law and Criminal Science
5. Principle of criminal liability – Et actus non facit reum nisi mens sit rea. Applicability of this principle to India.
6. Burden of proof on the prosecution – presumption of innocence of accused
7. Interpretation of Penal Statutes
8. Theories of Punishment – Retributive, Expiatory, Deterrent, Preventive and Reformative.
9. Protection in respect of conviction for offences (Article 20, Constitution of India)
10. Protection against arrest and detention in certain cases (Article 22, Constitution of India)

Module – 2

1. Title and extent of operation of the Indian Penal Code (Section 1)
2. Territorial jurisdiction (Sections 2, 3, 4)
3. Certain Laws not to be affected by the Indian Penal Code (Section 5)
4. General explanations (Sections 6 to 52-A, Except section 34 to 38 which are part of Module 7)
5. Punishments (Sections 53, 54, 55, 55-A, 57, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75)

Module – 3

1. Stages of crime – (1) mental, (2) preparation, (3) attempt and (4) completion
2. Mental stage generally not punishable
3. Preparation generally not punishable. But when is a preparation punishable ?
4. Inchoate crime – Meaning and contents
5. Attempt – (1) Impossible, (2) Possible
6. Impossible attempt – Impossible attempt to body offence generally not punishable but impossible attempt to property offences generally punishable.
7. Possible attempt – mainly sections 307 and 309. Possible attempt generally punishable
8. Constitutionality of attempt of commit suicide section 309

Module – 4

Abetment and Abettor (Mainly sections 107, 108, 108-A, 111, 113, 305 306, 109 and 114)

Module – 5

General exceptions (Sections 76, 79, 84, 85, 86, 96, to 106)

Module – 6

General exceptions (Sections 77, 78, 80, 81, 82, 83, 87, 88, 89, 90, 91, 92, 93, 94, 95)

Module – 7

1. Joint liability, constructive liability, vicarious liability (Sections 34, 35, 36, 37, 38, 141, 142, 143, 145, 146, 147, 148, 149, 153-A, 153-B, 159, 160)
2. Criminal Conspiracy (Sections 120-A, 120-B). Difference between criminal conspiracy and abetment by conspiracy

Important decided Cases:

1. R.S. Nayak v. A.R. Antulay AIR 1984 SC 684
2. Ranjan Rai v. State of Bihar 2006 CrLJ 163 (SC)
3. Dalip Singh v. State AIR 1993 SC 2119
4. Shrikant Anandrao Bhosale v. State of Maharashtra 2002 CrLJ 4356 (SC)
5. Guljara Singh v. State 1971 CrLJ 498 (SC)
6. Munshi Ram v. Delhi Administration AIR 1968 SC 702
7. State (NCT of Delhi) v. Navjot Sandhu 2005 CrLJ 3950 (SC)
8. Bhimrao v. State of Maharashtra 2003 CrLJ 1204 (SC)
9. Kallu v. State of Madhya Pradesh 2006 CrLJ 799 (SC)
10. Gyan Kaur v. State of Punjab JT (1996) 3 SC 339

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Suggested Readings:

- 1. Hari Singh Gour - Penal Law of India
- 2. Ratan Lal & Dhiraj Lal : The Indian Penal Code
- 3. Prof. T. Bhattacharyya : The Indian Penal Code
- 4. Prof. S.N. Misra : The Indian Penal Code
- 5. P.S. Pillai : Criminal Law
- 6. K.N.C. Pillai : General Principles of Criminal Law
- 7. K.D. Gaur : A Text Book on the Penal Code

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Goals and Objectives of the Course

The power to tax is an incident of sovereignty; and since the Constitution of India is the supreme law of the land, all other laws, including the Income-tax Act, are subordinate to the Constitution and must be read and interpreted in the light of the constitutional provisions. In *India Cement Ltd. v. State of Tamil Nadu*, a seven-judge Bench of the Supreme Court observed that the Constitution is the mechanism under which the laws are to be made and not merely an Act which declares what the law is to be one of the most important provisions of the Constitution relating to taxation is art 265, which provides: No tax shall be levied or collected except by authority of law. Therefore, not only the levy but also the collection of a tax must be under the authority of some law. Law means law enacted by a competent legislature and cannot include an executive order, or a rule without express statutory authority, or a custom. Thus, any act of the state that seeks to impose a tax without legislative authority will be void.

The following syllabi prepared with this perspective in view comprise of about 7 units of 4 hours each

Income Tax Act 1961

1. Concepts and Definition:-
 - i. Certain Important Definition
 - ii. Basis of Charge
 - iii. Residence of Assessee
2. Computation of Total Income (Part-A)
 - i. Salaries
 - ii. Income from House Property
 - iii. Income from other Source
3. Computation of Total Income (Part – B)
 - i. Profits & gains from Business or Profession
 - ii. Capital Gain
4. Clubbing & Aggregation of Income
5. Set off or Carry forward and set off
6. Exemption / Deductions:
 - i. Exempted Income
 - ii. Deduction from total income
 - iii. Deduction in respect of payments
 - iv. Deduction in respect of certain income
7. Procedure for assessment:
 - i. Filing of return
 - ii. Assessment and Re-assessment
 - iii. Rectification of mistake
 - iv. Appeals and Revision
8. *Travanco Tea estate co. Ltd. v. Commissioner of income tax* ITR 154 (1985)
9. *Sutlej Cotton Mills Ltd appellant Commissioner of income tax (vc) to ITR 1991*
10. *Hindustan Steel Ltd. v. State of Orisa* 25 S T C 211 (SC)
11. Income tax appeal 585 of 2005 (O.M.) *Ashok Kumar Gupta v. Commissioner of income tax*
12. Income tax act (2006) 31 Rep 166 ITAT Amritsar *Chitty Co. operative society Pathankot income tax officers ward I Pathankot*
13. ITA/185/2006 DATED 18.8.2006 *Commissioner of Income Tax v. Glocom Incomplete Ltd.*

Books Recommended

1. Gupta. RR- Income Tax and Practice
2. Kanga & Palkiwala – The Law and Practice of Income Tax
3. Income Tax Act – A.K. Saxena (English & Hindi).

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Land Acquisition Law & Rajasthan Rent Law

Paper : 8.43

Maximum Marks 50

Module 1- Rajasthan Tenancy Act, 1955

Preliminary: object and reason, Definition- Agriculture year, Agriculture, Agriculturalist, Crops, Estate, Estate holder, Grove-land, Holding, Improvement, Khudkasht, land, land cultivated personally, Land holder, Pasture land, Rent, Revenue, Sayar, Tenant, Nalbat, Classes of Tenants, Primary Right of Tenant, Surrender, Abandonment and Extinction.

Module 2-Rajasthan Tenancy Act, 1955

Determination and modification of Rent, Payment and recovery of rent, Ejectment of Tenants, Remedies for Wrongful Ejectment of tenants. Question of proprietary rights in Revenue court, Question of tenancy Right in civil court

Module 3-Rajasthan Revenue Act, 1956

The Board of Revenue, Revenue Courts and Officers, Appeal, Reference, Revision and Review, Survey, records of right, Maintenance of maps and record, annual register

Module 4-Rajasthan Revenue Act, 1956

Settlement operation, rent rates, collection of revenue

Module 5-Rajasthan Rent Control Act, 2001

Preliminary: object and reasons, Definition-Amenities, Landlord, Premises, Tenant, Revision of rent, limited period tenancy, eviction of tenants, right of landlord to recover immediate possession in certain cases, restoration of possession of illegally evicted tenant and procedure there of.

Module 6-Rajasthan Rent Control Act, 2001

Constitution of tribunals, procedure for revision of rent and eviction, Appeal and Execution Amenities.

Module 7-Land Acquisition Law

Preliminary: object and reason, Definition: affected family, agriculture land, cost of acquisition, displaced family, infrastructure project, marginal farmer, market value, person interested, public purpose, and resettlement area. Determination of social impact and public purpose, special provision to safeguard food security. Notification and Acquisition, Rehabilitation and Resettlement Award and procedure relating to it. Procedure relating to land acquisition, rehabilitation and resettlement authority, apportionment and payment of compensation.

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Objectives of the course

A major concern of law is dispute resolution. Familiarization with the modalities of resolution of conflict is a necessary component in the efforts of developing expertise in judicial exercise. The traditional justice delivery system through adjudication by the court had already given way to a large extent to many alternative modes of dispute resolution in the common law countries. The study of ADR is highly significant in molding the student of law to act as soldiers of justice. The course aims to give the student an insight into the processes of arbitration, conciliation and mediations in areas where the traditional judicial system had its way in the past and in the new areas of conflicts that demand resolution by alternative methods. The course has to be taught with comparative and international prospective with a view to bringing out the essential awareness of the national and international systems of resolving the disputes.

Module - 1

- (a) i. Meaning of dispute. Necessity of Dispute Resolution
- ii. Mechanism of Dispute Resolution, ADRs and their impotence
- (b) i. Alternatives to Judicial Process, Negotiation, Mediation, Compromise, Conciliation
- ii. Arbitration, Lok Adalats, Panchayats
- iii. Distinction between ADR & Judicial Dispute Resolution

Module -2

- (a) i. Historical background of Arbitration in India
- ii. The Arbitration Act, 1940 & its short comings
- (b) i. UNCITRAL Model Law
- ii. Historical Background of Arbitration & Conciliation Act, 1996
- ii. Aims and objects of Arbitration and Conciliation Act, 1996

Module - 3

- (a) i. Concept of Arbitration, Kinds of Arbitration, International Commercial Arbitration
- ii. Arbitration Agreement, Essentials, Validity, Reference to Arbitration, Interim Measure by Court
- (b) i. Arbitration Tribunal - Composition, Jurisdiction, Appointment
- ii. Challenge to appointment, Powers
- iii. Procedures and Court Assistance

Module - 4

- (a) i. Conduct of arbitral proceedings
- ii. Arbitral award-forms and contents, ground of validity of award
- iii. Corrections and Interpretations, nature and contents of award. Form of award. Grounds of setting aside an award
- (b) i. Finality of arbitral award
- ii. Enforcement of an award
- iii. Appeals and Revision, costs.

Module - 5

- (a) i. Foreign Arbitral Award
- ii. Enforcement of Foreign Awards
- (b) i. New York convention, 1958
- ii. Geneva Convention, 1928

Module - 6

- (a) i. Conciliation-appointment, Communication, Role of Conciliator
- ii. Termination of Conciliation Proceedings
- iii. Nature of Awards Costs.
- (b) i. Conciliation proceedings in CPC
- ii. Conciliation proceedings under Industrial Dispute Act
- iii. Conciliation in Family Disputes

Module - 7

- (a) i. Legal Services Authorities Act
- ii. Formation of Lok Adalats, Enforcement of Awards
- (b) i. Role of NGOs in Dispute Settlement
- ii. Settlement of International Disputes by Peaceful means.

JUDGMENTS

1. Bombay Gas Company v. Parmeshwar Mittal, AIR 1993 Bom. 118
2. Tamil Nadu Electricity Board v. Bridge Tunnel Construction, AIR 1997 SC 1376
3. M/s ITI limited Allahabad v. Distt. Allahabad AIR 1998 All 318
4. Grid Corporation of Orissa Ltd. v. Indian Charge Chrome Ltd. AIR 1998 SC 1761
5. Kulbir Singh Ratan Singh v. New Delhi Municipal Council, AIR 1998 Del 230
6. M.M.T.C. Ltd v. Sterlite industries Ltd., AIR 1997 SC 605
7. K.K. Modhi v. K.N. Modhi, AIR 1998 SC 1297
8. Indian Oil Corporation Ltd. v. Kiran Construction Co., AIR 2003 Del. 282
9. Oil and Natural Gas Commission v. Saw Pipes, AIR 2002 SC 2629
10. NTPC v. Singer Company. AIR 1993 SC 998

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Books Referred

1. Law of Arbitration and Conciliation – S.K. Roy Choudhary, H.K. Saharay
2. Arbitration & Conciliation – S.C. Tripathi
3. Alternative Dispute Redressal System – S.R. Maimi
4. Law of Arbitration P.M. Bakshi
5. Arbitration & Conciliation - Avtar Singh
6. The Arbitration & Conciliation Act, 1996
7. The Legal Services Authorities Act, 1987

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Scope and objectives :

Crimes take place in almost all societies. Therefore, almost every country has criminal laws. Criminal law of a country must contain the substantive criminal law, the procedural criminal law and law relating to evidence. The basic core substantive criminal law in India is contained in the Indian Penal Code, 1860. The procedural criminal law is in the form of Code of Criminal Procedure, 1973 and the evidence law has been codified in the Indian Evidence Act, 1872. It is necessary for the students of law to know these laws. The Indian Penal Code, 1860 has been divided under two parts – Criminal Law-I and Criminal Law-II which deal with general principles and specific offences respectively and are part of the syllabus of Seventh and Eight semesters in that order.

Module – 1

Miscellaneous

1. Waging, or attempting to wage war or abetting waging of war, against the Govt. of India (Section 121)
2. Conspiracy to commit offences punishable by Section 121 (Section 121-A)
3. Sedition (Section 124-A)
4. Giving false evidence (Section 191)
5. Fabricating false evidence (Section 192)
6. Threatening any person to give false evidence (Section 195-A)
7. Causing disappearance of evidence of offence, or giving false information to screen offender (Section 201)
8. Disclosure of identity of the victim of certain offences, etc. (Section 223-A)
9. Failure by person released on bail or bond to appear in court (Section 229-A)
10. Definitions of Coin & Indian Coin (Section 230)
11. Counterfeiting Coin and Indian Coin (Sections 231,232)
12. Public Nuisance (Section 268)
13. Keeping lottery office (Section 294-A)
14. Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs (Section 295-A)

Module – 2

1. Culpable homicide (Section 299)
2. Murder (Section 300)
3. Difference between culpable homicide not amounting to murder and murder

Module – 3

1. Culpable homicide by causing death of person other than person whose death was intended (Section 301)
2. Punishment for murder (Section 302)
3. Punishment for murder by life convict (Section 303)
4. Constitutionality of Section 303
5. Punishment for culpable homicide not amounting to murder (Section 304)
6. Causing death by negligence (Section 304-A)

Module – 4

1. Dowry death (Section 304-B)
2. Husband or relatives of husband of a woman subjecting her to cruelty (Section 498-A)
3. Assault or Criminal force to woman with intent to outrage her modesty (Section 354)
4. Word, gesture or act intended to insult the modesty of a woman (Section 509)
5. Rape (Section 375)
6. Punishment for rape (Section 376)
7. Intercourse by a man with his wife during separation (Section 376-A)
8. Intercourse by public servant with woman in his custody (Section 376-B)
9. Intercourse by superintendent of jail, remand home etc. (Section 376-C)
10. Intercourse by any member of the management or staff of a hospital with woman in that hospital (Section 376-D)
11. Bigamy (Section 494)
12. Adultery (Section 497)

Module – 5

1. Thug (Section 310)
2. Causing miscarriage (Section 312)
3. Hurt (Section 319)
4. Grievous Hurt (Section 320)
5. Wrongful restraint (Section 339)
6. Wrongful confinement (Section 340)
7. Force (Section 349)
8. Criminal Force (Section 350)
9. Assault (Section 351)
10. Kidnapping from India (Section 360)
11. Kidnapping from lawful guardianship (Section 361)
12. Difference between kidnapping from lawful guardianship and abduction

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Module - 6

1. Theft (Section 378)
2. Extortion (Section 383)
3. Difference between theft and extortion
4. Robbery (Section 383)
5. Dacoity (Section 391)
6. Difference between robbery and dacoity
7. Dishonest Misappropriations of Property (Section 403)
8. Difference between theft and dishonest misappropriation of property
9. Dishonest misappropriation of property possessed by deceased person at the time of his death (Section 404)
10. Criminal breach of Trust (Section 405)
11. Difference between criminal misappropriation and criminal break of trust
12. Stolen property (Section 410)

Module - 7

1. Cheating (Section 415)
2. Cheating by personation (Section 416)
3. Mischief (Section 425)
4. Criminal Trespass (Section 441)
5. House Trespass (Section 442)
6. Lurking house trespass (Section 443)
7. Lurking house trespass by night (Section 444)
8. House breaking (Section 445)
9. House breaking by night (Section 446)
10. Forgery (Section 463)
11. Making a false document (Section 464)
12. Defamation (Section 499)
13. Criminal intimidation (Section 503)
14. Difference between criminal intimidation and extortion

Decided Important Cases:

1. Reg. v. Govinda (1876) 1 Bom. 342
2. Laxman Kalu v. State of Maharashtra, AIR 1968 SC 1390
3. Dalip Singh v. State AIR 1993 SC 2119
4. Virsa Singh v. State of Punjab AIR 1958 SC 465
5. Prabhudayal v. State AIR 1993 SC 2164
6. Bachan Singh v. State of Punjab AIR 1980 SC 898
7. Mithu Singh v. State AIR 1983 SC 473
8. Reema Agarwal v. Annpam 2004 CrLJ 892 (SC)
9. ICICI Bank Ltd. v. Prakash Kaur AIR 2007 SC 1349
10. GV Rao v. LHV Prasad 2002 CrLJ 3487 (SC)

Suggested Readings:

1. Hari Singh Gour : Penal Law of India
2. Ratan Lal & Dhiraj Lal : The Indian Penal Code
3. Prof. T. Bhattacharyya : The Indian Penal Code
4. Prof. S.N. Misra : The Indian Penal Code
5. P.S. Pillai : Criminal Law
6. K.N.C. Pillai : General Principles of Criminal Law
7. K.D. Gaur : A Text Book on the Penal Code


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MODULE-I

- a. Introduction, Definitions (Decree, Decree Holder, Foreign Judgment, Foreign Court, Judgment, Judgment Debtor, Mesne Profit, Legal Representative, Order etc.)
- b. Suits of civil nature s.9, *res sub judice* s.10

MODULE-II

- a. Doctrine of *Res judicata* s.11, comparison between s.10 and s.11
- b. Foreign judgment and presumption as to foreign judgment ss.13&14

MODULE-III

- a. Place of suing ss.15 to 20, objection to place of suing s.21 and 21-A
- b. Transfer of suits ss.22 to 25

MODULE-IV

- a. Institution of Suit S.26, O.IV, Plaint O.VII, Parties to Suit O.I, Framing of Suits O.II
- b. Summon, Mode of Service ss.27-29, O.V

MODULE-V

- a. Written Statement O.VIII, Pleading O.VI
- b. Appearance of Parties, Examination, Production of Documents, Admission. O.IX-XIII and s.30

MODULE-VI

- a. Framing of issues O.XIV, Hearing of parties O.XV
- b. Summon to Witnesses ss.31-32 and O.XVI, Adjournment O.XVII, Hearing of the Suit O.XVIII, Affidavits O.XIX

MODULE-VII

Judgment and Decree, Interest, Costs. Ss.33-35-B and O.XX and O.XX-A

Judgments

1. Firm Radha Krishnan v. Ludhiana Municipality, AIR 1963 SC 1547
2. Aziz Ahmed v. State Bank of India, Vinyaambedi, AIR 1995 AP 166
3. Ram Chander Pandurang Sonar v. Murlidhar Rara Chander, AIR 1990 SC 1973
4. Tilak Ram v. Nathu and other, AIR 1967 SC 935
5. Ram Lal v. Reva Coal Fields, AIR 1969 SC.
6. Ifikhar Ahmed v. Syed Meharban Ali, AIR 1974 SC 749
7. Bihari Lal v. Bhuri Devi, AIR 1997 SC 1879
8. Teharoo Chadn v. Suraj Mal Nagar Mal, AIR 1984 Cal. 82
9. Kanodiba Dagadu Kadam v. Savitri Bai Sopan, AIR 1999 SC 2213
10. Ajaib Singh v. Shital Puri, AIR 1993 All. 138

Books Referred

1. The Code of Civil Procedure – Mulla
2. Civil Procedure Code – C.K. Takwani

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EVIDENCE

Paper: 8.47

Maximum Marks 50

Objectives of the course

The law of evidence is an indispensable part of both substantive and procedural laws. It imparts credulity to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the court. This paper enables the students to appreciate the concept and principle underlying the law of evidence and identify the recognized forms of evidence and its sources. The subjects seek to impart to the student the skill of the examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination and the shifting nature of burden of proof are crucial topics. The concepts in by amendments to the law of evidence are significant parts in this course.

Module -- 1

- (a) Main Features of Indian Evidence Act, 1872
 - i. Other Acts deals with evidence (C.P.C & Cr.P.C.)
 - ii. Extent and Applicability
- (b) Fact—(sec-3 to5)
 - i. Evidence –oral and documentary, circumstantial and direct evidence Presumption – (sec-1)
 - ii. Witness
 - iii. Appreciation of evidence

Module -- 2

- (a) The doctrine of RES-GESTAE-(sec.6, 7, 8, 9)
 - i. Evidence of common intention – (sec-10)
- (b) Relevancy of 'otherwise' irrelevant facts -- (sec-11, 12)
 - i. Relevance facts for proof of costumes-(sec-13)
 - ii. Fact concerning bodies and mental state-(sec-14, 15)

Module -- 3

- (a) Admission and confession:-
 - i. General principles concerning admission – (sec 17-23)
 - ii. Different between 'admission' and 'confession'
 - iii. Non admissibility of confession caused by inducement threats or promise – (sec-24)
- (b) Inadmissibility of confession made before police (sec-25)
 - i. Admissibility of custodial confess (sec-26)
 - ii. Admissibility of 'information' received from accused person in custody (sec 27, 28, and 29)
 - iii. Confession by co-accused (sec -30)

Module -- 4

- (a) Dying declaration
 - i. Justification for relevance on dying declaration (sec-32)
 - ii. Judiciary standard for appreciation of evidentiary value of dying declarations
- (b) Statement made under special circumstances- (section 34 to 39)

Module -- 5

- (a) Relevancy of judgments
 - i. General principles
 - ii. Admissibility of judgments in civil and criminal matters (sec-43)
 - iii. Fraud and Collusion (sec-44)
- (b) Expert opinion
 - i. General principle
 - ii. Who is an expert? Types of expert evidence
 - iii. Opinion on relationship especially proof of marriage (sec-50)
 - iv. The problems of judicial defense to expert testimony

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Module - 6

- (a) Oral and documentary Evidence
- i. General principals of concerning oral evidence (sec. 59, 60)
 - ii. Documentary evidence (sec 67-90)
 - iii. Principals regarding exclusion of oral by documentary evidence-(sec. 91 to 100)
- (b) Burden of Proof-
- i. General conception of onus probandi (sec-101)
 - ii. General and special exceptions to onus probandi
 - iii. Justification as to dowry death (sec 113-B)
 - iv. The Scope of the doctrine of judicial notice (sec. 114)

Module - 7

- (a) Estoppels
- i. Estoppel, the rational (sec-115)
 - ii. Tenancy and bill of exchange Estoppels (sec-116)
 - iii. Estoppel and res judicata and promissory estoppels
 - iv. Witnesses
- (b) Approval testimony (sec-133)
- i. Examination and cross-examination (sec-135, 136)
 - ii. Leading question (sec-141-143)
 - iii. Lawful question in cross-examination (sec-146)
 - iv. Compulsion to answer question put to witness.
 - v. Hostile witness (sec-154)
 - vi. Impeaching of the credit of witness (sec-155)
 - vii. Improper Admission and Rejection of Evidence (sec-167)

Selected cases

1. Limbaji v. State of Maharashtra, AIR 2002 SC 491
2. State of M.P. v. Paltan Mallah, AIR 2005 SC 733
3. State of Punjab v. Gian Kaur, AIR 1998 SC 2809
4. Bikan Panday v. State of Bihar, AIR 2004 SC 997
5. Ram Swaroop v. State of U.P., AIR 2000 SC 715
6. Manjoor Ali v. Kishmat Ali, AIR 2004 SC 384
7. Dault Ram v. Sodha, AIR 2004 SC 233
8. Dastagir Singh v. State of Karnataka, AIR 2004 SC 2638
9. State of Orissa v. Mangalam Timber Products Ltd., AIR 2004 SC 297
10. Ramadhar Basu v. State of W.B., AIR 2005 SC 908.

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Objectives:

In present International scenario develop as well as developing Nations are interacting with each other for the fulfillment of their national interests but some IGO's as well as NGO's are controlling and guiding the behavior of these Nation in International environment, so the objective of this course is to provide the knowledge to students about the origin, nature and functioning of various International Institutions.

Module - 1

- (a) International Institutions : meaning and features
- (b) League of Nations: Origin, Organs, Role and causes failure

Module - 2

- (a) United Nations: UN Charter, Features and Provisions.
- (b) UN General Assembly: Composition, Functions and powers, Uniting for peace Resolution.

Module - 3

- (a) UN Security Council: Composition, Voting procedure, Functions and Powers
- (b) Limitations and Demands of U.N. Security Council

Module - 4

- (a) Contribution of U.N. Security Council in the maintenance of peace and security. (By peaceful means)
- (b) Contribution of U.N. Security Council in the maintenance of peace and security. (By forceful methods)

Module - 5

- (a) Economic and Social Council : Composition, Functions and Role.
- (b) U.N. and Protection of Human Rights.

Module - 6

- (a) International Courts of Justice: Composition, Jurisdiction, Powers and Functions.
- (b) Contribution of International Court of Justice in Settlement of International disputes

Module - 7

- (a) Specialized Agency of UN: IMF, IBRD (World Bank) : Origin, Objectives, Functions and Role.
- (b) WHO, ILO: Objectives, Origin, Functions and Role.

Reference Books

1. Rumki Basu - The United Nations and functions of an international organization 1993
2. K.P. Sakesena - Reforming the United Nations the challenge of relevance (New Delhi: 1993)
3. S.K. Kapoor - International Law and Human Rights
4. D.N. Bowett - The law of International Institutions
5. Priyag Singh - International Institutions.

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Code of Civil Procedure -II

Paper: 9.49

Maximum Marks 50

Module-I

- a. Execution General s 37-45, O XXI
- b. Modes of Execution s51, s54, s145, O XXI
- c. Question Determination s47

Module-II

- a. Arrest & Detention s51-59, O XXI, Attachment s60-64, O XXI
- b. Adjudication of Claims O XXI, Sale & Delivery of Property s65-74 O XXI
- c. Distribution of Assets s73

Module-III

- a. First Appeal s96-99, s107, O XII
- b. Second & Other Appeals s100-112, O XLII-XLV

Module-IV

- a. Reference
- b. Review
- c. Revision

Module V

- a. Interim Orders O XXIV-XVI, O XXXVII-XXXIX, s75-78
- b. Withdrawals & Compromise O XXIII

Module VI

- a. Incidental Proceedings O XXI, s75-78
- b. Special Suits s79-93, O XXVII-XXXVII

Module-VII

- a. Restitution s144, Caveat s148 A. Inherent Powers s148-153 A
- b. The Limitation Act 1963

Judgements

Nathmal v/s Maniram (1919) 21 Bom LR 975
Sperintending Engineer v/s Subba Reddy (1999) 4 SCC 423
Premraj v/s Maneck Gazi AIR 1951 Cal 156
American Cyanamide Co. v/s Ethicon (1975) 2 WLR 316
Morgan Stanley v/s Kartick Das (1994) 4 SCC 225
Bihari Chowdhry v/s State of Bihar (1984) 2 SCC 669
Ratilal v/s state of Bombay AIR 1954 SC 388
Land Acquisition Office, Anantnag v/s Katiji AIR 1987 SC 1353

Books Referred

1. Civil Procedure Code-C.K.Takwani
2. The Code of Civil Procedure-Mulla
3. Limitation Act-Dr.D.N.R. Pandey

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This Course comprises of seven Modules of eight hour teaching duration. Each Module has been divided in to two units again to be discussed in four hours in one week.

Module – 1

The Competition Act, 2002
Origin of Anti-Trust Laws
Global developments on Competition Law
Abuse of dominant position

Module – 2

- (i) Consumer interest and public interest
- (ii) Mergers and efficiency
- (iii) Entry barriers
- (iv) Exist barriers
- (v) Price Controls

Module – 3

- (i) Liberalization
- (ii) Delicensing
- (iii) State monopolies
- (iv) Privatization and regulation
- (v) Cartel
- (vi) Predatory pricing mechanism
- (vii) Corporate Governance and competition

Module – 4

Objects and reasons of the Competition Act, 2002
Anti-competitive agreements
Abuse of dominant position
Regulation of combination

Module – 5

- (i) Composition of Competition Commission of India
- (ii) Duties, powers and functions of the Commission

Module – 6

- (i) Enquiry into agreements and dominant position of enterprise
- (ii) Procedure for investigation of combinations

Module- 7

- (i) Penalties for contravention of orders of commission
- (ii) Competition advocacy

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Module-1

Conflict of Laws

Part A- Definition, Nature and Scope of Private International Law: Historical Development and Current Theories of Private International Law.

Part B-Renvoi, Possible Solutions and Scope of the Application of Renvoi; Characterization- Meaning and Process.

Module-2

Domicile and Jurisdiction

Part A-Domicile- Introduction; Meaning; Domicile of Origin; Domicile of Choice; Comparison between Domicile of Origin and Choice; Domicile of Dependents; Married Women and Minor Children.

Part B-Jurisdiction of Courts- Introduction; Statutory Provisions relating to Jurisdiction in India. Jurisdiction in Personam; Jurisdiction in Rem; Substance & Procedure- difference between Substance and Procedure.

Module-3

Foreign Law and Enforcement

Part A- Application of Foreign Law- International Conventions; Nature of Questions of Foreign Law; Proof of Foreign Law, the Role of the Court.

Part B- Procedure, Hague Convention, Recognition of Foreign Judgement- Basis of Recognition; Finality of the Foreign Judgements; When an Action on Foreign Judgement may Fail.

Module-4

Marriage

Part A- Marriage and Matrimonial Reliefs- Nature and Concept of Marriage; Validity of Marriage; Formal Validity of Marriage under Indian law; Hague Convention on the validity of marriage.

Part B- Matrimonial Causes- Dissolution of Marriage; Ground of Divorce; Jurisdiction under Indian and English Law; Nullity of Marriage; Judicial Separation; Restitution of Conjugal Rights, Matrimonial and Ancillary Reliefs.

Module-5

Adoption, Custody and Property

Part A- Children- International Conventions on Children; Legitimacy & Legitimation of Children; Recognition of foreign adoptions; Guardianship and Custody; Custody of abducted child.

Part B-Property- Nature and Situs of Property; Hague Convention, Position of Immovable Property. Transfer of Movables- International Conventions; Succession.

Module-6

Law of Obligations -Contracts

Part A-INCOTERMS, Foreign Contracts, Choice of law, Proper Law doctrine.

Part B-Foreign Contracts, Rome Convention and other International Conventions.

Module-7

Law of Torts

Part A-Theories, International Conventions

Part B- Actionable claims. Defences.

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Drafting, Pleading and Conveyancing

Paper : 9.52

Maximum Marks 50

ims and Objectives :

Drafting is a primary stage of writing. A good writing is an outcome of a good draft, similarly Pleadings being the backbone of Legal Profession and paramount requirement of a good lawyer. Whole case of the party depends upon how skillfully it is drafted by an advocate. So a great care should be exercised while drafting the pleadings. So this subject will help to make good lawyers with proficient art of pleadings.

Module - 1

- (a) Drafting
 - i. General principles of drafting
 - ii. What are deeds and its kinds?
- (b)
 - i. Components of deeds
 - ii. Kinds of writs

Module - 2

- (a) Pleadings
 - i. What are pleadings?
 - ii. Functions of Pleadings.
 - iii. When Pleadings will be Dispensed with?
 - iv. Forms of modern pleadings
 - v. Cardinal rules of pleadings
 - vi. Material facts.
- (b) Civil Suits:
 - i. Suits in contracts
 - ii. Suits in Torts

Module - 3

- (a)
 - i. Suits for others; i.r.t. civil: miscellaneous
 - ii. Written statements for contracts
 - iii. Written statement for torts
- (b)
 - i. Written statement for others (miscellaneous)
 - ii. Interlocutory Application
 - iii. Petition for the Winding up of the company

Module - 4

- (a)
 - i. Affidavit
 - ii. Execution application for final decree
 - iii. Memo of appeal
- (b)
 - i. Memorandum of revision
 - ii. Writ of Certiorari
 - iii. Writ of Habeus Corpus.

Module - 5

- (a) Criminal
 - i. complaints
 - ii. Application for exemption from appearance
- (b)
 - i. Bail Application
 - ii. Memo of appeal
 - iii. Memo of revision

Module - 6

- (a) Conveyancing
 - i. What is conveyancing ?
 - ii. Things to be considered while conveyancing
 - iii. Sale deed.
- (b)
 - i. Mortgages deed
 - ii. Lease deed
 - iii. Gift deed

Module - 7

- (a)
 - i. Promisory Note
 - ii. Power of Attorney
 - iii. Will
- (b)
 - i. Separation deed
 - ii. Service contracts
 - iii. Hire-Purchase Agreements
 - iv. Patents

Suggested Readings:

1. Pleading, Drafting and Conveyancing by R.N. Chaturvedi
2. The law of Pleadings, drafting and conveyancing by R.D. Srivastava law of pleadings in India by Magha.
3. Indian Conveyance by Mogha

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Objectives of the course

Criminal procedure code is very important subject for law students. Criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. This imposes duty upon those connected with the criminal process to observe law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, two enormous to be placed with in a class room discussion.

Juvenile Justice and Probation of Offenders Act are combined with the study of Criminal Procedure. These topics also do have their roots in Criminal Procedure. The rubrics under their head are intended to render an essential grasp of the areas.

Module – 1

- (a) i. Definition (sec-2)
- ii. Constitution of Courts (sec 6-25)
- (b) i. Power of Courts (sec 26-36)
- ii. Arrest of Persons (41-60)

Module – 2

- (a) Process to compel appearance (sec 61-94)
- (b) Security for Keeping Peace (sec 106-124)

Module – 3

- (a) Maintenance of wives (sec 125-128)
- (b) Maintenance of Public order (sec 129-148)

Module – 4

- (a) Information to police and their power to investigate (sec 154-176)
- (b) i. conditions requisite for initiation of proceedings (sec 190-199)
- ii. Commencement of proceedings before Magistrate (sec 204-210)

Module – 5

- (a) i. The charge (sec 211-224)
- ii. Trial before Court of Sessions (sec 225-237)
- iii. Trial of warrant cases by Magistrate (sec.238-250)
- (b) i. Summary Trial (sec 260-265)
- ii. Appeals (372-394)

Module – 6

- (a) Reference, Revision (395-405)
- (b) Bail (436-450)

Module – 7

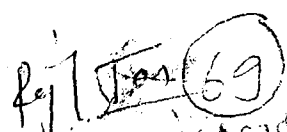
- (a) Juvenile Delinquency
 - i. Treatment and Rehabilitation of Juveniles
 - ii. Juveniles and Adult Crimes
- (b) i. Mechanism of Probation : Standards of Probation Services
- ii. Problems and Prospects of Probation

Judgments

1. Khatri v. State of Bihar (1981) SCC 193
2. Sanjay Suri v. Delhi Admn., AIR 1988 SC 444
3. Ram Chander v. State of Haryana AIR 1981 SC 1036
4. Dagdu v. State of Maharashtra, AIR 1977 SC 1579
5. Dr. Vijaya Manohar Arbat v. Kashirao (1987) 1 SCJ 524
6. Madhu Limaya v. SDM Monghar, AIR 1971 SC 2436
7. Moti Ram & Ors v. State of M.P., AIR 1978 SC 1594
8. Madhu Limaya v. State of Maharashtra, AIR 1982 SC 47
9. Armit Das v. State of Bihar AIR 2000 SC 2264
10. State of Maharashtra v. Jagmohan Singh & Ors (2004) 7 SCC 659

Suggested Readings

1. Rattanlal Dhirajlal, Criminal Procedure Code
2. R.V. Kelkar, Criminal Procedure Code
3. S.N. Mishra, The Code of Criminal Procedure Code
4. D.D. Basu, Criminal Procedure Code
5. Chandrasekhar Pillai (ed), Kelkar's Outlines of Criminal Procedure Code


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Objectives of the course

The insurance idea is an old-institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration, to other persons who made assurance, against loss their goods. The rates of money consideration were mutually agreed upon. Such an agreement enabled other merchants more willingly and more freely to embark upon further trading adventure.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rule interpretations propounded by the judiciary. Besides, the insurance idea has a compensatory justice component.

This course is designed to acquaint the students with the conceptual and parameters, of insurance law.

Module – 1

- (a) i. Definition, nature and history of insurance.
- ii. Concept of insurance and law of contract and law of torts
- (b) i. History and development of insurance in India
- ii. Insurance Regulatory Authority – role and functions.

Module – 2

- (a) i. contract of insurance -- Classification of contract of insurance, nature of various insurance contracts, parties thereto.
- ii. Principle of good faith-non-disclosure-misrepresentation in insurance contract
- (b) i. Insurable interest, the risk, conditions of policy
- ii. Alternation of the risk, Assignment of the subject matter.

Module – 3

- (a) i. Nature and scope of life insurance
- ii. Definition, Kinds of life insurance
- (b) i. The policy and formation of a life insurance contract
- ii. Circumstances affecting the risk

Module – 4

- (a) i. Amounts recoverable under the life policy
- ii. Persons entitled to payment
- (b) i. Settlement of claim and payment of money
- ii. Structural set of the Life Insurance Corporation

Module – 5

- (a) i. The Motor Vehicles Act, 1988 (Charter VII)
- ii. Nature and scope, persons governed, definitions of 'use', 'drives', 'motor vehicle'
- (b) i. Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance.
- ii. Claims tribunal. Constitutional, functions application for compensation procedure and powers of claims tribunal its award.

Module – 6

- (a) i. Nature and scope
- ii. marine Insurance Act 1963
- (b) i. Insurable interest, insurable interest
- ii. Marine Insurance policy-condition-express warranties

Module – 7

- (a) i. Public Liability Insurance Act, 1991 Objective, purpose and scope
- ii. No fault liability
- (b) i. Medical Insurance Act
- ii. Risk Cover Scheme

Case Laws

1. Chandulal v. I.T. Commissioner, AIR 1967 SC 816
2. Mithu Lal Nayak v. Life Insurance Corporation of India, AIR 1962 SC 814
3. Reserve Bank of India v. Peerless General Finance and Investment Co., AIR 1987 1023
4. Rajni Bai v. New India Assurance, AIR 1956 Bom. 633

Bibliography

1. Singh. Bridge Anand, New Insurance Law (2000)
2. Union Book Publishers, Allahabad
3. Ivamy. Case Book on Insurance Law (1984) Butterworths
4. Ivamy. General Principles of Insurance Law (1993) Butterworths
5. Sreenivasan M.N. Principles of Insurance Law (1997) Ramaniya Publishers. Bangalore.

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This Course comprises of seven Modules of eight hours teaching duration. Each Module has been divided in to two units again to be discussed in four hours in one week.

Module- 1

- (a) Meaning, object types and scope of cross-examination.
- (b) Discretion of the court to control the cross-examination.

Module- 2

- (a) Cross-examination techniques; Types of witness; Credibility of witnesses; Hypnotism upon a witness.
- (b) Abuse of cross-examination.

Module- 3

- (a) Cross-examination of advocates, co-defendant witness, co-accused; women, children, invalids, illiterates and feeble understanding.
- (b) Cross-examination of police officers, detectives.

Module- 4

- (a) Cross-examination of public servants – Privileges.
- (a) Cross-examination of medical, ballistics, chemical examiner and other expert witnesses.

Module- 5

- (a) Witness of mistake, hostile witness.
- (b) Evidence as to character; trap witnesses; biased witness

Module- 6

- (a) Brow-beating and bullying cross-examination; Leading question; Misleading cross-examination; Suggestive cross-examination.
- (b) Dramatic cross-examination; Over cross-examination; Rapid and Quick cross-examination.

Module- 7

- (a) Savage, smiling and humorous cross-examination; Silent cross-examination.
- (b) Recall and re-examination of witnesses.

Suggested Reading :

- 1. B. Malik's : Practical Hints on Cross-Examination.

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Aims and Objectives of the Course

Human Rights, such as life, liberty, equality and dignity, are the very basic rights and may also be described as fundamental rights which a man or woman possesses by virtue of having born as a human being. They are what for human survival and needed for complete development of human personality. The States have been recognized them through their constitutional and other law and courts are to enforce the human rights as natural and inalienable rights. Actually speaking, rights against the State to treat their citizens with dignity.

There is, however, no consensus as to what these rights should be? Further, the human rights may interpret as being different according to the socio-economic, political and cultural conditions of the given society. The law in relation to human rights is, therefore, of utmost importance.

The course is designed to expose the students to various problems of human rights and law relating thereto and acquaint them with the law as stand as today and its shortcomings.

Module -1

- (a) Human Rights in their Historical perspective
- (i) At International Level
- (ii) At National Level
- (b) Concept, Meaning and various Theories of Human Rights, i.e. Human Rights Jurisprudence

Module -2

- (a) Human Rights under the Constitution of India - Fundamental Rights
- (b) Human Rights vis-a-vis Directive Principles under the Constitution of India

Module -3

- (a) Meaning of Human Rights under the (Indian) Protection of Human Rights Act, 1993
- (b) Human Rights Courts in India

Module -4

- (a) National Human Rights Commission in India - Its composition, powers and Functions
- (b) State Human Rights Commissions - Its composition, powers and functions

Module -5

- (b) Judicial Response for the Protection and Enforcement of Human Rights defined in the Constitution of India.
- (b) Judicial Response for the protection and enforcement of Human Rights as defined in the Protection of Human Rights Act, 1986

Module -6

- (a) Protection of Human Rights relating to Scheduled Castes and Scheduled Tribes under the various Laws in India
- (b) National Commission for Scheduled Castes and Scheduled Tribes

Module -7

- (a) National Commission for Women in India
- (b) National Commission for Child Rights in India

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Aims and Objectives

- To understand emerging issues in cyber space
- To provide effective mechanism for resolution of cyber issues

Module- 1

- (a) i. Genesis object and scope of IT Act
- ii. Definitions
- (b) i. E Commerce and Digital Signatures
- ii. E Governance

Module- 2

- (a) i. Dispatch and Receipt of Electronic Records
- ii. Security and Receipt under IT Act
- (b) i. Regulation of Certifying Authorities
- ii. Digital Signature Certificate

Module- 3

- (a) i. Duties of Subscriber
- ii. Penalties and Adjudication
- (b) i. Cyber Regulation Appellate Tribunal

Module- 4

- (a) i. Offences under IT Act
- ii. Tampering with Computer Source documents
- (b) i. Hacking with Computer System
- ii. Publishing of obscene information in electronic form

Module- 5

- (a) i. Breach of confidentiality and privacy
- ii. Offences related to digital signature certificate
- (b) i. Computer Forensic and Process of confirmation
- ii. Liability of network service providers

Module- 6

- (a) i. Power of Police Officer
- ii. Miscellaneous provisions under IT Act
- (b) i. Amendment to IPC 1860
- ii. Amendment to Evidence Act 1872
- iii. Amendment to Banker's Books Evidence Act 1891
- iv. Amendment to Reserve Bank of India Act 1934

Module- 7

- (a) i. Issue of jurisdiction of Cyber Space
- ii. Issue of Online defamation
- (b) i. Copyright issue in digital medium
- ii. Trade Mark in online medium

References

1. Computer Law: Reed Cherish, Eastern Book Company, New Delhi
2. Information Technology and Cyber Law : S.R. Bhansali
3. Cyber Law in India : Dr. Farooq Ahmed
4. Information Technology Law and Practice : Vekul Sharma

Cases referred

1. United States v. Simpson 152 F. 3d 1241(10th cir. 1998) USA
2. United States v. 1992 U.S. App. LEXIS 9562 (4th cir. May 4, 1992)
3. Miller v. California 413 U.S. 1524 (1973)
4. Ranjit D. Udeshi v. State of Maharashtra, AIR 1965 SC 881
5. United States v. Moris, 928 F. 2d 504, 505 (2nd cir. 1991)
6. Director of Public Prosecutions v. Murdoch (1993) 1VR 406

Ref. [Signature] 73

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This Course comprises of seven Modules of eight hours teaching duration. Each Module has been divided in to two parts again to be discussed in four hours in one week.

Module - 1

- (i) Theories of punishment
- (ii) Deterrent theory
- (iii) Retributive theory
- (iv) Reformatory theory

Module - 2

- (i) Forms of punishment in India
- (ii) Capital punishment
- (iii) Judicial sentencing

Module - 3

- (i) Police system
- (ii) Police force in India
- (iii) Legal functions of Police

Module - 4

- (i) Prison administration
- (ii) Prison system in India
- (iii) Role of prison in modern penology
- (iv) Classification of prisoners

Module - 5

- (i) Custodial torture in prison
- (ii) Solitary confinement

Module - 6

- (i) Open Prison
- (ii) Origin of Open Prison
- (iii) Advantages of Open Prison
- (iv) Functioning of Open Prison in India

Module - 7

- (i) Recidivism
- (ii) Alcoholism and crime
- (iii) Crime prevention

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Objectives of the course

The importance of environmental law has increased tremendously throughout the globe in recent times. The uniqueness of this subject lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, inter generational equity, and prevention of pollution. Also the uniqueness of the subject is borne out by the new outlook which ecology - related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

Module - 1

- (a) i. Meaning and contents of environment
- ii. Pollution: Meaning, Kinds and effects of pollution
- (b) i. International regime

Module - 2

- (a) i. Constitutional remedies : Fundamental rights, 42nd amendment
- (b) i. Polluter pays principles, precautionary principles, public trust doctrine, sustainable development
- ii. Other Common law and statutory remedies

Module - 3

- (a) i. Environment Protection Act 1986: Object, section 1 to 10
- (b) i. Section 10 to 26.

Module - 4

- (a) i. The Water (Prevention and Control of Pollution) Act, 1974: Object, Definitions, constitution and functioning of boards under the Act, Prevention and Control of Water Pollution
- (b) i. Funds, Accounts
- ii. Penalties and Procedure
- iii. Central Water Laboratory
- iv. Power of Central Government and State Government to make rules

Module - 5

- (a) i. The Air (Prevention and Control of Pollution) Act 1981
Object, Definitions, constitution of Boards, powers and functions
- (b) i. Prevention and Control of Air Pollution, Air laboratory, penalties and procedure, power of central government and state government to make rules.

Module - 6

- (a) i. The Wild Life Act 1972
 - 1) Need to conserve wild life
 - 2) Definitions, constitution of National and state board for wild life
- (b) i. Grant of permits, protected area sanctuary

Module - 7

- (a) i. Advisory Committee, Reserve management committee, National park, Central Zoo authority
- (b) i. Offences and penalties under the Act
- ii. Noise Pollution

Judgments

1. Vellore Citizens' Welfare Forum v. Union of India (1996) 5 SCC 647
2. Municipal Council Ratlam v. Vardhichand, AIR 1980 SC 1622
3. M.C. Mehta v. Union of India & others (1992) 1 SCC 378
4. U.P. Pollution Control Board v. Modi Distillery and ors., AIR 1988 SC 1128
5. Church of god (Full Gospel) v. K.K.R. Majestic Colony Welfare Association & ors., AIR 2000 SC 2773
6. D.D. Vyas & ors. v. Shriram Food and Fertilizers and Union of India, AIR 1987 SC 965
7. R. L&E. Kendra, Dehradun v. State of U.P., AIR 1985 SC 652
8. M.C. Mehta v. Kamal Nath, (1997) 1 SCC 599

Suggested Readings

1. Paras Diwan and Piyushi Diwan, Environmental Administration, Law and Judicial Attitude
2. P.S. Jaswal, Environmental Law
3. R.B. Singh & Suresh Mishra, Environmental Law in India
4. P. Leetakrishna, The Environmental Law in India
5. N Maheshwari, Text Book on Environmental Law

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