



# **SAVITRIBAI PHULE PUNE UNIVERSITY**

**(FORMERLY UNIVERSITY OF PUNE)  
GANESHKHIND PUNE 411007**

## **FACULTY OF LAW**

**INTRODUCTION OF B.B.A. LL.B.**

**REVISED CURRICULUM (2017-18)**

**Courses of Law, Eligibility for Admission, Course Component, Curriculum,  
Examination Pattern and Standard of Passing**

**for**

**B.A. LL.B. (Bachelor of Arts and Bachelor of Laws)**

**B.B.A. LL.B. (Bachelor of Business Administration and Bachelor of Laws)**

**LL.B. (Bachelor of Laws)**

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the University, with minimum 45 % marks shall be eligible to apply for admission to First Year of LL.B. There shall be relaxation of 5 % marks in case of scheduled caste and scheduled tribe candidates.

If the candidate has obtained 44.5 % marks or more in qualifying examination for admission is permitted to be rounded off as 45 % marks for the purpose of admission to (i) First Year of B.A. LL.B., or (ii) First Year of B.B.A. LL.B., or (iii) First Year of LL.B., as the case may be.

Similarly, if the candidate belonging to scheduled caste or scheduled tribe category has obtained 39.5 % marks or more in qualifying examination for admission is permitted to be rounded off as 40 % marks for the purposes of admission to (i) First Year of B.A. LL.B., or (ii) First Year of B.B.A. LL.B., or (iii) First Year of LL.B., as the case may be.

Such a minimum qualifying marks shall not automatically entitle a person to get admission into an institution or college but only shall entitle the person concerned to fulfill other criteria notified by the institution / college concerned or by the University or by the Bar Council of India or by the government concerned from time to time to apply for admission.

Explanation: Candidates for Scheduled Caste and Scheduled Tribes categories should be those declared as Scheduled Caste and Scheduled Tribes for the State of Maharashtra.

### **3. Prohibition to Register for two Regular Courses of Study:**

No student shall be allowed to simultaneously register for a law degree programme with any other graduate or postgraduate course run by the same or any other University or an Institute for academic or professional learning except in the integrated degree program of the same institution.

### **4. Prohibition against Lateral Entry and Exit :**

There shall be no lateral entry on the plea of graduation in any subject or exit by way of awarding a degree splitting the integrated double degree course, at any intermediary stage of integrated double degree course.

The term “lateral entry” means an admission given to graduate applicants at the beginning of third year in an integrated five year course.

The term “lateral exit” means opting out at the end of three year after successfully completing the courses up to the third year, from an integrated five year course on being awarded a bachelor degree.

### **5. Miscellaneous Rules of Eligibility for Admission:**

The rules given herein are for the general understanding of the candidates. However, the admission to (i) First Year of B.A. LL.B., (ii) First Year of B.B.A. LL.B. and (iii) First Year of LL.B. shall be subject to the rules made and conditions prescribed, from time to time, by the University, Central Government, State Government, Bar Council of India, University Grants Commission, or any other authority empowered.

**Part III**  
**Course Component of**  
**B.A. LL.B., B.B.A. LL.B. and LL.B.**

**1. Course Component of First Year B.A. LL.B. :**

<b>Subject Code</b>	<b>Semester I</b>
CE 0101	General English
BA 0102	General Principles of Political Science
BA 0103	General Principles of Economics
BA 0104	General Principles of Sociology

<b>Subject Code</b>	<b>Semester II</b>
CE 0201	English for Law
BA 0202	Political Theories
BA 0203	Macro Economics, Policies and Practice
BA 0204	Theoretical Perspectives of Sociology

**2. Course Component of First Year B.B.A. LL.B. :**

<b>Subject Code</b>	<b>Semester I</b>
CE 0101	General English
BB 0102	Managerial Accounting
BB 0103	Principles of Management
BB 0104	Business Communications

<b>Subject Code</b>	<b>Semester II</b>
CE 0201	English for Law
BB 0202	Organisational Behaviours
BB 0203	Management Information System
BB 0204	Principles of Marketing

**3. Course Component of Second Year B.A. LL.B. :**

<b>Subject Code</b>	<b>Semester III</b>
CE 0301	Legal Language and Legal Reasoning
BA 0302	Public Policy and Public Administration
BA 0303	Theories of Development and Indian Economy
BA 0304	Society in India

<b>Subject Code</b>	<b>Semester IV</b>
CE 0401	Law and Literature
BA 0402	International Relations
BA 0403	Law and Economics
BA 0404	Social Research Methods

#### **4. Course Component of Second Year B.B.A. LL.B. :**

<b>Subject Code</b>	<b>Semester III</b>
CE 0301	Legal Language and Legal Reasoning
BB 0302	Basics of Finance
BB 0303	Managerial Economics
BB 0304	Business Ethics and Corporate Governance

<b>Subject Code</b>	<b>Semester IV</b>
CE 0401	Law and Literature
BB 0402	Human Resource Management
BB 0403	Case Studies in Business Environment
BB 0404	Business Research Methods

#### **Course Component of Third Year B.A. LL.B., Third Year B.B.A. LL.B. and First Year LL.B. :**

<b>Subject Code</b>	<b>Third Year B.A. LL.B. - Semester V</b> <b>Third Year B.B.A. LL.B. - Semester V</b> <b>First Year LL.B. - Semester I</b>
LC 0501	Legal and Constitutional History
LC 0502	Family Law I
LC 0503	Law of Contract I
LC 0504	Law of Crimes
	Optional Subject 1 (Any one from the following)
LO 0505	(a) Health and Food Law
LO 0506	(b) Equity and Trust Law
LO 0507	(c) Criminal Psychology and Criminal Sociology
LO 0508	(d) Agricultural Marketing Law
LO 0509	(e) Intellectual Property Rights I

<b>Subject Code</b>	<b>Third Year B.A. LL.B. - Semester VI</b> <b>Third Year B.B.A. LL.B. - Semester VI</b> <b>First Year LL.B. - Semester II</b>
LC 0601	Constitutional Law I
LC 0602	Family Law II

LC 0603	Law of Contract II
LC 0604	Tort and Consumer Protection Law
	Optional Subject 2 (Any one from the following)
LO 0605	(a) Media and Law
LO 0606	(b) Banking and Insurance Law
LO 0607	(c) Penology and Victimology
LO 0608	(d) Land Acquisition Law
LO 0609	(e) Intellectual Property Rights II

**Course Component of Fourth Year B.A. LL.B., Fourth Year B.B.A. LL.B. and Second Year LL.B. :**

<b>Subject Code</b>	<b>Fourth Year B.A. LL.B. - Semester VII</b> <b>Fourth Year B.B.A. LL.B. - Semester VII</b> <b>Second Year LL.B. - Semester III</b>
LC 0701	Constitutional Law II
LC 0702	Property Law and Easement
LC 0703	Public International Law
LP 0704	Practical Training Paper I - Professional Ethics and Contempt of Court Law
	Optional Subject 3 (Any one from the following)
LO 0705	(a) Comparative Constitutions
LO 0706	(b) Investment and Securities Law
LO 0707	(c) Criminal Minor Acts
LO 0708	(d) Cooperative Law
LO 0709	(e) Private International Law
<b>Subject Code</b>	<b>Fourth Year B.A. LL.B. - Semester VIII</b> <b>Fourth Year B.B.A. LL.B. - Semester VIII</b> <b>Second Year LL.B. - Semester IV</b>
LC 0801	Labour and Industrial Law
LC 0802	Jurisprudence
LC 0803	Law of Evidence
LP 0804	Practical Training Paper II - Alternate Dispute Resolution System
	Optional Subject 4 (Any one from the following)
LO 0805	(a) Human Rights Law and Practice
LO 0806	(b) Competition Law
LO 0807	(c) Vulnerable and Disadvantaged Groups and Criminal Law
LO 0808	(d) Civil Minor Acts
LO 0809	(e) International Economic Law

## Course Component of Fifth Year B.A. LL.B., Fifth Year B.B.A. LL.B. and Third Year LL.B. :

<b>Subject Code</b>	<b>Fifth Year B.A. LL.B. - Semester IX</b> <b>Fifth Year B.B.A. LL.B. - Semester IX</b> <b>Third Year LL.B. - Semester V</b>
LC 0901	Civil Procedure Code
LC 0902	Interpretation of Statutes
LC 0903	Environmental Law
LP 0904	Practical Training Paper III - Drafting, Pleading and Conveyance
	Optional Subject 5 (Any one from the following)
LO 0905	(a) Law on Education
LO 0906	(b) Principles of Taxation Law
LO 0907	(c) Law of Forensic Science
LO 0908	(d) Land Laws I
LO 0909	(e) International Law on Air, Space and Sea

<b>Subject Code</b>	<b>Fifth Year B.A. LL.B. - Semester X</b> <b>Fifth Year B.B.A. LL.B. - Semester X</b> <b>Third Year LL.B. - Semester VI</b>
LC 1001	Criminal Procedure Code
LC 1002	Administrative Law
LC 1003	Company Law
LP 1004	Practical Training Paper IV - Moot Court Exercise and Internship
	Optional Subject 6 (Any one from the following)
LO 1005	(a) Election Law
LO 1006	(b) Bankruptcy and Insolvency Law
LO 1007	(c) Comparative Criminal Justice System
LO 1008	(d) Land Laws II
LO 1009	(e) Humanitarian and Refugee Law

### 8. Choosing Optional Law Subjects for B.A. LL.B., B.B.A. LL.B and LL.B :

The arrangement of optional subjects in law for B.A. LL.B., B.B.A. LL.B and LL.B courses allows the student to have specialization, to some extent, in (a) Constitutional Law Group, or Business Law Group, or (c) Crime and Criminology Group, or (d) Law and Agriculture Group, or (e) Intellectual Property Rights and International Law Group by choosing the optional subjects from given list in each semester.

Explanation 1 :

A student willing to have specialization in Constitutional Law Group can choose optional papers at serial no. (a) in each semester. A student willing to have specialization in Business Law Group can choose optional papers at serial no. (b) in each semester.

A student willing to have specialization in Crime and Criminology Group can choose optional papers at serial no. (c) in each semester.

A student willing to have specialization in Law and Agriculture Group can choose optional papers at serial no. (d) in each semester.

A student willing to have specialization in Intellectual Property Rights and International Law Group can choose optional papers at serial no. (e) in each semester. Explanation 2 :

This arrangement of optional subjects in law is made to allow the student to have specialization, to some extent, in a specified group. It will be mandatory for the student to choose subjects as given in explanation 1.

Explanation 3 :

The college may offer all or any of the groups of optional subjects of specialization at its discretion.

## **9. Abbreviations used in Subject Codes :**

The abbreviations used in the subject codes in the course component of B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall have meaning as under :

CE means Compulsory English subject for B.A. LL.B. and B.B.A. LL.B. courses.

BA means subject from discipline of Arts for B.A. LL.B. course.

BB means subject from discipline of Business Administration for B.B.A. LL.B. course.

LC means Compulsory Law subject for law courses.

LP means Compulsory Practical Training subject for law courses.

LO means Optional Law subject for law courses.

## **Part IV**

### **Examination Pattern for B.A. LL.B., B.B.A. LL.B. and LL.B. Courses**

#### **1. Attendance of Lectures, Internals and Moot Court :**

A student of B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall not be allowed to take the end semester examination in a subject if the student concerned has not attended minimum of 75 % of the classes held in the subject concerned as per University rules.

If a student for any exceptional reasons fails to attend 75 % of the classes held in any subject, a student may be allowed to take the end semester examination in a subject by the University as per rules.

#### **2. Duration of Studies :**

The curriculum of study for the B.A. LL.B. and B.B.A. LL.B. shall be spread over five academic years and shall be divided into ten semesters for the examination purposes.

The course leading to B.A. LL.B. and B.B.A. LL.B. degree shall not have less than 30 class hours per week including tutorials, moot court exercises, guest lectures and seminars. There shall be at least 24 lecture hours per week.

The curriculum of study for the LL.B. shall be spread over three academic years, and shall be divided into six semesters for the examination purposes.

The course leading to LL.B. degree shall not have less than 30 class hours per week including tutorials, moot court exercises, guest lectures and seminars. There shall be at least 24 lecture hours per week.

#### **3. Medium of Instruction and Division of Marks :**

The medium for instruction and for examination of all subjects in B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall be English.

Each subject of B.A. LL.B., B.B.A. LL.B. and LL.B. courses shall be of 100 marks.

The division of 100 marks for all the subjects, except for practical training subjects, shall be as under :

University Written Examination	: 80 marks.
Internal Assessment by College	: 20 marks.

#### **4. Division of Marks in Practical Training Subjects :**

The compulsory practical training subjects of B.A. LL.B., B.B.A. LL.B. and LL.B. shall carry the division of marks as under:

- |   |          |
|---|----------|
| (1) Practical Training Paper I - Professional Ethics and Contempt of Court Law:                                       |          |
| (a) University Written Examination  |          |
| (b) Written submissions and viva voce examination   | 20 Marks |
| (2) Practical Training Paper II - Alternate Dispute Resolution System :   |          |
| (a) University Written Examination  | 80 Marks |
| (b) Written submissions and viva voce examination   | 20 Marks |
| (3) Practical Training Paper III - Drafting, Pleading and Conveyance :  |          |
| (a) University Written Examination  | 80 Marks |
| (b) Written submissions and viva voce examination   | 20 Marks |
| (4) Practical Training Paper IV - Moot Court Exercise and Internship :  |          |
| (a) Moot court exercises (30 Marks), Observance of trials (30 Marks) and Pre-trial preparations (30 Marks) activities | 90 Marks |
| (b) Written submissions and Viva voce examination   | 10 Marks |

#### **5. University Written Examination (80 Marks) :**

There shall be University written examination of 80 marks for each subject at the end of each semester of B.A. LL.B., B.B.A. LL.B. and LL.B. courses.

There shall not be University written examination for Practical Training Paper IV - Moot Court Exercise and Internship.

#### **6. Question Paper Pattern for University Written Examination (80 Marks) :**

The question paper for University written examination of each subject, except for Practical Training Paper IV - Moot Court Exercise and Internship, shall consist of three parts :

(1) Part A Questions (40 marks) :

Part A of the question paper may consist of essay questions and hypothetical problems. The candidate has to write an essay question with critical evaluation. The candidate is expected to substantiate his answer with support of relevant legal perspectives. For questions on problems, the candidate needs to substantiate the answer with legal arguments along with support of decided case law. In non-law papers, candidates need to answer the question with a critical perspective along with contemporary developments of the respective areas in the respective paper. There shall be four questions and the student has to answer any two questions. Each question shall be for 20 marks.

(2) Part B Questions (30 marks):

The Part B of question paper shall consist of short essay type questions, critical comments on a decided case, etc., depending on the nature of subject. A student has to answer the question with critical evaluation. There shall be four questions and the student has to answer any two questions. Each question shall be for 15 marks.

(3) Part C Questions (10 marks) :

The Part C of question paper shall consist of short answer questions. There shall be four questions and the student has to answer any two questions. Each question shall be for 5 marks. The question paper pattern given herein may be changed or altered by the University at any time without prior information to the students. The question paper pattern given herein may also be changed or altered by the University depending on the nature of subject.

### **7. Internal Assessment by College (20 Marks)\*:**

A schedule of mid-term written examination in each term or semester shall be prepared by the college.

There shall be a mid-term written examination in each term or semester of B.A. LL.B., B.B.A. LL.B. and LL.B. courses

The internal written test to be conducted by the college in the middle of the semester for 20 marks. The internal test shall comprise of two components. Component one shall have an essay question for 15 Marks. The other component shall be of a short answer question of 05 Marks. All colleges need to adopt this pattern without any deviation. After the examination the internal marks need to be displayed within 20 working days.

The college, for failed or absent students, shall conduct re-examination for internal assessment (mid-term written examination) of a subject as per University rules.

The internal assessment marks may be withheld or withdrawn by the college on the ground of non-fulfillment of attendance requirement by the student as prescribed by the University rules

### **8. Conduct of Viva Voce Examination :**

The viva voce examination for the practical training subjects shall be conducted in accordance with the schedule prepared by the University.

The viva voce examination for all practical training subjects shall be conducted by the committee of examiners appointed by the University.

The committee of examiners shall not take viva voce examination of a student unless he / she submits a duly assessed written submissions at the time of viva voce examination. Explanation : The written submissions by the student, as required under any of the practical training subjects, means handwritten submissions.

\*As amended by the Academic Council vide resolution no B 18 PA /18/ 2017 its meeting on 13/07/2017.

**Part V**  
**Standard of Passing for**  
**B.A. LL.B., B.B.A. LL.B. and LL.B.**

**1. Standard of Passing for First and Second Year of B.A. LL.B. and B.B.A. LL.B.:**

In case of any subject of First and Second Year B.A. LL.B. and B.B.A. LL.B. courses a student must obtain not less than 40 marks to pass a subject.

The total marks of a subject shall be computed by adding marks of University written examination and internal assessment.

There shall be separate passing for University written examination and internal assessment. A student must obtain not less than 32 marks to pass University written examination of a subject. A student must obtain not less than 8 marks to pass internal examination of a subject.

A student shall be declared as passed in a particular year or class if he / she have passed in all the subjects of two terms or semesters of a year or class taken together. There shall not be a separate passing for a single semester or term examination.

The class shall be awarded to the student if he / she have passed in all the subjects of two terms or semesters of a year or class taken together.

A student shall be entitled to the benefit of grace marks or additional marks for extra-curricular activities as per University rules.

The difference between the percentage of University written examination marks and percentage of internal assessment marks of a student for any subject shall not be more than 15%. If the percentage of marks obtained by a student for any subject in internal assessment exceed the percentage of marks obtained by him / her in University written examination by more than 15% the marks obtained by him / her in internal assessment shall be brought down to that extent.

The class shall be awarded to the student for that year or class as under :

S.N.	Percentage of Marks	Class
(i)	Aggregate 40 % and more but less than 50 %	Pass Class**
(ii)	Aggregate 50 % and more but less than 55 %	Second Class
(iii)	Aggregate 55 % and more but less than 60 %	Higher Second Class
(iv)	Aggregate 60 % and above but less than 70 %	First Class
(V)	Aggregate 70 % and above	First Class with Distinction

## **Standard of Passing for (a) Third, Fourth and Fifth Year of B.A. LL.B., (b) Third, Fourth and Fifth Year of B.B.A. LL.B., and (c) First, Second and Third Year of LL.B.:**

In case of any subject of (a) Third, Fourth and Fifth Year of B.A. LL.B., (b) Third, Fourth and Fifth Year of B.B.A. LL.B. and (c) First, Second and Third Year of LL.B., a student must obtain not less than 40 marks to pass a subject.

**\*\* The aggregate for passing shall be 40% for all years of B .A. LL.B., B.B.A. LL.B. and LL.B. from the academic year 2018-19 as per circular Ref. No. C.B.L./46 dated 15-01-2018.**

The total marks of a subject, except for practical training subjects, shall be computed by adding marks of University written examination and internal assessment.

There shall be separate passing for University written examination and internal assessment. A student must obtain not less than 32 marks to pass University written examination of a subject. A student must obtain not less than 8 marks to pass internal examination of a subject.

The total marks of practical training subjects, except for Practical Training Paper IV - Moot Court Exercise and Internship, shall be computed by adding marks for two components - (a) University written examination and (b) written submissions and viva voce examination. There shall be separate passing for these two components of a subject. A student must obtain not less than 32 marks to pass a University written examination of a subject. A student must obtain not less than 8 marks to pass a written submissions and viva voce examination of a subject.

The total marks of Practical Training Paper IV - Moot Court Exercise and Internship shall be computed by adding marks for two components - (a) moot court exercises, observance of trials, pre-trial preparations and (b) written submissions and viva voce examination. There shall be separate passing for these two components. A student must obtain not less than 36 marks to pass in a moot court exercises, observance of trials, pre-trial preparations of a subject. A student must obtain not less than 4 marks to pass a written submissions and viva voce examination of a subject.

A student shall be declared as passed in an examination of particular year or class if :

he / she has passed in all the subjects of two terms or semesters of a year or class; and

he / she has obtained not less than 50% of aggregate marks in all the subjects of two terms or semesters of a year or class taken together.

(7) There shall not be a separate passing for a single semester or term examination.

(8) A student failed in a particular year or class examination or a student allowed to keep terms (ATKT) shall be required to register and appear for the University written examination of the subject or subjects in which he / she has obtained less than 50 % marks in University written examination. Similarly, he / she shall be required to register and appear for the internal examination of the subject or subjects in which he / she has obtained less than 50 % marks in internal examination.

(9) A student failed in a particular year or class examination or a student allowed to keep terms (ATKT) shall be exempted from registering and appearing for the examination of the subject or subjects in which he / she has obtained not less than 50marks.

(10) The class shall be awarded to the student if he / she is declared as passed in a particular year or class.

(11) A student shall be entitled to the benefit of grace marks or additional marks for extra curricular activities as per University rules.

(12) The difference between the percentage of University written examination marks and percentage of internal assessment marks of a student for any subject shall not be more than 15%. If the percentage of marks obtained by a student for any subject in internal assessment exceed the percentage of marks obtained by him / her in University written examination by more than 15% the marks obtained by him / her in internal assessment shall be brought down to that extent.

(13) The class shall be awarded to the student for that year or class as under :

S.N.	Percentage of Marks	Class
(i)	Aggregate 50 % and more but less than 55 %	Second Class
(ii)	Aggregate 55 % and more but less than 60 %	Higher Second Class
(iii)	Aggregate 60 % and above but less than 70 %	First Class
(iv)	Aggregate 70 % and above	First Class with Distinction

Note :- As per circular Ref. No. C.B.L./46 dated 15-01-2018 there shall be a pass class from academic year 2018-19 below 50% of marks.

### 3. Eligibility for Award of Degree :

A student of B.A. LL.B. course passed in examination of all the years or classes shall be eligible to obtain the B.A. LL.B. degree.

A student of B.B.A. LL.B. course passed in examination of all the years or classes shall be eligible to obtain the B.B.A. LL.B. degree.

A student of LL.B. course passed in examination of all years or classes shall be eligible to obtain the LL.B. degree.

If any add-on papers introduced either by the University, Government, UGC from time to time as compulsory courses, students need to undergo and pass such papers apart from prescribed syllabi for each law programme as per norms. The marks scored in those papers will have no effect on the class of the student of their regular course of study. The marks earned in the add-on papers will reflect separately in the statement of mark of each student. Such add-on courses will not affect the ATKT Rules.

### 4. Allowed to Keep Terms\* (ATKT) for B.A.LL.B. Course :

A student of First Year B.A. LL.B. shall be eligible for admission to Second Year B.A. LL.B. if he / she has passed in at least five subjects of First Year B.A. LL.B. in first and second semester examinations taken together.

A student of Second Year B.A. LL.B. shall be eligible for admission to Third Year B.A. LL.B. if he / she has passed in at least five subjects of Second Year B.A. LL.B. in third and fourth semester examinations taken together.

A student of Second Year B.A. LL.B. shall not be eligible for admission to Third Year B.A. LL.B. unless he has passed First Year B.A. LL.B. examination.

A student of Third Year B.A. LL.B. shall be eligible for admission to Fourth Year B.A. LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Third Year B.A. LL.B. in fifth and sixth semester examinations taken together.

A student of Third Year B.A. LL.B. shall not be eligible for admission to Fourth Year B.A. LL.B. unless he has passed Second Year B.A. LL.B. examination.

A student of Fourth Year B.A. LL.B. shall be eligible for admission to Fifth Year B.A. LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Fourth Year B.A. LL.B. in seventh and eight semester examinations taken together.

A student of Fourth Year B.A. LL.B. shall not be eligible for admission to Fifth Year B.A. LL.B. unless he has passed Third Year B.A. LL.B. examination.

### **5. Allowed to Keep Terms\* (ATKT) for B.B.A.LL.B. Course :**

A student of First Year B.B.A. LL.B. shall be eligible for admission to Second Year B.B.A. LL.B. if he / she has passed in at least five subjects of First Year B.B.A. LL.B. in first and second semester examinations taken together.

A student of Second Year B.B.A. LL.B. shall be eligible for admission to Third Year B.B.A. LL.B. if he / she has passed in at least five subjects of Second Year B.B.A. LL.B. in third and fourth semester examinations taken together.

A student of Second Year B.B.A. LL.B. shall not be eligible for admission to Third Year B.B.A. LL.B. unless he has passed First Year B.B.A. LL.B. examination.

A student of Third Year B.B.A. LL.B. shall be eligible for admission to Fourth Year B.B.A. LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Third Year B.B.A. LL.B. in fifth and sixth semester examinations taken together.

A student of Third Year B.B.A. LL.B. shall not be eligible for admission to Fourth Year B.B.A. LL.B. unless he has passed Second Year B.B.A. LL.B. examination.

A student of Fourth Year B.B.A. LL.B. shall be eligible for admission to Fifth Year B.B.A. LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Fourth Year B.B.A. LL.B. in seventh and eight semester examinations taken together.

A student of Fourth Year B.B.A. LL.B. shall not be eligible for admission to Fifth Year B.B.A. LL.B. unless he has passed Third Year B.B.A. LL.B. examination.

### **6. Allowed to Keep Terms\* (ATKT) for LL.B. Course :**

A student of First Year LL.B. shall be eligible for admission to Second Year LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of First Year LL.B. in first and second semester examinations taken together.

A student of Second Year LL.B. shall be eligible for admission to Third Year LL.B. if he / she has obtained not less than 50 marks in at least seven subjects of Second Year LL.B. in third and fourth semester examinations taken together.

A student of Second Year LL.B. shall not be eligible for admission to Third Year LL.B. unless he has passed First Year LL.B. examination.

\*If a student passes in not less than 2/3 of total subjects, his result status will be ATKT. Thus if there are total eight subjects to pass, minimum number of passing subjects allowed to avail ATKT status is  $8 \times \frac{2}{3} = 5$ . It means a student should pass in minimum five out of eight subjects.

### **7. Duration to Complete Entire Course :**

A student of B.A. LL.B. course, in order to become eligible for award of the degree, must pass in all the subjects, divided in ten semesters, within a span period of ten academic years including academic year in which he / she was admitted to first year of the course. No student shall be admitted as a candidate for any examination of the said course after the said period of ten academic years unless he / she is readmitted to the course.

A student of B.B.A. LL.B. course, in order to become eligible for award of the degree, must pass in all the subjects, divided in ten semesters, within a span period of ten academic years including academic year in which he / she was admitted to first year of the course. No student shall be admitted as a candidate for any examination of the said course after the said period of ten academic years unless he / she is readmitted to the course.

A student of LL.B. course, in order to become eligible for award of the degree, must pass in all the subjects, divided in six semesters, within a span period of six academic years including academic year in which he / she was admitted to first year of the course. No student shall be admitted as a candidate for any examination of the said course after the said period of six academic years unless he / she is readmitted to the course.

### **8. Removal of Doubts and Difficulties:**

Notwithstanding anything stated in the rules herein or any issue stated hereinabove, for any unforeseen issues arising, and not covered by the rules herein, or in the event of differences of interpretation, the Vice-Chancellor of the University may take a decision and the said decision of the Vice-Chancellor shall be binding.

**Part VI**  
**Syllabus of First Year of B.A. LL.B.**  
**First Year B.A. LL.B. - Semester I**

**CE 0101 General English**

**Objectives of the Course :** The purpose of the course is to acquaint the students with the nature of English language and its grammatical concepts. This paper focuses on strengthening the students' syntactical competence so as to bring quality and correct grammatical constructions in their writing and it is also meant to train them on how to study for various purposes.

**Module 01 Language and Grammar :**

Defining Language  
Nature of Language  
Syntactical Competence (Introductory)  
Grammar and Usage -  
    Sentence Structure- Subject and Predicate  
    Concord  
    Tenses  
    Use of Articles  
    Accurate Use of Prepositions  
    Making Questions (Why- and yes-no questions and question tags)  
Use of Modal Auxiliary Verbs (making requests, suggestions, seeking permission etc.)  
Some Common Errors

**Module 02 Sentence Transformation :**

Active and Passive Voice  
Types of Sentences (Statements, interrogative, exclamatory and imperative)  
Simple, Complex and Compound Sentences  
Reported Speech  
Syntactic Ambiguity

**Module 03 Vocabulary Skills :**

Idioms and Phrases  
One Word Substitution

**Module 04 Communication Skills :**

Communication - Verbal, Non-verbal and Written  
Significance of Communication Skills for Lawyers- Listening, Speaking,  
Reading and Writing (Introductory)  
    Electronic Communication and its Types (Telephone, Facsimile, E-mail,  
    Voice mail, Teleconferencing, Video-conferencing, Word processor, Internet,  
    Social Media)  
Formal Correspondence

Resume Writing

**Module 05 Study Skills for Law Students :**

SQ3R (Survey Question Read Recite and Review)

Reading - Types- intensive and extensive; techniques- scanning, skimming and critical

Note making

Writing (Correct grammar, spelling, punctuation and clarity)

Paragraph Writing

**Recommended Readings:**

- 1) *Cambridge Idioms Dictionary*. Singapore: Cambridge University Press, 2006.
- 2) Donald, Sydney G. and Pauline E Kneale. *Study Skills for Language Students*. New York: OUP, 2001.
- 3) Green, David. *Contemporary English Grammar Structures and Composition*. Chennai: Macmillan, 1999.
- 4) Gupta, Shweta. *General English & Legal Language*, Allahabad: CLP, 2016.
- 5) Hansen, Randall S and Katherine Hansen. *The Complete Idiot's Guide to Study Skills*. New Delhi: Penguin Books, 2008.
- 6) Sanjay Kumar & Pushp Lata. *Communication Skills*. India: OUP, 2011.
- 7) Thomson and Martinet. *A Practical English Grammar*. Mumbai: OUP, 1970.
- 8) Tripathi, S C. *Legal Language, Legal Writing & General English*. Allahabad: CLP, 2014.
- 9) Whitmore, Tracey. *How to write an Impressive CV & Cover Letter*. Rupa & Co. 2011.
- 10) Yadugiri, M. A. and Geeta Bhaskar. *English for Law*. New Delhi: Foundation Books, 2005.

## **BA 0102 General Principles of Political Science**

**Objectives of the Course :** This paper focuses on understanding the basic concepts, theories and functioning of State. It tries to enable students to understand the entire gamut of Political Science and its inter-relationship with other disciplines. This paper focuses on creating an understanding of theories of State, its basic concepts and functioning of State and Government. As a final point, the course attempts to make the students aware about the structure, organization and principles of political Parties as a vital element of democratic machinery.

### **Module 01 Introduction :**

Definition and Nature of Political Science

Concept of Political Science

Methods of studying Politics -Traditional Methods -Philosophical Method - Historical Method - Institutional Method-Legal Method - Modern Methods - Behavioural Method - Post Behavioural Method

Significance of Political Science

Relationship of Political Science with other allied subjects - Sociology, Economics and Law

### **Module 02 Origin and Development of State :**

Historical Evolution of State from Individual to State

Meaning and definition of State

Essential elements of State - Population-Territory- Government and Sovereignty

Theories of origin of State–Divine origin Theory - Historical Theory -Genetic Theory- Social Contract Theories of Hobbes, Locke and Rousseau

Types of State- Unitary- Federal-Micro-Macro and City-State. /Development of State from City State - Plato's ideal State -Nation State-Welfare State - Micro and Macro - Cosmopolitan State

### **Module 03 Sovereignty of State :**

Meaning and definition of Sovereignty

Characteristics of Sovereignty

Sovereignty and Constitutional law

Austin's Interpretation and Pluralistic Interpretation of Sovereignty

### **Module 04 Theory of Separation of Powers :**

Origin and Development of the concept

Significance of Theory of Separation of Powers

Interrelation between Legislature, Executive and Judiciary

### **Module 05 Political Obligation :**

Meaning and Nature of Political Obligation

Significance of Political Obligation

Individual and Political Obligation

Theories of Political Obligation – Liberal Theory-Force Theory-Consent Theory Idealist Theory- Marxist Theory- Utilitarian Theory

Political Obligation and Unjust Laws

Concept of Punishment and its need

Theories of Punishment – Deterrent Theory- Retributive Theory- Preventive Theory- Reformatory Theory - Expiatory Theory

**Module 06 Government and its Forms :**

Difference between State and Government

Classification of Government – Classical view - Plato and Aristotle

Modern Forms of Government – Monarchy- Aristocracy- Democracy- Dictatorship-Parliamentary-Presidential- Unitary and Federal- Local Self Government – An overview

**Module 07 Political Parties and Pressure Groups :**

Origin and evolution of Political Parties

Meaning and nature of Political Parties

Structure, Power and functions of Political Parties

Types of Political Party System– Single Party System-Bi-Party System-Multi-Party System

Types of Political Parties – Indian Scenario- Umbrella Party- National Parties-State Parties-Regional Parties

Pressure Groups – Meaning and significance and functions

Election process – Understanding basic concepts- Electoral - Constituency- Universal Adult Franchise- Representation and its types Commission

Role of Election Commission in regulating Political Parties

**Recommended Readings :**

- 1) Asirvatham Addi, *Political Theory* (New Delhi, S. Chand and Co. 1988).
- 2) Barker, E. *Principles of Social and Political Theory*, (Calcutta, Oxford University Press, 1976).
- 3) Colin Hay (2002) *Political Analysis: A Critical Introduction*. Basingstoke: Palgrave Macmillan.
- 4) David Collier and John Gerring (eds.) (2009) *Concepts and Method in Social Science: The Tradition of Giovanni Sartori*. London: Routledge.
- 5) Gauba, O.P., *An Introduction to Political Theory* (New Delhi, Macmillan 2005).
- 6) Heywood, Andrew, *Politics* (New York, Palgrave, 2002).
- 7) Hobbes, T Leviathan (ed) R-Tuck, Cambridge, (Cambridge University Press, 1991).
- 8) Jain, P.V. *Political Science I (Political Theory)* Allahabad: Central Law Publication, 2016.
- 9) Johari, J.C. *Principles of Modern Political Science* (New Delhi, Sterling Publisher, 2005).
- 10) Kapur, A.C., *Principles of Political Science* (New Delhi, S. Chand and Co. 2005).
- 11) Leftwich, Adrian, *What is Politics* (Cambridge, Polity Press, 2005).
- 12) MacIver, R.M, *The Modern State* (Oxford, Oxford University Press, 1926).
- 13) Marx, K.H, *The Communist Manifesto C Moscow*, Progress Publishers, 1975).
- 14) Ramaswamy, Sushila, *Political Theory: Ideas and Concepts* (Delhi, Macmillan, 2003).
- 15) Tansey, S.D., *Politics : The Basics* (London, Routledge, 2000).

**Recommended Articles :**

- 1) Jackson, John H (2003). Sovereignty - Modern: *A New Approach to an Outdated Concept*, Georgetown Law Faculty Publications and Other Works. (110.scholarship.law.georgetown.edu/facpub/110/).
- 2) Khushi Pandya (April 22, 2013), *Separation of Powers - An Indian Perspective*,

- 3) University of Westminster - School of Law, ([https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2254941](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2254941)).
- 4) Eoin Carolan (Jan 1, 2009). *The Problems with the Theory of the Separation of Powers*.
- 5) University College Dublin (UCD) - School of Law. ([https://papers.ssrn.com/sol3/papers2.cfm?abstract\\_id=1889304](https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=1889304)).
- 6) Danny Gittings (2015). *Conflict Over Montesquieu's Doctrine' on Separation of Powers*. ([https://papers.ssrn.com/sol3/papers2.cfm?abstract\\_id=2617094](https://papers.ssrn.com/sol3/papers2.cfm?abstract_id=2617094)).
- 7) Jose Cheibub- *Systems of Government: Parliamentarism and Presidentialism*. ([https://www.hks.harvard.edu/fs/pnorris/.../Cheibub\\_Pres\\_Parlt.pdf](https://www.hks.harvard.edu/fs/pnorris/.../Cheibub_Pres_Parlt.pdf)).
- 8) Wilhelm Hofmeister and Karsten Grabow. (2011) *Political parties : functions and organisation in democratic societies* –Konrad Adenauer Stiftung. ([www.kas.de/wf/doc/kas\\_7671-1442-2-30.pdf?120920114650](http://www.kas.de/wf/doc/kas_7671-1442-2-30.pdf?120920114650)).
- 9) Kamal Rana (2014). *Role of Pressure Groups in Indian Democracy*. ([www.importantindia.com/.../role-of-pressure-groups-in-indian-democracy/](http://www.importantindia.com/.../role-of-pressure-groups-in-indian-democracy/)).
- 10) Mukulika Banerjee (2014). *Working of Indian Electoral Democracy -Why India Votes*, Routledge Publishers. ([www.mainstreamweekly.net/article6494.html](http://www.mainstreamweekly.net/article6494.html)).
- 11) Pratap Bhanu Mehta, *Is electoral and institutional reform the answer?* ([www.india-seminar.com/.../506%20pratap%20bhanu%20mehta.htm](http://www.india-seminar.com/.../506%20pratap%20bhanu%20mehta.htm)).
- 12) Anup Shah - *Democracy - Global Issues*. ([www.globalissues.org/article/761/democracy](http://www.globalissues.org/article/761/democracy)).
- 13) Ashutosh Varshney (1998) *India Defies the Odds: Why Democracy Survives* | Journal of Democracy, Volume 9, pp 36-50. ([www.journalofdemocracy.org/.../india-defies-odds-why-democracy-survives](http://www.journalofdemocracy.org/.../india-defies-odds-why-democracy-survives)).
- 14) T. N. Srivastava (2002). *Local Self Government and the Constitution*. Economic and Political Weekly, Vol. 37, No. 30, pp. 3190-3198.

#### **Recommended Journals :**

- 1) American Journal of Political Science - (<https://ajps.org/>).
- 2) British Journal of Political Science | Cambridge Core. (<https://www.cambridge.org/core/journals/british-journal-of-political-science>).
- 3) American Political Science Review. ([www.apsanet.org/apsr](http://www.apsanet.org/apsr)).
- 4) Canadian Journal of Political Science/Revue canadienne de science (<https://www.cambridge.org/.../journals/canadian-journal-of-political-science-revue>).
- 5) Indian Journal of Political Science. (<http://www.ijps.net.in/>).

## BA 0103 General Principles of Economics

**Objectives of the Course :** The objectives of the course are : (1) To study the basic concepts of economics; (2) To apply the economic reasoning to problems of society; (3) To become conversant with fundamental principles of economics; (4) To expose students of Law to economics.

### **Module 01 Introduction to Economics :**

Meaning and Definition of Economics  
Scope and Importance of Economics  
Branches of Economics – Micro, Macro, Positive, Normative, Developmental and Welfare Economics  
Interrelationship of Economics with Political Science, Management and Governance

### **Module 02 Basic Concepts and Definitions :**

Utility, commodity, services, consumption, production, income, wealth and equilibrium  
Difference between economic and non - economic goods, economic and non – economic wants  
Significance of resources and their scarcity

### **Module 03 Demand and Supply :**

Law of Demand and Supply  
Elasticity of Demand – Price, Income and Cross Elasticity of Demand  
Law of Diminishing Marginal Utility  
Law of Equity - Marginal Utility  
Indifference Curve Analysis – Consumer Surplus

### **Module 04 Theory of Production and Cost :**

Factors of Production - Land, Labour, Capital and Organisation  
Production Function - Law of Variable Proportions and Returns to Scale  
Economies and Diseconomies of Scale – Internal and External  
Concepts of Cost - Money vs Real Cost, Explicit and Implicit Cost, Fixed and Variable Cost, Private and Social Cost, Opportunity Cost, Total Cost, Average Cost and Marginal Cost

### **Module 05 Market Structure and Price Determination :**

Classification of Market - Perfect Competition, Monopoly, Monopolistic Competition, Oligopoly and Duopoly  
An overview of Price Determination in different market structures  
Understanding about Cartel, Trust, Company, Merger and Amalgamation

### **Module 06 Factor Pricing :**

Functional and Personal Distribution of Income  
Marginal Productivity Theory of Distribution  
An overview of theories of Determination of Rent, Wages, Interest and Profit

**Recommended Readings :**

- 1) Samuelson, Paul and Nordhaus, *Economics*, Tata McGraw Hill Publishing Company Ltd., New Delhi, 2007.
- 2) Ahuja, H. L., *Advanced Economic Theory: Micro Economic Analysis*, S. Chand and Company Ltd., New Delhi, 2007.
- 3) Chopra, P. N., *Principles of Economics*, Kalyani Publishers, Ludhiana, 2006.
- 4) Seth, M. L., *Principles of Economics*, Lakshmi Narain Agarwal Educational Publishers, Agra, 2001.
- 5) Bhutani, P. J., *Principles of Economics*, Taxman Publication, New Delhi, 2000.
- 6) Agarwala, S. K., *Economic Systems and Micro Economic Theory*, Galgotia Publishing Company, New Delhi, 1997.
- 7) Sivagnanam, K. Jothi and Srinivasan R., *Business Economics*, Tata McGraw Hill Education Private Ltd., New Delhi, 2010.
- 8) Dwivedi, D. N., *Managerial Economics*, Vikas Publishing House Pvt. Ltd., New Delhi, 2002.
- 9) Reddy, Raghunatha R. and Chary Narasimha M. V., *Managerial Economics and Financial Analysis*, Scitech Publications (India) Pvt. Ltd., Chennai & Hyderabad, 2005.

## BA 0104 General Principles of Sociology

**Objectives of the Course :** Sociology is a significant area to study and observe the various ethical, moral and cultural standards and the significant role played by social institutions in regulating the behavioural patterns of individuals in every society. Law also contemplates the same in a different perspective; this introductory paper is intended to acquaint the students with sociology as a social science and the distinctiveness of its approach among the social science. It is organized in such a way that to give an idea to the students of law the Significance of sociology in the society and its impact and relationship on law and the importance of social aspects in law making.

### **Module 01 Introduction:**

Origin and Development of Sociology  
Meaning and Definition of Sociology  
Scope and Concept of Sociology – significance of sociology  
Relationship of sociology with other Sciences - Economics - Politics - Law - Psychology - Science and Technology

### **Module 02 Basic Concepts of Sociology:**

Values - Ethics and Norms  
Social and social system-Community - Individual-Culture  
Institutions - Family - Marriage - Kinship - Religion - Education - Polity

### **Module 03 Social Anthropology:**

Meaning and scope of social anthropology  
Relationship between sociology and social anthropology  
Development of social anthropology  
Social differentiation  
Differences between societies

### **Module 04 Social Processes:**

Socialization: Process, Stages, Agencies  
Social Mobility: Meaning, Forms, Factors  
Social Control: Forms, Agencies

### **Module 05 Social Stratification:**

Meaning - Forms and Theories  
Nature of Social Classes - Family - Class - Endogamy  
Social Stratification - Functions and dysfunctions of Social Stratification

### **Module 06 Relationship between Sociology and Law :**

Law as an Instrument of social Change  
Role of Social movements and its impact on law  
Religious and Cultural aspects and their significance in Law  
Family and its importance in Social Legislations

### **Recommended Readings :**

- 1) Ishwar Bhatt: 2009, *Law and Social Transformation*, Easter Book Company.
- 2) Bottomore, T.B. 1972. : *Sociology: A guide to Problems and literature*, Blackie & Son (India). Ltd.

- 3) Harlambos, M. 1998. : *Sociology: Themes and Perspectives*, New Delhi: Oxford University Press.
- 4) Inkeles, Alex. 1987. : *What is Sociology?* New Delhi: Prentice Hall of India.
- 5) Johnson, Harry M. 1995. : *Sociology: A Systematic Introduction*. New Delhi Allied Publishers.
- 6) MacIver, R.M. and 1996 : *Society: An Introductory Analysis Page*, Charles H. Macmillan India Limited.
- 7) Oommen, T.K. Venugopal, C.N and 2002 : *Sociology for Law Students*. Lucknow, Eastern Book Company.
- 8) Lexis Nexis: *Sociology for Law Students* 2016.
- 9) N. S. Timasheff: *Basic Concepts of Sociology*, American Journal of Sociology, Vol. 58, No. 2 (Sep., 1952),pp. 176-186 available at JSTOR gateway.
- 10) Lucy Mair, 1997, *An Introduction to Social Anthropology*, Oxford, New Delhi.

**Recommended Journals:**

- 1) American journal of Sociology.
- 2) Indian Journal of Sociology.
- 3) British Journal of Sociology.
- 4) Social Currents.
- 5) Social Action.
- 6) Social Change.
- 7) South India Journal of Sociology.

## First Year B.A. LL.B. - Semester II

### CE 0201 English for Law

**Objectives of the Course :** The main objective of this course is to familiarize the students with the correct pronunciations of words and to acquaint them with the role of meanings of words and their interpretation in law. This paper also intends to make the students familiar with the basic idea of law and its nature.

#### **Module 01 Phonology and Morphology :**

Use of English and its Significance for Communication in Indian Legal Context (in the Supreme Court, High Courts and various tribunals)  
Correct Pronunciation - Speech Sounds, Word Stress and Intonation.  
Structure of Words  
Processes of Word Formation(examples from law)

#### **Module 02 Semantics and Role of Meaning in Law :**

Concept of Meaning  
Types of Meaning (Denotative, Connotative, Social, Emotive, Reflected, Collocative and Thematic)  
Semantic Ambiguity  
Components and Contrasts of Meaning-Synonyms, Antonyms and Hyponym and their Significance in Legal Language (focus on examples)  
Lexical Relations-Homographs, Homophones and Polysemy and their Significance in Legal Language(focus on examples)

#### **Module 03 Composition Skills :**

Report Writing  
Précis Writing  
Notices of General Nature  
Essay Writing on Legal Topics  
Translation :  
Definition of 'Translation' and its Nature  
Techniques of Translation  
The Significance of Translation in Law

#### **Module 04 Understanding the Law :**

Defining Law  
Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedent, Rule, Statute  
Nature of Law  
Classification of Laws- Municipal Law and International Law, Public and Private Laws, Civil and Criminal laws

Interpreting Law and Role of Language in Interpretation (Use of definitions, meanings of words, literal meaning and contextual meaning (Refer to Porritt and Spencer (Asia) Ltd v. State of Haryana 1979 SCC (1) 82 and Dupont Steels v. Sirs, (1980)1 All ER 529, (1980) ICR 161)

Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws-Legal Terms (75)

**Module 05 Foreign Terminology in Law :**

Use of Foreign Terms in Legal English- the Origin of Law and Reasons for their Use

Foreign Words (30)

Legal Maxims (15)

**List of Legal Terms (Module 4.6):**

Abduction	Deponent	Parole
Abetment	Detention	Partition
Abscond	Discharge	Perjury
Accomplice	Encumbrance	Petition
Accused	Eviction	Plaintiff
Acquittal	Evidence	Pleadings
Adoption	Extortion	Precedent
Admission	Fraud	Prosecute
Affidavit	Heir	Probation
Alibi	Homicide	Proviso
Alimony	Intellectual Property,	Rebuttal
Amendment	Intestate	Restitution
Appeal	Investigation	Remand
Approver	Judgment	Respondent
Bail	Jurisdiction	Self defence
Bankrupt	Justice	Succession
Charge sheet	Juvenile	Summons
Claimant	Legacy	Testator
Confession	Liability	Testimony
Conviction	Misappropriation	Trial
Damages	Mortgage	Trespass
Decree	Negligence	Verdict
Deed	Oath	Voluntarily
Defamation	Overrule	Warrant
Defendant	Ownership	Will

**List of Foreign Words (30) (Module 5.2) :**

*Ab initio* - From the beginning.

*Ad hoc* - Established for a particular purpose.

*Ad valorem* - According to value.

*Amicus curiae* - An impartial Advisor.

*Bona vacantia* - Ownerless property.

*Compos mentis* - of sound mind.

*De facto* - In actual fact.

*De jure* - In law, By legal right.  
*Ex parte* - One side only.  
*Fauxpas* - Blunder.  
*In limine* - At the outset.  
*In memorium* - In memory of.  
*In personam* - Personally.  
*Inter alia* - Among other things.  
*Inter se* - Among themselves.  
*Lis pendens* - During the pendency in any court.  
*Locus standi* - Right to speak or intervene in a matter.  
*Mala fide* - In bad faith.  
*Mens rea* - Criminal intention or guilty mind.  
*Modus operandi* - Mode or Method of working.  
*Nudum pactum* - A bare promise.  
*Onus probandi* - The burden of proof.  
*Par excellence* - Without comparison.  
*Prima facie* - At first sight.  
*Ratio decidendi* - The reasons for decisions.  
*Sine die* - To a date not at the moment fixed.  
*Sub judice* - Under judicial consideration.  
*Suo moto* - By itself.  
*Ultra vires* - Beyond powers.  
*Vox populi* - The voice of people.

### **List of Legal Maxims (15) (Module 5.3) :**

*Actus curiae neminem gravabit* - An act of the court shall prejudice no one.  
*Actus non facit reum, nisi mens sit rea* - An act does not make a person guilty unless the mind is guilty.  
*Audi alteram partem* - Let the other side be heard as well.  
*Delegatus non potest delegare* - A delegate cannot delegate.  
*Ex nudo pacto non oritur actio* - No action arises from a contract without consideration.  
*Expressio unius est exclusio alterius* - Express mention of one thing excludes all others.  
*Ignorantia facti excusat, ignorantia juris non excusat* - Ignorance of facts excuses but ignorance of law excuses no one.  
*Nemo dat quod non habet* - No one gives what he does not have.  
*Noscitur a sociis* - The meaning of a doubtful word can be derived from its association with other words.  
*Qui facit per alium facit per se* - He who acts through another does the act himself.  
*Respondeat superior* - Let the master answer.

### **Recommended Readings:**

1) Bansal, R. K. and J. B. Harrison. *Spoken English for India: A Manual of Speech and Phonetics*. Hyderabad: Orient Longman, 1983.

- 2) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011
- 3) Gandhi, B.M. *Legal Language, Legal Writing and General English*. Lucknow: Eastern Book Com., 2009.
- 4) Garner, Bryan A. ed. *Black's Law Dictionary* . 10<sup>th</sup> Edition.
- 5) Law Commission of India. *Non-feasibility of Introduction of Hindi as Compulsory Language in the Supreme Court of India*. Report No 216, December 2008.
- 6) Leech, Geoffrey. *Semantics- The Study of Meaning*. Great Britain: Penguin Books, 1981.
- 7) *Lexpedia*, The Law Students' Companion Guide (Legal Words, Phrases & Maxims) Gurgaon, LexisNexis, 2014.
- 8) Mohan, Krishna and Meenakshi Raman. *Advanced Communicative English*. New Delhi: Tata McGraw Hill, 2010.
- 9) Narayanswami, V. R. *Strengthen Your Writing*. Hyderabad: Orient Longman, 2000.
- 10) *P. Ramanatha Aiyer's Law Lexicon* . Lexis Nexis, 2012.
- 11) Wright, Chrissie, ed. *Handbook of Practical Communication Skills*. Mumbai: JaicoPublishing, 2006.
- 12) Yadugiri, M. A. and Geeta Bhaskar. *English for Law*. New Delhi: Foundation Books, 2005.

## BA 0202 Political Theories

**Objectives of the Course :** This is an introductory paper for the concepts, ideas and ideologies in political theory. It seeks to explain the evolution and usage of these concepts, ideas and theories with reference to individual thinkers both historically and analytically. The different ideological standpoints with regard to various concepts and theories are to be critically explained with the purpose of highlighting the differences in their perspectives and in order to understand their continuity and change. Furthermore, there is a need to emphasize the continuing relevance of these concepts today and explain how ideas and theory of yester years gains prominence in contemporary political theory.

### **Module 01 Introduction :**

Meaning and definition of Political Theory

Significance of Political Theory

Impact of Political Theory on Society and Law

### **Module 02 Approaches to the study of Political Theory :**

Traditional Approaches – Philosophical- Historical- Legal- Institutional

Contemporary Approaches – Positivism, Constructive and Communitarian

### **Module 03 Theories of Power and Authority :**

Nature and Significance of Power and Authority

Max Webber's View on Authority and Robert Dahl's views on Influence

Different forms of Power and Authority

Theories of Power – Elite Theory and Group Theory

Difference between Power and Authority and Legitimacy

### **Module 04 Overview of Political Theory :**

Liberalism - Meaning- Main currents of liberalism- J. S. Mill's views- Decline of Liberalism

Socialism and its variants - Fabian – Guild - Syndicalism – An overview

Marxism- Contemporary relevance

Utilitarianism - Jeremy Bentham and Contribution of J.S. Mill

Nationalism and its facets – Fascism and Nazism, Challenges before

Nationalism – Sub-nationalism - Regionalism

Gandhism and Sarvodaya

Social Justice Theory of Dr. B.R. Ambedkar

### **Module 05 Contemporary Political Theories and Viewpoints :**

Theories of Environment, Feminism

Realism and Cultural-relativism

Human Rights

Current State of Political Theory - Pluralism and Reconciliation

### **Recommended Readings :**

1) Arneil, Barbara, *Politics and Feminism*, Oxford, Blackwell, 1999.

2) Bealey, Frank, *The Blackwell Dictionary of Political Science*, Oxford, Blackwell, 1999.

3) Beetham, David, *The Legitimation of Power*, Houndmills, Macmillan, 1991.

- 4) Rajeev Bhargava & Ashok Acharya, *Political theory: An Introduction*, Pearson Longman, Delhi, 2008.
- 5) Cohen, J. and Arato, A., *Civil Society and Political Theory*, Cambridge, MIT Press, 1992.
- 6) David Boucher and Paul Kelly (2009) *Political Thinkers: From Socrates to the Present*. Oxford University Press.
- 7) De Crespigny, Anthony, et.al. (Eds.) *Contemporary Political Theory*, London, Nelson, 1970.
- 8) Dodson, Andrew, *Green Political Thought*, London, Routledge, 2000, reprint.
- 9) Dunn, John, *The History of Political Theory and Other Essays*, Cambridge, Cambridge University Press, 1996.
- 10) Jain, P.V. *Political Science I (Political Theory)*, Allahabad: Central Law Publication, 2016.
- 11) Varma S. P. *Modern Political Theory*, New Delhi, Vikas, 1983.
- 12) Sir E. Barker, *Principles of Social and Political Theory*, Calcutta, Oxford University Press, 1976.
- 13) S. Ramaswamy, *Political Theory: Ideas and Concepts*, Delhi, Macmillan, 2002.
- 14) Mukherjee and S. Ramaswamy, *A History of Political Thought: Plato to Marx*, New Delhi, Prentice Hall, 1999.

#### **Recommended Articles :**

- 1) Guyora Binder (1999) *Cultural Relativism and Cultural Imperialism in Human Rights Law*, Buffalo Human Rights Law Review, Vol. 5, pp. 211-221.
- 2) Pradeep Nair and Sandeep Sharma (2016) *Gandhi and Governance: Relooking Development at Grassroot Level*, Mainstream, VOL LIV No 41, New Delhi.
- 3) Jonathan Haidt (July 2016). *When and Why Nationalism Beats Globalism*, The American Interest: Volume 12, Number 1.
- 4) Robert J. Delahunty (March 2012) *Nationalism, Statism and Cosmopolitanism*, Northwestern Interdisciplinary Law Review, U of St. Thomas Legal Studies, Research Paper No. 12-08.
- 5) Yogendra Yadav, *Rethinking social justice*. ([www.india-seminar.com/2009/601/601\\_yogendra\\_yadav.htm](http://www.india-seminar.com/2009/601/601_yogendra_yadav.htm)).
- 6) Neer Varshney (Feb 2014), *Equality and Social Justice: Is Affirmative Action in India Justified?* OIDA International Journal of Sustainable Development, Vol. 06, No. 11, pp. 81-90.
- 7) Marc F. Plattner (2010) *Populism, Pluralism, and Liberal Democracy*, Journal of Democracy, Volume 21, Issue 1, 2010, pp. 81-92.
- 8) Sunita Narain, *Changing environmentalism* ([www.india-seminar.com/2002/516/516%20sunita%20narain.htm](http://www.india-seminar.com/2002/516/516%20sunita%20narain.htm)).
- 9) Jyh-An Lee (2011), *The Greenpeace of Cultural Environmentalism*, Wider Law Review, Vol. 16, No. 1, 2010
- 10) R. Claire Snyder (2008) *What Is Third - Wave Feminism? A New Directions Essay*- The University of Chicago Press Journals, Vol. 34, No. 1 (Autumn 2008), pp. 175-196. Stable. (<http://www.jstor.org/stable/10.1086/588436>).
- 11) S. Narayanswami *Sarvodaya Movement – A Critical Analysis* - (2001) Journal of Extension and Research, Volume III, Nos. 1 & 2, pp54-59.

- 12) Chela Sandoval, *"US Third World Feminism"*; "Feminist Theory under Postmodern Conditions: Toward a Theory of Oppositional Consciousness".
- 13) Joan Scott, *"The Evidence of Experience; Gender and the Politics of History"*; her essay in *Contesting Feminisms*; ed, Feminism and History.

**Recommended Journals :**

- 1) Journal of International Political Theory. ([www.st-andrews.ac.uk/intrel/publications/journalofinternationalpoliticaltheory](http://www.st-andrews.ac.uk/intrel/publications/journalofinternationalpoliticaltheory))
- 2) American Journal of Political Science. ([www.ajps.org](http://www.ajps.org)).
- 3) Political Theory. (<http://journals.sagepub.com/home/ptx>).
- 4) Canadian Journal of Political Science (CJPS). (<https://www.cpsa-acsp.ca/cjps.php>).
- 5) International Political Science Review (IPSR). (<http://journals.sagepub.com/home/ips>).

## **BA 0203 Macro Economics, Policies and Practice**

**Objectives of the Course :** The objectives of the course are : (1) To understand the basic concepts of Macro Economics; (2) To study the behaviour of the economy; (3) To know the macroeconomic policies to solve economic problems.

### **Module 01 Introduction to Macro Economics :**

Meaning and Definition of Macro Economics

Scope and Importance of Macro Economics

Interdependence between Micro economics and Macro economics

Meaning and relation between economic variables – aggregate demand, aggregate supply, general price level, level of output, full employment, unemployment, saving, investment, income, consumption, rate of interest, etc.

### **Module 02 National Income :**

Meaning and Definition of National Income

Concepts related to National Income – GDP, GNP, NNP, Personal Income, Disposable Income, Per Capita Income, etc

An overview of measurement methods of National income

GDP as a measure of welfare

Green Accounting concept

Union Budget – Deficit Finance

### **Module 03 Business Cycle and Inflation :**

Meaning of Business Cycle, Inflation, Deflation, Stagflation, Demand pull and Cost push inflation, multiplier, accelerator, etc.

Phases of business cycle – prosperity, recession, depression and recovery

Policies for control of business cycle – monetary and fiscal policy

### **Module 04 Output and Employment :**

Classical theory of employment

Keynesian theory of employment

### **Module 05 Economic Growth :**

Concept of economic growth

Growth vs. Development

Indicators of economic growth

Economic growth in India

Problem of poverty and unemployment

Government policies for combating poverty and unemployment

### **Module 06 International Trade:**

Meaning and definition of International Trade

Domestic trade vs. foreign trade

Advantageous and disadvantageous of international trade

Concept of Terms of Trade, Balance of Trade and Balance of Payments

Foreign Trade Policy

**Recommended Readings :**

- 1) Dwivedi, D. N., *Macro Economics*, Tata McGraw Hill Publishing Company Limited, New Delhi, 2006.
- 2) Ahuja, H. L., *Macroeconomics Theory and Practice*, S. Chand & Company Ltd., New Delhi, 2008.
- 3) Dornbusch R., Fischer S. and Startz R., *Macroeconomics*, Tata McGraw-Hill Publishing Company Limited, New Delhi, 2002.
- 4) Shapiro, Edward, *Macro Economic Analysis*, Galgotia Publications Private Limited, New Delhi, 2007.
- 5) Rana, K. C. and Verma K. N., *Macro Economic Analysis*, Vishal Publishing Company, Jalandhar, 2006.
- 6) Samuelson, P. A. and Nordhaus, W. D., *Economics*, Tata McGraw Hill Publishing Company Limited, New Delhi, 2002.
- 7) Jhingan, M. L., *Macro Economic Theory*, Vrinda Publications (P) Ltd, New Delhi, 2010.
- 8) Dwivedi, D. N., *International Economics*, Vikas Publishing House Pvt Ltd, Noida, 2013.

## **BA 0204 Theoretical Perspectives of Sociology**

**Objectives of the Course :** This paper is intended to familiarize the students with the social, political, economic and intellectual contexts in which sociology emerged as a distinctive discipline and has had a significant influence on the legislative frame work law. Its objective is to help students gain an understanding of some of the classical contributions in sociology, and their continuing relevance to its contemporary concerns.

### **Module 01 Introduction:**

Significance and Importance of Theory  
Enlightenment - The social, economic and political forces  
The French and Industrial Revolutions in the development of sociological thought  
Indian Movements and their contribution for the development of sociology in India

### **Module 02 Schools of Sociological Theory and Content of Theories - an Overview :**

Significance of Theories and their relationship to Law  
Schools of sociological theories- Functionalism, Conflict School, Social Action Perspective

### **Module 03 Significant Western Sociological Thinkers:**

August Comte - Positivism-Impact of Science on Society  
Herbert Spencer - Social Darwinism; Super - organic evolution  
Emile Durkheim- Social solidarity - Social Structure and Individuals actions - social relations  
Karl Marx - Dialectic and Historical Materialism - Class and Class Conflict - Importance of Labour in Production  
Max Weber - Power - Authority and Legitimacy and the concept of Ideal Type - connection between culture and economy

### **Module 04 Significant Indian Sociological Thinkers:**

Andre Beteille - Religion and Secularism - Caste - Class - Links between Poverty and inequality - Role of Institutions  
M.N. Srinivas - Caste and Caste Systems - Social Stratification  
Gail Omvedt - anti-caste movements - environmental movements - farmer's and women's movements  
Ashish Nandey - Culture of Knowledge - Psychology of violence

### **Module 05 Social Dominance Theory :**

Psychology of Dominance - Circulation of Oppression - Oppression and cooperation  
Theoretical and practical issues of Psychological Dominance in Indian Context

### **Recommended Readings :**

- 1) Aron, Ramond. 1967 (1982 reprint). *Main Currents in Sociological Thoughts* (2 volumes). Harmondsworth, Middlesex : Penguin Books.
- 2) Barnes, H.E. 1959. *Introduction to the history to the sociology*. Chicago The University of Chicago press.
- 3) Coser, Lewis A. 1979. *Masters of Sociological Thought*. New York: Harcourt Brance Jovanovich.
- 4) Fletcher, Ronald. 1994. *The Making of Sociology* (2 volumes) Jaipur, Rawat.
- 5) Morrison, Ken. 1995 *Marx, Durkheim, Weber: Formation of Modern Social Thought*. London; sage.
- 6) Ritzer, George. 1996. *Sociological Theory*. New Delhi. Tata-McGraw Hill.
- 7) Singh, Yogendra. 1986 *Indian Sociology: Social Conditioning and Emerging Trends*. New Delhi: Vistaar.
- 8) Zeitlin, Irving. 1998 (Indian Edition). *Re-thinking sociology: A critique of Contemporary Theory*. Jaipur: Rawat.
- 9) Paramjit S Judge: *Foundations of Classical Sociological Theory*, 2012, New Delhi Pearson.

**Part VII**  
**Syllabus of First Year of B.B.A. LL.B.**

**First Year B.B.A. LL.B. - Semester I**

**CE 0101 General English**

**Objectives of the Course:** The purpose of the course is to acquaint the students with the nature of English language and its grammatical concepts. This paper focuses on strengthening the students' syntactical competence so as to bring quality and correct grammatical constructions in their writing and it is also meant to train them on how to study for various purposes.

**Module 01 Language and Grammar :**

Defining Language  
Nature of Language  
Syntactical Competence (Introductory)  
Grammar and Usage -  
Sentence Structure- Subject and Predicate  
Concord  
Tenses  
Use of Articles  
Accurate Use of Prepositions  
Making Questions (Why- and yes-no questions and question tags)  
Use of Modal Auxiliary Verbs (making requests, suggestions, seeking permission etc.)  
Some Common Errors

**Module 02 Sentence Transformation :**

Active and Passive Voice  
Types of Sentences (Statements, interrogative, exclamatory and imperative)  
Simple, Complex and Compound Sentences  
Reported Speech  
Syntactic Ambiguity

**Module 03 Vocabulary Skills :**

Idioms and Phrases  
One Word Substitution

**Module 04 Communication Skills :**

Communication - Verbal, Non-verbal and Written  
Significance of Communication Skills for Lawyers- Listening, Speaking, Reading and Writing (Introductory)  
Electronic Communication and its Types (Telephone, Facsimile, E-mail, Voice mail, Teleconferencing, Video-conferencing, Word processor, Internet, Social Media)  
Formal Correspondence

## Resume Writing

### **Module 05 Study Skills for Law Students :**

SQ3R (Survey Question Read Recite and Review)

Reading - Types- intensive and extensive; techniques- scanning, skimming and critical

Note making

Writing (Correct grammar, spelling, punctuation and clarity)

Paragraph Writing

### **Recommended Readings:**

- 1) *Cambridge Idioms Dictionary*. Singapore: Cambridge University Press, 2006.
- 2) Donald, Sydney G. and Pauline E Kneale. *Study Skills for Language Students*. New York: OUP, 2001.
- 3) Green, David. *Contemporary English Grammar Structures and Composition*. Chennai: Macmillan, 1999.
- 4) Gupta, Shweta. *General English & Legal Language*, Allahabad: CLP, 2016.
- 5) Hansen, Randall S and Katherine Hansen. *The Complete Idiot's Guide to Study Skills*. New Delhi: Penguin Books, 2008.
- 6) Sanjay Kumar & Pushp Lata. *Communication Skills*. India: OUP, 2011.
- 7) Thomson and Martinet. *A Practical English Grammar*. Mumbai: OUP, 1970.
- 8) Tripathi, S C. *Legal Language, Legal Writing & General English*. Allahabad: CLP, 2014.
- 9) Whitmore, Tracey. *How to write an Impressive CV & Cover Letter*. Rupa & Co. 2011.
- 10) Yadugiri, M. A. and Geeta Bhaskar. *English for Law*. New Delhi: Foundation Books, 2005.

## **BB 0102 Managerial Accounting**

**Objectives of the Course :** The objectives of the course are :(1) To enable the students to acquire sound knowledge of basic concepts of accounting; (2) To impart knowledge about recording of transaction; (3) To impart the knowledge about preparation of Final Account of Proprietorship and Company accounts; (4) To acquaint the student about accounting software and packages.

### **Module 01 Introduction to Accounting:**

Financial Accounting - Definition and Scope, Objectives, Advantages and Limitation  
Branches of Accounting  
Users of Accounting Information  
Basic Financial Accounting Terminologies

### **Module 02 Conceptual Framework:**

Role of Accountant  
Book keeping and Accounting, Accounting Principles  
Concepts and Conventions, Accounting Policies  
Double Entry System, Accounts, Classification of Accounts, Rules of Debit and Credit  
Accounting Equation

### **Module 03 Recording of Transactions:**

Voucher system  
Accounting cycle  
Journal, Ledger, Subsidiary Books of Accounts, Cash Book  
Trial Balance

### **Module 04 Bank Reconciliation Statement**

### **Module 05 Accounting for Depreciation:**

Written Down Value Method (WDVM)  
Straight Line Method (SLM)

### **Module 06 Preparation of Final Accounts:**

Preparation of Trading Account of Sole Proprietary Business  
Preparation of Profit and Loss Account of Sole Proprietary Business  
Preparation of Balance Sheet of Sole Proprietary Business

### **Module 07 Introduction to Company Final Accounts :**

Important provisions of the Companies Act, 2013 in respect of preparation of Final Accounts  
Understanding the final accounts of company

### **Module 08 Accounting in Computerized Environment :**

Computer and Financial Application  
Introduction to Accounting Software Package- Tally 9.0  
An overview of Computerized Accounting System- Salient features and significance, Generating Accounting Reports

**Recommended Readings :**

- 1) P.C. Tulsian: *Financial Accounting*, McGraw Hill Education (India) Ltd.
- 2) Anil Chowdhry: *Fundamentals of Accounting and Financial Analysis*. (Pearson Education).
- 3) Mahesh Abale and Prakash Soni, *Accounting for Business Decision*, Himalaya Publication House.
- 4) M.C. Shukla and S.P Grewal: *Advanced Accounts*. (S. Chand and Co. New Delhi).
- 5) Dr. S.N. Maheshwari: *Financial Accounting for Management* (Vikas Publications).
- 6) Amrith Gupta: *Financial Accounting for Management* (Pearson Education).

**Recommended Journals :**

- 1) The Journal of Finance (Wiley-Blackwell and American Finance Association).
- 2) Journal of Business Finance & Accounting (Wiley-Blackwell).
- 3) The Review of Financial Studies (Oxford University Press).

## **BB 0103 Principles of Management**

**Objectives of the Course :** Management plays a vital role in the progress and prosperity of a business enterprise. The main intention of management is to run the enterprise smoothly. The profit making objective of business is also to be taken care while undertaking various functions. In this subject students will be exposed to basic concepts and ideas of management. It will help students to understand fundamental knowledge about working of business organization, management process, functions and principals. And it will make students familiar with recent trends in management.

### **Module 01 Nature of Management :**

Definitions and Meaning, Nature and objectives  
Concept of management, organization, and administration  
Social and Ethical Issues in Management  
Relationship between Law and management

### **Module 02 Evolution of Management Thoughts :**

Contribution of F.W. Taylor, Henry Fayol Elton Mayo and C.K. Pralhad to the Management Thoughts

### **Module 03 Management and Environment:**

Concept of Environment  
Environmental Factors- Internal and External  
Impact of Environment on Business

### **Module 04 Functions of Management :**

Planning- Definitions, Meaning, Policies and procedures  
Methods of planning  
Decision making – Types - Process of rational decision making and techniques of decision making  
Organizing- Process, Principles of Organization, Types of organizations, Delegation of Authority, Decentralization

### **Module 05 Functions of Management :**

Staffing - meaning and importance  
Nature and functions of personnel management  
Selection, Training and development, Performance appraisal  
Leadership - meaning - styles, Qualities and functions of leaders  
Controlling- concepts and basic control process, Essential of a good control system, Traditional and non-traditional control devices

### **Module 06 Functions of Management :**

Direction - Nature – Principles  
Communication – Types and Importance  
Motivation - Importance – Need hierarchy theory of Motivation

### **Module 07 Conflict, Coordination and Corporate Social Responsibility :**

Concept of Conflict, Conflict Management  
Definitions, Meaning, Internal and External Coordination  
Corporate Social Responsibility

## **Module 08 Strategic Management :**

Concept of Strategy, Role Strategic management, Strategic Planning  
Top level business Strategies formulation and implementation, Competitive  
advantage and core competence

### **Recommended Readings :**

- 1) Prasad, L. M.(2008). *Principles and Practice of Management*. New Delhi: Sultan Chand and Sons.
- 2) Drucker, P. F. (1991). *The Practice of Management*. Ahamadabad: Allied Publishers.
- 3) Kazmi, A. (2008). *Strategic Management and Business Policy*. New Delhi: Tata McGraw-Hill.
- 4) Tripathi, P. C., and Reddy, P. N. (1992). *Principles of Mnagement*. New Delhi: Tata McGraw - Hill.

### **Recommended Journals :**

- 1) Harward Business Review.
- 2) Journal of Commerce and Management Thought.
- 3) Indian Journal of Commerce and Management Studies.
- 4) Indian management.

## BB 0104 Business Communications

**Objectives of the Course :** The objective of this paper is to make the students understand the concept, need, process and importance of communication and to acquaint them with various methods and media and recent trends in business communication. It aims to develop an integrative approach where reading, writing, oral and nonverbal components are used together to enhance students' ability to communicate effectively. It will inculcate business communication skills through application and exercises.

### **Module 01 Introduction to Business Communication :**

Meaning, Definition, Objectives, Features, Process and importance  
Importance of Communication Skills for legal professionals, Principles of good communication  
Barriers to communication and remedies

### **Module 02 Methods, Types and Channels of Communication :**

Written Communication, Oral Communication, Silent Communication (Body language  
Proximity, Touch, Signs and Symbols, Paralinguistic with their Merits and Demerits)-Its relevance in Court Proceedings  
Channels of communication in organisation and their types, merits and demerits

### **Module 03 Soft Skills:**

Meaning, Definition and Importance, Elements of Soft Skills  
Grooming manners and Etiquettes  
Effective Speaking, Interview skills, Negotiation skills, Listening skills, Group Discussion, Presentation skills

### **Module 04 Business Correspondence :**

Need, Functions, Components and layout of Business letter, Drafting Letter - Enquiry letter and replies  
Placing order, Complaints and follow up letters, Sales letter, Circulars, Credit and status enquiries  
Application for employment and writing Bio-data / resume / Curriculum Vitae, 4. Office Memo, Orders, Notices, Agenda, Press releases, Email Etiquettes

### **Module 05 New Technologies and Media of Communication :**

Internet – email, Websites, Blogs  
Introduction, Advantages and Disadvantages of – Fax , Voice mail, Teleconferencing, Videoconferencing, Cellular phones, SMS, MMS, Social media network  
Use of new technologies in legal profession

### **Recommended Readings :**

- 1) *'Essentials of Business Communication'* - Rajendra Pal and J.S. Korlhalli, S. Chand and Co. New Delhi.

- 2) *'Media and Communication Management'* – C.S. Raydu, Himalaya Publishing House, Mumbai.
- 3) *'Professional Communication'* – Aruna Koneru, Tata McGraw - Hill Publishing Co. Ltd., New Delhi.
- 4) *'Effective Documentation and Presentation'* – Urmila Raiand, S.M. Rai, Himalaya Publishing House, Mumbai.
- 5) *'Principles and Practices of Business Communication'* – Aspi Doctor and Rhoda Doctor, Sheth Publishers Pvt. Ltd.
- 6) *'Business Communication – Concepts, Cases and Applications'* – P. D. Chautrvedi and Mukesh Chaturvedi, Pearson, Delhi.
- 7) *'Business Communication'* – Asha Kaul, Prentice Hall of India, New Delhi.
- 8) *'Business Communication'* – Madhukar R.K. – Vilas Publishing House Pvt. Ltd. , New Delhi.
- 9) *'Business Communication'* – Nawal Mallika, Cengage Learning, Delhi.
- 10) *'Business Correspondence and Report Writing'* – R.C. Sharmaand Krishna Mohan, Tata McGraw-Hill Publishing Co. Ltd., New Delhi.

**Recommended Journals:**

- 1) International Journal of Business Communication.
- 2) Journal of Business Communication.
- 3) Journal of Communication Management.
- 4) Business and Professional Communication Quarterly.

## First Year B.B.A. LL.B. - Semester II

### CE 0201 English for Law

**Objectives of the Course:** The main objective of this course is to familiarize the students with the correct pronunciations of words and to acquaint them with the role of meanings of words and their interpretation in law. This paper also intends to make the students familiar with the basic idea of law and its nature.

#### **Module 01 Phonology and Morphology :**

Use of English and its Significance for Communication in Indian Legal Context (in the Supreme Court, High Courts and various tribunals)  
Correct Pronunciation - Speech Sounds, Word Stress and Intonation.  
Structure of Words  
Processes of Word Formation(examples from law)

#### **Module 02 Semantics and Role of Meaning in Law :**

Concept of Meaning  
Types of Meaning (Denotative, Connotative, Social, Emotive, Reflected, Collocative and Thematic)  
Semantic Ambiguity  
Components and Contrasts of Meaning-Synonyms, Antonyms and Hyponym and their Significance in Legal Language (focus on examples)  
Lexical Relations-Homographs, Homophones and Polysemy and their Significance in Legal Language(focus on examples)

#### **Module 03 Composition Skills :**

Report Writing  
Précis Writing  
Notices of General Nature  
Essay Writing on Legal Topics  
Translation :

Definition of 'Translation' and its Nature  
Techniques of Translation  
The Significance of Translation in Law

#### **Module 04 Understanding the Law :**

Defining Law  
Meaning of Act, Bill, Custom, Law, Laws, Morality, Ordinance, Precedent, Rule, Statute  
Nature of Law  
Classification of Laws- Municipal Law and International Law, Public and Private Laws, Civil and Criminal laws  
Interpreting Law and Role of Language in Interpretation (Use of definitions, meanings of words, literal meaning and contextual meaning (Refer to Porritts and Spencer (Asia) Ltd v. State of Haryana 1979 SCC (1) 82 and Duport Steels v. Sirs, (1980)1 All ER 529, (1980) ICR 161)

Etymology, Significance, Meaning and Usage of Legal Terms in Procedural, Civil and Criminal Laws-Legal Terms (75)

**Module 05 Foreign Terminology in Law :**

Use of Foreign Terms in Legal English- the Origin of Law and Reasons for their Use

Foreign Words (30)

Legal Maxims (15)

**List of Legal Terms (Module 4.6):**

Abduction	Deponent	Parole
Abetment	Detention	Partition
Abscond	Discharge	Perjury
Accomplice	Encumbrance	Petition
Accused	Eviction	Plaintiff
Acquittal	Evidence	Pleadings
Adoption	Extortion	Precedent
Admission	Fraud	Prosecute
Affidavit	Heir	Probation
Alibi	Homicide	Proviso
Alimony	Intellectual Property,	Rebuttal
Amendment	Intestate	Restitution
Appeal	Investigation	Remand
Approver	Judgment	Respondent
Bail	Jurisdiction	Self defence
Bankrupt	Justice	Succession
Chargesheet	Juvenile	Summons
Claimant	Legacy	Testator
Confession	Liability	Testimony
Conviction	Misappropriation	Trial
Damages	Mortgage	Trespass
Decree	Negligence	Verdict
Deed	Oath	Voluntarily
Defamation	Overrule	Warrant
Defendant	Ownership	Will

**List of Foreign Words (30) (Module 5.2) :**

*Ab initio* - From the beginning.

*Ad hoc* - Established for a particular purpose.

*Ad valorem* - According to value.

*Amicus curiae* - An impartial Advisor.

*Bona vacantia* - Ownerless property.

*Compos mentis* - of sound mind.

*De facto* - In actual fact.

*De jure* - In law, By legal right.

*Ex parte* - One side only.  
*Fauxpas* - Blunder.  
*In limine* - At the outset.  
*In memorium* - In memory of.  
*In personam* - Personally.  
*Inter alia* - Among other things.  
*Inter se* - Among themselves.  
*Lis pendens* - During the pendency in any court.  
*Locus standi* - Right to speak or intervene in a matter.  
*Mala fide* - In bad faith.  
*Mens rea* - Criminal intention or guilty mind.  
*Modus operandi* - Mode or Method of working.  
*Nudum pactum* - A bare promise.  
*Onus probandi* - The burden of proof.  
*Par excellence* - Without comparison.  
*Prima facie* - At first sight.  
*Ratio decidendi* - The reasons for decisions.  
*Sine die* - To a date not at the moment fixed.  
*Sub judice* - Under judicial consideration.  
*Suo moto* - By itself.  
*Ultra vires* - Beyond powers.  
*Vox populi* - The voice of people.

**List of Legal Maxims (15) (Module 5.3) :**

*Actus curiae neminem gravabit* - An act of the court shall prejudice no one.  
*Actus non facit reum, nisi mens sit rea* - An act does not make a person guilty unless the mind is guilty.  
*Audi alteram partem* - Let the other side be heard as well.  
*Delegatus non potest delegare* - A delegate cannot delegate.  
*Ex nudo pacto non oritur actio* - No action arises from a contract without consideration.  
*Expressio unius est exclusio alterius* - Express mention of one thing excludes all others.  
*Ignorantia facti excusat, ignorantia juris non excusat* - Ignorance of facts excuses but ignorance of law excuses no one.  
*Nemo dat quod non habet* - No one gives what he does not have.  
*Noscitur a sociis* - The meaning of a doubtful word can be derived from its association with other words.  
*Qui facit per alium facit per se* - He who acts through another does the act himself.  
*Respondeat superior* - Let the master answer.  
*Res ipsa loquitur* - The thing speaks for itself.  
*Ubi jus ibi remedium* - Where there is a right there is a remedy.  
*Vigilantibus non dormientibus jura subveniunt* - The law assists those that are vigilant with their rights and not those that sleep thereupon.  
*Volenti non fit injuria* - To a willing person, injury is not done.

### **Recommended Readings:**

- 1) Bansal, R. K. and J. B. Harrison. *Spoken English for India: A Manual of Speech and Phonetics*. Hyderabad: Orient Longman, 1983.
- 2) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011
- 3) Gandhi, B.M. *Legal Language, Legal Writing and General English*. Lucknow: Eastern Book Com., 2009.
- 4) Garner, Bryan A. ed. *Black's Law Dictionary* . 10<sup>th</sup> Edition.
- 5) Law Commission of India. *Non-feasibility of Introduction of Hindi as Compulsory Language in the Supreme Court of India*. Report No 216, December 2008.
- 6) Leech, Geoffrey. *Semantics- The Study of Meaning*. Great Britain: Penguin Books, 1981.
- 7) *Lexpedia, The Law Students' Companion Guide (Legal Words, Phrases & Maxims)* Gurgaon, LexisNexis, 2014.
- 8) Mohan, Krishna and Meenakshi Raman. *Advanced Communicative English*. New Delhi: Tata McGraw Hill, 2010.
- 9) Narayanswami, V. R. *Strengthen Your Writing*. Hyderabad: Orient Longman, 2000.
- 10) *P. Ramanatha Aiyer's Law Lexicon* . Lexis Nexis, 2012.
- 11) Wright, Chrissie, ed. *Handbook of Practical Communication Skills*. Mumbai: JaicoPublishing, 2006.
- 12) Yadugiri, M. A. and Geeta Bhaskar. *English for Law*. New Delhi: Foundation Books, 2005.

## **BB 0202 Organisational Behaviors**

**Objectives of the Course :** Organizational Behavior is the study of the way people interact within groups. The central idea of the study of organizational behavior is that a scientific approach can be applied to the management of workers. In this subject student will learn basic concepts of organizational behavior, its fundamentals, scope and importance. They will obtain frameworks and tools to effectively analyze various organizational situations. It will help them to understand the impact that individual, group and structures have on their behavior within the organizations.

### **Module 01 Fundamentals of Organizational Behavior :**

Definition, Nature, Scope, and Goals of Organizational Behavior,  
Fundamental Concepts of Organizational Behavior  
Models of Organizational Behavior  
Relevance of OB in legal profession

### **Module 02 Attitude, Values and Motivation :**

Effects of employee attitudes, Personal and Organizational Values  
Nature and Importance of Motivation, Motivation Process  
Theories of Work Motivation: Maslow's Need Hierarchy Theory, McGregor's  
Theory 'X' and Theory 'Y', Herzberg's two factor theory of Motivation

### **Module 03 Personality :**

Definition of Personality, Determinants of Personality  
Theories of Personality: The Big Five Personality Model, Myers- Briggs Type  
Personality, Locus of Control

### **Module 04 Stress Management :**

Meaning and definition of Stress, Sources of Stress: Individual Level,  
Organizational Level, Causes of stress in organization  
Effect of Stress - Physiological Effect, Psychological Effect, Behavioral  
Impact  
Stress Management – Individual Strategies, Organizational Strategies, Stress  
management in legal profession

### **Module 05 Conflict in Organizations :**

Concept of Conflict, Process of Conflict, Types of Conflict: Intra-personal,  
Interpersonal, Intergroup, Organizational  
Effects of Conflict, Conflict Management Strategies

### **Module 06 Group Behavior and Change in Organization :**

Nature of Group, Types of Groups  
Goals of Organizational Change, Resistance to change, Overcoming resistance  
to change

### **Module 07 Team and Leadership Development :**

Team Building, Team Effectiveness  
Concept of Leadership, Qualities of a Leader

**Module 08 Emerging aspects of Organizational Behavior :**

TQM,

Managing Cultural Diversity, Quality Circles

Total Employee involvement, Organizational Change

**Recommended Readings :**

- 1) Ashwathappa, K. (2009). *Organizational Behaviour*. Mumbai: Himalaya Publishing House.
- 2) Hema, B. *Organizational Behaviour*. New Delhi : Scitech Publisher.
- 3) Kotler, P., & Keller, K. L. (2016). *Marketing Management*. Noida : Pearson.
- 4) Nair, S. R. (2008). *Orhanizational Behaviour* . New Delhi: Himalaya Publishing House .
- 5) Prasad, L.M. (2007). *Organizational Behaviour*. New Delhi: S. Chand & Company.
- 6) Prasad, L. M.(2008). *Principles and Practice of Management*. New Delhi: Sultan Chand & Sons.

**Recommended Journals:**

- 1) Journal of Organizational Behaviour.
- 2) Indian Journal of Industrial Relations.
- 3) Harvard Business Review.
- 4) Journal of Commerce and Management.

## **BB 0203 Management Information System**

**Objectives of the Course :** The objective of this paper is to provide student with a comprehensive understanding of the concepts of Information System. The students will study the concepts of system analysis and design and learn the various issues in MIS. The students will be able to learn in depth how today's business firms use information technologies and systems to achieve corporate objectives.

### **Module 01 Introduction to Information Systems :**

Introduction to System and its classification, System Approach, Information System  
Role of Information systems in business today, Contemporary Approaches to Information System

### **Module 02 Information Systems Concept :**

Types of Information systems  
Information system impact on Organizations and Business Firms  
Using Information Systems to Achieve Competitive Advantage

### **Module 03 Information Technology Infrastructure :**

IT Infrastructure, Components, Data communication channels  
Types of Networks, Network topologies

### **Module 04 Databases and Information Management :**

Organizing Data in a Traditional File Environment, Problems with the Traditional File Environment  
Database Management Systems, Capabilities of Database Management Systems, Designing Databases  
Challenge of Big Data, Business Intelligence Infrastructure, Analytical Tools: Relationships, Patterns, Trends

### **Module 05 Systems Analysis and Design :**

Systems Development Process, Structured and Object-Oriented Methodologies, Alternative Systems-Building Approaches- Prototyping, End-User Development  
Application Software Packages and Outsourcing, Rapid Application Development (RAD)

### **Module 06 Decision Making and Information Systems :**

The Decision-Making Process, Herbert Simon Model, Business Intelligence and Analytics  
Decision Support for Operational and Middle Management, Group Decision-Support Systems, Knowledge systems, Expert systems and Artificial Intelligence, ERP

### **Module 07 Securing Information Systems :**

System Vulnerability and Abuse

Malicious Software: Viruses, Worms, Trojan Horses, and Spyware, Hackers and Computer Crime Internal Threats: Employees, Software Vulnerability, Firewalls, Intrusion Detection Systems, and Antivirus Software, Securing Wireless Networks, Relevant Provisions of Information Technology Act, 2000

**Module 08 Ethical and Social Issues in Information Systems :**

Understanding Ethical and Social Issues Related to Systems

Key Technology Trends that Raise Ethical Issues, Professional Codes of Conduct

**Module 09 Moral and Legal Dimensions of Information Systems :**

Information Rights: Privacy and Freedom in the Internet Age, Internet challenges to privacy, Technical solutions

Property Rights: Intellectual Property, Trade Secrets, Copyright, Patents, Challenges to Intellectual Property rights

**Module 10 E- Commerce :**

E-commerce and E –commerce Business models, M-commerce

**Recommended Readings :**

- 1) Laudon and Laudon, *Management Information Systems*, Pearson Education Asia.
- 2) Jawadekar, *Management Information Systems*, Tata McGraw Hill.
- 3) Davis and Olson, *Management Information Systems*, Tata McGraw Hill.
- 4) Turban and Aronson, *Decision Support Systems and Intelligent Systems*, Pearson Education Asia.
- 5) Jayant Oke, *Management Information Systems*.

**Recommended Journals:**

- 1) MIS Quarterly, University of Minnesota.
- 2) CSI Communications, Computer Society of India, Mumbai.
- 3) Journal of Management Information Systems.

## **BB 0204 Principles of Marketing**

**Objectives of the Course :** Marketing is a key part of any successful business, and a good theoretical and practical knowledge of the subject will be of immense benefit to an aspiring manager or entrepreneur. In this subject students will be exposed to concepts and ideas of marketing, its general nature scope importance and functions. This subject will help student to gain knowledge of basic skills and their various application, all in the context of the competitive business environment.

### **Module 01 Introduction of Marketing :**

Marketing – Definition, Concepts, Significance

Approaches to the study of Marketing, Relevance of Marketing in developing economy, Role and functions of Marketing Manager

Regulatory Environment of Marketing

### **Module 02 Functions of Marketing:**

On the basis of exchange, On the basis of physical supply and facilitating functions

### **Module 03 Classification and Types of Markets :**

Traditional classification of marketing, Service Marketing: 7P's of services marketing, importance of services marketing, importance of service sectors

Rural Marketing: Meaning, feature and importance of rural marketing, Difficulties in rural marketing and suggestions for improvement of rural marketing

### **Module 04 Recent Trends in Marketing :**

Rural Marketing: Meaning, Features, Importance and Difficulties in Rural Marketing

Retail Marketing: Meaning, Types and Role of Retail Marketing

Tele marketing: Meaning, Definition, Applications

E-Marketing: Meaning, Definition, Tools, and Importance

Digital marketing: meaning, importance of digital marketing

Green Marketing: Meaning Importance

### **Module 05 Marketing Environment and Market Segmentation :**

Marketing Environment – Definition, Meaning, Internal and external factors influencing Marketing environment

Market Segmentation: Meaning, Definition, Essentials of effective Market Segmentation, and types of segmentation

### **Module 06 Marketing Mix (Product and Price) :**

Product mix: concept of a product, product characteristics: intrinsic and extrinsic, PLC, Product simplification, product elimination, product diversification, new product development

Price mix: meaning, element, importance of price mix, factors influencing pricing, pricing methods and recent trends in pricing

### **Module 07 Marketing Mix (Place and Promotion) :**

Place mix: meaning and concepts of channel of distribution, types of channel of distribution or intermediaries, Factors influencing selection of channels, types of distribution strategies: intensive, selective and extensive

Promotion mix: meaning, elements of promotion mix, types of media: outdoor, indoor, print, press, transit - merits and demerits, concept of media mix, recent trends in promotion

**Recommended Readings :**

- 1) Druker, P. F. (1954). *The Practice of Management*. New York: Happer & Row.
- 2) Kotler, P., & Keller, K. L. (2016). *Marketing Management*. Noida: Pearson.
- 3) Ramaswami, V., & Namakumari, S. (2003). *Marketing Management*. New Delhi: Macmillian India Ltd.
- 4) Stanton, W. (1978). *Fundamentals of Marketing*. New York: McGraw-Hill Book Company.

**Recommended Journals:**

- 1) Indian Journal of Marketing.
- 2) Harvard Business Review.
- 3) International Journals of Marketing.
- 4) IUP Journal of Marketing Management.
- 5) Journal of Retailing.

**Part VIII**  
**Syllabus of Second Year of B.A. LL.B.**

**Second Year B.A. LL.B. - Semester III**

**CE 0301 Legal Language and Legal Reasoning**

**Objectives of the Course :** This paper is designed to give the students more exposure to the nature of legal language and the issues related to it in drafting legislations and legal documents. It intends to acquaint the students with advocacy skills so much so to bridge the gap between theoretical and practical knowledge and to strengthen and enhance their critical thinking. It also introduces the students to logical reasoning and its use in law to set up good arguments.

**Module 01 Legal Language and its Nature :**

Law and Language

Meaning of Legal Language

Scope and Domain of Legal Language

**Module 02 Problems of Legal Language and Remedies :**

Problems of Legal Language

Problems of Legal Language in Drafting Statutes and Writing Judgments

Principles of Legal Writing

Simplicity, Clarity and Precision

Plain English and Plain Language Vocabulary

Eliminating the Jargon “Legalese”

Avoid Repetitions

Slash Unnecessary Words

Breaking up Long and Complex Sentences

Connecting Sentences

Linking Paragraphs

Use of Passive Voice

Use of Symbols and Abbreviations

**Module 03 Use of Language in Drafting :**

Use of Legal Language and its Significance in Drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)

Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

**Module 04 Advocacy Skills :**

Meaning of Advocacy

Advocacy as an Art

Qualities of Lawyers (Good voice, command of words, confidence, practical wisdom, etc.)

Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)

Etiquettes and Manners for Law Professionals  
Client Counseling and Interviewing

**Module 05 Legal Reasoning and Skills of Arguments :**

Logic and its Scope

Meaning of Logic and its Nature

Some Major Sources of Knowledge- a priori, evidence, memory, observation, perception, reasoning and testimony

Structure of Argument-Statements/Premises and Conclusion

Methods of Reasoning- Deductive, Inductive and Reasoning by analogy

Fact and Opinion

Truth and Validity

Syllogism.

Meaning of Syllogism

Rules of Syllogism

Types of Syllogism-Categorical, Conditional and Disjunctive

Fallacy

Meaning and Reasons of Fallacy

Types of Fallacies-Faulty Cause, Sweeping Generalization, Faulty Analogy, Anecdotal Fallacy, Bifurcation (False Dilemma), Equivocation, Tautology, Appeal to Popular Opinion and Association Fallacy

Application of Reasoning to Law - Facts of a Case and provisions /Case Laws(Refer to *Dahyabhai Chhaganbhai Thakker v. State of Gujarat*, AIR 1964 SC 1563 for legal reasoning)

**Recommended Readings:**

- 1) Agarwal, S P. *Drafting and Conveyancing*. Delhi: Lexis Nexis, 2005.
- 2) Asprey, Michele M. *Plain Language for Lawyers*. New Delhi: Universal Law Publishing Co., 2011. (Module 1-2 (a)- Ch.-2,3,13).
- 3) Anirudh, Prasad. *Outlines of Legal language in India*. Allahabad: Central Law Publications, 2009.
- 4) Basantani, K T. *Elementary Logic for LLB*. Sheth Publishers, 2013.
- 5) Bowell, Tracey and Gary Kemp. *Critical Thinking A Concise Guide*. New York: Routledge, 2005.
- 6) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011.
- 7) Copi, Irving M and et al. *Introduction to Logic*. London: Pearson Education Ltd. 2014.
- 8) Garner, Bryan A. ed. *Black's Law Dictionary* . 9<sup>th</sup> Edition.
- 9) Garner, Bryan A. *The Winning Brief*, New York: Oxford University Press, 2014. (Module 2.3, Ch. 19, 21, 22, 27, 29, 30, 32, 34, 56).
- 10) Jayakumar, Srividya. *Client Counseling for Tomorrow's Lawyers*. All India Court Cases, January 2007. PP 13-17.
- 11) Selby, Hugh. *Advocacy Preparation and Performance*, New Delhi: Universal Law Publishing Co., 2009.
- 12) Sridhar, Madabhushi. *Legal Language*. Hyderabad: Asia Law House, 2004.
- 13) P. Ramanatha Aiyer's *Law Lexicon*. LexisNexis, 2012.

- 14) Tiersma Peter M. “*What is Language and Law? And does anyone care?*” Legal Studies. Paper No. 2009-11, March 2009.
- 15) Webb, Julia. *Lawyers’ Skills* , United Kingdom: Oxford University Press, 2011.
- 16) Williams, Glanville. *Learning the Law*. New Delhi: Universal Law Publications, 2000.

## **BA 0302 Public Policy and Public Administration**

**Objectives of the Course :** Public Administration as a discipline of study is basically known as the science of ruling and the study of the rulers and the ruled. Traditionally, it covered the study of man in the process of governing himself. Today it is seen as an encyclopedia of governing the people. The main objective of this course is to enable students to understand the basic concepts of administration. It tries to make the students understand the evolution of this subject and its need. It also tries to focus on different approaches to study Public Administration and its various basic concepts.

### **Module 01 Introduction :**

Meaning and nature of Public Administration

Evolution of Public Administration as a discipline

Scope of Public Administration- POSDCORB (Planning, Organising, Staffing, Directing, Coordinating, Reporting and Budgeting) view versus People's expectations from the government

Relation of Public Administration with Political Science and Law

### **Module 02 Introduction to Public Policy :**

Meaning and Objectives of Public Policy

Difference between Policy and Rules

Impact of Executive decisions and Public Policy on Traditional Practices and Law

Impact of Policy formulation on Law and Justice

### **Module 03 Approaches to Public Administration :**

Traditional Approaches –Woodrow Wilson and Max Weber- An Overview

Recent Approaches - Public Choice, Good Governance, New Public Management

Post 1990's Approach - Development Administration – Concept- Characteristics and Scope

State versus Market Debate

### **Module 04 Accountability and Control :**

Concepts of Accountability and Control

Mechanisms of Accountability and control – Executive, Media, Interest groups, Right to Information, Social Audit, Civil Society and People's Participation

### **Module 05 Importance of Judicial Administration in Modern Era :**

Ethical and moral values in Judicial Administration

Role of State in Judicial Administration

Importance of Financial Autonomy in Judicial Administration

E-Governance in Judicial Administration

### **Recommended Readings :**

- 1) Avasthi and Maheshwari, *Public Administration*, Laxmi - Narain Aggarwal, Agra, 2010.
- 2) Mohit Bhattacharya: *New Horizons of Public Administration*, Jawahar Publishers, New Delhi, 2010.

- 3) Rumki Basu, *Public Administration-Concepts and Theories*, Sterling Publishers, New Delhi, 2007.
- 4) H. George Frederickson and Kevin B. Smith, *Public Administration Theory Primer*, Rawat Publications, Jaipur, 2008.
- 5) H. George Frederickson, *New Public Administration*, The University of Alabama Press, Alabama, 1980.
- 6) Raymond W. Cox III, Susan J. Buck and Betty N. Morgan, *Public Administration in Theory and Practice*, Pearson Education, New Delhi, 2005.
- 7) Hoshiar Singh & Pardeep Sachdeva, *Administrative Theory*, Kitab Mahal, New Delhi, 2005.
- 8) M.P. Sharma and B. L. Sadana, *Public Administration in Theory and Practice*, Kitab Mahal, Allahabad, 1988.
- 9) P.B. Mehta, Oxford Publication (Student Edition), 2015.
- 10) J.D. Strausman, *Public Administration*, Holt, Rinehart and Winslow, New York, 1985.
- 11) A.R. Tyagi, *Public Administration - Principles and Practices*, Atma Ram & Sons, Delhi, 1992.
- 12) S.L. Goel, *Public Administration - Theory & Practice*, Deep & Deep Publications, New Delhi, 2003.
- 13) Dr. B. L. Fadia, *Public Administration*, Sahitya Bhawan Publications, Agra, 2010.

#### **Recommended Articles :**

- 1) John M. Gaus. 1950. *Trends in the Theory of Public Administration*. Public Administration Review 10(3): 161-168.
- 2) Stephen K. Bailey, 1964, *Ethics and the Public Service*, Public Administration Review 24(4), 234-243.
- 3) Yehezkel Dror, 1967, *Policy Analysts, A New Professional Role in Government Service*, Public Administration Review 27(3): 197-203.
- 4) Nicholas Henry, 1975, *Paradigms of Public Administration*. Public Administration Review 35(4): 378-386.
- 5) Hal G. Rainey, Robert W. Backoff, and Charles H. Levine, 1976, *Comparing Public and Private Organizations*, Public Administration Review 36(2): 233-244.
- 6) Caroline J. Tolbert, and Karen Mossberger, 2006, *The Effects of E-Government on Trust and Confidence in Government*. Public Administration Review 66(3): 354-369.

#### **Recommended Journals :**

- 1) Indian Journal of Public Administration. ([www.iipa.org.in](http://www.iipa.org.in)).
- 2) International Review of Administrative Sciences, SAGE Journals. ([journals.sagepub.com/home/ras](http://journals.sagepub.com/home/ras)).
- 3) Journal of Public Administration Research and Theory, Oxford. (<https://academic.oup.com/jpart>).
- 4) Educational Administration Quarterly - SC Imago. ([www.scimagojr.com/](http://www.scimagojr.com/)).
- 5) Public Administration Review. (<https://publicadministrationreview.org/>).

## **BA 0303 Theories of Development and Indian Economy**

**Objectives of the Course :** The objectives of the course are : (1) To understand the theories of economic growth; (2) To know the important sectors of the Indian Economy; (3) To analyse the various issues of the Indian Economy.

### **Module 01 Economic Development and Growth :**

Concept of Development, Economic Development and Economic Growth  
Human Right Dimension in Economic Development and Economic Growth  
Features and Indicators of Economic Development  
Vicious Cycle of Poverty  
Determination of Poverty Line

### **Module 02 Strategies of Economic Growth :**

An overview of Theories of Development  
Balanced and Unbalanced Growth  
Big Push Theory  
Relation between Population Growth and Per Capita Income  
Concept of Sustainable Development – Sustainable Development Goals  
Concept of Human Development – Determination of HDI and PQLI

### **Module 03 Agrarian Economy in India :**

Features of Indian Agriculture  
Subdivision and Fragmentation of Land  
Pattern of Land Holding In India  
Agricultural Credit - Institutional and Non- Institutional Credit  
Issues of Agricultural Labours  
Contractual Farming  
Issues of Corporatisation of Farming

### **Module 04 Industrial Economy in India :**

Features of Indian Industry  
Concept of SME, MSME, PSU and MNC  
Controversy over land acquisition for Industry  
Issues of Industrial Labour and Labour Legislation  
Capital – Sources of Domestic Capital and Foreign Capital

### **Module 05 Other Areas of Indian Economy :**

Inflation – Trends in Prices and Money Supply  
Black Money and Corruption – Reasons and Measures  
Food Security – Problem of Hunger and Malnutrition – PDS  
Issue of Employment – Skill Development, Make in India Programme  
Issue of Special Economic Zones  
Trends in Revenue and Expenditure of Central and State Government

### **Recommended Readings :**

- 1) Agarwal A. N., *Indian Economy: Problems of Development and Planning*, New Age International Publishers, New Delhi, 2015.

- 2) Dutt R. and K. P. M. Sundharam, *Indian Economy*, S. Chand and Company Limited, New Delhi, 2016.
- 3) Jhingan, M. L., *The Economics of Development and Planning*, Vrinda Publication Private Limited, New Delhi, 2010.
- 4) Prakash, B. A., *The Indian Economy Since 1991 Economic Reforms and Performance*, Pearson Publication, Delhi, 2008.

## BA 0304 Society in India

**Objectives of the Course :** This course aims to make students understand the plural Indian society. Indian society has regional; religious and linguistic diversity. Social stratification in India is also different than remaining world. To understand the process of social change, social movements and Act and Law; it is essential to know social structure in Indian society. The continuity between the present and the past is an evident feature of Indian society. The sociological perspective on Indian society will help students to gain a better understanding of their own society and the continuity and change in Indian society.

### **Module 01 Indian Social Structure – India as Plural Society:**

Religious diversity - Hinduism, Islam, Buddhism and Christianity

Primitive Tribes and Nomadic tribes in India

Linguistic and regional diversity

### **Module 02 Social Stratification and Social Institutions :**

Social stratification- Caste, class, tribe and gender

Social Institutions - Family, Kinship, and Marriage

### **Module 03 Social Movements in pre and post-Independent India :**

Dalit movement, Linguistic movements and Tribal movements

Peasant movement, Women's movement, Student's movements and

Environment movements

### **Module 04 Segments of India Society and its Characteristics :**

Tribal Society

Rural society

Urban society

### **Module 05 Continuity and Change :**

Major process of Change - Sanskritisation, Westernization and Modernization

Factors of change - Economy, Education and Constitutional provisions

### **Recommended Readings :**

- 1) Ahuja, Ram: *Society in India: Concepts, Theories and Social Change*, Rawat, New Delhi, 2005.
- 2) Ahuja, Ram: *Indian Social System*, Rawat, New Delhi, 2002.
- 3) Aparna Rao and Michael J. Casimir (ed.), *Nomadism in South Asia*, Oxford University Press, New Delhi, 2003
- 4) Atal, Yogesh: *Changing Indian Society*, Rawat, Jaipur, 2006.
- 5) Atal, Yogesh (Ed.): *Understanding Indian Society*, Her Anand Publication, Delhi, 1992.
- 6) David, Mandelbaum: *Society in India*, Popular, Bombay, 1972.
- 7) Dube, S.C. *Indian Society*, Popular, Bombay, 2000.
- 8) Ramchandra, R.: *Urbanization and Urban System in India*, Oxford, New Delhi, 1991.
- 9) Shah Ghanshyam, *Social Movements and the State*, Sage, New Delhi, 2002.
- 10) Sharma, K.L. *Caste, Class and Tribe*, Rawat, New Delhi.
- 11) Sharma, K.L. *Essays on Social Stratification*, Rawat, New Delhi.
- 12) ICSSR *A Survey in Sociology and Social Anthropology*, 1999.
- 13) Singh, K. S. *The People of India*, Seagull, Calcutta, 1992.

- 14) Singh, Yogendra: *Modernization of Indian Tradition*, Thomson, 1973.
- 15) Srinivas, M. N.: *Social Change in Modern India*, University of California Press, Berkeley, California, 1963.
- 16) T.K. Oommen, *Social Movements in Independent India*, Vol. I and II, Oxford, New Delhi, 2010.
- 17) Uberoi, Patricia: *Family, Kinship and Marriage in India*, Oxford, New Delhi, 1993.

## Second Year B.A. LL.B. - Semester IV

### CE 0401 Law and Literature

**Objectives of the Course :** The knowledge of English literature is important for everyone to develop new ideas and ethical standpoints. Therefore, the main object of this paper is to instill human values and concern among students of law through exposure to literary texts. This paper also intends to strengthen the students' listening, speaking, reading and writing skills by using literature and to enable the students to analyze the case laws from the perspective of language.

#### **Module 01 Drama with Legal Themes :**

The Significance of Literature in Understanding the Law

The Merchant of Venice (focus on Act IV) - William Shakespeare

Justice (focus on Act II) - John Galsworthy

#### **Module 02 Short Stories with Legal Themes :**

Before the Law - Franz Kafka

Justice Is Blind - Thomas Wolfe

The Benefit of Doubt - Jack London

The Web of Circumstance - Charles W Chesnutt

The Case for Defense - Graham Greene

#### **Module 03 Prose Works :**

Of Judicature-Francis Bacon

Some Reminiscences of the Bar - M. K. Gandhi

Why the Indian Labor is Determined to Win the War - B.R. Ambedkar

Joy of Reading - APJ Abdul Kalam

M.C. Chagla - The Centenary of a Judicial Statesman - V. R. Krishna Iyer

#### **Module 04 Poetry :**

Ode: Intimations of Immortality - William Wordsworth

Stopping by Woods on a Snowy Evening - Robert Frost

Where the Mind is without Fear - Rabindranath Tagore

Law like Love - W. H. Auden

Freedom, Justice and Equality - Lonnie Hicks

#### **Module 05 Legal Text as Literature for Analytical Study :**

*Balaji Raghvan v. Union of India* (AIR 1996 SC 770)

*S Gopal Reddy v. State of Andhra Pradesh* (1996 SCC (4) 596)

(Case laws are to be analyzed with focus on narrative and argumentative skills)

#### **Recommended Readings:**

- 1) Ambedkar, B R. "*Why the Indian Labour is determined to win the war .*" Dr. Babasaheb Ambedkar: *Writings and Speeches*. Vol. 10. New Delhi: Govt. of India, 2014.
- 2) Auden, W H. *Law Like Love* (<https://www.poemhunter.com/poem/law-like-love/>).

- 3) Frost, Robert. *Stopping by Woods on a Snowy Evening* (<https://www.poemhunter.com/poem/stopping-by-woods-on-a-snowy-evening-2/>).
- 4) Galsworthy, John. *Justice*. Ed. A. Shanmugakani. Chennai: Macmillan, 1981
- 5) Gandhi, M K. "Some Reminiscences of the Bar." *The Law and the Lawyers*. Ed. S B Kher. Ahmedabad: Navjivan Trust, 2004.
- 6) Hicks, Lonnie. *Freedom, Justice and Equality* (<https://www.poemhunter.com/poem/freedom-justice-and-equality/>).
- 7) Kalam, A P J Abdul. "Joy of Reading." *The Very Best of A P J Abdul Kalam - The Righteous Life*. New Delhi: Rupa Publications, 2014.
- 8) Krishna Iyer, V R. "M C Chagla - The Centenary of a Judicial Statesman." *Off the Bench*. New Delhi: Universal Law Publishing, 2001.
- 9) Ledwon, Lenora. *Law and Literature: Text and Theory*. London: Garland Publishing, 1996.
- 10) Oltman, Gretchen, et al. *Law Meets Literature A Novel Approach for the English Class room*. London: Rowman and Littlefield, 2016.
- 11) Shakespeare, William. *The Merchant of Venice*. Ed. John Fletcher. OUP, 1998.
- 12) Tagore, Rabindranath. (XXXV) from *Gitanjali*. Rupa, 2002.
- 13) Takahav, N S. *Bacon Essays*. Mumbai: Karnatak Publishing House.
- 14) Wishingrad, Jay. *Legal Fictions: Short Stories about Lawyers and Law*. New York: Overlook Press, 1992.
- 15) Wordsworth, William. *Ode: Intimations of Immortality*. (<http://mural.uv.es/horpla/wordsworth.html>).

## BA 0402 International Relations

**Objectives of the Course :** This paper deals with concepts and dimensions of international relations. It attempts an analysis of the different theories with a view to highlighting the major debates and differences within the different theoretical paradigms. The dominant theories of power and the question of equity and justice, the different aspects of balance of power leading to the present situation of a unipolar world are included. It focuses on the various aspects of conflict and conflict resolution through collective security and the role of United Nations.

### **Module 01 Introducing International Relations :**

Historical Origins of International Relations - Overview

Meaning and Definition of International Relations

Scope of International Relations

Significance of Behavioral Actors, State and Non-State factors

### **Module 02 Approaches to the study of International Relations :**

Idealistic Theory

Realist Theory

Marxist Theory

Impact of John Rawls on International Relations

### **Module 03 Peace and Conflict Studies :**

Significance of International Peace and security

Causes of war

Arm Race-Disarmament

Methods of Conflict Resolution

End of war – Francis Fukuyama’s views

### **Module 04 Foreign Policy and Diplomacy :**

Evolution of Foreign Policy and Diplomacy

Meaning and Scope of Foreign Policy and Diplomacy

Impact of Diplomacy on Foreign Policy

Role of Multinational Companies and impact of pressure politics on Foreign Policy and Diplomacy

### **Module 05 International Organizations :**

Emergence and growth of International Organizations

League of Nations - An Overview

United Nations - Objectives - Principles of United Nations

Structure and Organs of United Nations (General Assembly, Security Council, Secretariat, Economic and Social Council and International Court of Justice)

Specialized Agencies - Meaning and significance

Relevance of United Nations in present context

### **Module 06 Regional Organizations :**

Historical evolution of Regional Organizations

Structural and functions of EU, OAU, OAS, SAARC, BRIICS and IBSA

Role of Regional Organizations in developing peace (UNO Charter Art 52 to

54)

Difference between International Organizations and Regional Organizations

**Recommended Readings :**

- 1) Bull, Hedley: *The Anarchical Society: A Study of Order in World Politics*, Columbia University press, New York, 1977.
- 2) Camilleri, Joseph A. and Falk, Jim: *The End of Sovereignty the Politics of a Shrinking and Fragmenting World*, Edward Elgar Publishing Ltd., 1992.
- 3) Chomsky, N.: *Pirates and Emperors International Terrorism in the Real World*, revised edition, Black Rose Books, Montreal, 1995.
- 4) Claude, I.: *Power and International Relations: Power and Justice*, Prentice Hall, Englewood Cliffs, New Jersey, 1986.
- 5) Geiger, Theodore: *The Future of the International System*, Unwin Hyman, Boston, 1988.
- 6) Gilpin, Theodore: *The Political Economy of International Relations*, Princeton University Press, Princeton, 1987.
- 7) Griffiths, Martin: *Realism, Idealism and International Politics*, Routledge, London, 1993.
- 8) Hughes, Barry: *Continuity and Change in World Politics*, Prentice Hall, Englewood Cliffs, New Jersey, 1991.
- 9) Luard, Evan: *Types of International Society*, The Free Press, New York, 1976.
- 10) Pettman, Ralph: *International Politics*, Longman, 1991.
- 11) Spero, Joan Edelm : *The Politics of International Economic Relations*, Routledge, London, 4th Edition, 1990.
- 12) Waltz, Kenneth Neal: *Theory of International Politics*, Addition Wesley, Rending, Massachusetts, 1979.
- 13) Yarborough, B. V.: *Co-operation and Governance in World Trade*, Princeton University Press, Princeton, 1992.
- 14) John Rawls, *The Law of Peoples and International Political Theory*.

**Recommended Articles :**

- 1) Joseph, Jonathan (2007) *Philosophy in International Relations: A Scientific Realist Approach*. Millennium: Journal of International Studies, 35 (2), pp. 345-359.
- 2) Rynning, S. & Ringsmose (2008) *Why Are Revisionist States Revisionist? Reviving Classical Realism as an Approach to Understanding International Change*, Journal of International Politics, Volume 45, Issue 1, pp 19–3 9.
- 3) Kenneth W. Abbott & Duncan Snidal (1998) *Why States Act Through Formal International Organizations*, Journal of Conflict Resolution, Vol. 42, 1998.
- 4) Timothy M. Shaw (2015) From Post - BRICS' Decade to Post - 2015: *Insights from Global Governance and Comparative Regionalisms*, Palgrave Communications, Vol. 1, pp. 14004.
- 5) Tamar Meshel (2014) '*Commercial Peacemaking*' - *The New Role of the International Commercial Arbitration Legal Order*, Cardozo Journal of Conflict Resolution 395 (2015).
- 6) W. M. Reisman (1993), *Peacemaking*, 18 Yale Journal of International Law, Vol. 18, Issue 1. (<http://digitalcommons.law.yale.edu/yjil/vol18/iss1/17>).
- 7) Nicholas Sambanis (2007) *Short-Term and Long - Term Effects of United Nations Peace Operations*, World Bank Policy Research Working Paper No. 4207.

- 8) John Rawls, First published Tue Mar 25, 2008; *Substantive Revision* Mon Jan 9, 2017.  
(<https://plato.stanford.edu/entries/rawls/>).

**Recommended Journals :**

- 1) Journal of International Relations & Foreign Policy (JIRFP). ([www.jirfp.com/](http://www.jirfp.com/)).
- 2) Political Science and International Relations Journal. ([www.en.journals.sid.ir](http://www.en.journals.sid.ir)).
- 3) European Journal of International Affairs. ([www.european-journal.org](http://www.european-journal.org)).
- 4) BJPIR | The Political Studies Association (PSA). (<https://www.psa.ac.uk/members/>).
- 5) Conflict Management and Peace Science Journal Impact. (<https://www.researchgate.net/>).

## BA 0403 Law and Economics

**Objectives of the Course :** The Objectives of the Course are : (1) To study the relationship between Law and Economics; (2) To know the significance of Economics in Law; (3) To understand the impact of Economics on Law.

**Module 01 Introduction :**

Interrelationship between Law and Economics  
Origin and Development of Law and Economics  
Economic Analysis of Law  
Why lawyers should study Economics

**Module 02 Fundamentals of Economic Analysis of Law :**

Positive and Welfare Economics and Its Impact on Law  
Economic Factors of Pricing – Theories of Wages – Exploitation of Labour  
Economic Implications on Agrarian Reforms  
Significance of Economics in Land Regulation  
Significance of Economic Legislation - An overview of FEMA, Banking Regulation Act

**Module 03 Impact of Economic Theories on Law and Development :**

Pareto and Hicks Theory of Economic Efficiency on Law and Development  
The Coase Theorem on Property and Liability  
Welfare Economics - Impact on Law and Development

**Module 04 Interrelationship between Economics and Property :**

Economic Perspective of Property  
Types of Property - Public and Private Property - Intellectual Property  
Bargaining Theory  
Economic Theory of Property with reference to Marx and Locke  
Economic Theories of Distribution of Property

**Module 05 Impact of Economic Policies on Law :**

Significance of Planning – Role of Niti Aayog  
Impact of Globalisation on Law – An Overview  
Impact of Liberalisation and Privatisation on Law and Legislation  
Impact of Market Economy on Law  
International relations between Economics and Law

**Recommended Readings :**

(Note - Students are advised to refer latest editions of the books)

- 1) Shukla, M. B., *Indian Economy*, Taxmann Publication (P) Ltd., New Delhi, (2012).
- 2) Bhutani, Prem J., *Principles of Economics*, Taxmann Allied Services Pvt Ltd, New Delhi, (2008).
- 3) Misra, S. K. and Puri, V. K., *Indian Economy – Its Development Experience*, Himalaya Publishing House, Mumbai (2012).
- 4) Robert Cooter: *Law and Economics* (6<sup>th</sup> Edition) (2012) Pearson Publishers.
- 5) Polinsky, Mitchell A., *An Introduction to Law and Economics* (1983).
- 6) Harrison, Jeffrey, *Law and Economics in a Nutshell* (1995).
- 7) Calabresi, Guido, *The Future of Law and Economics: Essays in Reform and Recollection* (2016).
- 8) Leitzel, Jim, *Concepts in Law and Economics: A Guide for the Curious* (2015).

## BA 0404 Social Research Methods

**Objectives of the Course :** This course aims to introduce basic Sociological approaches to research. It is an attempt to provide an understanding of the research process and techniques of data collection in social research. There are different perspectives and methods of understanding social phenomena. It aims to acquaint the students with the quantitative and qualitative strategies of research. Overall this course aims to introduce scientific method to understand social reality and social phenomena.

**Module 01 Introduction to Social Research - Philosophy of Social Research :**

Social research - meaning and significance  
Types of social research - pure and applied research  
Values and ethics in social research

**Module 02 Research Process :**

Steps in social research  
Selection and formulation of research problem  
Hypothesis - meaning, characteristics and types  
Data collection - primary and secondary sources  
Sampling - meaning and techniques

**Module 03 Techniques of Data Collections :**

Observation - nature, types, advantages and limitations  
Interview - nature, advantages and limitations  
Questionnaire - nature, types, advantages and limitations

**Module 04 Quantitative and Qualitative Research :**

Difference between Quantitative and Qualitative research  
Quantitative research methods  
Survey - Meaning, nature, advantages and disadvantages  
Qualitative research methods  
Case study - meaning, nature, advantages and disadvantage  
Recent strategies - combining the quantitative and qualitative methods in research

**Module 05 Computer in Social Research :**

E-research: using the internet as object and method of data collection  
Use of compute in data analysis

**Module 06 Report Writing:**

Importance of report writing  
Writing qualitative and quantitative research - presentation and interpretation  
Qualities of good research report

**Recommended Readings :**

- 1) Ahuja, Ram. 2007. *Research Methods*. Rawat Publication. Jaipur.
- 2) Bhandarkar, P. L. and Wilkinson. 2007. *Methodology and Techniques of Social Research*, Himalaya Publishing House, New Delhi.
- 3) Bryman, Alan. 2008. *Social Research Methods*, Oxford University Press.
- 4) Goode and Hatt. 2006. *Methods in Social Research*. Surjeet Publication, New Delhi.
- 5) Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.
- 6) Newman, Lawrence. 2011. *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education.
- 7) Beteille A and T.N. Madan 1975 *Encounter and Experience Personal Accounts of Fieldwork*, New Delhi: Vikas Publishing House.

- 8) Garrett Henry 1981 *Statistics in Psychology and Education* David McKay Indian Publication.
- 9) Mrs. A.F. Sheikh for Vakils, Bombay, Tenth Reprint.
- 10) Jayaram. N. 1989, *Sociology Methods and Theory*, Madras : MacMillian.
- 11) Kothari C.R.1989, *Research Methodology : Methods and Techniques*, Bangalore, Wiley Eastern.
- 12) Punch, Keith 1996. *Introduction to Social Research*, London: Sage.
- 13) Shipman Martin 1988. *The Limitations of Social Research*, London: Sage.
- 14) Srinivas, M.N. and A.M. Shah, 1979, *Fieldworker and The Field*, Delhi : Oxford.
- 15) Young. P.V. 1988, *Scientific Social Surveys and Research*, New Delhi: Prentice Hall.

## Part IX

### Syllabus of Second Year of B.B.A. LL.B.

#### Second Year B.B.A. LL.B. - Semester III

#### CE 0301 Legal Language and Legal Reasoning

**Objectives of the Course :** This paper is designed to give the students more exposure to the nature of legal language and the issues related to it in drafting legislations and legal documents. It intends to acquaint the students with advocacy skills so much so to bridge the gap between theoretical and practical knowledge and to strengthen and enhance their critical thinking. It also introduces the students to logical reasoning and its use in law to set up good arguments.

**Module 01 Legal Language and its Nature :**

- Law and Language
- Meaning of Legal Language
- Scope and Domain of Legal Language

**Module 02 Problems of Legal Language and Remedies :**

- Problems of Legal Language
- Problems of Legal Language in Drafting Statutes and Writing Judgments
- Principles of Legal Writing:
  - Simplicity, Clarity and Precision
  - Plain English and Plain Language Vocabulary
  - Eliminating the Jargon “Legalese”
  - Avoid Repetitions
  - Slash Unnecessary Words
  - Breaking up Long and Complex Sentences
  - Connecting Sentences
  - Linking Paragraphs
  - Use of Passive Voice
  - Use of Symbols and Abbreviations

**Module 03 Use of Language in Drafting :**

- Use of Legal Language and its Significance in Drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)
- Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

**Module 04 Advocacy Skills :**

- Meaning of Advocacy
- Advocacy as an Art
- Qualities of Lawyers (Good voice, command of words, confidence, practical wisdom, etc.)
- Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)
- Etiquettes and Manners for Law Professionals
- Client Counseling and Interviewing

**Module 05 Legal Reasoning and Skills of Arguments :**

### Logic and its Scope:

Meaning of Logic and its Nature

Some Major Sources of Knowledge- a priori, evidence, memory, observation, perception, reasoning and testimony

Structure of Argument-Statements/Premises and Conclusion

Methods of Reasoning- Deductive, Inductive and Reasoning by analogy

Fact and Opinion

Truth and Validity

### Syllogism:

Meaning of Syllogism

Rules of Syllogism

Types of Syllogism-Categorical, Conditional and Disjunctive

### Fallacy:

Meaning and Reasons of Fallacy

Types of Fallacies-Faulty Cause, Sweeping Generalization, Faulty Analogy, Anecdotal Fallacy, Bifurcation (False Dilemma), Equivocation, Tautology, Appeal to Popular Opinion and Association Fallacy

Application of Reasoning to Law - Facts of a Case and provisions /Case Laws(Refer to *Dahyabhai Chhaganbhai Thakker v. State of Gujarat*, AIR 1964 SC 1563 for legal reasoning)

### Recommended Readings:

- 1) Agarwal, S P. *Drafting and Conveyancing*. Delhi: Lexis Nexis, 2005.
- 2) Asprey, Michele M. *Plain Language for Lawyers*. New Delhi: Universal Law Publishing Co., 2011. (Module 1-2 (a)- Ch.-2,3,13).
- 3) Anirudh, Prasad. *Outlines of Legal language in India*. Allahabad: Central Law Publications, 2009.
- 4) Basantani, K T. *Elementary Logic for LLB*. Sheth Publishers, 2013.
- 5) Bowell, Tracey and Gary Kemp. *Critical Thinking A Concise Guide*. New York: Routledge, 2005.
- 6) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011.
- 7) Copi, Irving M and et al. *Introduction to Logic*. London: Pearson Education Ltd. 2014
- 8) Garner, Bryan A. ed. *Black's Law Dictionary* . 9<sup>th</sup> Edition.
- 9) Garner, Bryan A. *The Winning Brief*, New York: Oxford University Press, 2014. (Module 2.3, Ch. 19, 21, 22, 27, 29, 30, 32, 34, 56).
- 10) Jayakumar, Srividya. *Client Counseling for Tomorrow's Lawyers*. All India Court Cases, January 2007. PP 13-17.
- 11) Selby, Hugh. *Advocacy Preparation and Performance*, New Delhi: Universal Law Publishing Co., 2009.
- 12) Sridhar, Madabhushi. *Legal Language*. Hyderabad: Asia Law House, 2004.
- 13) P. Ramanatha Aiyer's *Law Lexicon*. LexisNexis, 2012.
- 14) Tiersma Peter M. "What is Language and Law? And does anyone care?" *Legal Studies*. Paper No. 2009-11, March 2009.
- 15) Webb, Julia. *Lawyers' Skills* , United Kingdom: Oxford University Press, 2011.
- 16) Williams, Glanville. *Learning the Law*. New Delhi: Universal Law Publications, 2000.

## BA 0302 Public Policy and Public Administration

**Objectives of the Course :** Public Administration as a discipline of study is basically known as the science of ruling and the study of the rulers and the ruled. Traditionally, it covered the study of man in the process of governing himself. Today it is seen as an encyclopedia of governing the people. The main objective of this course is to enable students to understand the basic concepts of administration. It tries to make the students understand the evolution of this subject and its need. It also tries to focus on different approaches to study Public Administration and its various basic concepts.

### **Module 01 Introduction :**

Meaning and nature of Public Administration  
Evolution of Public Administration as a discipline  
Scope of Public Administration- POSDCORB (Planning, Organising, Staffing, Directing, Coordinating, Reporting and Budgeting) view versus People's expectations from the government  
Relation of Public Administration with Political Science and Law

### **Module 02 Introduction to Public Policy :**

Meaning and Objectives of Public Policy  
Difference between Policy and Rules  
Impact of Executive decisions and Public Policy on Traditional Practices and Law  
Impact of Policy formulation on Law and Justice

### **Module 03 Approaches to Public Administration :**

Traditional Approaches –Woodrow Wilson and Max Weber- An Overview  
Recent Approaches - Public Choice, Good Governance, New Public Management  
Post 1990's Approach - Development Administration – Concept- Characteristics and Scope  
State versus Market Debate

### **Module 04 Accountability and Control :**

Concepts of Accountability and Control  
Mechanisms of Accountability and control – Executive, Media, Interest groups, Right to Information, Social Audit, Civil Society and People's Participation

### **Module 05 Importance of Judicial Administration in Modern Era :**

Ethical and moral values in Judicial Administration  
Role of State in Judicial Administration  
Importance of Financial Autonomy in Judicial Administration  
E-Governance in Judicial Administration

### **Recommended Readings :**

- 1) Avasthi and Maheshwari, *Public Administration*, Laxmi - Narain Aggarwal, Agra, 2010.

- 2) Mohit Bhattacharya: *New Horizons of Public Administration*, Jawahar Publishers, New Delhi, 2010.
- 3) Rumki Basu, *Public Administration-Concepts and Theories*, Sterling Publishers, New Delhi, 2007.
- 4) H. George Frederickson and Kevin B. Smith, *Public Administration Theory Primer*, Rawat Publications, Jaipur, 2008.
- 5) H. George Frederickson, *New Public Administration*, The University of Alabama Press, Alabama, 1980.
- 6) Raymond W. Cox III, Susan J. Buck and Betty N. Morgan, *Public Administration in Theory and Practice*, Pearson Education, New Delhi, 2005.
- 7) Hoshiar Singh & Pardeep Sachdeva, *Administrative Theory*, Kitab Mahal, New Delhi, 2005.
- 8) M.P. Sharma and B. L. Sadana, *Public Administration in Theory and Practice*, Kitab Mahal, Allahabad, 1988.
- 9) P.B. Mehta, Oxford Publication (Student Edition), 2015.
- 10) J.D. Straussman, *Public Administration*, Holt, Rinehart and Winslow, New York, 1985.
- 11) A.R. Tyagi, *Public Administration - Principles and Practices*, Atma Ram & Sons, Delhi, 1992.
- 12) S.L. Goel, *Public Administration - Theory & Practice*, Deep & Deep Publications, New Delhi, 2003.
- 13) Dr. B. L. Fadia, *Public Administration*, Sahitya Bhawan Publications, Agra, 2010.

#### **Recommended Articles :**

- 1) John M. Gaus. 1950. *Trends in the Theory of Public Administration*. Public Administration Review 10(3): 161-168.
- 2) Stephen K. Bailey, 1964, *Ethics and the Public Service*, Public Administration Review 24(4), 234-243.
- 3) Yehezkel Dror, 1967, *Policy Analysts, A New Professional Role in Government Service*, Public Administration Review 27(3): 197-203.
- 4) Nicholas Henry, 1975, *Paradigms of Public Administration*. Public Administration Review 35(4): 378-386.
- 5) Hal G. Rainey, Robert W. Backoff, and Charles H. Levine, 1976, *Comparing Public and Private Organizations*, Public Administration Review 36(2): 233-244.
- 6) Caroline J. Tolbert, and Karen Mossberger, 2006, *The Effects of E-Government on Trust and Confidence in Government*. Public Administration Review 66(3): 354-369.

#### **Recommended Journals :**

- 1) Indian Journal of Public Administration. ([www.iipa.org.in](http://www.iipa.org.in)).
- 2) International Review of Administrative Sciences, SAGE Journals. ([journals.sagepub.com/home/ras](http://journals.sagepub.com/home/ras)).
- 3) Journal of Public Administration Research and Theory, Oxford. (<https://academic.oup.com/jpart>).
- 4) Educational Administration Quarterly - SC Imago. ([www.scimagojr.com/](http://www.scimagojr.com/)).
- 5) Public Administration Review. (<https://publicadministrationreview.org/>).

## **BA 0303 Theories of Development and Indian Economy**

**Objectives of the Course :** The objectives of the course are : (1) To understand the theories of economic growth; (2) To know the important sectors of the Indian Economy; (3) To analyse the various issues of the Indian Economy.

### **Module 01 Economic Development and Growth :**

Concept of Development, Economic Development and Economic Growth  
Human Right Dimension in Economic Development and Economic Growth  
Features and Indicators of Economic Development  
Vicious Cycle of Poverty  
Determination of Poverty Line

### **Module 02 Strategies of Economic Growth :**

An overview of Theories of Development  
Balanced and Unbalanced Growth  
Big Push Theory  
Relation between Population Growth and Per Capita Income  
Concept of Sustainable Development – Sustainable Development Goals  
Concept of Human Development – Determination of HDI and PQLI

### **Module 03 Agrarian Economy in India :**

Features of Indian Agriculture  
Subdivision and Fragmentation of Land  
Pattern of Land Holding In India  
Agricultural Credit - Institutional and Non- Institutional Credit  
Issues of Agricultural Labours  
Contractual Farming  
Issues of Corporatisation of Farming

### **Module 04 Industrial Economy in India :**

Features of Indian Industry  
Concept of SME, MSME, PSU and MNC  
Controversy over land acquisition for Industry  
Issues of Industrial Labour and Labour Legislation  
Capital – Sources of Domestic Capital and Foreign Capital

### **Module 05 Other Areas of Indian Economy :**

Inflation – Trends in Prices and Money Supply  
Black Money and Corruption – Reasons and Measures  
Food Security – Problem of Hunger and Malnutrition – PDS  
Issue of Employment – Skill Development, Make in India Programme  
Issue of Special Economic Zones  
Trends in Revenue and Expenditure of Central and State Government

### **Recommended Readings :**

- 1) Agarwal A. N., *Indian Economy: Problems of Development and Planning*, New Age International Publishers, New Delhi, 2015.

- 2) Dutt R. and K. P. M. Sundharam, *Indian Economy*, S. Chand and Company Limited, New Delhi, 2016.
- 3) Jhingan, M. L., *The Economics of Development and Planning*, Vrinda Publication Private Limited, New Delhi, 2010.
- 4) Prakash, B. A., *The Indian Economy Since 1991 Economic Reforms and Performance*, Pearson Publication, Delhi, 2008.

## BA 0304 Society in India

**Objectives of the Course :** This course aims to make students understand the plural Indian society. Indian society has regional; religious and linguistic diversity. Social stratification in India is also different than remaining world. To understand the process of social change, social movements and Act and Law; it is essential to know social structure in Indian society. The continuity between the present and the past is an evident feature of Indian society. The sociological perspective on Indian society will help students to gain a better understanding of their own society and the continuity and change in Indian society.

### **Module 01 Indian Social Structure – India as Plural Society:**

Religious diversity - Hinduism, Islam, Buddhism and Christianity

Primitive Tribes and Nomadic tribes in India

Linguistic and regional diversity

### **Module 02 Social Stratification and Social Institutions :**

Social stratification- Caste, class, tribe and gender

Social Institutions - Family, Kinship, and Marriage

### **Module 03 Social Movements in pre and post-Independent India :**

Dalit movement, Linguistic movements and Tribal movements

Peasant movement, Women's movement, Student's movements and Environment movements

### **Module 04 Segments of India Society and its Characteristics :**

Tribal Society

Rural society

Urban society

### **Module 05 Continuity and Change :**

Major process of Change - Sanskritisation, Westernization and Modernization

Factors of change - Economy, Education and Constitutional provisions

### **Recommended Readings :**

- 1) Ahuja, Ram: *Society in India: Concepts, Theories and Social Change*, Rawat, New Delhi, 2005.
- 2) Ahuja, Ram: *Indian Social System*, Rawat, New Delhi, 2002.
- 3) Aparna Rao and Michael J. Casimir (ed.), *Nomadism in South Asia*, Oxford University Press, New Delhi, 2003
- 4) Atal, Yogesh: *Changing Indian Society*, Rawat, Jaipur, 2006.
- 5) Atal, Yogesh (Ed.): *Understanding Indian Society*, Her Anand Publication, Delhi, 1992.
- 6) David, Mandelbaum: *Society in India*, Popular, Bombay, 1972.
- 7) Dube, S.C. *Indian Society*, Popular, Bombay, 2000.
- 8) Ramchandra, R.: *Urbanization and Urban System in India*, Oxford, New Delhi, 1991.
- 9) Shah Ghanshyam, *Social Movements and the State*, Sage, New Delhi, 2002.
- 10) Sharma, K.L. *Caste, Class and Tribe*, Rawat, New Delhi.
- 11) Sharma, K.L. *Essays on Social Stratification*, Rawat, New Delhi.
- 12) ICSSR *A Survey in Sociology and Social Anthropology*, 1999.
- 13) Singh, K. S. *The People of India*, Seagull, Calcutta, 1992.

- 14) Singh, Yogendra: *Modernization of Indian Tradition*, Thomson, 1973.
- 15) Srinivas, M. N.: *Social Change in Modern India*, University of California Press, Berkeley, California, 1963.
- 16) T.K. Oommen, *Social Movements in Independent India*, Vol. I and II, Oxford, New Delhi, 2010.
- 17) Uberoi, Patricia: *Family, Kinship and Marriage in India*, Oxford, New Delhi, 1993

## Second Year B.A. LL.B. - Semester IV

### CE 0401 Law and Literature

**Objectives of the Course :** The knowledge of English literature is important for everyone to develop new ideas and ethical standpoints. Therefore, the main object of this paper is to instill human values and concern among students of law through exposure to literary texts. This paper also intends to strengthen the students' listening, speaking, reading and writing skills by using literature and to enable the students to analyze the case laws from the perspective of language.

#### **Module 01 Drama with Legal Themes :**

The Significance of Literature in Understanding the Law

The Merchant of Venice (focus on Act IV) - William Shakespeare

Justice (focus on Act II) - John Galsworthy

#### **Module 02 Short Stories with Legal Themes :**

Before the Law - Franz Kafka

Justice Is Blind - Thomas Wolfe

The Benefit of Doubt - Jack London

The Web of Circumstance - Charles W Chesnutt

The Case for Defense - Graham Greene

#### **Module 03 Prose Works :**

Of Judicature - Francis Bacon

Some Reminiscences of the Bar - M. K. Gandhi

Why the Indian Labor is Determined to Win the War - B.R. Ambedkar

Joy of Reading - APJ Abdul Kalam

M.C. Chagla - The Centenary of a Judicial Statesman - V. R. Krishna Iyer

#### **Module 04 Poetry :**

Ode: Intimations of Immortality - William Wordsworth

Stopping by Woods on a Snowy Evening - Robert Frost

Where the Mind is without Fear - Rabindranath Tagore

Law like Love - W. H. Auden

Freedom, Justice and Equality - Lonnie Hicks

#### **Module 05 Legal Text as Literature for Analytical Study :**

*Balaji Raghvan v. Union of India* (AIR 1996 SC 770)

*S Gopal Reddy v. State of Andhra Pradesh* (1996 SCC (4) 596)

(Case laws are to be analyzed with focus on narrative and argumentative skills)

#### **Recommended Readings:**

- 1) Ambedkar, B R. "*Why the Indian Labour is determined to win the war .*" Dr. Babasaheb Ambedkar: *Writings and Speeches*. Vol. 10. New Delhi: Govt. of India, 2014.
- 2) Auden, W H. *Law Like Love* (<https://www.poemhunter.com/poem/law-like-love/>).

- 3) Frost, Robert. *Stopping by Woods on a Snowy Evening* (<https://www.poemhunter.com/poem/stopping-by-woods-on-a-snowy-evening-2/>).
- 4) Galsworthy, John. *Justice*. Ed. A. Shanmugakani. Chennai: Macmillan, 1981.
- 5) Gandhi, M K. "Some Reminiscences of the Bar." *The Law and the Lawyers*. Ed. S B Kher. Ahmedabad: Navjivan Trust, 2004.
- 6) Hicks, Lonnie. *Freedom, Justice and Equality* (<https://www.poemhunter.com/poem/freedom-justice-and-equality/>).
- 7) Kalam, A P J Abdul. "Joy of Reading." *The Very Best of A P J Abdul Kalam - The Righteous Life*. New Delhi: Rupa Publications, 2014.
- 8) Krishna Iyer, V R. "M C Chagla - The Centenary of a Judicial Statesman." *Off the Bench*. New Delhi: Universal Law Publishing, 2001.
- 9) Ledwon, Lenora. *Law and Literature: Text and Theory*. London: Garland Publishing, 1996.
- 10) Oltman, Gretchen, et al. *Law Meets Literature A Novel Approach for the English Classroom*. London: Rowman and Littlefield, 2016.
- 11) Shakespeare, William. *The Merchant of Venice*. Ed. John Fletcher. OUP, 1998
- 12) Tagore, Rabindranath. (XXXV) from *Gitanjali*. Rupa, 2002.
- 13) Takahav, N S. *Bacon Essays*. Mumbai: Karnatak Publishing House.
- 14) Wishingrad, Jay. *Legal Fictions: Short Stories about Lawyers and Law*. New York: Overlook Press, 1992.
- 15) Wordsworth, William. *Ode: Intimations of Immortality*. (<http://mural.uv.es/horpla/wordsworth.html>).

## BA 0402 International Relations

**Objectives of the Course :** This paper deals with concepts and dimensions of international relations. It attempts an analysis of the different theories with a view to highlighting the major debates and differences within the different theoretical paradigms. The dominant theories of power and the question of equity and justice, the different aspects of balance of power leading to the present situation of a unipolar world are included. It focuses on the various aspects of conflict and conflict resolution through collective security and the role of United Nations.

### **Module 01 Introducing International Relations :**

- Historical Origins of International Relations - Overview
- Meaning and Definition of International Relations
- Scope of International Relations
- Significance of Behavioral Actors, State and Non-State factors

### **Module 02 Approaches to the study of International Relations :**

- Idealistic Theory
- Realist Theory
- Marxist Theory
- Impact of John Rawls on International Relations

### **Module 03 Peace and Conflict Studies :**

- Significance of International Peace and security
- Causes of war
- Arm Race-Disarmament
- Methods of Conflict Resolution
- End of war – Francis Fukuyama’s views

### **Module 04 Foreign Policy and Diplomacy :**

- Evolution of Foreign Policy and Diplomacy
- Meaning and Scope of Foreign Policy and Diplomacy
- Impact of Diplomacy on Foreign Policy
- Role of Multinational Companies and impact of pressure politics on Foreign Policy and Diplomacy

### **Module 05 International Organizations :**

- Emergence and growth of International Organizations
- League of Nations - An Overview
- United Nations - Objectives - Principles of United Nations
- Structure and Organs of United Nations (General Assembly, Security Council, Secretariat, Economic and Social Council and International Court of Justice)
- Specialized Agencies - Meaning and significance

Relevance of United Nations in present context

### **Module 06 Regional Organizations :**

- Historical evolution of Regional Organizations
- Structural and functions of EU, OAU, OAS, SAARC, BRIICS and IBSA

Role of Regional Organizations in developing peace (UNO Charter Art 52 to 54)

Difference between International Organizations and Regional Organizations

**Recommended Readings :**

- 1) Bull, Hedley: *The Anarchical Society: A Study of Order in World Politics*, Columbia University press, New York, 1977.
- 2) Camilleri, Joseph A. and Falk, Jim: *The End of Sovereignty the Politics of a Shrinking and Fragmenting World*, Edward Elgar Publishing Ltd., 1992.
- 3) Chomsky, N.: *Pirates and Emperors International Terrorism in the Real World*, revised edition, Black Rose Books, Montreal, 1995.
- 4) Claude, I.: *Power and International Relations: Power and Justice*, Prentice Hall, Englewood Cliffs, New Jersey, 1986.
- 5) Geiger, Theodore: *The Future of the International System*, Unwin Hyman, Boston, 1988.
- 6) Gilpin, Theodore: *The Political Economy of International Relations*, Princeton University Press, Princeton, 1987.
- 7) Griffiths, Martin: *Realism, Idealism and International Politics*, Routledge, London, 1993.
- 8) Hughes, Barry: *Continuity and Change in World Politics*, Prentice Hall, Englewood Cliffs, New Jersey, 1991.
- 9) Luard, Evan: *Types of International Society*, The Free Press, New York, 1976.
- 10) Pettman, Ralph: *International Politics*, Longman, 1991.
- 11) Spero, Joan Edelm : *The Politics of International Economic Relations*, Routledge, London, 4th Edition, 1990.
- 12) Waltz, Kenneth Neal: *Theory of International Politics*, Addition Wesley, Rending, Massachusetts, 1979.
- 13) Yarborough, B. V.: *Co-operation and Governance in World Trade*, Princeton University Press, Princeton, 1992.
- 14) John Rawls, *The Law of Peoples and International Political Theory*.

**Recommended Articles :**

- 1) Joseph, Jonathan (2007) *Philosophy in International Relations: A Scientific Realist Approach*. Millennium: Journal of International Studies, 35 (2), pp. 345-359.
- 2) Rynning, S. & Ringsmose (2008) *Why Are Revisionist States Revisionist? Reviving Classical Realism as an Approach to Understanding International Change*, Journal of International Politics, Volume 45, Issue 1, pp 19–39.
- 3) Kenneth W. Abbott & Duncan Snidal (1998) *Why States Act Through Formal International Organizations*, Journal of Conflict Resolution, Vol. 42, 1998.
- 4) Timothy M. Shaw (2015) *From Post - BRICS' Decade to Post - 2015: Insights from Global Governance and Comparative Regionalisms*, Palgrave Communications, Vol. 1, pp. 14004.
- 5) Tamar Meshel (2014) *'Commercial Peacemaking' - The New Role of the International Commercial Arbitration Legal Order*, Cardozo Journal of Conflict Resolution 395 (2015).
- 6) W. M. Reisman (1993), *Peacemaking*, 18 Yale Journal of International Law, Vol. 18, Issue 1. (<http://digitalcommons.law.yale.edu/yjil/vol18/iss1/17>).
- 7) Nicholas Sambanis (2007) *Short-Term and Long - Term Effects of United Nations Peace Operations*, World Bank Policy Research Working Paper No. 4207
- 8) John Rawls, First published Tue Mar 25, 2008; *Substantive Revision* Mon Jan 9, 2017. (<https://plato.stanford.edu/entries/rawls/>).

**Recommended Journals:**

- 1) Journal of International Relations & Foreign Policy (JIRFP). ([www.jirfp.com/](http://www.jirfp.com/)).
- 2) Political Science and International Relations Journal. ([www.en.journals.sid.ir](http://www.en.journals.sid.ir)).
- 3) European Journal of International Affairs. ([www.european-journal.org](http://www.european-journal.org)).
- 4) BJPIR | The Political Studies Association (PSA). (<https://www.psa.ac.uk/members/>).
- 5) Conflict Management and Peace Science Journal Impact. (<https://www.researchgate.net/>).

## BA 0403 Law and Economics

**Objectives of the Course :** The Objectives of the Course are : (1) To study the relationship between Law and Economics; (2) To know the significance of Economics in Law; (3) To understand the impact of Economics on Law.

**Module 01 Introduction:**

Interrelationship between Law and Economics  
Origin and Development of Law and Economics  
Economic Analysis of Law  
Why lawyers should study Economics

**Module 02 Fundamentals of Economic Analysis of Law:**

Positive and Welfare Economics and Its Impact on Law  
Economic Factors of Pricing – Theories of Wages – Exploitation of Labour  
Economic Implications on Agrarian Reforms  
Significance of Economics in Land Regulation  
Significance of Economic Legislation - An overview of FEMA, Banking Regulation Act

**Module 03 Impact of Economic Theories on Law and Development:**

Pareto and Hicks Theory of Economic Efficiency on Law and Development  
The Coase Theorem on Property and Liability  
Welfare Economics - Impact on Law and Development

**Module 04 Interrelationship between Economics and Property :**

Economic Perspective of Property  
Types of Property - Public and Private Property - Intellectual Property  
Bargaining Theory  
Economic Theory of Property with reference to Marx and Locke  
Economic Theories of Distribution of Property

**Module 05 Impact of Economic Policies on Law:**

Significance of Planning – Role of Niti Aayog  
Impact of Globalisation on Law – An Overview  
Impact of Liberalisation and Privatisation on Law and Legislation  
Impact of Market Economy on Law  
International relations between Economics and Law

**Recommended Readings :**

(Note - Students are advised to refer latest editions of the books)

- 1) Shukla, M. B., *Indian Economy*, Taxmann Publication (P) Ltd., New Delhi, (2012).
- 2) Bhutani, Prem J., *Principles of Economics*, Taxmann Allied Services Pvt Ltd, New Delhi, (2008).
- 3) Misra, S. K. and Puri, V. K., *Indian Economy – Its Development Experience*, Himalaya Publishing House, Mumbai (2012).
- 4) Robert Cooter: *Law and Economics* (6<sup>th</sup> Edition) (2012) Pearson Publishers.
- 5) Polinsky, Mitchell A., *An Introduction to Law and Economics* (1983).
- 6) Harrison, Jeffrey, *Law and Economics in a Nutshell* (1995).
- 7) Calabresi, Guido, *The Future of Law and Economics: Essays in Reform and Recollection* (2016).
- 8) Leitzel, Jim, *Concepts in Law and Economics: A Guide for the Curious* (2015).

## BA 0404 Social Research Methods

**Objectives of the Course :** This course aims to introduce basic Sociological approaches to research. It is an attempt to provide an understanding of the research process and techniques of data collection in social research. There are different perspectives and methods of understanding social phenomena. It aims to acquaint the students with the quantitative and qualitative strategies of research. Overall this course aims to introduce scientific method to understand social reality and social phenomena.

**Module 01 Introduction to Social Research - Philosophy of Social Research :**

Social research - meaning and significance  
Types of social research - pure and applied research  
Values and ethics in social research

**Module 02 Research Process :**

Steps in social research  
Selection and formulation of research problem  
Hypothesis - meaning, characteristics and types  
Data collection - primary and secondary sources  
Sampling - meaning and techniques

**Module 03 Techniques of Data Collections :**

Observation - nature, types, advantages and limitations  
Interview - nature, advantages and limitations  
Questionnaire - nature, types, advantages and limitations

**Module 04 Quantitative and Qualitative Research :**

Difference between Quantitative and Qualitative research  
Quantitative research methods  
Survey - Meaning, nature, advantages and disadvantages  
Qualitative research methods  
Case study - meaning, nature, advantages and disadvantage  
Recent strategies - combining the quantitative and qualitative methods in research

**Module 05 Computer in Social Research :**

E-research: using the internet as object and method of data collection  
Use of compute in data analysis

**Module 06 Report Writing:**

Importance of report writing  
Writing qualitative and quantitative research - presentation and interpretation  
Qualities of good research report

**Recommended Readings :**

1. Ahuja, Ram. 2007. *Research Methods*. Rawat Publication. Jaipur.

- 1) Bhandarkar, P. L. and Wilkinson. 2007. *Methodology and Techniques of Social Research*, Himalaya Publishing House, New Delhi.
- 2) Bryman, Alan. 2008. *Social Research Methods*, Oxford University Press.
- 3) Goode and Hatt. 2006. *Methods in Social Research*. Surjeet Publication, New Delhi.
- 4) Haralambos, and Holborn. 2007. *Sociology: Themes and Perspectives*, London: Collins.
- 5) Newman, Lawrence. 2011. *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education.
- 6) Beteille A and T.N. Madan 1975 *Encounter and Experience Personal Accounts of Fieldwork*, New Delhi: Vikas Publishing House.
- 7) Garrett Henry 1981 *Statistics in Psychology and Education* David McKay Indian Publication.
- 8) Mrs. A.F. Sheikh for Vakils, Bombay, Tenth Reprint.
- 9) Jayaram. N. 1989, *Sociology Methods and Theory*, Madras : MacMillian.
- 10) Kothari C.R. 1989, *Research Methodology : Methods and Techniques*, Bangalore, Wiley Eastern.
- 11) Punch, Keith 1996. *Introduction to Social Research*, London: Sage.
- 12) Shipman Martin 1988. *The Limitations of Social Research*, London: Sage.
- 13) Srinivas, M.N. and A.M. Shah, 1979, *Fieldworker and The Field*, Delhi : Oxford.
- 14) Young. P.V. 1988, *Scientific Social Surveys and Research*, New Delhi: Prentice Hall.

## Part IX

### Syllabus of Second Year of B.B.A. LL.B.

#### Second Year B.B.A. LL.B. - Semester III

#### CE 0301 Legal Language and Legal Reasoning

**Objectives of the Course :** This paper is designed to give the students more exposure to the nature of legal language and the issues related to it in drafting legislations and legal documents. It intends to acquaint the students with advocacy skills so much so to bridge the gap between theoretical and practical knowledge and to strengthen and enhance their critical thinking. It also introduces the students to logical reasoning and its use in law to set up good arguments.

**Module 01 Legal Language and its Nature :**

Law and Language  
Meaning of Legal Language  
Scope and Domain of Legal Language

**Module 02 Problems of Legal Language and Remedies :**

Problems of Legal Language  
Problems of Legal Language in Drafting Statutes and Writing Judgments  
Principles of Legal Writing  
Simplicity, Clarity and Precision  
Plain English and Plain Language Vocabulary  
Eliminating the Jargon “Legalese”  
Avoid Repetitions  
Slash Unnecessary Words  
Breaking up Long and Complex Sentences  
Connecting Sentences  
Linking Paragraphs  
Use of Passive Voice  
Use of Symbols and Abbreviations

**Module 03 Use of Language in Drafting :**

Use of Legal Language and its Significance in Drafts (Sale Deed, Gift Deed, Release Deed, General Power of Attorney and Will)  
Use of Legal Language in Drafting in Legal Notices (Notice to Tenant on behalf of Landlord and vice versa and Notice to Husband on behalf of Wife and vice versa)

**Module 04 Advocacy Skills :**

Meaning of Advocacy  
Advocacy as an Art  
Qualities of Lawyers (Good voice, command of words, confidence, practical wisdom, etc.)  
Use of Rhetoric- Figures of Speech (Euphemism, Hyperbole, Irony, Metaphor, Paradox, Simile, Synecdoche and Understatement)

Etiquettes and Manners for Law Professionals  
Client Counseling and Interviewing

**Module 05 Legal Reasoning and Skills of Arguments :**

Logic and its Scope:

Meaning of Logic and its Nature

Some Major Sources of Knowledge- a priori, evidence, memory, observation, perception, reasoning and testimony

Structure of Argument-Statements/Premises and Conclusion

Methods of Reasoning- Deductive, Inductive and Reasoning by analogy

Fact and Opinion

Truth and Validity

Syllogism:

Meaning of Syllogism

Rules of Syllogism

Types of Syllogism-Categorical, Conditional and Disjunctive

Fallacy:

Meaning and Reasons of Fallacy

Types of Fallacies-Faulty Cause, Sweeping Generalization, Faulty Analogy, Anecdotal Fallacy, Bifurcation (False Dilemma), Equivocation, Tautology, Appeal to Popular Opinion and Association Fallacy

Application of Reasoning to Law - Facts of a Case and provisions /Case Laws(Refer to *Dahyabhai Chhaganbhai Thakker v. State of Gujarat*, AIR 1964 SC 1563 for legal reasoning)

**Recommended Readings:**

- 1) Agarwal, S P. *Drafting and Conveyancing*. Delhi: Lexis Nexis, 2005.
- 2) Asprey, Michele M. *Plain Language for Lawyers*. New Delhi: Universal Law Publishing Co., 2011. (Module 1-2 (a)- Ch.-2,3,13).
- 3) Anirudh, Prasad. *Outlines of Legal language in India*. Allahabad: Central Law Publications, 2009.
- 4) Basantani, K T. *Elementary Logic for LLB*. Sheth Publishers, 2013.
- 5) Bowell, Tracey and Gary Kemp. *Critical Thinking A Concise Guide*. New York: Routledge, 2005.
- 6) Butt, Peter & Caste Richard, *Modern Legal Drafting*. New Delhi: Cambridge University Press, 2011
- 7) Copi, Irving M and et al. *Introduction to Logic*. London: Pearson Education Ltd. 2014
- 8) Garner, Bryan A. ed. *Black's Law Dictionary* . 9<sup>th</sup> Edition.
- 9) Garner, Bryan A. *The Winning Brief*, New York: Oxford University Press, 2014. (Module 2.3, Ch. 19, 21, 22, 27, 29, 30, 32, 34, 56).
- 10) Jayakumar, Srividya. *Client Counseling for Tomorrow's Lawyers*. All India Court Cases, January 2007. PP 13-17.
- 11) Selby, Hugh. *Advocacy Preparation and Performance*, New Delhi: Universal Law Publishing Co., 2009.
- 12) Sridhar, Madabhushi. *Legal Language*. Hyderabad: Asia Law House, 2004.
- 13) P. Ramanatha Aiyer's *Law Lexicon*. LexisNexis, 2012.
- 14) Tiersma Peter M. "What is Language and Law? And does anyone care?" *Legal Studies*. Paper No. 2009-11, March 2009.
- 15) Webb, Julia. *Lawyers' Skills* , United Kingdom: Oxford University Press, 2011.
- 16) Williams, Glanville. *Learning the Law*. New Delhi: Universal Law Publications, 2000.

## BB 0302 Basics of Finance

**Objectives of the Course :** The objectives of the course are : (1) To learn and apply concepts and techniques of Basics of Finance. (2) To apply Finance concepts and techniques in day to day decision making process and capital expenditure decisions by a manager.(3) To get familiar with legal aspects of Finance. (4)Apply financial concepts and tools to the financing decisions and dividend decisions faced by the firm.(5)Appraise the risk profile of firms; specifically, estimate the costs of capital, including debt and equity capital, using financial data.

### **Module 01 Introduction :**

Finance function, Broad areas under finance- Scope and Significance  
Role of a finance executive  
Financial and legal implications of various forms of business organizations.  
Sources of Finance  
Financial system – Meaning and significance, Player s in the financial system and their role  
Financial Institutions and their role  
Types of securities, Legal aspects of Issue and redemption of securities

### **Module 02 Important Concepts:**

Time Value of Money, Discounting and Compounding  
Cost of Capital, meaning cost of capital, cost of Equity, Cost of Debt  
WACC

### **Module 03 Capital Budgeting :**

Nature and Significance  
Basic Methods for evaluating capital expenditure proposals (Traditional And Modern methods)

### **Module 04 Preparation of Financial Statements of Companies :**

### **Module 05 Analysis and Interpretation of Financial Statements using the Techniques like:**

Ratio Analysis  
Fund flow Analysis (Basic Problems)

### **Module 06 Management of Profits :**

Introduction to procedural and legal formalities involved in the payment of dividend, Bonus Shares

### **Module 07 Capital Structure :**

Optimum capital structure  
Factors influencing capital structure

### **Module 08 Capitalisation :**

Over capitalisation - meaning, causes, consequences, remedies  
Under Capitalisation - meaning, causes - consequences, remedies

**Note :** Problems should be covered at least on the following topics :

Simple problems on Ratio Analysis.

Simple problems on Cash Flow Analysis.

Time value of money, Calculation of cost of capital and problems on capital structure.  
Methods for evaluation of Capital Expenditure.

**Recommended Readings :**

- 1) *Financial Management* - I.M. Pandey published by Vikas Publishing House
- 2) *Finance* – Viva Books Pvt. Ltd, published in arrangement with BPP Learning Media London
- 3) *Financial Management* - Khan & Jain published by Tata McGraw Hill
- 4) *Principles of Managerial Finance* - Lawrence J. Gitman, published by Pearson Education
- 5) *Financial Management* - Prasanna Chandra published by Tata McGraw Hill
- 6) *Financial Management* –Rustagi published by Taxmann
- 7) *Financial Management* - Dr. Mahesh Abale and Dr. Shri Prakash Soni, published by Himalaya Publication House.

**Recommended Journals :**

- 1) Journal of Business Finance & Accounting (Wiley-Blackwell)
- 2) The Review of Financial Studies (Oxford University Press).
- 3) Accounting, Auditing & Accountability Journal (Emerald Group Publishing).

## BB 0303 Managerial Economics

**Objectives of the Course :** The objectives of the course are: (1) To expose students to basic micro economic concepts; (2) To apply economic analysis in the formulation of business policies; (3) To use economic reasoning to problems of business.

**Module 01 Introduction :**

Meaning, Nature and Scope of Business Economics, Micro and Macro  
Basic Economic Problems  
Market forces in solving economic problems  
Circular Flow of Income and Expenditure

**Module 02 Demand Analysis :**

Concept of Demand, Elasticity of Demand and their types  
Revenue Concepts - Total Revenue, Marginal Revenue, Average Revenue and their relationship

**Module 03 Supply Analysis :**

Concept and Law of Supply  
Factors Affecting Supply

**Module 04 Cost Analysis :**

Accounting Costs and Economic Costs  
Short Run Cost Analysis: Fixed, Variable and Total Cost Curves, Average and Marginal Costs  
Long Run Cost Analysis: Economies and Diseconomies of Scale and Long Run Average and Marginal Cost Curves

**Module 05 Pricing under Various Market Conditions :**

Perfect Competition - Equilibrium of Firm and Industry under Perfect Competition  
Monopoly - Price Determination under Monopoly  
Monopolistic Competition - Price and Output Determination under Monopolistic Competition

**Module 06 Distribution :**

Marginal Productivity Theory of Distribution  
Rent: Modern Theory of Rent  
Wages : Wage Determination under Imperfect Competition - Role of Trade Union and Collective Bargaining in Wage Determination Interest  
Liquidity, Preference Theory of Interest Profits: Dynamic, Innovation, Risk - Bearing and Uncertainty Bearing Theories of Profits

**Recommended Readings :**

- 1) *Textbook of Economic Theory* - Stonier and Hague; Longman Green and Co., London.
- 2) *Introduction to Positive Economics* - Richard G. Lipsey.
- 3) *Business Economics (Micro)* - Dr. Girijashankar; Atharva Prakashan, Pune.
- 4) *Micro Economics* - M. L. Seth.
- 5) *Micro Economics* - M. L. Jhingan; Vrinda Publications, New Delhi.
- 6) *Managerial Economics - Theory and Application* - D. M. Mithani.

**Recommended Journals :**

- 1) *Journal of Economics & Management Strategy* published by Wiley.

- 2) Computational Economics published by Springer.
- 3) Managerial and Decision Economics published by Wiley.

## **BB 0304 Business Ethics and Corporate Governance**

**Objectives of the Course :** The objective of this paper is to equip the students with the concept and relevance of Business Ethics in the modern era. The students will be able to apply general ethical principles to particular cases or practices in business.

**Module 01 Introduction to Business Ethics :**

Concept, Characteristics, Importance and Need for business ethics  
Indian Ethos, Ethics and Values, Work Ethos

**Module 02 Importance of Ethics in Business :**

Ethical Theories: Met ethics, Normative Theory-Market system-Impact of unethical behavior in the market system: Bribery, Coercion, Deception, Theft, Discrimination  
Trust and Ethics: Supplier Relations, Customers, Employees- Integrative social contract theory: Hyper norms, Macro Social Contract, Micro Social Contract

**Module 03 Ethical Principles in Business :**

1.Role of Board of Directors, Organization Climate and Structure and Ethics  
Addressing Ethical Dilemmas, Code of Ethics; Ethics Committee; Ethics Training; Integrity Pact

**Module 04 Corporate Governance :**

Corporate Governance: Concept, Importance, Evolution of Corporate Governance, Principles of Corporate Governance  
Regulatory Framework of Corporate Governance in India, SEBI Guidelines and clause 49  
Elements of Good Corporate Governance, Failure of Corporate Governance and its consequences

**Module 05 Legislative Framework of Corporate Governance in India :**

Under Listing Agreement, SEBI Guidelines, Companies Act, Corporate Governance in PSUs, Banks, Insurance Companies

**Module 06 Business Ethics and Corporate Governance :**

Introduction, Importance and Need for Business Ethics in Indian Context, Roots of Unethical Behavior and Issues  
Corporate Governance Ethics; How Ethics can Make Corporate Governance more meaningful

**Module 07 Corporate Governance and Other Stakeholders :**

Employees, Customers, Lenders, Vendors, Government, Society

**Module 08 Application of Ethics in Functional Areas of Business :**

Ethics in the Areas of Production, Marketing, Finance and Human

**Module 09 Corporate Social Responsibility :**

Meaning and Definition; Objectives; Drivers and Catalysts of CSR; Importance and Benefits of CSR; Attributes of an effective CSR; CSR under Companies Act, 2013, Arguments for and against CSR, Future Changes of CSR

**Module 10 Ethical Issues in Global Business :**

Multinational organization -An Overview, Why companies go global, Ethical issues in MNC's, Political activities, Sales Marketing and Advertising, Technology, Economic activities

Regulatory actions in acquisitions of global business, Social obligations in global business

**Recommended Readings :**

- 1) Andrew Crane & Dirk Matten, *Business Ethics: Indian Edition*, : OUP.
- 2) A.C. Fernando: *Business Ethics and Corporate Governance* - Pearson.
- 3) M.G. Velasquez: *Business Ethics: Concepts & Cases* - Pearson.
- 4) S.K. Chakraborty: *Management by Values* - OUP India.
- 5) *S. Sing Corporate Governance – Global Concept* , Excel Books.P.S. Bajaj, Raj Agarwal - *Business Ethics an Indian perspective*, Biztantra.

**Recommended Journals:**

- 1)International Journal of Business Governance and Ethics.
- 2)Business & Professional Ethics Journal.
- 3)Journal of Business Ethics.
- 4)Journal of Business Systems, Governance and Ethics (JBSGE).
- 5)International Journal of Trade, Economics and Finance.
- 6)Indian Journal of Corporate Governance.

## Second Year B.B.A. LL.B. - Semester IV CE 0401 Law and Literature

**Objectives of the Course :** The knowledge of English literature is important for everyone to develop new ideas and ethical standpoints. Therefore, the main object of this paper is to instill human values and concern among students of law through exposure to literary texts. This paper also intends to strengthen the students' listening, speaking, reading and writing skills by using literature and to enable the students to analyze the case laws from the perspective of language.

**Module 01 Drama with Legal Themes :**

The Significance of Literature in Understanding the Law  
The Merchant of Venice (focus on Act IV) - William Shakespeare  
Justice (focus on Act II) - John Galsworthy

**Module 02 Short Stories with Legal Themes :**

Before the Law - Franz Kafka  
Justice Is Blind - Thomas Wolfe  
The Benefit of Doubt - Jack London  
The Web of Circumstance - Charles W Chesnutt  
The Case for Defense - Graham Greene

**Module 03 Prose Works :**

Of Judicature-Francis Bacon  
Some Reminiscences of the Bar - M. K. Gandhi  
Why the Indian Labor is Determined to Win the War - B.R. Ambedkar  
Joy of Reading - APJ Abdul Kalam  
M.C. Chagla - The Centenary of a Judicial Statesman - V. R. Krishna Iyer

**Module 04 Poetry :**

Ode: Intimations of Immortality - William Wordsworth  
Stopping by Woods on a Snowy Evening - Robert Frost  
Where the Mind is without Fear - Rabindranath Tagore  
Law like Love - W. H. Auden  
Freedom, Justice and Equality - Lonnie Hicks

**Module 05 Legal Text as Literature for Analytical Study :**

*Balaji Raghvan v. Union of India* (AIR 1996 SC 770)  
*S Gopal Reddy v. State of Andhra Pradesh* (1996 SCC (4) 596)  
(Case laws are to be analyzed with focus on narrative and argumentative skills)

**Recommended Readings:**

- 1) Ambedkar, B R. *“Why the Indian Labour is determined to win the war .” Dr. Babasaheb Ambedkar: Writings and Speeches.* Vol. 10. New Delhi: Govt. of India, 2014.
- 2) Auden, W H. *Law Like Love* (<https://www.poemhunter.com/poem/law-like-love/>).  
Frost, Robert. *Stopping by Woods on a Snowy Evening*  
(<https://www.poemhunter.com/poem/stopping-by-woods-on-a-snowy-evening-2/>).
- 3) Galsworthy, John. *Justice.* Ed. A. Shanmugakani. Chennai: Macmillan, 1981.

- 4) Gandhi, M K. "Some Reminiscences of the Bar." *The Law and the Lawyers*. Ed. S B Kher. Ahmedabad: Navjivan Trust, 2004.
- 5) Hicks, Lonnie. *Freedom, Justice and Equality* (<https://www.poemhunter.com/poem/freedom-justice-and-equality/>).
- 6) Kalam, A P J Abdul. "Joy of Reading." *The Very Best of A P J Abdul Kalam - The Righteous Life*. New Delhi: Rupa Publications, 2014.
- 7) Krishna Iyer, V R. "M C Chagla - The Centenary of a Judicial Statesman." *Off the Bench*. New Delhi: Universal Law Publishing, 2001.
- 8) Ledwon, Lenora. *Law and Literature: Text and Theory*. London: Garland Publishing, 1996.
- 9) Oltman, Gretchen, et al. *Law Meets Literature A Novel Approach for the English Classroom*. London: Rowman and Littlefield, 2016.
- 10) Shakespeare, William. *The Merchant of Venice*. Ed. John Fletcher. OUP, 1998.
- 11) Tagore, Rabindranath. (XXXV) from *Gitanjali*. Rupa, 2002.
- 12) Takahav, N S. *Bacon Essays*. Mumbai: Karnatak Publishing House.
- 13) Wishingrad, Jay. *Legal Fictions: Short Stories about Lawyers and Law*. New York: Overlook Press, 1992.
- 14) Wordsworth, William. *Ode: Intimations of Immortality*. (<http://mural.uv.es/horpla/wordsworth.html>).

## **BB 0402 Human Resource Management**

**Objectives of the Course :** Business environment today is highly competitive. Organisations can create unique competitive advantage if quality of their employees, their engagement and productivity helps them deliver superior business value. This paper on Human Resource Management will help the students understand the functioning of Human Resource Management in an organizational setting. The paper also equips the students with the knowledge of the legal framework of Human Resource. The failure to appreciate the legal implications can be disastrous for organization.

### **Module 01 Introduction to Human Resource Management :**

Concept, Nature, Scope, Objectives and Importance and Evolution of HRM  
Difference between Personnel Management and HRM, Role, Duties and responsibilities of HR Manager, Structure of HR Department, Challenges of HRM

Strategic HRM: Meaning objectives and challenges, HR in International Context: Global competency and Global Dimensions, Developing Cross Cultural Sensitivity

### **Module 02 Human Resource Planning and Related Laws :**

HR Planning - Meaning and Definition, Strategic Planning and Human Resource Planning

Job Analysis - Job Description and Job Specification Estimating Human Resource requirement

Recruitment- Meaning and Definition Recruitment Source- Internal vs. External, Factors affecting Recruitment. Selection- Meaning and Process, Promotion and Transfers - Policy and Procedures

Exit Policy - Meaning and Procedure, Challenges in implementing Exit Policy  
Voluntary Retirement Schemes - Meaning, Merits and Demerits

Labor Turnover - Meaning, Measurement of Labor Turnover, Causes and Control measures

Role and Significance of Industrial Employment (Standing Orders) Act, 1946

### **Module 03 Training and Development :**

Concept and Importance of Training, Types and methods of Training, Design and Evaluation of Training Programme

### **Module 04 Performance Management and Appraisal :**

Performance Appraisal - Concept and Objectives, Job Description and Analysis and Performance Appraisal

Methods of Performance Appraisal. Appraisal Forms, Formats and Measurements, Appraisal Communication and Counseling, Performance Management, Legal and ethical perspectives in Performance Appraisal

### **Module 05 Compensation and Maintenance :**

Job Evaluation: Concept, Process and Significance

Components of Employee Remuneration: Base and Supplementary, Maintenance

Overview of Employee Welfare, Health and Safety, Social Security, Grievance Redressal Procedure, Employee Participation, Flexi time, ESOPs, Relevant Provisions of Payment of Bonus Act, 1965, Employees Provident Funds Act, 1952., Workmen's Compensation Act, 1923., Employees' State Insurance Act, 1948, Payment of Gratuity Act, 1972

**Module 06 Personnel Records Reports and Audit :**

Meaning and Significance of Records and Reports, Essentials of a good Record and good Report

Personnel Audit - Objective, Scope and Importance, Methods of Analysis, Audit Report - Meaning and Importance

**Module 07 Fundamentals of Industrial Relations :**

Introduction to IR, Various participants in IR- Trade Unions, the State, Employers / Management

Collective Bargaining, Collective Bargaining and the Indian Industrial Relations System. Role of HRM in Industrial Relations

An Overview of Management Perspective towards Regulatory Compliances under Labour welfare Legislations

**Recommended Readings :**

- 1) K. Asawathapa, *International Human Resource Management*, TMH, 2007.
- 2) Bohlander, *Human Resource Management*, 14th edition Cengage Learning, India, 2009.
- 3) Dessler, Verkey, *Human Resource Management*, Pearson Education, 2009.
- 4) Monir H. Tayeb, *International Human Resource Management*, Oxford, 2009.
- 5) Patnaik, *Human Resource Management*, 3rd edition, PHI, 2009.
- 6) Subba Rao, *International Human Resource Management*, 2009, Himalaya Publishing House..
- 7) Jeffery Mello, *Human Resource Management*, Cengage Learning, India, 2008.
- 8) Subba Rao, *Essential of HRM and Industrial Relation*, 2008, Himalaya Pub. House.
- 9) Methis & Jackson, *Human Resource Management*, 12th edition, 2008 Cengage Learning.

**Recommended Journals :**

- 1) Journal of Human Resources.
- 2) Journal of Human Values.
- 3) Indian Journal of Industrial relations.
- 4) Indian Journal of Management Science.

## **BB 0403 Case Studies in Business Environment**

**Objectives of the Course :** The objective of this paper is to familiarize the students with the business environment conditions prevailing in India and international and understand its implications to business. Case method is instruction that utilizes descriptions of actual situations to develop a discussion among students and teacher. These case descriptions are usually written. The case method is an effective tool of teaching learning process, where students develop their ability to take decisions in actual professional situations. The intent of the case method is to narrow the gap between theories and practice by giving certain situations. Situations given in case are expected to be analyzed by students through their creative thinking so as to get the conclusion. Conclusion is about findings and suggestions for the improvement and providing alternative solutions to the existing problems in given situation.

Through case studies, students can develop their own problem-solving and decision-making skills. In this exercise students develop new ways of thinking. Comprehensive, multi-departmental, and multi-industrial cases that present real life situations place the student in the role of an analyst.

In case studies, students read a written case in advance. The case may or may not be accompanied by theoretical or an analytical framework. Sometimes the theory is given in lectures before, during, or after the case discussion. Students are expected to read the case in advance, analyze it, reach a conclusion, and then come to class prepared to join with their classmates.

### **Guidelines for Case Study Analysis and Discussion :**

**Step 1:** Identify Problems(in a given case/situation).

**Step 2 :** Analyse the problem (with the help of different functional areas of business environment such as Marketing, finance/accounting, organizational/people, productions/operations, Policies, economical, legal technological environment, human resources, etc on the basis of SWOT- if necessary).

**Step 3:** Developing alternative solutions (Students can think critically and provide the best possible creative or original solutions to the existing problems).

**Step 4 :** Selecting the best alternative solution ( while selecting best alternative student can think of risk involved, legal /economical / financial/ social aspect, resources and feasibility.

**Step 5:** Justify the solution: Students will have to justify their choice of rejecting or accepting particular alternative solution.

**Steps 6:** Probable outcome of your solution :(Students can explore the probable consequences of their choice of 'solution'. They can consider possible contingency plans, in the event that their 'solutions' do not work out satisfactorily, if implemented in practice.)

The above systematic format ensures that all possible problem areas are taken into account in your final recommended solutions, or future courses of action.

## Topics for Case Studies

### **Module 01 Cases Studies:**

Meaning, Objectives, Contents, Structure, Importance and Characteristics of Case Studies, analysis techniques like SWOT, PESTEL, etc.

### **Module 02 Introduction to Business Environment :**

Concept, Significance, Components of Business environment (national and global)

Factors affecting Business Environment, Types of Environment (Internal and External)

Emerging Trends in Indian Business Environment, Sustainable Business Development

### **Module 03 Business Functions :**

Strategic: Planning, Budgetary Control, Location of Business, Decision Making, and Government Policies

Finance: Nature and Significance of Financial Management, Financial Planning- Sources of Funds, Investment of Funds, Distribution of Profit

Marketing : Concept of Marketing and Selling , Marketing Mix, Functions of Marketing

Human Resources : Nature, Objectives and significance, Training and Development, Performance Appraisal

### **Module 04 Government and Business environment :**

Role of Government in Regulating, Promoting, Planning and Development of Business

Monetary and Fiscal Policy; Role EXIM Policy, FEMA

### **Module 05 Socio-Cultural Environment in India :**

Nature and impact of culture on business, Culture and Globalization

Social Responsibilities of business. Business and Society, Social Environment

Poverty and Poverty Alleviation Programs, Labor and Employment, Women in the Workforce, Child Labour, Education, Health, Population and Family Welfare

### **Module 06 Economic Environment :**

Nature of Economic Environment. Economic factors-growth strategy, Economic planning, Kinds Economic Systems and their impact on Business.

### **Module 07 Legal Environment :**

Introduction, Legal Environment, Laws Impacting Industry in India, Intellectual Property Rights, Major Regulations Pertaining to Business and various forms of business organizations

### **Module 08 Technological Environment :**

Role of Technology in Business, Innovations, Research and Technological Development, Transfer of Technology, Management of technology

Technology and infrastructural development including roads, ports, airports, hospitals, education, healthcare, communication, etc. Automation in Business

**Module 09 Political Environment :**

Political System, Functions of States, Political stability and its impact on business environment

**Module 10 International Business Environment :**

Globalization: Reasons for Globalization; Features and Stages of Globalization; Drawbacks of Globalization; Impact of Globalization on Indian Economy, International Economic Integration, WTO and India

Privatization: Objects and Benefits, Conditions for Success, Privatization Policy, Privatization in India, Advantages and Drawbacks of Privatization

**Recommended Readings :**

- 1) Justin Paul, *Business Environment : Text and Cases* , Tata McGraw Hill, New Delhi.
- 2) Cross & Miller, *the Legal Environment of Business: Text and Cases*, Cengage Learning.
- 3) M.B. Shukla, *Business Environment : Text and Cases*, Taxman.
- 4) Chidambaram, *Indian Business Environment*, Vikas, New Delhi.
- 5) Sundaram & Black, *International Business Environment – The Text and Cases*, Prentice Hall of India.
- 6) Pandey G.N., *Environmental Management*, Vikas Publishing House.
- 7) Saleem, *Business Environment*, Pearson, New Delhi.
- 8) Cherunilam, Francis; *Business Environment - Text and Cases*, Himalaya Publishing House, 2002, 12th revised edition.
- 9) Aswathappa, K.; *Essentials of Business Environment*, Himalaya Publishing House, 2000, 7<sup>th</sup> edition.
- 10) Barat, Nikhil, *Emerging Issues in Management, A Collection of Selected Case Studies*, Excel Books, New Delhi, 1998.
- 11) Sherlekar S. A. and Sherlekar V. S., *Case Studies in Marketing*, Himalaya Publishing House, Bombay, 1983.
- 12) Sandford C. T. / Bradbury, *Case Studies in Economics*, Economic Policy.
- 13) Chopra B. K., *Case Studies in Corporate Planning*, Times Research Foundation, Pune, 1989.
- 14) Bhasin M. L., *Human Resource Management : Case Studies*, Anmol Publications, 1992.
- 15) K. S. Aanandaram, *Case Studies in Personnel Management, Industrial Relations and Trade Unions*, Everest Publishing House, 2012.
- 16) Vrat Prem, *Case Studies in Management*, Vikas Publishing House Pvt. Ltd, Delhi, 2011.
- 17) Kulkarni Vilas, Achuthan Sarla, *Case Studies in Management*, Himalaya Publishing House, Bombay, 2016.
- 18) Jain Vandana, *Management Theory and Practice (with Case Studies)*, International Book House, New Delhi.
- 19) Ian Worthington and Chris Britton, *The Business Environment* (fifth edition), Pearson Education Limited, UK, (2006).

**Recommended Journals:**

- 1) Asian Journal of Management cases.
- 2) International Journal of Case studies.
- 3) Journal of Case Studies.
- 4) Indian Journal of International Business and Finances.
- 5) Asian Journal of Management Cases.
- 6) Global Journal of International Business Research.
- 7) Harvard Business Review.
- 8) Journal of International Business.

## BB 0404 Business Research Methods

**Objectives of the Cours :**The objective of this paper is to equip the students with the process of Business Research, its importance and relevance to organizations and introduce the latest developments and progress in the field. The students will be able to plan, design and earn out business research using scientific methods and prepare research report (s)/ paper (s).

### **Module 01 Introduction to Business Research :**

Meaning, Objectives and Motivation in research - Types of research - Legal Research - Research Approaches - Research Process - Validity and Reliability in research. Applications of Research

### **Module 02 Research Design :**

Features of a good design - Types of Research Design, Basic principles of Experimental Design

### **Module 03 Literature Review :**

Role and importance sources, methods, etc., Referencing styles - APA, MLA, Cambridge, Harvard, etc., Software Tools for Literature Review

### **Module 04 Sampling :**

Meaning, Advantages, and disadvantages, Sampling Design, Different types of sampling designs used for social research

### **Module 05 Measurement in Research :**

Identifying variables, Levels of variable measurement, types of variables, Possible sources of error in measurement, Issues in measurement - reliability and validity of measures, Scaling – Techniques used in social research

### **Module 06 Sources of Data :**

Primary data - advantages and disadvantages-sources of primary data  
Secondary data – advantages and disadvantages- sources of secondary data  
Schedule and questionnaire Meaning, Types of schedule, Evaluation of schedule, questionnaire – advantages and limitations, construction of questionnaire, layout of questionnaire, essentials of a good questionnaire  
Observation – meaning and characteristics, types, advantages and disadvantages, 5.Interview - Meaning and role, Objectives, Types, The process, Advantages and Disadvantages

### **Module 07 Processing and Analysis of Data :**

Editing, coding, classification, tabulation, parts and types of the table , graphics and diagrammatic presentation of data types of diagrams – Histogram, Polygon, Bar and pie charts, Pictographs  
Uni-variate analysis – Use of appropriate statistical measures, Bi-variate analysis – Use of appropriate statistical measures Multi-variate analysis – Use of appropriate statistical measures, Non-parametric tests – Use of appropriate statistical measures  
Hypothesis testing – Use of appropriate statistical measures

### **Module 08 Report Writing :**

Layout of report, Steps, Use of computers in research, Essential qualities of research report, Data protection and research ethics

### **Recommended Readings :**

- 1) William G. Zikmund, *Business Research Methods*, 7th edn. Cengage Learning, India.
- 2) K.N. Krishnaswamy, Appalyer Sivakumar, M. Mathirajan, *Management Research*.
- 3) *Methodology: Integration of Principles, Methods and Techniques*, Pearson Education 2008.
- 4) J. K. Sachdeva, *Business Research Methodology*, 2008, Himalaya Pub. House.
- 5) Paul E. Green, Donald S. Tull, *Research for Marketing Decisions*, PHI. 5th edition 2008.
- 6) Donald S. Tull, Del I. Hawkins, *Marketing Research, Measurement and Methods*, 6th edition, PHI Learning, 2009.
- 7) Naresh Malhotra and Satya Bhushan Das, *Marketing Research: An applied Orientation*, Pearson Education, 2008.
- 8) Donald Cooper & Pamela Schindler: “ *Business Research Methods*” Tata McGraw Hill (9<sup>th</sup> Edition).

**Recommended Journals:**

- 1) Journal of Service Research.
- 2) Research World – Journal of Arts, Science & Commerce e.
- 3) Harvard Business Review.
- 4) Management Science.

**Part X**  
**Syllabus of Third Year B.A. LL.B., Third Year B.B.A. LL.B.**  
**and First Year LL.B.**

**Third Year B.A. LL.B.** - Semester V  
**Third Year B.B.A. LL.B. - Semester V**  
**First Year LL.B.** - Semester I

**LC 0501 Legal and Constitutional History**

**Objectives of the Course :** The advent of British rule in India has introduced a completely new form of law, legal institutions and administration system in India. The traces of colonial rules are still present in Independent India. To understand the present legal system it is pertinent to study the Legal and Constitutional History of the colonial period. This course is designed with an objective to introduce students with the growth of Administrative, Judicial and Legislative institutions in Colonial India. This will help students to get an appropriate insight of the present institutions.

**Module 01 Historiography :**

The meaning of Historiography  
Ancient Indian Historiography  
Historiography in the courts of Muslim and Hindu Rulers in Medieval India  
Modern Indian Historiography  
The development of the Modern European idea of History  
Humanism and Substantialism  
The Christian idea of History  
The Renaissance and Reformation  
Historical method and the lawyer

**Module 02 Early Administration of Justice in Bombay, Madras and Calcutta :**

European Settlement in India  
The East India Company: Development of authority  
Organisational setup of the English Company's Factories or settlements in India  
Madras Settlement and Administration of Justice  
Administration of Justice in Bombay  
Administration of Justice in Calcutta

**Module 03 The Mayor's Courts and the Courts of Requests :**

Early Mayor's Court in Madras  
Provisions of the Charter of 1726  
Consequences of the Charter of 1726  
Critical estimate of the working of the Mayor's Court from 1726 to 1753  
Charter of 1753: Reforms introduced  
Criticism of the Charter  
Abolition of the Mayor's Court

Appraisal of the Mayor's Court under the Charter of 1726 and 1753  
The Courts of Request (Small Cause Courts)

**Module 04 Adalat System in Bengal :**

Courts in Bengal under the Mughals  
Dual Government in Bengal and its consequences  
The Company as Diwan  
Warren Hasting's plan of 1772  
Defect of the Plan  
New Plan of 1774  
Reorganisation of Adalats in 1780  
Defects of the reorganization Plan  
Reforms of 1781: Initiative of Impey and Warren Hastings  
Reforms in the Administration of Criminal Justice

**Module 05 The Regulating Act of 1773 :**

Circumstances prior to Act of 1773  
Salient features of the Regulating, 1773  
Legislative power under the Act of 1773  
Charter of 1774 and the Supreme Court of Clacutta  
Critical estimate of the Provisions of the Regulating Act, 1773 and the Charter of 1774  
Trial of Raja Nand Kumar (1775)  
"Kamaluddin" Case (1775)  
"Patna" Case (1777-1779)  
"Cossijurah" Case (1779-1780)  
Salient features of Act of Settlement 1781  
Major defects of the Act of Settlement, 1781  
Supreme Court at Calcutta  
Supreme Court at Madras and Bombay  
Laws administered in the Supreme Court

**Module 06 Judicial Measures of Cornwallis :**

Company's Government before Cornwallis  
Important provisions of the Pitt's Act 1784  
Judicial reform of Cornwallis  
    Judicial Plan of 1787  
    Re-organisation of the Criminal Judicature  
    Scheme of Criminal Judicature, 1790  
Judicial Plan of 1793  
Cornwallis v. Hastings  
Appraisal of the System of 1793

**Module 07 Judicial Reforms from 1793-1833**

Reforms of Sir John Shore  
Reforms of Lord Wellesley  
Reforms of Lord Cornwallis (1805)  
Reforms of Lord Minto (1807)

Lord Hastings and the administration of Justice (1813)  
Reforms of Lord Amherst (1823)  
Judicial Reforms of Lord Bentinck (1828)  
Charter Act, 1833  
Dual system of courts (1834-1861)

**Module 08 Establishment of High Courts :**

The Indian High Courts Act, 1861  
Letters patent establishing High Courts  
Indian High Courts Act of 1865 and 1911  
The Government of India Act, 1915  
The Government of India Act, 1935  
High Courts established during 1947 to 1950

**Module 09 The Privy Council: Highest Court of Appeal :**

The Origin of Privy Council  
Appeal to the Privy Council (1726-1860)  
Appeal to the Privy Council (1861-1949)  
Precedential value of the Privy Council decisions

**Module 10 The Federal Court of India :**

Foundation of the Federal Court  
Jurisdiction of the Federal Court::  
    Original Jurisdiction  
    Appellate Jurisdiction  
    Advisory Jurisdiction  
Authority of law laid down by Federal Court  
Abolition of Federal Court

**Module 11 Evolution of Law in Colonial Period :**

Codification in England  
Development of Muslim criminal Law in India  
Salient features of Muslim criminal law  
Evolution of Law through legislation and Judicial Decisions in colonial period  
Land Laws :-  
The Land revenue Settlement, 1793  
The Bengal Rent Act (Act X of 1859)  
Legislation and Hindu Society :-  
The Sati Regulation Act of 1829  
The Caste Disabilities Removal Act, 1850  
Case 1. Charlotte Abraham v. Francis Abraham, (1861-1864) 9 MIA 199 (PC)

Case 2. Miter Sen Singh v. Maqbul Hasan Khan, (1929-1930) 57 IA 313  
The Hindu Widows Remarriage Act, 1856  
Case 1. Bhagwandeon Doobey v. Myna Bae, (1866-1867) 11 MIA 487  
Case 2. Debi Mangal Prasad Singh v. Mahadeo Prasad Singh, (1911-1912) 39 IA 121  
Case 3. Venayeck Arundrow v. Luxumeebaee, (1861-1864) 9 MIA 520

Restitution of conjugal rights -

Muslim Law and restitution of conjugal rights

Case 1. Mooshee Buzloor Ruheem v. Shumsoonnissa Begum, (1866-1867) 11 IA 551

Parsi Law and restitution of conjugal rights

Case 1. Ardaseer Cursetjee v. Perozeboye, (1854-1857) 6 MIA 348

Hindu Law and restitution of conjugal rights

Case 1. Dadaji Bhikaji v. Rukmabai, ILA (1885-1886) 10 Bom 301

Justice equity and good conscience -

Case 1. Manzur Hasan v. Muhammad Zaman, (1924- 1925) 52 IA 61

Case 2. Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam, (1909-1910) 37 IA 152

Case 3. Gopeekrist Gosain v. Gungapersaud Gosain, (1854-1857) 6 MIA 53

Case 4. Gokul Chand v. Hukum Chand Nath Mal, (1920-1921) 48 IA 162

### **Module 12 Constitutional History :**

Government of India Act 1858

Indian Council Act, 1861

Indian Council Act 1892

Morley-Minto reforms and the Indian Council Act, 1909

Montagu-Chelmsford Report and the Government of India Act 1919:-

Main features of the system introduced by the Act of 1919

Shortcomings of the Act of 1919

The Simon Commission Report

The Nehru Report, 1928

Rejection of Nehru Report and Fourteen Points Report by the Muslim League

Communal Award and Poona Pact

The Civil Disobedience Movement

The Government of India Act 1935:-

Main features of the Government of India Act 1935

Opposition to the Government of India Act 1935

Defects of Government of India Act 1935

### **Module 13 Making of the Constitution :**

Demand for a Constitution framed by a Constituent Assembly

Cripps' offer of 1942

Quit India Movement

The Wavell Plan of 1945

The Proposals of TejBahadur Committee

B.N. Rau scheme of January 1946

The Cabinet Mission Plan, 1946

Mountbatten Plan, 1947

Indian Independence Act, 1947

Constituent Assembly in India and framing of the Constitution: -

Formation of the Constituent Assembly of India

The issues before the Constituent Assembly

Passing of the Constitution

Dr. Ambedkar's warning and anxiety about the working of the Constitution

## Date of Commencement of the Constitution

### Recommended Readings :

- M.P. Jain, *Outline of Indian Legal and Constitutional History*, Lexis Nexis (2014).  
Sumeet Malik, *V.D. Kulshreshth's Landmarks in Indian Legal and Constitutional History*, Eastern Book Company (2012).  
Nilakshi Jatar & Laxmi Paranjape, *Legal History- Evolution of the Indian Legal System*, Eastern Book Company, (2012).  
Rama Jois, *Legal and Constitutional History of India*, Universal Law Publishing, (2016)  
S.B. Shiva Rao, *The Framing of the Indian Constitution*, Vols. I & V, the Indian Institute of Public Administration, New Delhi (1966).  
Granville Austin, *The Indian Constitution- Cornerstone of a Nation*, 5<sup>th</sup> Edition, Oxford University Press, New Delhi, (2002).  
E.J. Rapson, *Cambridge History of India*, 1992, (Vol I – VI)  
Arvind S. Avhad, *The Indian Legal History* (Hind Law House, Pune)

## LC 0502 Family Law I

**Objectives of the Course :** The personal law applicable to Hindus, Muslims, Christians, Parsis and other denominations is not fully codified. While these personal laws are similar in their essential broad underlying principles, they are much different in their details. Personal law is applicable not only to aspects of family relations, viz. marriage and divorce, support and maintenance, children and their custody and guardianship, adoption and the like, but also to law relating to property, viz. joint family systems, devolution to property upon death of a person. The differences in the provisions applicable to different denominations arise from the history and growth of these laws over centuries. All these are covered in the two courses of Family Law I and Family Law II.

This course (Family Law I) covers the history and development of the principles and provisions of different personal laws, and the sources from which these laws are derived. It primarily comprises the laws applicable to family relations: marriage and divorce, maintenance, alimony, adoption and guardianship. It also lays emphasis on the general law applicable to all persons: the Special Marriage Act 1963 and the Foreign Marriages Act 1969. The course familiarises the students to the differences in the various systems, and to understand the reasons, merits and demerits of the various provisions. Study of this subject should enable him to view family law not merely as a separate system of personal laws based upon religious beliefs, but as one cutting across religious lines, eventually enabling fulfillment of the Constitutional directive of Uniform Civil Code.

### **Module 01 Introduction to Hindu and Muslim Law :**

Nature of Hindu law, Application of Hindu law

Sources of Hindu law - Ancient to Modern

Schools of Hindu law

Development and nature of Muslim law, Application of Muslim law

Sources of Muslim law

Schools of Muslim law

### **Module 02 Marriage and Matrimonial Reliefs under Hindu law :**

Evolution and concept of the institution of marriage, nature and forms of marriage under ancient Hindu law

Essentials of a valid marriage under the Hindu Marriage Act, 1955; ceremonies of marriage; valid, void and voidable marriages; importance of custom; marriage with a non-Hindu; registration of marriage; effect on legitimacy of children.

Divorce, theories of divorce, grounds of divorce, customary divorce, effect of divorce, emerging trends; Bar to remarriage after a divorce

Other matrimonial reliefs: Nullity of marriage; Judicial separation; Repudiation of marriage; Restitution of conjugal rights; Other reliefs granted by a court in matrimonial proceedings (other than maintenance); Bar to matrimonial reliefs

Jurisdiction of courts: under the Hindu Marriage Act 1955 and the Family Courts Act 1984

**Module 03 Marriage and Matrimonial Reliefs under Muslim law :**

Muslim marriage : pre-Qura'nic background, definition of nikah, nature and classification of marriages  
Essentials and formalities of a valid marriage, legal effects of a valid marriage, mut'a marriage, stipulation in marriage contract; guardianship in marriage with reference to Shias and Sunnis  
Mehr / dower, nature and kinds of dower, rights of wife in case of unpaid dower  
Nullity of marriage; restitution of conjugal rights; option of puberty (khair-ul-bulugh)  
Talaq, kinds of talaq, divorce under Dissolution of Muslim Marriage Act, 1939  
Remarriage; iddat: its rationale, utility and periods; prohibition to marry in certain cases

**Module 04 Marriage and Matrimonial Reliefs among Parsis, Christians and under the Special Marriage Act 1954**

Marriage under the Parsi Marriage and Divorce Act, 1936: Essentials of a valid marriage; Solemnization of marriage and its registration; Dissolution of marriage, divorce, nullity, judicial separation, restitution of conjugal rights; Remarriage; Parsi Matrimonial Courts and procedures  
Marriage under the Indian Christian Marriage Act, 1872; Essentials of a valid marriage; Solemnization of marriage and its registration; Marriage of Indian Christians; Provisions under the Indian Divorce Act, 1869: relating to dissolution of marriage, judicial separation, nullity, restitution of conjugal rights; Remarriage; Jurisdiction of courts and procedures  
Marriage under the Special Marriage Act 1954: Essentials of a valid marriage, Solemnisation of marriage and procedure, its registration and certificate; Registration of existing marriages, procedure and registration; Effect and consequences of such marriages; Void and voidable marriages; Remedies of divorce, judicial separation, restitution of conjugal rights; Remarriage; Jurisdiction of courts and procedures  
Marriages of citizens outside India under the Foreign Marriages Act 1969: Essentials, solemnisation of marriage, procedure and certificate; Effect of such marriage; Divorce of foreign marriages  
Comparative analysis of marriage and matrimonial reliefs in different laws.  
Relationship in the nature of marriage: live-in relationship, same-sex relationships

**Module 05 Alimony and Maintenance :**

Maintenance *pendent lite* and permanent maintenance; Maintenance of wives, children and parents under the Hindu law, Muslim law, Christian law and Parsi law; Maintenance in matrimonial proceedings under these laws and maintenance under the Special Marriage Act 1954, the Protection of Women Alimony from Domestic Violence Act 2005, the Code of Criminal Procedure 1973, and the Maintenance and Welfare of Parents and Senior Citizens Act, 2007

## **Module 06 Law on Adoption and Guardianship :**

Adoption: Essentials of valid adoption with reference to the person adopted, the person adopting and other conditions; Procedure; When adoption is complete; Effect of adoption; Right of adoptive parents to dispose of their property

Inter-country adoption, CARA guidelines; Recognition of foreign adoptions; Adoption by foreign parents

Guardianship under the Hindu and Muslim law, and under the Guardian and Wards Act 1890: Kinds of Guardians; Procedure for appointment of a guardian; Guardian's powers over the person and property of children; Rights, obligations, duties, liabilities, disqualifications and disabilities of guardians Powers of Court

Custody of Minor and Minor's property; Powers of courts in matrimonial proceedings to pass orders about custody and well-being of children

### **Recommended Readings:**

- 1) Kusum, *Family Law Lectures : Family Law I*, LexisNexis, New Delhi
- 2) Satyajeet A Desai, *Mulla's, Hindu Law*, LexisNexis, New Delhi.
- 3) Justice Ranganath Mishra, *Mayne's Hindu Law and Usage*, Bharat Law House, New Delhi.
- 4) H. K. Saharay, *Family Law in India*, Eastern Law House, New Delhi.
- 5) Flavia Agnis, *Family Law Vol I and II*, Oxford University Press, New Delhi.
- 6) Tahir Mahmood, *Principles of Hindu Law*, Universal Law Publishing, New Delhi.  
Mulla, *Principles of Mohammedan Law*, Lexis Nexis, Nagpur.
- 7) Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
- 8) Amer Ali, *Mohammedan Law*, Vol. I and II, EBC.
- 9) Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.
- 10) Derrett, *Introduction to Modern Hindu Law*, Universal.

## LC 0503 Law of Contract - I

**Objectives of the Course:** Individuals, organisations, institutions, governments make countless contracts for effecting their transactions. They enjoy considerable freedom in devising the terms of their transactions, which they will decide through negotiations. The general principles that affect these contracts, and that allow their enforcement in case of breach, are given in sections 1 – 75 of the Indian Contract Act, 1872 (ICA). Contract remedies are also provided in the Specific Relief Act 1963 (SRA). These two laws form the main course for this paper.

This course is designed to acquaint a student with the general conceptual and practical principles of contract, rules for formation of contract, performance, and enforcement of contract remedies.

### **Module 01 Introduction to Contract Law :**

The nature of contractual obligations

Introduction to certain types of contracts and discussion about their parties, parties' relative position, terms, remedies : for example: Bank loan, Purchase of goods, Construction or works contract, Warehousing contract, Guarantee, Sale of vehicle, Engaging cleaning or canteen services, Hiring a bank locker, Terms of use of online sale platform, Confidentiality agreement, Agreement for purchase land for a factory, etc.

Enforcement - Primary purpose of contract law

### **Module 02 Formation of Contract :**

Agreement and Contract

Proposal and Acceptance:

Proposal - essential elements, forms, invitations for proposals and tenders, communication of proposal, floating offers, options

Acceptance - essential elements, forms, the requirement of communication, silence as acceptance

Revocation of proposal and acceptance

E-contracts with reference to provisions of the Information Technology Act, 2000

Express and implied terms, express and implied contracts

Standard form contracts - their advantages and vices, and strategies to handle the vices

Formalities - writing, signatures, attestation, registration, notarisation, stamp duty. Formalities of a contract with the government - Article 299 of the Constitution of India

### **Module 03 Competency of Parties - Sections 10 – 12 of ICA :**

Age of majority under the Indian Majority Act 1875, contracts with minors, effect of contracting with a minor, the purpose of the law, liability for supply of necessaries: section 68 of ICA

Soundness of mind for the purpose of making contracts, effect of unsoundness of mind on the contract

Legal disqualification – examples: Section 75 of the Patents Act 1970, section 75 of the Indian Forests Act 1927, section 130 of the Transfer of Property Act 1882

Competency of prisoners in jail, married women, aliens, insolvents

Competency of companies, statutory bodies, central and state governments

**Module 04 Free Consent - Sections 13 to 22, 64, 65, 67 of ICA :**

Consent and free consent

Coercion and its effect on the contract : sections 15 and 19 of Indian Contract Act, 1872

Undue Influence and its effect on the contract, *pardanashin* women  
unconscionable bargains : sections 16 and 19A of Indian Contract Act, 1872

Misrepresentation and its effect on the contract: sections 18 and 19 of Indian Contract Act, 1872

Fraud and its effect on the contract: sections 17 and 19 of Indian Contract Act, 1872

Mistake, mutual and common mistake, unilateral mistake, mistake of law and fact, effect on the contract: sections 20 - 22 of ICA, section 26 of SRA

Remedies available to the party whose consent is not free: rescission, restoration. Sections 19, 19A, 67, 64, 65 of ICA. Loss of right of rescission. Sections 25 and 28 of SRA

Definitions, meaning and importance, essential elements  
Act, forbearance and promise

Present, past and future consideration

Adequacy of consideration and effect of inadequacy

No consideration, no contract; and exceptions to the rule

**Module 06 Void Agreements - Sections 23 – 30 of ICA :**

Unlawful agreements, circumstances in which agreements enforced even if unlawful: sections 23-24, 57 – 58 of ICA, section 27 of SRA

Void agreements: Restraint of marriage, trade and legal proceedings, uncertain agreements, wagers: sections 26 - 30 of ICA

Effect of void and of unlawful agreements

**Module 07 Contingent Contracts and Quasi-Contracts :**

Contingent contracts and their enforcement - sections 31 – 36 of ICA :

Definition of contingent contract, contingent and absolute obligations

Effect of non-happening of event

Enforcement of contingent contracts

Quasi-contracts - sections 68 – 71, 73 (para 3) of ICA :

Five kinds of quasi-contracts stated in the Act

Doctrine of restitution

Effect of breach of quasi-contractual obligation

**Module 08 Performance of Contract :**

Obligation to perform or offer to perform; who must perform, effect of death, personal contracts, rights and liabilities under a contract: sections 37 - 41 of ICA

Doctrine of privity, and exceptions to the doctrine

Joint rights and liabilities: sections 42-45 of ICA

Time of performance, right to terminate if time is of essence: sections 46-50, 55 of ICA

Liability to pay interest for delay: under contract terms, under the Interest Act 1978

Place of performance: sections 47-50 of ICA

Reciprocal promises, effect of non-performance of one of reciprocal promises; unilateral and bilateral promises: sections 51 - 54 of ICA

Appropriation of payments: sections 59-61 of ICA

#### **Module 09 Discharge of a Contract :**

By performance; by offer of performance: sections 38 of the ICA

By non-performance by one party: 54 of ICA

By breach and rescission: sections 39, 53, 55 of ICA; anticipatory breach: section 39 of ICA

Doctrine of impossibility and effect : section 56 of ICA

By agreement: novation, alteration and rescission: section 62 of ICA

By act of promisee: dispensing, remission and waiver, extension of time, accord and satisfaction: section 63 of ICA

Termination or discharge under contract provisions

#### **Module 10 Contract Remedies :**

Remedies under contract law through court or arbitration :

Compensation (damages) section 73-74 of ICA:

General and special, substantial and nominal, aggravated and punitive, liquidated and unliquidated

Causation

Contemplation and Remoteness

Duty of mitigation

Assessment

Claim for the agreed sum: viz. suit for price, return of loan amount

Claim in *quantum meruit*

Remedies of Specific Relief through court or arbitration under SRA :

Specific performance :

Cases in which it can and cannot be granted- sections 10 and 14 of SRA

Personal bars to relief - section 16 of SRA

Discretionary relief - section 20 of SRA

Who can claim specific performance - section 15 of SRA

Against whom can specific performance be claimed - section 19 of SRA

Claim for compensation and other reliefs in a suit for specific performance - sections 21 – 24, 29 of SRA

Defences in suits of specific performance - section 9 of SRA

Rescission of a contract of which specific performance has been decreed - section 28 of SRA

Injunctions in suits relating to contract:

Discretionary relief - section 36 of SRA

Kinds - Temporary and perpetual, prohibitory and mandatory: section 36-37, 39 of SRA

When can injunction be granted? - section 38 (1) and (2) of the SRA

When will injunction not be granted? - section 41 clauses (a), (b), (e), (g), (i), (j) of SRA

Injunction to enforce negative covenants - section 42 of SRA

Claim for compensation in a suit for injunction. - section 40 of SRA:

Rescission - section 27, 30 of SRA

Rectification of instruments - section 26 of SRA

Cancellation of instruments - section 31, 33 of SRA

### **Module 11 Contractual Freedom, Role of Contract Law, Interpretation of Contracts :**

Role of contract law in general, and applicability of the Indian Contract Act, 1872, Contract law as default rules

Remedies without intervention of court or arbitration - Introduction only of self-help remedies with examples- lien and retention, set-off, invoking bank guarantees, termination under contract provisions, right of sale without intervention of court

Laws affecting contracts- laws affecting special contracts, regulatory laws, laws for protection of disadvantaged party

Economic aspects of contract law, role and function of contract law in the growth of an economy and in the legal system

Introduction to the rules of interpretation of contracts

### **Recommended Readings :**

- 1) Avtar Singh, *Law of Contract and Specific Relief*, 12<sup>th</sup> ed, 2017, Eastern Book Company.
- 2) V Kesava Rao, *Contract I: Cases and Materials*, 2<sup>nd</sup> ed, 2014, Lexis-Nexis
- 3) Ritu Gupta, *Law of Contract – includes the Specific Relief Act 1963*, 2015, Lexis-Nexis
- 4) Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15<sup>th</sup> ed., 2015, Lexis-Nexis
- 5) M. Krishnan Nair, *Law of Contracts*, 1998.
- 6) Garima Tiwari, *Understanding Laws – Contracts*, 2014, Lexis-Nexis.
- 7) Anson's *Law of Contract*, Beatesen and Burrows ed. 29<sup>th</sup> ed., 2010, Oxford University Press.
- 8) G.H. Treitel, *Outline of Law of Contract*, 6<sup>th</sup> rev ed, 2005, Oxford University Press.
- 9) Atiyah's *Introduction to the Law of Contract*, Stephen Smith ed., 2<sup>nd</sup> ed, 1997 Oxford University Press
- 10) Cheshire, Fifoot and Furmston's *Law of Contract*, Michael Furmston ed., 16<sup>th</sup> ed, 2012, Oxford University Press.
- 11) Pollock and Mulla's *Indian Contract Act*, Nilima Bhadbhade ed., 14<sup>th</sup> updated edition, 2014, Lexis Nexis
- 12) Nilima Bhadbhade, *Contract Law of India*, 2<sup>nd</sup> ed 2009, Kluwer, available free on google books.

- 13) Pollock and Mulla's *Specific Relief Act*, Nilima Bhadbhade ed., 14<sup>th</sup> updated edition, 2014, Lexis Nexis.
- 14) Nilima Bhadbhade, *Specific Performance of Contracts: the Tests of Inadequacy and Effective Enforcement*, 2014, Lexis-Nexis.
- 15) S C Banerjee, *Law of Specific Relief: Tagore Law Lectures*, 13th ed, 2015, Lexis-Nexis.
- 16) Sarkar on *Specific Relief*, Sudipto Sarkar and R Yasho Vardhan eds, 17<sup>th</sup> ed, 2016, Lexis Nexis
- 17) R K Singh, *Law Relating to Electronic Contracts*, 2<sup>nd</sup> ed, 2015, Lexis-Nexis.
- 18) Sachin Rastogi, *Insights into E-Contracts in India*, 2013, Lexis Nexis
- 19) Robert Cooter and Thomas Ulen, *Law and Economics*, 6<sup>th</sup> edition 2016, available for free download at <<http://scholarship.law.berkeley.edu/books>>, Chapters 1 and 9
- 20) Shubhashis Gangopadhyay and V Shantakumar, *Law and Economics* Vol I and II, 2013, Sage Publications, Chapter 5.

## LC 0504 Law of Crimes

**Objectives of the Course :** Crime and Punishment has always been the most important aspect of Rule of Law. A proper understanding of crimes, methods of controlling them and the reasons for their existence is extremely important to build a just and humane society. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law along with relevant case laws. It is also meant to enable them to articulate informed opinion over important controversial issues in criminal law.

### **Module 01 Nature of Crime and Criminal Liability :**

Historical Development of Indian Penal Code, 1860

Nature of Crime, Definition of Crime in social and legal context, Test of Criminality, Approaches to Crime, Distinction between Moral, Civil and Criminal wrongs, Criminal law and Morality, Crime and Tort, Crime and Sin, Aim and Function of the Criminal law

Criminal Liability – Theories - Subjective and Objective theories, Principles - *Actus non facit reum, nisi mens sit rea*, Origin and development of *mens rea*, Liability without *mens rea*, *mens rea* in Indian Penal Code. Facets of *mens rea* - Motive, Knowledge, Intention, Recklessness and Negligence, Malice

Elements of Crime - Human Conduct, Voluntary act, Guilty intention, Causal Connection, Prohibited Result

### **Module 02 General Principles of Criminal Law:**

*Nulla poena sine lege, nullum crimen sine lege.*

Retroactivity of criminal law (ex post facto law), Narrow construction of criminal law, Rule against judicial creation of offences and vagueness of criminal statutes

Principles of *mala in se, mala prohibita*, Joint liability, Vicarious liability, Strict liability and Absolute liability

Stages in Commission of Crime, Intention - mere intention not punishable, Preparation, Attempt - Attempt when punishable, specific provisions of IPC, Tests for determining what constitute attempt, proximity, equivocality and social danger test, Impossible attempt, Commission of offence

### **Module 03 Introduction to Substantive Criminal Law :**

Jurisdiction under Indian Penal Code, 1960

Crime and Punishment - Objectives of punishment, Kinds of Punishment

Discretion in awarding punishment and minimum punishment in respect of certain offences

General Explanations - Movable Property, Wrongful Loss and Wrongful gain, Dishonestly, Fraudulently, Common Intention, Common Object, Voluntarily, Good faith, Criminal Conspiracy

### **Module 04 General Defenses :**

Excuses (Mental Incapacity) - Minority (Infancy), Involuntary Intoxication and Insanity as a Defense

Justifications – Necessity, Mistake of Fact, Acts done with Consent, Accident, Judicial acts, Triviality

Right of Private Defense of Body and Property - Justifications and Limits

**Module 05 Offences against State, Public Tranquility, Administration of Justice, etc. :**

Abetment, Abetment when punishable? Liability of Abettor, Abetment of offence punishable with death or imprisonment for life

Harboring Offender, Harboring Deserter

Waging war, Sedition, Conspiracy to Waging war

Unlawful Assembly, Rioting, Affray, Promoting enmity between different groups, Imputations/assertions prejudicial to national integration

Giving False Evidence, Fabricating false evidence

**Module 06 Offences relating to Public Health, Religion, Decency and Morality:**

Public Nuisance, Adulteration, Obscenity, Rash or Negligent driving, Causing danger or obstruction to any person in public way

Injuring or Defiling place of Worship with intent to insult the religion of any class, Deliberate and malicious acts intended to outrage religious feelings, Disturbing Religious Assembly, Uttering Words etc. with deliberate intent to wound the religious feelings

**Module 07 Offences against Human Body :**

Culpable Homicide, Murder, Ingredients, Exceptions and Distinction between Culpable Homicide and Murder, when culpable homicide is murder?

Attempt to commit Culpable Homicide, Attempt to Murder

Causing Death by Negligence, Causing Death with the consent of the deceased – Euthanasia and its Constitutionality

Suicide – abetment and attempt, its Constitutional validity

Hurt, Voluntarily causing hurt, etc.; Grievous Hurt, Voluntarily causing grievous hurt, etc., Wrongful Restraint, Wrongful Confinement

Criminal Force, Assault, Kidnapping and Abduction, distinction between them

**Module 08 Offences relating to Woman :**

Cruelty against Woman, Dowry death, Causing Miscarriage, Acid Attack

Outraging Modesty of woman, Sexual Harassment, Voyeurism, Stalking

Rape – its ingredients, developments in law along with relevant judicial decisions, Unnatural offences

Deceitful Cohabitation, Bigamy, Mock Marriages, Adultery

**Module 09 Offences against Property and Person, etc. :**

Theft, Extortion, Robbery and Dacoity, distinction between them, forms of Robbery and Dacoity

Criminal Misappropriation, Criminal Breach of Trust, Stolen property, Cheating, Mischief, Criminal Trespass, House Trespass, Lurking House Trespass, House Breaking, House Breaking by Night

Defamation, Criminal Intimidation and Insult

Forgery and Making of False document, Falsification of accounts

**Recommended Readings :**

- 1) *Common Law in India* (Chapter III, Criminal Law, p. 124-176) by Setelvad.
- 2) *History of English Law* Vol. III (Last chapter on Indian Penal Code) by Stephen.
- 3) *Law of Crimes in India*, Vol. I – Principles of Criminal Law by R C Nigam, Asia Publishing House, New York.
- 4) *Criminal Law* by Glanville Williams, Universal Law Publishing Co.
- 5) *Kenny's Outlines of Criminal Law* by J W Cecil Turner, Universal Law Publishing Co.
- 6) *Criminal Law* by Smith and Hogan, Oxford University Press.
- 7) *Principles of Criminal Law* by Andrew Ashworth, Clarendon Law Series.
- 8) R. A. Nelson's *Indian Penal Code* (4 Volumes), by S. K. Savaria, LexisNexis Delhi.
- 9) *Penal Law of India* (4 volumes) by Dr. Hari Singh Gaur.
- 10) *Indian Penal Code* (Ed. II 1901, p.242-249) by J. D. Mayne.
- 11) *Essay's on Indian Penal Code* by Prof. K. N. Chndranshekhar Pillai.
- 12) *Law Relating to Crime and Punishment* by R. C. Srivastava.
- 13) *A Text Book on Indian Penal Code* by Prof K. D. Gaur.
- 14) *Criminal Law Cases and Material* by Prof K. D. Gaur.
- 15) *The Indian Penal Code* by Ratanlal and Dhirajlal, Wadhwa and Company Nagpur.

**Optional Subject 1 (Any one from the following)**  
**LO 0505 Health and Food Law**

**Objectives of the Course :** The objectives of the course are : (1) To enable the students to acquire knowledge of constitutional protections with respect to health; (2) To impart knowledge to the students of basic laws relating to protection of health; (3) To impart knowledge about need and nature of right to food and nutrition in India; (4) To expose students to need and nature of programme on food safety and standards in India; (5) To expose students to need and nature of programme of national food security in India; (6) To enable the students to acquire sound knowledge of health and food regulatory mechanism in India.

**Module 01 Introduction :**

Concept and Importance of Health  
Public Health in India - Ancient, medieval and modern perspectives  
Human Rights Perspectives of Health - Overview

**Module 02 Health and Constitutional Protections :**

Fundamental Rights - Right to Health – Right to Dec ent Environment –  
Right to Shelter - Reproductive Rights of Women  
Directive Principles of State Policy and Health

**Module 03 Health and Legal Protection - Relevant Provisions under following Laws :**

The Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse)  
Act, 1994  
The Factories Act, 1948  
Law on Mental Health  
The Maternity Benefit Act, 1961  
The Infant Milk Substitutes, Feeding Bottles and Infant Foods Act, 1992  
The Transplantation of Human Organs Act, 1994  
The Indian Penal Code, 1860 - Chapter XIV (Sections 269 to 278)

**Module 04 Right to Food and Nutrition in India :**

Fundamental Rights - Right to Food and Nutrition  
Directive Principle of State Policy on Food and Nutrition  
Human Rights Perspectives of Food and Nutrition-Overview

**Module 05 The Food Safety and Standards Act, 2006 :**

Need, Objects and Basic Concepts  
Food Safety and Standards Authority of India  
General Principles of Food Safety  
General Provisions as to Articles of Food  
Provisions Relating to Import  
Enforcement of the Act  
Analysis of Food  
Offences and Penalties  
Adjudication and Food Safety Appellate Tribunal

## **Module 06 The National Food Security Act, 2013 :**

Need, Objects and Basic Concepts  
Provisions for Food Security and Food Security Allowance  
Identification of Eligible Households  
Reforms in Targeted Public Distribution System.  
Women Empowerment  
Grievance Redressal Mechanism  
Obligations of Central Government for Food Security  
Obligations of State Government for Food Security  
Obligations of Local Authorities  
Transparency and Accountability  
Provisions for Advancing Food Security

### **Recommended Readings :**

- 1) R.K. Nayak (ed.), The Indian Law Institute, *Global Health Law*, (1998), World Health Organization, Regional Office for South East Asia, New Delhi.
- 2) Pragya Kumar & Virendra Kumar, *Health as a Fundamental Human Right*, in *Dilemmas in Health Policy*, at C-1 C-8 (1986).
- 3) *Law of Food Safety & Standards Act, 2006* – by M.L. Bhargava, Kamal Publishers; 2017.
- 4) *A Practical Guide to Food Laws and Regulations* – by Kiron Prabhakar, Bloomsbury India, Sep 2016.
- 5) Bhatnagar, *Food Laws in India*, Ashoka Law House, 2011.
- 6) R.K. Gupta (Eds.), *Food Safety in 21<sup>st</sup> Century – Public health Perspectives* , Academic Press, 2016.
- 7) Law Commission of India, Report No. 264, On the Criminal Law (Amendment) Bill, 2017 (Provisions dealing with Food Adulteration), January, 2017

## LO 0506 Equity and Trust Law

**Objectives of the 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 rights 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 equitable considerations. Trusts 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. Students should also to be made aware of the emerging public trust doctrine of common property resources.

**Module 01 The Indian Trusts Act, 1882 :**

Objects and Basic Concepts, Kinds of Trusts  
Comparison of Trust with other relationships - Trust and Ownership, Trust and Bailment, Trust and Agency, Trust and Contract, Trust and Equitable Charge, Trust and Mortgage, Trust and Administration

**Module 02 The Indian Trusts Act, 1882 :**

Creation of Trusts  
Appointment of Trustees  
Vacating the Office of Trustee  
Extinction of Trusts

**Module 03 The Indian Trusts Act, 1882 :**

Duties and Liabilities of Trustees  
Rights and Powers of Trustees  
Disabilities of Trustees  
Rights and Liabilities of the Beneficiary  
Certain Obligations in the Nature of Trusts

**Module 04 The Bombay Public Trusts Act, 1950 :**

Objects and Basic Concepts  
Establishment  
Charitable Purposes and Validity of Certain Public Trusts

**Module 05 The Bombay Public Trusts Act, 1950 :**

Registration of Public Trust  
Budget, Accounts and Audit  
Powers and Duties and Restrictions on Trustee

**Module 06 The Bombay Public Trusts Act, 1950 :**

Control, Powers and Functions of Charity Commissioner  
Other Functions and Powers of Charity Commissioner, Dharmada, Cypress

**Module 07 The Bombay Public Trusts Act, 1950 :**

Special Provision as Respects Religious and Charitable Institutions and Endowments  
Public Trusts Administration Fund

**Module 08 The Bombay Public Trusts Act, 1950 :**

**Module 09 Equity :**

Concept of Common Law and Common Law Courts

Concept and Definition of Equity

Origin and Development of Equity

Maxims of Equity -

- a) Equity will not suffer a wrong to be without a remedy
- b) Equity follows the law
- c) He who seeks equity must do equity
- d) He who comes to equity must come with clean hands
- e) Delay defects equity
- f) Equality is equity
- g) Equity looks upon that as done which ought to have been done
- h) Equity looks to the intent rather to the form
- i) Equity imputes an intention to fulfill an obligation
- j) Equity acts in personam
- k) Where the equities are equal the first in time shall prevail
- l) Where there is equal equity, the law shall prevail

**Recommended Readings :**

- 1) S. Krishnamurthy Aiyar and Harbans Lal Swin, *Principles and Digest of Trusts Laws* (1998), University Book Agency, Allahabad.
- 2) R.E. Megarry and P.V. Baker, *Snell's principles of Equity* (1964) ELBS, Snet and Maxwell.
- 3) Iyer N., *Indian Trust Act* (1997), Delhi Law House, New Delhi.
- 4) Rajarathnam, Natarajan and Thankaraj, *Commentary on Charitable Trusts and Religious Institutions* (2000) Universal, Delhi.
- 5) Rao. C.R, *The Indian Trust Act and Allied Laws* (1999).
- 6) Rangacharya I V, *The Indian Trusts Act*.
- 7) Aggarwal O P, *The Indian Trusts Act*.
- 8) Tandon M P, *The Indian Trusts Act*.
- 9) Chaudhari D H, *The Bombay Public Trusts Act, 1950*.
- 10) Shah K N, *The Bombay Public Trusts Act, 1950*.
- 11) Apte M S, *The Bombay Public Trusts Act, 1950*.
- 12) Gupte and Dighe, *The Bombay Public Trusts Act, 1950*.
- 13) Philip H. Pettit, *Equity and Law of Trust* (1970).
- 14) Ahmad Aquil, *Equity, Trusts and Specific Relief*.
- 15) Basu Durga Das, *Equity, Trusts and Specific Relief*.

## **LO 0507 Criminal Psychology and Criminal Sociology**

**Objectives of the Course :** The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behavior, particularly, deviant behavior. The objective of the course is to provide in-depth understanding of crime causation and its prevention. Advancement in the science of psychiatry and sociology has changed the understanding of criminology as a science. At the end of the course students would be able to understand the causation of crime in a better scientific and rational manner.

### **Module 01 Crime, Criminal and Criminology :**

What is crime? Who is the criminal?

What is Criminology?

Schools of Criminology :-

The Pre-Classical School

The Classical School

Neo-Classical School

Positivist Approach - Radical Positivism and Liberal Positivism

Cesare Lombroso

Enrico Ferri

Raffaele Garofalo

Gabrial Tarde

### **Module 02 Psychology and Crime :**

Meaning, purpose and scope of criminal psychology

Psychological vs. Psycho-analytical approach to crime

Behaviorist approach to crime

Definition of criminal behavior - Psychodynamics of criminal behavior.

Mental illness and crime

Human aggression and violence to crime

### **Module 03 Psychometric Test - Its use in Criminal behavior :**

Measurement of criminal behavior - Psychological test to measure criminal behavior

Criminal profiling: Definition and process of profiling criminal personality

Factors underlying criminal profiling

Merit and demerit of criminal profiling

### **Module 04 Forensic Psychology - Concept and Importance :**

Definition, meaning and scope of forensic psychology

Historical background of forensic psychology in India and abroad

Role of forensic psychology in the investigation of crime

Psychology and the police

Application of psychology in court

Application of psychology in prison

### **Module 05 Sociological Theories - Crime and Social Structure :**

1) Social structure theory

- 2) Social disorganization theory
- 3) Merton, anomie and strain

**Module 06 Subcultural Theories :**

- 4) Cohen's theory of the delinquent subculture
- 5) Miller's lower class gang delinquency

**Module 07 Crime and Social Process :**

- 6) Socialization and Crime- Differential association theory
- 7) Differential reinforcement theory
- 8) Neutralization and rift theory
- 9) Hirsch's Social Control or Social Bond Theory
- 10) Becker's Labelling theory
- 11) Self-Control and Self Esteem as related to crime

**Recommended Readings :**

- 1) Akers, Ronald.L. and Sellers, Christin, S. (2004) *Criminological Theories* (4<sup>th</sup> Edition) Rawat Publication, New Delhi.
- 2) Void, George B., Benard Thomas J., and Snipes, Jeffrey B. (2002), *Theoretical Criminology*, Oxford University Press, Oxford.
- 3) Siegel, L.J (2003) *Criminology*, (8<sup>th</sup> Edition) Wadsworth, USA.
- 4) Schmallegger Frank, *Criminology Today*, (1996) Prentice Hall, New Jersey.
- 5) Dennis Howitt, 2002, *Forensic and Criminal Psychology*, Prentice Hall
- 6) *Encyclopedia of Criminal and Deviant Behaviour*, 2001, Clifton D. Pryart, Editor-in Chief, Burunner Routledge Taylor & Frances Group
- 7) Bartal, Curt R, 1999, *Criminal Behaviour : A Psychosocial Approach*, 5<sup>th</sup> edition, Prentice Hall, New Delhi.
- 8) Hollin, Clive R Routledge & Kegan Paul, 1989, *Psychology and Crime: An introduction to Criminal Psychology*, London.
- 9) Dartmouth Aldershot, 1987, *Criminal Detection and Psychology of Crime*,
- 10) Harvard LPC *Forensic Psychology*, 1981, Professor of Clinical Psychology, University of Surrey, Batsford Academic & Educational Ltd. London.
- 11) Adman Raine, 1983, *The Psychopathology of Crime, Criminal Disorder*, Academic Press, Inc.
- 12) Navin Kumar, (2015), *Criminal Psychology*, Lexis Nexis, New Delhi.
- 13) Shukla Girjesh, (2013), *Criminology*, Lexis Nexis, New Delhi.
- 14) McLaughlin Eugene & Newburn Tim (Ed) (2010), *The Sage Handbook of Criminological Theory*, Sage Publication Ltd, New Delhi.
- 15) Prof. N.V. Paranjape, *Criminology And Penology With Victiomology*, Central Law Publications.
- 16) S.M.A. Quadri, *Criminology And Penology*, Eastern Book Company
- 17) Dr. Krishna Pal Malik, *Penology , Victimology And Correctional Administration In India*, Allahabad Law Agency
- 18) J.P. Sirohi, *Criminology And Criminal Administration*, Allahabad Law Agency

## LO 0508 Agricultural Marketing Law

**Objectives of the Course :** Agriculture is the most important sector of Indian economy. About 65 percent of the population depends upon the agriculture and 70 percent live in the villages. Indian agriculture contribution to the national gross domestic product (GDP) is important factor. With food being the crowning need of mankind, much emphasis has been on commercialising agricultural production. For this reason, adequate production and even distribution of food has of late become a high priority global concern. Agricultural marketing is mainly the buying and selling of agricultural products. In earlier days when the village economy was more or less self-sufficient the marketing of agricultural products presented no difficulty as the farmer sold his produce to the consumer on a cash or barter basis. The objective of the course is to provide student with a theoretical and empirical basis for valuating agricultural marketing organization and actors for market performance and public policy decision.

### **Module 01 Basic Concepts of Agricultural Marketing :**

- Concept of Agricultural Marketing and Meaning
- Definition of Market and Agricultural Marketing
- Classification of Markets, Types of Marketing
- Functions and Services, Future Trading, Marketing Channels
- Different systems of agricultural marketing
- Marketing Justifications and Organizations
- Defects of Agricultural Marketing in India

### **Module 02 Legislative Perspectives of Agricultural Marketing - Overview:**

- Salient Features of the Model Act of 2016 on Agricultural Marketing
- The Maharashtra State Agricultural Produce Marketing (Development and Regulation) Act, 2003
- Historical Background :
  - The Agricultural Produce (Grading and Marketing) Act, 1937
  - The Maharashtra Agricultural Produce Marketing (Development and Regulation) Act, 1963
- Improvements made by new Legislation over old Legislation

### **Module 03 Integrated Legal Developments for Agricultural Insurance by or on the basis of International Organizations / Covenants :**

- Trade related aspects of Intellectual Property Rights (TRIPS) through World Health Organization, World Trade Organization and Government of India introduced various schemes as follows
  - Pradhan Mantri Fasal Bima Yojna (PMFBY)
  - Comprehensive Crop Insurance Scheme (CCIS),
  - Experimental Crop Insurance (ECI)
  - Farm Income Insurance Scheme (FIIS)
  - National Agriculture Insurance Scheme (NAIS)

### **Module 04 Procedure for getting Benefits of Agricultural Insurance, Food and Nutritional Security by or on the Basis of International Organizations/**

### **Covenants :**

Information about availability of application forms of schemes for getting Agricultural Insurance offline or online at State government and Central Government web sites

Information about availability of application forms of schemes for getting benefits of National Food Securities Act, 2013 at State government and Central Government web sites

### **Module 05 Protection of Plant Varieties and Farmers Rights Act, 2001 :**

Objects of the Act

Definitions and Meaning

Protection of Plant Varieties and Farmers Rights

Authority and Registry

Compulsory License

Role of Plant Varieties Protection and Appellate Tribunal

Judicial Pronouncements on Farmers Rights, Varieties of Plants, etc.

### **Module 06 Provisions under the National Food Securities Act, 2013 :**

Midday Meal Scheme (MMS)

Integrated Child Development Services (ICDS)

Public Distribution Systems (PDS), etc.

### **Recommended Readings:**

- 1)Dr. C.S. Prasad: *Agriculture and Sustainable Development in India*, New Century Publications, New Delhi, India 2012
- 2)A.K. Thaur and M.K. Sinha (ed.): *Structural Reforms and Agriculture*, Deep and Deep Publications Pvt. Ltd. 2011
- 3)Rais Ahamd: *Co-operative and Rural Development in India*, New Century Publications, New Delhi, India 2013
- 4)*Law of Seeds* (Acts, Rules, Orders, Policy, Notifications, Varieties, Export and Import of Seeds etc), 16th ed., Asia New House, 2012
- 5)S.S China: *Agricultural Labour-Problems and Policy Implications*, Regal Publications, New Delhi
- 6)Sudip Chakraborty : *Food Security and Child Labour*, Deep and Deep Publications PVT LTD. 2011
- 7)Asian Development Bank : *Agriculture, Food Security and Rural Development*, Oxford University Press, 2010
- 8)D. Narasimha Reddy and Srijit Mishra(ed) : *Agrarian Crisis in India*, Oxford University Press, 2010
- 9)Dr. B.K Mohanty: *Agricultural Finance and Rural Development*, Regal Publications, New Delhi, 2010
- 10)R. Datt and K.P.M Sundharm : *Indian Economics*, S. Chand, New Delhi, 2009
- 11)Myneni : *Indian Economics* (For Law Course), Allahabad Law Agency, 2006 B.B
- 12)Mukharji : *Agricultural Marketing in India*, Thacker, Spink 1930

## LO 0509 Intellectual Property Rights I

**Objectives of the Course :** The significant factors that contribute for the development of International Law of Intellectual Property Rights are expansion of voluminous trade; increasing interdependence of international commerce; the development of science and technology (otherwise known as cultural property) and the flow of communication. Further the development of human rights had resulted in expanding the horizons of states to expand their protection mechanism beyond their boundaries to protect the rights of nationals led the international community to develop the principles to prevent infringements to the rights of individuals. Accordingly due to the vastness of the subject it has been divided into two papers. Paper-I gives a subtle back ground to the international perspective in a nutshell to understand the practical application of it in the National Regime in paper –II in Subtle Perspective.

### **Module 01 Introduction to Intellectual Property Rights :**

Definition, Concept and Nature of Property, Kinds of Property  
Intellectual Property - Meaning, Nature, and Concept  
Need for Protection of Intellectual Property- Policy Consideration  
Origin and Development of Intellectual Property Rights  
Principles of Reciprocity and Priority- Concept of Minimum Standards-  
Concept of National Treatment-Concept of Most Favoured Nation (MFN)  
with respect to Intellectual Property Rights

### **Module 02 Theories of Intellectual Property :**

Theory of Natural Rights  
Social Contract Theory  
Incentive to Disclose Theory  
Locke's Theory of Property  
Utilitarian Theory  
Theory of Cultural Relativism

### **Module 03 Law of Copyright and Neighboring Rights :**

Historical Origins of Law of Copyright and Neighboring Rights  
Development of International Law of Copyright and Neighboring Rights  
Conventions- An Overview  
Meaning and definition of Copyright and Secondary Rights under  
International Law of IPR  
Interrelationship between Copyright and Neighboring Rights  
Copyright and New Technologies with reference to TRIPS- Computer  
Programs and Protection of software - Internet Protection of the content-  
database-infringement of database  
Common law- Civil law Percepts of Copyright and Neighboring Rights -An  
Overview

### **Module 04 Patent Law :**

Origin and Development of Patent Law with respect to Paris Convention  
Patent Cooperation Treaty- WTO- TRIPS- Harmonization of CBD and TRIPs

Meaning, definition and Scope of Patent Law  
Rights and Liabilities of Patent Holders under IPR  
Enforceability of Patent Rights- claim interpretation- Doctrine of Equivalents-  
Public dedication Rule  
Defenses and remedies for Patent Infringement –Patent exhaustion –Patent  
Misuse- Monetary Damages and Equitable relief

**Module 05 Trademarks and Geographical Indications :**

Origin and Development of Trademarks and Geographical Indications from  
Madrid Convention to TRIPS Convention- An Overview  
Meaning and definition of Trademarks and Geographical Indications  
Territoriality in Trade Marks; Well - Known Marks in International Law  
Geographical Indications - International Protection under TRIPS  
Conflict and Convergence of Trademarks and Geographical Indications

**Module 06 Industrial Designs :**

Origin and Development of Industrial Designs, Layout Designs and Integrated  
Circuits- An Overview  
Meaning and definition of Industrial Designs, Layout Designs and Integrated  
Circuits  
Protection of Industrial Designs from Paris Convention to TRIPS

**Module 07 Contemporary Issues of IPR :**

Inter-relationship between IPR and Human Rights - An Overview (Art 17 and  
27 of UDHR; Art 15 (1) of ICESCR)  
IPR and Protection of the rights of Indigenous people  
Impact of Economic, Social, Cultural and Ethical Dimensions on IPR  
Access to Genetic Resources and Benefit Sharing  
IPR and Cultural Property – Folk Lore  
Remedies for Infringement of IPRs: Role of State and Private International  
Law-An over view

**Recommended Readings :**

- 1) Neeraj Pandey, Khushdeep Dharni, Intellectual Property Rights (Eastern Economy Edition) 2014
- 2) Jennifer Davis, Intellectual Property Law (Oxford) 2012
- 3) V.K. Ahuja, Law Relating to Intellectual Property Rights ( Lexis Nexis) 2015
- 4) Jayashree Watal, Intellectual Property Rights (Oxford India Paperbacks) 2012
- 5) Helen Norman, Intellectual Property Law (2<sup>nd</sup> Edn. Oxford) 2014
- 6) Abbott, F., T. Cottier and F. Gurry (1999) The International Intellectual Property System: Commentary and Materials. The Hague, London and Boston, Kluwer Law International.
- 7) Lionel Bentley and Brad Sherman, Intellectual Property Law (Oxford University Press, New Delhi, 2003).
- 8) Dr. M. K. Bhandari, Law Relating to IPR (Central Law Publications) 2012
- 9) Daniel J. Gervais, International Intellectual Property A Handbook of Contemporary Research (Edward Elgar) 2015

- 10) Dr. Sreenivasasulu N.S., Intellectual Property Rights (Regal), 2011 Philippe Cullet Human Rights and Intellectual Property Protection in the TRIPS Era, 2007. HUMAN RIGHTS QUARTERLY, Vol. 29 403-430
- 11) James J. Fawcett and Paul Torremans: Intellectual Property and Private International Law, 2012, (Oxford)
- 12) Yo Takagi (Editor), Larry Allman (Editor), Mpazi A. Sinjela (Editor), Teaching of Intellectual Property: Principles and Methods, Cambridge University Press (2008).
- 13) Tamali Sen Gupta, Intellectual Property Law in India, Wolters Kluwer, Law & Business (2011)
- 14) Gopalkrishnan N S, & Agitha T G, Principles of Intellectual Property. Lucknow: Eastern Book Company (2014)
- 15) Rao M. B. & Guru M, Understanding TRIPs managing knowledge in developing countries. New Delhi: Response Books (2003)
- 16) Graeme Austin: Private International Law and IPR Common Law : An Over View, WIPO 2001, available at [http://webcache.googleusercontent.com/search?q=cache:jP2l70OIxS4J:www.wipo.int/edocs/mdocs/mdocs/en/wipo\\_pil\\_01/wipo\\_pil\\_01\\_5.doc+&cd=1&hl=en&ct=clnk&gl=in](http://webcache.googleusercontent.com/search?q=cache:jP2l70OIxS4J:www.wipo.int/edocs/mdocs/mdocs/en/wipo_pil_01/wipo_pil_01_5.doc+&cd=1&hl=en&ct=clnk&gl=in)
17. ABC of Copy Right UNESCO Publication; available at [http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC\\_Copyright\\_en.pdf](http://www.unesco.org/fileadmin/MULTIMEDIA/HQ/CLT/diversity/pdf/WAPO/ABC_Copyright_en.pdf)

#### **Case Book :**

LTC Harms: Enforcement of IPR: A case BOOK WIPO Publication (3<sup>rd</sup> edn) 2012 available at [http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo\\_pub\\_791.pdf](http://www.wipo.int/edocs/pubdocs/en/intproperty/791/wipo_pub_791.pdf)

#### **Recommended Journals :**

- 1) Journal of Intellectual Property Rights
- 2) Thomson Reuters' International Journal Of Intellectual Property Rights
- 3) Journal of intellectual Property Law and Practice – Oxford
- 4) The Journal of World Intellectual Property- Wiley Online Library
- 5) The WIPO Journal

**Third Year B.A. LL.B.** - Semester VI

**Third Year B.B.A. LL.B.** - Semester VI

**First Year LL.B.** - Semester II

### **LC 0601 Constitutional Law I**

**Objectives of the Course :** The Course is designed to acquaint students with the basic principles of Constitution and Constitutionalism. The reason and justification of the growth of Fundamental Rights. The operation of Fundamental Rights, Directive Principles in India and its effect is to be studied. The basic norm of the land is to be taught with the help of appropriate judicial decisions.

#### **Module 01 Introduction :**

Concepts of Constitution, Constitutional Law and Constitutionalism  
Forms and character of various models of Constitution  
Classification of Constitutions  
Forms of Governments  
Salient features of the Indian Constitution

##### Preamble:

Meaning of the Preamble  
Object, Purpose and Scope of the Preamble  
Utility of Preamble in interpretation of the Constitution  
Whether Preamble is part of the Constitution  
Contents of the Preamble

Union and its Territory

#### **Module 02 Citizenship of India :**

Constitutional Provisions -  
Citizens by Domicile  
Citizens by Migration  
Citizens by Registration  
Termination of Citizenship  
Dual Citizenship  
The Citizenship Act, 1955 -  
Citizenship by Birth  
Citizenship by Descent  
Citizenship by Registration  
Citizenship by Naturalisation  
Citizenship by Incorporation of territory  
Cessation of Citizenship  
Deprivation of Citizenship  
Expulsion of Foreigner

#### **Module 03 Fundamental Rights**

Concept of Fundamental Rights – Their Origin and Development

History of the demand for Fundamental Rights in India  
Justiciability of Fundamental Rights -

Laws inconsistent with fundamental rights  
Unconstitutionality of Statute  
Doctrine of Eclipse  
Doctrine of Severability  
Waiver of Fundamental Rights  
Concept of State and its Importance  
Concept of Law and Law in force  
Personal Law  
Custom  
Whether the Constitution Amendment Act is law under Article 13?

**Module 04 Right to Equality :**

Equality before law and Equal protection of Law  
Article 14 permits 'Reasonable Classification' but prohibits 'Class legislation'  
Article 14 Strikes at Arbitrariness  
Prohibition of discrimination against citizens  
Right to Access to Public Places  
Special provisions for women and children  
Special provisions for Backward Classes  
Equality of Opportunity in Matters of Public Employment  
Requirement as to Residence in State  
Reservation of Posts for Backward Classes  
Reservations in Promotion  
Carry Forward of Reserved Vacancies  
Percentage of Reservation - Rule of rounding up  
Abolition of Untouchability  
Abolition of Titles

**Module 05 Right to Freedom :**

Freedom of Speech and Expression and Reasonable Restrictions on it  
Freedom of Assembly and Reasonable Restrictions on it  
Freedom to form Association or Union and Reasonable Restrictions on it  
Freedom of Movement and Reasonable Restrictions on it  
Freedom of Residence and Settlement and Reasonable Restrictions on it  
Freedom of Profession, Occupation, Trade and Business and Reasonable Restrictions on it  
Right to Property -  
Pre- 1978 Position - Article 19(f) and 19(5); Eminent Domain;  
Article 31; Inter-relation of Article 31, Article 14 and Article 19(1)(f)  
Present Position - Article 31 A, Article 31 B, Article 31 C, Article 300 A

**Module 06 Right to Freedom :**

Protection in Respect of Conviction for offences -  
Protection against Ex-post Facto Law  
Guarantee against Double Jeopardy  
Privilege against Self-Incrimination  
Protection of Right to Life and Personal Liberty -  
A. K. Gopalan to Maneka Gandhi  
Relationship between Articles 19, 21 and 22  
Due Process of Law  
Extended view in post Maneka Gandhi period  
Right to Education - Evolution and Importance  
Protection against Arrest and Detention -  
Protection against Arrest  
Protection against Preventive Detention  
Laws Authorising Preventive Detention

**Module 07 Right against Exploitation :**

Traffic in Human Beings  
Begar and Similar forms of Forced Labours  
Compulsory Services for Public Purpose  
Prohibition of Employment of Children

**Module 08 Right to Freedom of Religion :**

Concept of Secularism  
Freedom of Conscience and right to Profess or Practice and Propagate religion  
Freedom of Religion of Religious Denomination  
Freedom from Paying of Taxes for Promotion of any Religion  
Annual payment to certain Devaswom Funds (Article 290 A)  
Prohibition of Religious Instructions in Educational Institutions

**Module 09 Cultural and Educational Rights :**

Concept of Minority  
Protection of Interest of Minorities  
Right of a Minority to Establish Educational Institution  
Regulation of Minority Educational Institution

**Module 10 Right to Constitutional Remedies :**

Enforcement of Fundamental Rights  
Procedure in Enforcement of Fundamental Rights  
Power to issue Writs, Directions or Orders – Types of Writs  
Comparison between Article 32 and Article 226  
Public Interest Litigation  
Fundamental Rights during Emergency  
Power of Parliament to modify fundamental Rights with respect to some Forces  
Fundamental Rights during operation of Martial Law  
Legislation to give effect to Fundamental Rights

**Module 11 Directive Principles of State Policy and Fundamental Duties**

Nature and Importance of Directive Principles

Inter-relationship between Fundamental Rights and Directive Principles.  
Directive Principles from Article 38 to Article 51

**Module 12 Amendment of the Constitution :**

Power and Procedure of Amendment

Amendment / Change by Simple Majority

Amendment by Special Majority

Amendment by Special Majority with Ratification by Majority of States

Amendment of Fundamental Rights

**Recommended Readings:**

- 1)M. P. Jain, *Indian Constitutional Law*, Lexis Nexis (2015).
- 2)D.D. Basu, *Constitutional Law of India*, Lexis Nexis (2013).
- 3)Narendra Kumar, *Constitutional Law of India*, Allahabad Law Agency (2015).
- 4)H. M. Seervi, *Constitutional Law of India*, N.M. Tripathi.
- 5)Arvind Datar, *Commentary on Constitution of India* (3 Vols), Lexis Nexis (2010).
- 6)Sathya Narayan (Ed), *Selected Work of S.P. Sathe* (3 Vols), Oxford University Press (2015).
- 7)M.P. Singh, *V.N. Shukla's Constitution of India* , Eastern Book Company, (2013).
- 8)Sujit Chaudhry, Madhav Khosala & Pratap Bhanu Mehta, *The Oxford Handbook of the Indian Constitution*, Oxford University Press.
- 9)Granville Austin, *Working of a Democratic Constitution - The Indian Experience*, Oxford University Press.

## LC 0602 Family Law II

**Objectives of the Course :** This course involves the student with the personal law as it affects property relations. It primarily covers the concept of Undivided Family of the Hindu law, the provisions relating to intestate and testamentary succession applicable to persons of all denominations, and provisions relating to wakf, and relating to gifts in Muslim law because these special provisions to which personal law is applicable.

The study of the course must expose to the similarities and differences across the personal law systems, and to appreciate these differences in the context of development of these laws. The other objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code.

### **Module 01 Hindu Joint Family System :**

Evolution of joint family system in India

Institution of Hindu joint family and joint family property; Family arrangement; Separate or self-acquired property

Coparcenary, Mitakshara and Dayabhaga coparcenary; Women as coparceners; Rights and powers of coparceners, sole surviving coparcener; Effect of amendments to the Hindu Succession Act 1956.

Karta, his position, powers and duties; Father's powers of alienation; Alienee's rights and remedies

Partition – under Dayabhaga and Mitakshara systems; Subject matter of partition; Persons entitled to claim partition and who get share on partition; Kinds of partition; Principle of survivorship and representation; Reopening and Reunion

### **Module 02 Intestate Succession :**

1. Hindu Succession Act, 1956 – Application of Act; Succession to the property of a Hindu male; Succession to the property of a Hindu female, stridhana and women's estate; General provisions relating to succession; and disqualifications from inheritance; Escheat  
General principles of inheritance under Muslim law, Law of inheritance applicable to Sunnis and Shias, and the distinction between the two, Disqualifications  
Indian Succession Act 1925: Domicile, and its relevance in succession to property; Consanguinity; Provisions relating to intestate succession applicable to Parsis and persons other than Parsis; General principles of succession; Rules of devolution

**Module 03 Testamentary Succession :**

Indian Succession Act, 1925 : Wills and codicils; Competence of the testator; Execution of privileged and unprivileged will; Attestation; Revocation, alteration and revival of wills; Construction of wills

Indian Succession Act, 1925 : Vesting of legacies; Void, onerous, contingent and conditional bequests; Specific legacies and demonstrative legacies; Ademption of legacies, lapse of legacies; Election; Gifts in contemplation of death

Hindu Succession Act 1956: Testamentary succession

Will under Muslim law (wasiyat)

**Module 04 Right of Pre-emption :**

Pre-emption under Muslim law (shufa), meaning, nature, who can claim the right; Subject Matter of shufa; Formalities and legal effect; Legal devices of evading right of pre-emption: Loss of the right

Pre-emption under Hindu Law

**Module 05 Gifts under Muslim Law (Hiba) :**

Nature and characteristics of hiba, types of hiba, donor and donee, what may be given in gift

Essentials of valid gift, exceptions to general rule; Oral gift and its validity; Registration; Kinds of gifts; Gifts involving return; Marz-ul-mouth (death-bed gift)

Revocation and revival of gift

**Module 06 Wakf :**

Origin and Development of Wakf

Importance, Meaning and Definition, Characteristics

Essentials, Kinds, formalities for creation, the Wakif, Objects and Purposes of the Wakf

Administration of Wakf under the Wakf Act, Appointment, Removal, Powers and Duties of Mutawalli

**Recommended Readings:**

- 1) Poonam Pradhan Saxena, *Family Law Lectures: Family Law II*, LexisNexis, New Delhi.
- 2) Paruck, *Indian Succession Act, 1925*.
- 3) Row Sanjiva, *The Indian Succession Act*, Law Book Co.
- 4) Basu, *Indian Succession Act*, Eastern Book Publication.
- 5) Diwan, *Law of Intestate and Testamentary Succession*, Wadhwa.
- 6) Satyajeet A Desai, *Mulla's, Hindu Law*, LexisNexis, New Delhi.
- 7) Justice Ranganath Mishra, *Mayne's Hindu Law and Usage*, Bharat Law House, New Delhi.
- 8) H. K. Saharay, *Family Law in India*, Eastern Law House, New Delhi.
- 9) Flavia Agnis, *Family Law Vol I and II*, Oxford University Press, New Delhi.
- 10) Tahir Mahmood, *Principles of Hindu Law*, Universal Law Publishing, New Delhi.
- 11) Mulla, *Principles of Mohammedan Law*, Lexis Nexis, Nagpur.
- 12) Asaf A A Fyzee, *Outline of Muhammadon Law*, Oxford University Press, New Delhi.
- 13) Amer Ali, *Mohammedan Law, Vol. I and II*, EBC.

- 14) Bharatiya V P, *Sayyad Khalid Rashid's Muslim Law*, Eastern Book Company, Luknow.  
15) Derrett, *Introduction to Modern Hindu Law*, Universal.

## LC 0603 Law of Contract II

**Objectives of the Course :** Special provisions that apply to special contracts form this course. Provisions relating to contracts of indemnity and guarantee, of bailment and pledge, and of agency are contained in three chapters of the Indian Contract Act 1872 and in three other statutes: The Sale of Goods Act 1930, The Indian Partnership Act 1932 and the Negotiable Instruments Act 1881. These transactions play a very important role in commerce and trade. This course follows the course about the general principles that apply to all contracts. They deal with general principles that apply to each specific contractual relationship. The study of this course will enable a good understanding of the purposes with which each of these transactions is made, the features of each of these transactions, and the rights and liabilities of the parties to them. The course also emphasizes the study of remedies provided in these laws.

### **Module 01 Contracts of Indemnity - Sections 124-125 of the Indian Contract Act 1872 :**

- Principle of indemnity in general
- Definition of the contract of indemnity
- Formation and essential features
- Purpose of the contract of indemnity, and its use in facilitating and supporting transactions
- Nature and extent of liability of the indemnifier
- Commencement of liability of the indemnifier
- Examples: Indemnity for issuing duplicate share certificate, or bank deposit receipt; Indemnity by owner of a plot of land to a local authority as condition for grant of commencement certificate for construction; Indemnity clause in a contract between a publisher and the printer; Indemnity clause in a sale deed of land supporting assurance of title given by the seller
- Distinction between an indemnity, a warranty and a representation

### **Module 02 Contracts of Guarantee - Sections 126 to 147 of the Indian Contract Act 1872 :**

- Definition of a contract of guarantee
- Formation and essential features of a contract of guarantee. Parties to the contract; effect of minority of principal debtor
- Contract of guarantee as distinguished from a contract of indemnity
- Consideration for a contract of guarantee
- Continuing guarantee, and its revocation
- Nature and extent of surety's liability. Its commencement, duration and termination
- Surety's rights against the principal debtor
- Surety's rights against the creditor
- Special position of a surety: a privileged debtor
- Circumstances that discharge a surety. Contracting out of such discharge.
- Letters of credit and bank guarantees
- Co-surety and manner of sharing liabilities and rights

**Module 03 Contracts of Bailment - Sections 71, 148-171, 180-181 of the Indian Contract Act 1872 :**

Definition of a contract of bailment

Formation and essential features of a contract of bailment. Parties to the contract

Creation of a contract of bailment. Obligations of bailment despite contract

Gratuitous bailments

Examples of contracts of bailment: for benefit of bailor, for benefit of bailee

Kinds of bailees

Rights, duties, disabilities and liabilities:

of a bailor

of a bailee vis-à-vis the bailor

of a bailee vis-à-vis the third parties, and the true owner

Termination of bailment, and consequences of termination

Finder of goods as a bailee

**Module 04 Contracts of Pledge - Sections 172 – 179 of the Indian Contract Act 1872 :**

Definition of a contract of pledge

Essential features of a contract of pledge. Parties to the contract

Creation of a contract of pledge

Distinction between contracts of pledge, bailment, hypothecation

Rights, liabilities, duties and disabilities of the pawnor

Rights, liabilities, duties and disabilities of the pawnee; pawnee's right of sale

Pledge by certain specified persons : sections 178, 178A, 179 of ICA.

**Module 05 Contracts of Agency : sections 182 – 238 of the Indian Contract Act 1872 :**

Definition of a contract of agency

Essential features of a contract of agency. Parties involved. Kinds of agents and agencies

Creation of agency

Distinction between agent, servant or employee, and independent contractor

Agent's authority. Scope and extent. Express, implied, apparent or ostensible authority, and authority in an emergency. Restrictions or limitations on authority

Delegation of authority. Relationship between a principal, agent and sub-agent. Substituted agents.

Ratification

Rights, duties, immunities, disabilities and liabilities of an agent towards the principal and third party

Rights, duties, immunities, disabilities and liabilities of a principal towards the agent and the third party

Personal liability of an agent

Pretended agent. Undisclosed principal

Revocation and other modes of termination of agency. Irrevocable agency

Effect of termination. Liability of the principal and agent before and after termination

**Module 06 Contracts of Sale of Goods - The Sale of Goods Act 1930 :**

Definition of a contract of sale of goods  
Essential features of a contract of sale. Parties to the contract  
Sale as a transfer of property. Sale and agreement to sell  
Four elements: price, delivery, risk and property (ownership)  
Goods – Meaning, Existing and future goods, Specific, ascertained, unascertained goods, Effect of perishing of goods  
Implied conditions and warranties. Express conditions and warranties  
The rule '*cavaet emptor*'. Principle, meaning, and exceptions to the rule  
Other implied terms  
Transfer of title. Transfer by non-owners  
Passing of risk  
Delivery of goods. Various modes of delivery and their effect. Inspection of goods. Rejecting goods  
Rights and liabilities of the buyer and seller. Unpaid seller and his rights.  
Remedies for price and for breach. Interest and taxes  
Auction sales  
An introduction to  
CISG : the United Nations Convention on Contracts for the International Sale of Goods  
INCOTERMS

**Module 07 Contracts of Partnership - The Indian Partnership Act 1932 and The Limited Liability Partnership Act 2008 :**

Definition of a contract of partnership  
Essential features of a contract of partnership, the firm and the partners,  
Parties to the contract, Minor as partner  
Kinds of partnership  
Relations of partners with one another: their rights, liabilities, duties, immunities and disabilities  
Property of the firm, Firm name  
Relations of partners to third parties, Partner as agent of firm, Partners' authority, Implied authority, Mode of exercising authority, Liability of the firm for acts of partners  
Change in constitution of a firm. Admission, retirement, expulsion, death and insolvency of any partner. Public notice. Effect of change in constitution of the firm  
Dissolution of a firm, Modes of dissolution, Effect of dissolution, Agreements in restraint of trade  
Registration of firms, Procedure of registration, Effect of non-registration, Limited Liability Partnership : Essential features, Distinction between LLP and ordinary partnership

**Module 08 Negotiable Instruments - The Negotiable Instruments Act 1881 :**

A negotiable instrument, types, definitions

Essential features of negotiable instruments, and each type of instrument.  
Instruments payable to order or to bearer; payable at specified time or on demand

Maturity of an instrument

Parties to negotiable instruments. Their rights and liabilities

Negotiation – Meaning – Requirements - Types of endorsements - Modes of negotiation - Who can negotiate? - Effect of negotiation by various modes - Negotiation in particular cases (sections 57-59) - Period of negotiation (section 60)

Presentment, Purposes of presentment, Time for presentment, Place of presentment, Presented to whom? Effective presentment, Delay in presentment, When is presentment not necessary? Liability of banker for negligent dealing

Payment and Interest, Delivery of instrument, Immunity to bankers

Discharge from liability on negotiable instruments, Modes of discharge

Dishonour, Modes of dishonor, Notice of dishonor, Noting and protest

Acceptance and payment for honour and reference in case of need

Compensation

Rules of evidence, Presumptions and estoppel

Crossed cheques

Bills in sets

Penalties in case of dishonor, Criminal liability, Procedure

### Recommended Readings:

- 1) Akhilesh Gupta, *Law Relating to Special Contracts—Contracts of Bailment, Pledge, Hypothecation, Indemnity and Guarantee*, 2013, Lexis-Nexis.
- 2) Mulla, *The Indian Contract Act*, Anirudh Wadhwa ed., 15<sup>th</sup> ed., 2015, Lexis-Nexis
- 3) Avtar Singh, *Law of Contract and Specific Relief*, 12<sup>th</sup> ed, 2017, Eastern Book Company.
- 4) M. Krishnan Nair, *Law of Contracts*, 1998.
- 5) *Pollock and Mulla's Indian Contract Act*, Nilima Bhadbhade ed., 14<sup>th</sup> updated edition, 2014, Lexis Nexis
- 6) Nilima Bhadbhade, *Contract Law of India*, 2<sup>nd</sup> ed 2009, Kluwer, available free on Google books.
- 7) *Pollock and Mulla's The Sale of Goods Act*, Akshay Sapre ed., 9<sup>th</sup> ed, 2014, Lexis-Nexis.
- 8) Akhileshwar Pathak, *Law of Sale of Goods*, 2013, Oxford University Press.
- 9) Avtar Singh, *Law of Sale of Goods*, 2011, Eastern Book Company.
- 10) P S Atiyah, *The Sale of Goods*, 12<sup>th</sup> ed, 2010, Longman
- 11) P S Ramanatha Aiyar, *Law of Sale of Goods*, Shrinivas Gupta ed., 10<sup>th</sup> ed, 2016, Universal Law Publishing.
- 12) *A Ramaiya's Commentary on the Sale of Goods*, K Shanmukham and H K Saharay eds, 5<sup>th</sup> ed, 2014, Universal Law Publishing.
- 13) *Benjamin's Sale of Goods*, Michael Bridge ed, 9<sup>th</sup> ed, 2016, Sweet and Maxwell
- 14) *Pollock and Mulla's The Indian Partnership Act*, G C Bharuka ed., 7<sup>th</sup> ed, 2007, Lexis-Nexis
- 15) *Mulla's The Sale of Goods Act and the Indian Partnership Act*, K Kannan ed., 10<sup>th</sup> ed, 2012, Lexis-Nexis.
- 16) Avtar Singh, *Introduction to Law of Partnership (including Limited Liability Partnership)* 10<sup>th</sup> ed., 2011, Eastern Book Company

- 17) *S T Desai's The Law of Partnership in India* , Satyajeet Desai ed., 7<sup>th</sup> ed, 2009, Lexis-Nexis
- 18) C L Gupta, *Law of Partnership including Limited Liability Partnership*, Palok Basu ed., 5<sup>th</sup> ed., 2016, Lexis-Nexis
- 19) P C Markanda, *The Law of Partnership in India*, 2010, Lexis-Nexis
- 20) *Khergamvala on the Negotiable Instruments Act as amended by Negotiable Instruments (Amendment) Act 2015*, S Abdul Khader Kunju ed., 22<sup>nd</sup> ed, 2017, Lexis-Nexis.
- 21) D S Chopra, *A Commentary on Sale of Goods, Partnership and Negotiable Instruments*, 2016, Thomson Reuters

## LC 0604 Tort and Consumer Protection Law

**Objectives of the Course :** The Law of Tort is about civil wrongs. The liability for such wrongs is distinct from liability under criminal law and contract law: negligence, defamation, trespass, assault, conspiracy, deceit are examples of such wrongs.

Tort law provides various remedies : compensation for injury and injunction. It is not governed by any statute, but has developed over centuries through principles developed by courts. It is therefore developmental and the law responds to the needs of the times. Liability for new kinds of wrongs is recognised, or an existing wrong (tort) develops with contemporary needs.

The course enables study of the general principles of tortious liability and its difference from criminal and contractual liability. The course also covers specific torts, and remedies available for their redressal.

This course also covers the Consumer Protection Act 1986, and the principles of liability in case of accidents under the Motor Vehicles Act 1988

### **Module 01 Introduction and Principles of Liability in Tort :**

- Development of tort actions in England and India
- Meaning and definition of tort
- Tort distinguished from contract, quasi-contract and crime
- Constituents of tort – wrongful act, damage and remedy
- Malfeasance, misfeasance and non-feasance
- Strict liability, absolute liability, no-fault liability; exceptions to these
- Doctrine of sovereign immunity

### **Module 02 Liability for the Wrong Committed by Other Person – Vicarious Liability:**

- Principle of vicarious liability - nature, scope and justification
- Joint tort-feasors, joint and several liability

### **Module 03 General Defences / Justifications in an action for Tort :**

- Volenti non fit injuria*, consent, voluntary assumption of risk, exclusion clauses
- Vis major* (act of God)
- Inevitable accident
- Act of third parties
- Novus actus interveniens*
- Plaintiff's wrong or default
- Self-defence and defence of property
- Necessity
- Statutory authority
- Judicial and quasi-judicial acts
- Parental and quasi-parental authorities
- Illegality
- Mistake

### **Module 04 Torts against Persons :**

- Assault, Battery, Mayhem

Causing Emotional Distress  
Malicious Prosecution and abuse of legal proceedings; False Imprisonment  
Deceit and Conspiracy  
Particular defences available in each of these types

**Module 05 Torts against Reputation :**

Defamation : Libel and slander; Freedom of speech and expression  
Defamation in the civil and criminal law; different branches of Defamation  
Libel, Slander; Cyber Defamation : Defamation in cyber space  
Defences to defamation  
Invasion of privacy and defences

**Module 06 Torts against Property :**

Trespass to land  
Trespass to personal property  
Detention and conversion  
Passing off; Injury to trademark, patent and copyrights  
Public and private nuisance  
Particular defences available in each of these types

**Module 07 Unintentional Torts :**

Product Liability and defences  
Negligence : Duty to take care and its breach; Foreseeability, causation  
Contributory negligence and other defences to negligence; Occupier's liability; *res ipsa loquitur*  
Liability of driver and owner under the Motor Vehicles Act 1988 for motor accidents : Liability on fault basis (negligence), no-fault basis (section 140-144), structured formula basis (section 163A, 163B and Schedule), compensation in hit-and-run cases (section 161 and 163); Powers and jurisdiction of a Motor Accidents Claims Tribunal; Introduction only to the scheme of compulsory insurance under the Act (sections 2 (30), 145(b), 146 (1) and (2), 147(1)(i) and (2), 149, 151(1), 158(1), 160, 196)

**Module 08 Remedies in Tort law :**

Judicial remedies :

Damages: Types : General and special, nominal, contemptuous, aggravated, exemplary; Compensatory damages: Principles of causation, foreseeability, certainty; assessment and calculation of damages: principles, personal injuries, death, loss of property, economic and non-economic losses  
Injunction: permanent and temporary, *qua timet* action  
Replevin  
Ejectment

Extra-judicial remedies :

Self-defence, reentry on land, recapture of goods, abatement, distress damage feasant

## Module 09 Consumer Protection Law :

Basic Concepts : Consumer, complaint, complainant, service, goods, defect, deficiency, trader, consumer dispute, restrictive trade practice, unfair trade practice

Authorities under the Act: Consumer Councils; Redressal agencies and their composition and jurisdiction: substantive, territorial and pecuniary; Appeals; Additional remedy

Remedies available under the COPRA

Procedure for filing a complaint and of the redressal agency, Limitation; Enforcement of orders, vexatious complaints

Origin and development of consumer law; Role of the UN Consumer Protection Guidelines 1985, 1999, 2006; Critical evaluation of consumer law

### Recommended Readings:

- 1) Ramaswamy Iyers's *The Law of Torts*, A Lakshminath ed, 10<sup>th</sup> ed, 2007, Lexis-Nexis.
- 2) Avatar Singh, *Introduction to the Law of Torts*, 2<sup>nd</sup> ed., Delhi Law House
- 3) Ratanlal & Dhirajlal, *The Law of Torts*, Akshay Sapre ed., 27<sup>th</sup> ed., 2016, Lexis Nexis.
- 4) P.S. Achuthan Pillai, *The Law of Tort*, Abhinandan Malik ed., 9<sup>th</sup> ed (reprint 2017), Eastern Book Company
- 5) B M Gandhi, *Law of Torts*, 4<sup>th</sup> ed (rep 2016), Eastern Book Company
- 6) Sathya Narayan, *Tort Law in India*, Wolters Kluwer, Netherland, 2013.
- 7) Wienfield and Jolowicz on Tort, W V H Rogers ed, 18<sup>th</sup> ed, 2010, Sweet and Maxwell
- 8) Salmond and Heuston on the Law of Torts, R F V Heuston and R A Buckley Eds, 21<sup>st</sup> ed, Sweet and Maxwell
- 9) Tony Weir, *An Introduction to Tort Law*, 2<sup>nd</sup> ed, 2006, Oxford University Press.
- 10) John Murphy, *Street on Torts*, Eleventh Edi Oxford University Press 2006.
- 11) Avtar Singh and Harpreet Kaur, *Introduction to the Law of Torts and Consumer Protection*, 3<sup>rd</sup> ed, 2013, Lexis-Nexis.
- 12) Garima Tiwari, *Understanding laws – Consumer Rights m 2014*, Lexis-Nexis.
- 13) Anirban Chakraborty, *Law of Consumer Protection – A dvocacy and Practice*, 2014, Lexis-Nexis
- 14) Claire Andrews, *Enforcement of Consumer Rights and Protections*, 2016, Lexis Nexis.
- 15) Avtar Singh, *Consumer Protection: Law and Practice*, 5<sup>th</sup> ed, 2015, Eastern Book Co.

**Optional Subject 2 (Any one from the following)**  
**LO 0605 Media and Law**

**Objectives of the Course :** Media is a social instrument which provides a platform to the people in the society to freely profess their right to freedom of speech and expression. The significance of media and its freedom can never be over emphasised in a participatory democratic setup like that of India, which regards 'Media' as the 'fourth estate' of democracy. The prima facie objective of this paper is to study and analyse the historical background, present position and future prospects of the various privileges, rights and freedoms guaranteed by the state to media through various laws and judicial interventions.

**Module 01 History of Press and Theories of Press:**

Historical Foundations of Media Laws in UK, USA and India (Pre and Post-Independence)

International Law and Freedom of Media(UDHR, ICCPR, ECOSOC etc.

Theories of Press -

Authoritarian Theory

Libertarian Theory

Communist Theory

Theory of Social Responsibility

Development Media Theory

Democratic Participant Media Theory

**Module 02 Constitutional Framework of Freedom of Media in India :**

Free Speech and Constituent Assembly Debates in India

Freedom of Speech and Expression in Indian Constitution

Facets of Freedom of Speech and Expression

Freedom of Speech and Expression includes Freedom of Press

Right to Circulation

Right to Receive Information

Right to Advertise

Right to Telecast/ Broadcast

Censorship

Law Commission of India: 101<sup>st</sup> Report on Freedom of Speech and Expression under Article 19 of the Constitution

Reasonable Restrictions

Legislative Privileges and Media

Right to Privacy and Media

Freedom of Media during emergency

**Module 03 Legal Dimensions of Media :**

Media and Criminal Law (Sedition, Obscenity and Defamation)

Media and Law of Torts (Civil Law of Defamation and Negligence)

Media and Judiciary (Contempt of Court)

Media and Executive (The Official Secrets Act, 1923, The Right to Information Act, 2005)

Media and Journalists (The Working Journalists (Conditions of Service) Act, 1955)

**Module 04 Regulatory Framework of Media :**

Methods of Regulation (Self Regulation and Statutory Regulation)

The Cinematograph Act, 1952

The Cable Television Networks (Regulation) Act, 1955

The Prasar Bharti Act, 1990

The Press Council of India Act, 1978

Telecom Regulatory Authority of India Act, 1997

Advertising Standards Council of India and its codes

The Indecent Representation of Women Act, 1986

**Module 05 Issues in Media Laws :**

Trial by Media (Law Commission of India: 200<sup>th</sup> Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973)

String Operation and Media

Broadcasting Rights

Taxation and Media

Media and Convergence

Infringement of Intellectual Property Rights

Internet and freedom of media

Violence against Media persons and Law

Role of media in electoral process (Press Council of India, Report on Paid News, 2010, Ministry of Law and Justice, Report of the Committee on Electoral Reforms, 2010)

**Recommended Readings:**

- 1) P.M. Bakshi - *“Press Law – An Introduction ”* BTRFI Publications, 1985.
- 2) D.D. Basu - *“Law of the Press”* , LexisNexis Butterworth’s Wadhwa, Nagpur.
- 3) Fred Seaton Siebert, Theodore Peterson and Wilbur Schramm, *“Four Theories of Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concepts of what the Press should be and Do”* , University of Illinois Press, 1963.
- 4) Madhavi Goradia-Divan - *“Facets of Media Law”* Eastern Book Company.
- 5) M.P. Jain *“Indian Constitutional Law”* Lexis Nexis, Butterworths, Wadhwa, Nagpur.
- 6) Ram Jethmalani and D. S. Chopra - *“Cases and Material on Media Law”*, Thomson Reuters, New Delhi.
- 7) P.M. Bakshi, *“Law of Defamation - Some Aspects”*, N.M. Tripathi, Bombay.
- 8) Ursula Smartt, *“Media and Entertainment Law”*, Routledge, First Edition.
- 9) Kiran Prasad, *Media Law in India*, Kluwer Law International.
- 10) Vidisha Barua, *Press & Media Law Manual*, Universal Law Publishing Co. Pvt. Ltd. New Delhi.
- 11) B. N. Ahuja, *“History of Press, Press Laws & Communications”* , Surjeet Publications, Delhi.
- 12) Gokhale, S. D., Sadhu, A., & Kuvalekar, V, (Eds). *“Press in India: On the Threshold of 21st Century”* , Sakal Paper Trust, Pune.
- 13) M. E. Price (Ed) *“Routledge Handbook of Media Law”*, Routledge, London.

## LO 0606 Banking and Insurance Law

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

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 of their goods, merchandise ships and things adventured. The rates of money consideration were mutually agreed upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures. 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 rules of interpretation as 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 operational parameters, of insurance law.

### **Module 01 Banking System in India :**

- Kinds of Banks and their Functions
- History of Banking in India
- Bank Nationalization and Social Control over Banking
- Relationship between Banker and Customer:-
  - Legal Character
  - Contract between Banker and Customer
  - Bank's Duty to Customers
  - Liability under the Consumer Protection Act, 1986

### **Module 02 The Reserve Bank of India Act, 1934 :**

- Object, Application and Definitions
- Incorporation, Capital, Management And Business
- Central Banking Functions
- Collection And Furnishing of Credit Information
- Provisions Relating to Non-Banking Institutions Receiving Deposits And Financial Institutions
- Prohibition of Acceptance of Deposits by Unincorporated Bodies
- General Provisions
- Penalties

### **Module 03 The Banking Regulation Act, 1949 :**

- Object, Application and Definitions

Business of Banking Companies  
Control over Management  
Prohibition of Certain Activities In Relation to Banking Companies  
Acquisition of the Undertakings of Banking Companies in Certain Cases  
Suspension of Business and Winding up of Banking Companies  
Special Provisions for Speedy Disposal of Winding up Proceedings  
Provisions Relating to Certain Operations of Banking Companies  
Application of the Act to Co-Operative Banks

**Module 04 Lending, Securities and Recovery by Banks :**

Principles of Lending  
Position of Weaker Sections  
Nature of Securities and Risks Involved  
Default and Recovery  
Recovery of Debts with and without Intervention of Courts / Tribunal -  
Recovery of Debts due to Banks and Financial Institutions Act, 1993  
Securitization and Reconstruction of Financial Assets and Enforcement of  
Security Interests Act, 2002 (Definitions, Section 13, Section 17)

**Module 05 Insurance Law :**

Nature of Insurance Contracts  
General principles of law of Insurance  
Kinds of Insurance -  
Life Insurance - provisions applicable as per the Life Insurance  
Corporation Act, 1956  
General Insurance - Types of General Insurance and relevant provisions as  
per -  
The Marine Insurance Act, 1963  
The Personal Injuries (Compensation Insurance) Act, 1963  
The Public Liability Insurance Act, 1991

**Module 06 The Insurance Act 1938 :**

Object Application and Definitions  
Prohibition of transaction of insurance business by certain person - Section  
2C  
Assignment and transfer of insurance policies - Section 38  
Nomination by policy holder - Section 39  
Licensing of insurance agents - Section 42  
Registration of principal agents, chief agents and special agents - Section 42A  
Issue of license to intermediary or insurance intermediary - Section 42D  
Commission, brokerage or fee payable to intermediary or insurance  
Intermediary - Section 42E  
Register of insurance agents - Section 43  
Policy not to be called in question on ground of mis-statement after two years  
Section 45

**Module 07 The Insurance Regulatory and Development Authority Act, 1999 :**  
Constitution, Functions and Powers of Insurance Regulatory and Development Authority  
Role of IRDAI under various Regulations issued by the Authority

**Recommended Readings:**

- 1) *Banking and Insurance Law and Practice*, Institute of Company Secretaries of India, Taxmann Publishers, 2010.
- 2) M.N. Mishra, *Law of Insurance*, Central Law Agency, 9<sup>th</sup> Edition, 2012.
- 3) K.C. Shekhar, & Lekshmi Shekhar, *Banking Theory and Practice*, Vikas Publishing House, 19<sup>th</sup> Edition, 2005.
- 4) M.L. Tannan, *Banking Law and Practice in India*, Lexis Nexis, 23<sup>rd</sup> Edition, 2010.
- 5) J N Jain & R K Jain, *Modern Banking and Insurance – Principles and Techniques*, Regal Publications, 2008.
- 6) Jyotsana Sethi & Nishwar Bhatia, *Elements of Banking and Insurance*, PHI Publishers, 2<sup>nd</sup> Edition, 2013.
- 7) Sreenivasan. M.N., *Principles of Insurance Law* (1997), Ramaniya Publishers, Bangalore.
- 8) Dr. B. R. Sharma and Dr. R. P. Nainta, *Banking Law & Negotiable Instruments Act*, 5<sup>th</sup> Edition.
- 9) S. K. Sarvaria, *Commentary on the Insurance Regulatory and Development Authority Act*, Universal Law Publication.

## **LO 0607 Penology and Victimology**

**Objectives of the Course :** The objectives of the course is to acquaint students with the penal policies including theories of punishment, their supposed philosophical and sociological justifications. This course also offers a specialized understanding of the functioning of the penal institutions along with rehabilitation and protection of victims of crime.

### **Module 01 Penology - Introduction :**

Definition, nature and scope of Penology

Crime Control Mechanism :-

Police

Court

Public Prosecutor

Jail Administration

Open Prison

### **Module 02 Punishment :**

Concept of Punishment

Theories of Punishment -

Deterrent Theory

Retributive Theory

Preventive Theory

Reformatory Theory

Forms of Punishment

Penal Policy in India

### **Module 03 Police System in India :**

Origin of Police

Development of Police Organization

Police Force in India

Nature and Objectives of Indian Police System

Police organization under the State Government

Police organization under the Central Government

Principles of Policing

Legal functions of police

Law Relating to Police Administration

Police Reforms

Legislative Trends

Judicial Approaches

NHRC guideline on Police-Public Relations

### **Module 04 Prison System in India :**

History of Prison System

Prison in British India

Role of Prison in Modern Penology

Types of Prisons and Prisoners

Problems of Prisons: -  
Over Crowding  
Basic Amenities  
Prison Discipline  
Prisoner's Health  
Criminality in Prison  
Problems of Under-trials

Prison Reforms -  
Commission on Prison Reforms  
Jurisprudence of Prison Reforms  
Legislative Trends  
Judicial Trends

**Module 05 Open Prisons :**

Definition and Origin of Open Prison  
The Philosophy underlying the Open Prison  
Main Characteristics of Open Prisons  
Advantages of Open Prison  
Critical Appreciation of the working of Open Prison

**Module 06 Parole :**

Meaning and Definition of Parole  
Concept of Parole  
Distinction between Parole and Indeterminate Sentence  
Distinction between Parole and Furlough  
Comparison between Parole and Probation  
Parole in India  
Structural setup of Parole Boards and their Functions  
Conditions of Parole  
Essentials of an Ideal Parole System  
Judicial Trend in India  
Parole Violation

**Module 07 Victimology - Victim and Victimization :**

Victim – Meaning and Kinds  
Impact of Victimization - Physical, Economic and Psychological  
Double/Secondary victimization  
Victimology - Definition, Nature and Scope  
Theories of Victimology -  
The Precipitation Theory  
Life-style Theory  
Deviant Place Theory  
Routine Activity Theory

**Module 08 Legal Perspectives of Victim Assistance :**

Victim Assistance Program:-  
Victim's Rights - Approach at International and Municipal  
Jurisdiction.

The Declaration of Basic Principles of Justice for Victims of Crime  
and Abuse of Power, 1985  
Constitution of India and Rights of Victim  
Statutory Provisions- Code of Criminal Procedure, Probation of Offenders Act  
Access to Justice -  
Compensation to victims of crime  
Rights of victims during trial  
Legal assistance to the victims  
Role of victim at time of granting bail  
Right of victim to appeal

**Recommended Readings:**

- 1) J.M.J. Sethna (1989), *Society and the Criminal*, N.M. Tripathi Private Limited.
- 2) Shukla Girjesh, (2013), *Criminology*, Lexis Nexsis, New Delhi.
- 3) N.V. Paranjpe (1998), *Criminology & Penology with Victimology*, Central Law Publication, Allahabad.
- 4) J.P.S. Sirohi, *Criminology and Penology*, Allahbad Law Agency.
- 5) Ahmad Siddique, *Criminology and Penology*, Eastern Book Company.
- 6) Davis Lurigo Herman, *Victims of Crime*, Sage Publications

## LO 0608 Land Acquisition Law

**Objectives of the Course :** Land acquisition in India refers to the process by which the union or a state government in India acquires private land for the purpose of industrialisation, development of infrastructural facilities or urbanisation of the private land, and provides compensation to the affected land owners and their rehabilitation and resettlement.

The main aim or object of the Act is to provide a law, which will enable the State to acquire the land of others. However, the power of Government to acquire the land is not absolute. The cardinal rule is that there should be compensation for acquisition of land. The power of the sovereign to take private property for public use and the consequent rights of the owner to compensation are well established in the Act.

Therefore the present syllabus is aimed to make aware the students not only about the legal right to property but also to get detailed idea of policy of state on land laws emphasised on the basis of statutory provisions under national and local laws.

### **Module 01 Historical Perspectives of Land Acquisition in India :**

Pre-independence and Post-independence  
Meaning and definition of Land Acquisition  
Need for land acquisition in India  
Important judicial pronouncements on acquisition of land in context of Constitutional law of India

### **Module 02 Legislative Perspectives of Land Acquisition in India - Overview :**

Old Land Acquisition Act, 1894, Comparative analysis with New Act of 2013  
Importance of New Amended Act of 2013, object and purpose, Right to fair Compensation and Transparency in land acquisition, Rehabilitation and Resettlement Act, 2013  
Important provision of both old and new Act pertaining to Land Acquisition  
Important judicial pronouncement on land Acquisition in India

### **Module 03 Procedural Approach towards Land Acquisition :**

Stages in acquisition of Land and preliminary survey declaration of Acquisition, Enquiry and Award by collector and taking possession (Sec. 6 to 10, Sec. 11 to 15 A, 16, 17)  
Reference to court and procedure (Sec. 18 to 22), Matters to be considered and neglected in determining Compensation (Sec. 23, 24)  
Award by the Court (Sec. 25 to 28); Redetermination of amount of Award (Sec. 28 A),  
Apportionment and Payments of Compensation (Sec. 29 to 34), Acquisition of Land for complaints (Sec. 38 to 44B), Latest amendments

### **Module 04 Procedural Approach towards Land Acquisition :**

Requisitioning and Acquisition of immovable property  
Land Acquisition, inquiry notice and hearing – Examination of Ecological Moves

Salient features of transparency in Land Acquisition  
Rehabilitation and Resettlement  
Concept of Public Purpose and its wider Interpretation by judiciary

**Recommended Readings:**

- 1) Manoj Kumar Srivastava, *Agricultural Labour and the Law: Socio-Economic Problems and Legal Protection*: (Deep & Deep Publications, 1993).
- 2) Om Prakash Aggarwala, (2008), *Commentary on Land Acquisition Act*, Universal Law Publishing Co. P. Ltd, New Delhi.
- 3) L. M. Singhvi, *Land Reforms - Law and Poverty*, Pages 103-114, 116-121, 127-136.
- 4) Choudary, D R and Choudary, A N; *Land Laws in Maharashtra*, CTJ Publications.
- 5) Ramchandran, V G; *The law of Land Acquisition and Compensation*, Eastern Book Company.
- 6) Choudhari, *The Land Acquisition Act*, Orient Law Agency, Allahabad.
- 7) V.N. Shukla, *Constitution of India*, Eastern Book Agency, 2014.
- 8) N.K Acharya, *Commentary on the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*, Asia Law House, 2014.
- 9) M.L. Upadhyaya, *Law, Poverty and Development*, Taxmann Allied Publishers Pvt. Ltd, 2000.

## LO 0609 Intellectual Property Rights II

**Objectives of the Course :** This course is intended to introduce the student to acquaint with Intellectual Property Rights in the Indian context. This course also aims to give an overview knowledge to the student on the practical applicability of international conventions in Indian scenario.

### **Module 01 The Indian Copyright Act, 1957 :**

Historical development of Law of Copyright and Neighboring Rights in India- with reference to Legislative and Judicial Perspectives

Meaning –Definition and Subject Matter of Copyright - Types and forms of works in Under Copyright Act

Rights and Liabilities of Copyright owners

Assignment of Copyright and Licenses

Role of Copyright Societies in administration of Copyright

Rights and Liabilities of Performer's Rights

Authorities under the Copyright Law

Remedial Mechanism for infringement of Copyright and Neighboring Rights

### **Module 02 The Indian Patent Act, 1970 :**

Meaning and Definition of Patent- Patentable Subject Matter- Patentability Criteria

Procedure for Filing Patent Applications- Procedure for Granting Patents

Grant of Patent -Rights and Liabilities of Patentee-Restoration of lapsed Patents – Surrender and Revocation of Patents

Authorities under the Patent Act- Registrar of Patents- Controller General

5. Patent Infringement- Remedies

### **Module 03 The Trade Marks Act 1999 :**

Legal Framework of Trademarks in India –An Over view

Meaning and Definition of Trade Marks -Types -Individual and Collective Trade Marks

Conditions and Procedure for Registration of Trade Marks

Rights and Liabilities of Trade Mark Owner- Content of Rights—Exhaustion of Rights—Protection Mechanism

Contemporary Developments - Domain Names and Effects of Information Technology

### **Module 04 The Designs Act 2000 :**

Historical background of law of Designs in India

Meaning and Definition of Designs

Procedure for registration of Designs  
Rights and Liabilities of registered Design owners

Copyright in Registered Designs

Piracy of Registered Design and Remedial mechanism

**Module 05 The Geographical Indications of Goods (Registration and Protection) Act, 1999:**

Historical background of law of Geographical Indications of India

Meaning and Definition of Geographical Indications Geographical Indications Act- An overview

Procedure for Registration - Duration of Protection –Penalties and Remedies

Distinction between Geographical Indications and Trade Marks

Powers of the Registrar of Geographical Indications

**Module 06 The Protection of Plant Varieties and Farmers' Rights, 2001 :**

Meaning and definition of Plant Varieties and Farmer's Rights

Registrable varieties –Procedure for registration-

Plant Varieties Protection Appellate Tribunal-Role and Functions

Infringement Offences and Penalties

5. Genetically Modified Varieties – Protection of Breeders and Farmers Rights-  
Researcher's Rights

**Recommended Readings:**

- 1) V.K. Ahuja, Law of Copyright and Neighboring Rights: National and International Perspectives (2015)
- 2) V.K. Ahuja, Law relating to Intellectual Property Rights Lexis Nexis (2013)
- 3) B L Wadehra, Law Relating to Intellectual Property: Patents, Trademarks, Designs and Geographical Indications (2011)
- 4) MK Bhandari Law Relating to Intellectual Property Rights, Central Law Publications(Fourth Edition, 2015)
- 5) Rama Sarma, *Commentary on Intellectual property Laws, Vol.2.* Nagpur: Lexis Nexis Butterworths Wadhawa (2009)
- 6) P. Narayanan, Copyright and Industrial Designs, Eastern Law House (2007)
- 7) K C Kankanala, A. K. Narasani, and V. Radha Krishna, Indian Patent Law and Practice, Oxford University Press (2010)
- 8) Copinger and Skomnes James on Copyright by Gillian Davies, Kevin Garnett, and Gwilym Harbottle(15th ed. 2005) Indian Reprint 2008

**Recommended Journals :**

- 1)Journal of Intellectual Property Rights.
- 2)Thomson Reuters' International Journal of Intellectual Property Rights.
- 3)Journal of intellectual Property Law and Practice – Oxford.
- 4)The Journal of World Intellectual Property - Wiley Online Library.
- 5)The WIPO Journal.

**Fourth Year B.B.A. LL.B. - Semester VII  
Second Year LL.B. - Semester III**

**LC0701 Constitutional Law II**

**Objective of the Course:** The Course is designed with an objective to acquaint the students with the Federal principles of Indian Constitution and the powers, functions & structures of various Constitutional bodies. The course is to be studied in the social, economic and political context in which the constitution operates

**Module 01 Introduction to Federalism:**

Essential characteristics of Indian Federalism  
Indian Federalism distinguishes from American Federalism  
Federalism and Basic Structure Doctrine

**Module 02 Distribution of Legislative and Executive Powers:**

The Scheme of Distribution of Legislative powers  
Territorial extent of Union and State Legislature  
Limitations to the territorial jurisdiction of the Parliament  
Distribution of Legislative subjects  
Residuary powers  
Expansion of Legislative powers of the Union under different circumstances  
Interpretation of Legislative lists  
Distribution of Executive powers:  
    Union – State Co-ordination  
    Inter-Governmental Delegation of Powers  
    Delegation by the Union  
    Entrustment of State's Power to the Union  
    Union's direction to the State  
    All India Services  
    Inter-State Council  
Important commissions and committees on Union-State relations:  
objectives and recommendations:-  
    Administrative Reforms Commission (1966)  
    Rajmanner Committee (1969)  
    Sarkaria Commission (1983)  
    Punchhi Commission (2007)

**Module 03 Distribution of Financial Powers:**

**Part A Pre-G.S.T. Position**

Allocation of Taxing Powers  
Restriction of State's Power to levy Taxes  
Distribution of Revenue between the Union & the States:-  
    Assignment of Union Revenue to the State  
    Compulsory Tax Sharing  
    Permissive Sharing of Taxes  
    Grant-in Aid

**Part B Post- G.S.T. Position**

Historical background of the Goods and Services Tax Act, 2016

The Goods and Services Tax Act, 2016:

Overview of important provisions:

The Goods and Services Tax Council

Composition of council

Powers and functions of council

Implications of G.S.T. on Financial autonomy of states

**Module 04 Structure, Powers and Functions of Union Legislature (Parliament):**

Bicameral Legislature

Constitution of Houses of Parliament

Qualification and Disqualification for Membership of Parliament

Officers of Parliament

Secretariats of Parliament

Meeting of Parliament

Termination of Parliament

Functions of Parliament:-

Legislation

Control of Public Finance

Deliberation and Discussion

Parliamentary Committees

Anti-Defection Law

Parliamentary Privileges

**Module 05 Structure Powers and functions Union Executive:**

The President of India:-

Election of the President

Powers of the President

Position of the President

The Vice-President of India:-

Qualifications for the Office of Vice- President

Election of the Vice-President

Term of Office of Vice-President, Resignation

Removal of Vice-President

Oath of Office and Conditions of Office

Council of Ministers:-

Appointment of Prime Minister

Appointment of Ministers

Non-Justiciability of Cabinet Advice

**Module 7 Structure Powers Functions of State Executive:**

Governor:-

Appointment of Governor

Term of Office

Removal of Governor

Powers of Governor

The Council of Ministers:-

Appointment of Chief Minister and Other Ministers.

Interaction between the Executives and the Legislature.  
Conduct of Governments Business.

**Module 8 The High Courts:**

Composition of High Court  
Jurisdiction and Powers of High Court:-  
Court of Record  
Writ Jurisdiction  
Supervisory Jurisdiction  
Independence of High Courts

**Module 9 Freedom of Trade, Commerce and Intercourse:**

Object and Scope of Article 301.  
Restriction on Freedom of Trade under the Parliamentary Law.  
Restriction on Freedom of Trade and Commerce under a State Law.  
Saving of Existing Law.  
Saving of Laws Providing for State Monopoly.  
Authority for carrying out the Purposes of Articles 301-304.

**Module 10 Emergency Provisions:**

National Emergency.  
Failure of Constitutional Machinery in a State.  
Financial Emergency.

**Module 11 Constitutional Position of Jammu and Kashmir:**

Article 370 of the Constitution.  
The Constitutional (Application to Jammu & Kashmir) Order 1954.  
Status of Article 370.

**Recommended Readings:**

- 1) M. P. Jain, Indian Constitutional Law, Lexis Nexis (2015).
- 2) D.D. Basu, Constitutional Law of India, Lexis Nexis (2013).
- 3) Narendra Kumar, Constitutional Law of India, Allahabad Law Agency (2015).
- 4) H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- 5) Arvind Datar, Commentary on Constitution of India (3 Vols), Lexis Nexis (2010).
- 6) Sathya Narayan (Ed), Selected Work of S.P. Sathe (3 Vols), Oxford University Press (2015).
- 7) M.P.Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- 8) Sujit Chaudhry, MadhavKhosala&PratapBhanu Mehta, The Oxford Handbook of the Indian Constitution, Oxford University Press.
- 9) Granville Austin, Working of a Democratic Constitution- The Indian Experience, Oxford University Press.
- 10) Granville Austin, The Indian Constitution – Cornerstone of a Nation, Oxford University Press.

## LC 0702 Property Law and Easement

**Objectives of the Course:** The subject is a basic and fundamental law that covers principles applicable to transfers of all kinds of property. A sound grasp of this subject is the foundation necessary for a better understanding of all special laws that affect property. The course will enable the student to appreciate the fundamental principles, features, rights and liabilities of parties and the consequences of specific transactions affecting immovable property. The topic of actionable claims is very relevant in the modern business environment and financing models. The course also covers law relating to easements and licenses.

### **Module 01 Concepts, meaning and types of property:**

Meaning of property, the subject matter, the thing, property as rights, the bundle of rights

Historical perspectives of property and property law

Kinds of property: Movable and immovable; tangible and intangible; existing and future; real and personal. Common property

Possession, Meaning, Actual, symbolic and constructive possession; Possession, occupation and custody

Ownership, of subject matter and rights over subject matter, Modes of acquiring ownership, First ownership, Transfer and chain of title

Relationship between possession and ownership; Presumption of ownership;

Possession valid against all except person with better title; Title of finder of goods

Fundamental principles:-

Property must exist so that it can be owned

There cannot be property without an owner

Property must remain in the market

Role of property rights in social and economic development

### **Module 02 Transfer of property:**

Meaning and Definition and types of Property-Transfer of movable and immovable property, Modes, Distinction

Essentials of a valid transfer of property; Types of transferrable property, capacity of parties to transfer property

Procedural perspective for transfer of property-Effect of non-payment of stamp duty and non-registration.

Doctrine of notice

### **Module 03 General principles relating to transfer of property:**

Conditions restraining alienation, enjoyment, defeating insolvency or assignability

Transfers to unborn persons

Rule against perpetuity and accumulation of income

Vested and contingent interests

Conditions precedent and subsequent, conditional transfers

Doctrine of election- Apportionment

### **Module 04 General principles relating to transfer of immovable property:**

Doctrine of priority

Transfers affecting rights of third persons; Transfer by ostensible owner, person without authority to transfer, and co-owner

- Co-ownership  
 Right to insurance amount, Effect of rent paid bona fide, Reimbursement for improvements by bona-fide holders  
 Doctrine of *lis pendens*-Fraudulent transfer-Doctrine of part performance.
- Module 05 Sales and Exchanges:**  
 Meaning and definition of Sale and Exchange, distinction between sale and Exchange; Essentials of a valid sale, Parties to a sale, Formalities  
 Distinction between Sale and contract for sale, Registration of a contract for sale and effect of non-registration Rights and liabilities of a buyer and seller  
 Marshalling, Discharge for encumbrances on sale.  
 Exchange, Rights and liabilities of parties to an exchange
- Module 06 Mortgages:**  
 Definition of mortgage-Types of mortgages- Mortgagor, Mortgagee, Mortgage money; Essentials of a valid mortgage and Formalities  
 Rights and liabilities of a mortgagor and mortgage  
 Doctrine of substituted security  
 Charge of immovable property  
 Distinction between charge, mortgage, pledge, hypothecation and other security interests over property  
 Mortgagee's and charge-holder's rights and remedies under Securitisation Act
- Module 07 Leases:**  
 Definition of lease- Lessor- lessee- Kinds of leases -premium and rent, Essentials of a valid lease and Formalities  
 Rights and liabilities of the lessee and Lessor  
 Term and determination of a lease.  
 Forfeiture and relief against forfeiture.  
 Leases for agricultural purposes  
 Broad distinction between leases under the Transfer of Property Act and the laws relating to rent control
- Module 08 Gift, and Transfers of Actionable Claims:**  
 Definitions of Gift, Donor and Donee  
 Essentials of a valid gift-Revocation of gifts  
 Distinction between property and *donatio mortis causa* and gifts under Mohammedan law  
 Actionable claims: Definition, Formalities, and their importance in commercial transactions  
 Requirement of notice to debtor, and effect of notice  
 Rights and liabilities of transferor and transferee
- Module 09 Easements:**  
 Definition of Easement – types of easement -Formalities for creating an easement  
 Creation and acquisition of Easements- Dominant and servient owners and heritages- grant-custom- necessity-Quasi-necessity, Prescription  
 Rights, duties and liabilities of dominant and servant owners  
 Remedies for disturbance of easements  
 Extinction of easements, Suspension and revival of easements

## **Module 10 Licenses:**

Definition of License- Essentials of a license- kind and Formalities  
Transfer of license- Transfer of grantor's interest- Death of licensor or licensee  
Rights and liabilities of licensee-revocable and Irrevocable license; Rights of licensee on revocation and eviction  
Distinction between leases and licenses  
Distinction between licenses under Easement Act with that of the Maharashtra Rent Control Act

### **Recommended Readings:**

- 1) V P Sarathi's Law of Transfer of Property - Including Easements, Trusts and Wills, Malika Taly (ed), Eastern Book Company, 2017
- 2) Poonam Pradhan Saxena, Property Law, Lexis Nexis, 2017
- 3) Avatar Singh, Textbook on The Transfer of Property Act, Universal, 2016
- 4) Shrinivas Gupta, A Text Book on Transfer of Property Law, Thomson Reuters, 2016
- 5) A P Singh and Ashish Srivastava, Property Laws, Lexis Nexis, 2015
- 6) G P Tripathi, The Transfer of Property Act, 19<sup>th</sup> ed, , Central Law Publications, 2016
- 7) AP Singh and Ashish Kumar Srivastava, Property Laws, Lexis Nexis, 2015
- 8) Sanjiva Row, Transfer of Property Act (in 2 volumes), Universal, 2016
- 9) Shrinivas Gupta, Lae Relating to Transfer of Property, Thomson Reuters, 2016
- 10) Darashaw Vakil, Commentaries on the Transfer of Property Act, Lexis Nexis, 2017
- 11) Mulla, The Transfer of Property Act, 12<sup>th</sup> ed, M R Hariharan (ed), Lexis Nexis, 2014
- 12) H S Gour, Commentary on Transfer of Property Act, Delhi Law House, 2014
- 13) B B Katiyar, Law of Easements and Licences, Universal, 2010

## LC 0703 Public International Law

**Objective of the Course:** This course provides the student with an introduction to international law and its significance in the economically globalised world. In view of the vastness of the subject, only important chapters relating to peace have been covered here as an introductory perspective to prod and provoke the inquisitiveness of the students to grasp the key features of international law and their relevance in a subtle perspective and help for the preparation of various competitive examinations.

**Module 01 Nature and Development of International Law:**

Meaning and Definition of International Law  
Theoretical Basis of International Law - Natural law Theory- Positive Law Theory- Grotius Theory- Consent theory  
Historical perspective of International Law-Codification of International Law: work of International Law Commission  
India's Contribution for the development of International Law-Ancient to Modern times

**Module 02 Sources of International Law:**

Statute of the International Court of Justice, 1945 (Article 38)  
International Treaties and Conventions-International Custom-General Principles of Law Recognized by Civilized Nations-Judicial Decisions of International and National Courts-Juristic Opinion  
Other Sources of International Law-Resolutions of General Assembly- Resolutions of Security Council

**Module 03 Relationship between International Law and Municipal Law:**

Theories - Monistic Theory; Dualistic Theory; Transformation theory; Delegation Theory- Specific Adoption theory  
Practice of States: United Kingdom, United States of America and India

**Module 04 Subjects of International Law:**

Meaning and Definition of State  
Kinds of Different States in International Law –Sovereign States-Semi-Sovereign States-Protectorate-Vassal –Trust Territories; Special type of States—Holy See—Neutralized States  
Individuals as subjects and object of International Law  
Role and Status MNC's

**Module 05 Recognition of States:**

Meaning and Significance of Recognition  
Theories of Recognition - Constitute Theory –Declarative Theory—Stimson Doctrine- Estrada Doctrine  
Types of Recognition-Defacto –Dejure--Differences between Defacto and Dejure Recognition  
Recognition of Insurgency and Belligerency

**Module 06 State Territory and State Succession:**

Meaning and Definition of State Territory  
Types of Acquiring and Lo State Territory—Occupation-Prescription—Accretion—Cession—Session-Dismemberment—Retro-Cession ( The Case of Hong Kong)

Meaning and Concept of State Succession-Difference between State Succession and Succession of Governments  
States Succession to Treaties – Membership of International Organizations Recent Developments—State succession to Public Property-Torts-Debts and Archives  
Theories of State Succession to Treaties- Theory of Universal Succession- Theory of Negativism- Contemporary Theories : Neo-Universalism- Neo-Negativism- Theory of Gestation or Nyerere Doctrine

**Module 07**

**State Jurisdiction:**

Territorial Jurisdiction- Civil and Criminal jurisdiction - Universal Jurisdiction- Extra territorial Jurisdiction of State  
State jurisdiction and State Territory-Land Territory-National Waters-Territorial sea-Contiguous zone-Exclusive Economic Zone—Air and Outer Space – obligations of states under outer space Treaty 1966  
Jurisdiction based on Nationality- Modes of Acquiring and losing Nationality- Double Nationality-nationality of Married Women and Indian position  
Admission of Aliens- Rights and Duties of Aliens-Expropriation of Alien Property  
Meaning and Significance of Statelessness- Role of UNHCR  
Meaning and Definition of Extradition- Types of offenders and Process of Extradition  
Extradition and Human Rights  
Definition and significance of Asylum—Territorial and Extra-Territorial Asylum- Asylum and Extradition  
Exceptions to State Jurisdiction: State Immunity— Absolute theory and Restrictive Theory of Immunity –views of the International Law Commission-- Waiver of Immunity  
Significance and Importance of Diplomatic Agents and Classification of Diplomatic Agents  
Functions and objectives of Diplomatic Agents  
Immunities and Privileges of Diplomatic Agents-- Inviolability of Diplomatic Agents-Inviolability of Premises—Immunity from local, Civil, Administrative and Criminal Jurisdiction—Immunity from Taxes and Custom Duties—Freedom of Movement, Travel, Communication and worship

**Module 08**

**Law of State Responsibility:**

Nature and Basis of State Responsibility  
Theories of State Responsibility—Fault or Subjective Theory—Risk or Objective theory—Eclectic Theories of Responsibility—Absolute Liability  
Elements of State Responsibility—Act or Omission of international and international acts  
Significance of Doctrine of Culpa  
Defenses precluding State Responsibility

**Module 09**

**Law of Treaties:**

Meaning and Definition of a Treaty-Types of Treaties  
Parties to a treaty—Formation of a Treaty- Significance of Pact Sunt Servanda  
Significance of Jus Cogens  
Role Rebus Sic Stantibus (Changed Circumstances) in Treaties  
Procedure for Termination of Treaties

## **Module10 International Institutions :**

Historical Origins of International Institutions

League of Nations- An Over View

United Nations- Purposes and Principles

Structure Powers and functions of Security Council-General Assembly- the Economic and Social Council- Trusteeship Council- Appointment, Powers and Functions of Secretary General

International Court of Justice-Historical Evolution- Composition of the Court

Types of Jurisdiction of the Court-Contentious—Advisory

Law Applied by the Court—Binding Nature of Judgment

Legal Status of International Organisations

### **Recommended Readings:**

- 1) Robert Jennings and Arthur Watts (eds.), *Oppenheim's International Law* [Vol. I – Peace] (9<sup>th</sup> ed., 1996)
- 2) I. Brownlie, *Principles of Public International Law* (7<sup>th</sup> ed., 2008)
- 3) I.A. Shearer, *Starke's International Law* (1<sup>st</sup> Indian ed., 2007)
- 4) D.J. Harris, *Cases and Materials on International Law* (7<sup>th</sup> ed., 2010)
- 5) Malcolm N. Shaw, *International Law* (7<sup>th</sup> ed., 2015)
- 6) J.G. Strake: *Introduction to International Law*, (latest Edition)
- 7) D.w. Bowetts: *Law of International Institutions* (6<sup>th</sup> edn) 2011, (sweet and Maxwell)
- 8) S.K. Verma: *An introduction to Public International Law* ( Prentice Hall 1998)
- 9) Gurdip Singh, *International Law* (2<sup>nd</sup> ed., 2011)
- 10) V.K. Ahuja, *Public International Law* (Lexis Nexus 2016)
- 11) Shilpa Jain: *Introduction to Public International Law* (EBC 2016)
- 12) T.S.N. Sastry, *State Succession in Indian context* (Dominant 2004) Chapters 1 & 2
- 13) Shilpa Jain : *Introduction to International Law* (2016) Eastern Book Compnay
- 14) Visit the Web Site of Dr tsnsastry.weebly.com for research papers on some of the areas.

### **Recommended Journals:**

- 1) American Journal of International Law
- 2) Harvard International Law Review
- 3) International Legal Materials
- 4) International Law and Comparative Law
- 5) Indian Journal of International Law
- 6) Journal of Indian Law Institute
- 7) Heinlein On line Journals
- 8) British Year Book of International Law

## LP 0704 Practical Training Paper I

### Professional Ethics and Contempt of Court Law

#### Module 01 The Advocates Act, 1961:

Historical Origins of Advocates Act.  
Structure powers and Functions of Bar Council of India  
Structure, Powers and Functions of State Bar Councils  
Admission Enrollment and Conduct of Advocates  
Qualifications to be admitted as an advocate  
Types of Advocates-Senior and other Advocates  
Roll of Advocates  
Right of Pre-audience  
Disqualification  
Right to practice  
Conduct of an Advocate - Professional Misconduct  
Punishment  
Disciplinary proceeding (Authorities and Stages  
Powers of the Disciplinary Committee  
Entry of foreign lawyers  
Need for Code of Ethics

#### Module 02 Advocates Relationship with Courts:

Duty to the Court (Rules 1 to 10 of Chapter II of Bar Council of India Rules)  
Respect to the Court  
Addressing the Judge  
Conduct in the court room  
Avoid multiplicity of litigation

#### Module 03 Advocates Relationship with Clients:

Duties to Client (Rules 11 to 33 of Chapter II of Bar Council of India Rules)  
Confidentiality, Implied Duty and Sections 126 to 129 of the Evidence Act  
Fees  
Avoiding conflict of interests.

#### Module 04 Relationship with others:

(Rules 34 to 39 of Chapter II of Bar Council of India Rule)  
Towards opposite party  
Towards colleagues  
Advertisement by Advocates  
Name-plates  
News  
Photographs  
Sign boards  
Web-site

#### Module 05 Cases relating to Advocates Act and Professional Ethics:

*Vishram Singh Raghubanshi v. State Of UP* AIR 2011 SC 2275  
*Vijay Singh v. Murarilal* AIR 1979 SC 1719

*SJ Chaudhary v. State Of Delhi* AIR 1984 SC 618  
*Chandra Shekhar Soni v. Bar Council of Rajasthan* AIR 1983 SC 1012  
*Ex-Capt Harish Uppal v. Union Of India* AIR 2003 SC 739  
*John D'Souza v. Edward Ani* AIR 1994 SC 975  
*Himalayan Cooperative Group Housing Society v. Balwan Singh* AIR 2015 SC 170  
*Vishwanath Swami v. Bar Council of India* AIR 2013 SC 3589  
*A S Mohammed Rafi v. State of Tamil Nadu* AIR 2011 SC 308  
*D Saibaba v. Bar Council of India* AIR 2003 SC2502

**Module 06 Contempt of court:**

Meaning and scope, Need for sparing use, Maintaining the dignity and respect for Courts and Judiciary  
 Historical development of law of contempt of court in India  
 Freedom of speech and contempt of court: The Constitutional perspectives  
 Meaning of contempt  
 Civil contempt  
 Criminal contempt  
 Implications of amendment in Contempt of Courts Act (2006 amendment)  
 Defenses for contempt  
 Punishment for contempt  
 Procedure for initiating contempt proceeding  
 Contempt by Judges, Magistrate, Lawyers, Companies and Others  
 Remedies, Apology, Appeal and Review  
 Contempt of Supreme Court, High Court and Subordinate Court  
 Comparison with Order 39 Rule 2A of Civil Procedure Code

**Module 07 Cases relating to Contempt of Court :**

*Arundhati Roy v. High court of Judicature at Bombay* 2017 SC  
*Pushpaben v. Narandas V Badiani* AIR 1979 SC 1536  
*LD Jaikwal v. State of UP* AIR 1984 SC 1734  
*Charan Lal Sahu v. Union Of India* AIR 1988 SC 107  
*PN Duda v. V P Shiv Shankar* AIR 1988 SC 1202  
*Noorali Babul Thanewala v. KMM Shetty* AIR1990 SC 464  
*Bal Kishan Giri v. State of UP* AIR 2014 SC (Supp)469  
*High Court of Judicature of Bombay v. Manisha Koirala* 2 003 CriLJ 1634 (Bombay HC)  
*Dr. Subramanian Swamy v. Arun Shourie* AIR 2014 SC 3020  
*Re: S Mulgaokar* AIR 1978 SC 717

**Recommended Readings:**

- 1) K.V. Krishnaswamy Iyer – Professional Conduct and Advocacy
- 2) Dr. Kailash Rai - Legal Ethics – Accountancy for Lawyers and Bench and Bar relations
- 3) B.R. Aggarwala – Supreme Court Practice and Procedure
- 4) P. Ramanath Iyer- Legal and Professional Ethics
- 5) Dr. S.P.Gupta - Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
- 6) M.P. Jain – Outline of Indian Legal History – Chapter : Development of Legal Profession

- 7) M.R. Mallick- The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship.
- 8) Dr B Malik : The Art of a Lawyer
- 9) Raju Ramachandran : Professional Ethics for Lawyers- Changing Profession, Changing Ethics
- 10) Saadiya Suleman : Professional Ethics & Advertising by Lawyers
- 11) Nilendra Kumar and Neha Chaturvedi : M.K. Gandhi's- The Law and the Lawyers

## **LP 0704 Practical Training Paper I Professional Ethics and Contempt of Court Law**

- Module 01    The Advocates Act, 1961:**  
Historical Origins of Advocates Act.  
Structure powers and Functions of Bar Council of India  
Structure, Powers and Functions of State Bar Councils  
Admission Enrollment and Conduct of Advocates :-  
    Qualifications to be admitted as an advocate  
    Types of Advocates-Senior and other Advocates  
    Roll of Advocates  
    Right of Pre-audience  
    Disqualification  
    Right to practice  
    Conduct of an Advocate - Professional Misconduct  
    Punishment  
    Disciplinary proceeding (Authorities and Stages  
    Powers of the Disciplinary Committee  
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Need for Code of Ethics
- Module 02    Advocates Relationship with Courts:**  
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- Module 04    Relationship with others:**  
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Towards opposite party  
Towards colleagues  
Advertisement by Advocates:-  
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- Module 05    Cases relating to Advocates Act and Professional Ethics:**  
*Vishram Singh Raghubanshi v. State Of UP* AIR 2011 SC 2275  
*Vijay Singh v. Murarilal* AIR 1979 SC 1719  
*SJ Chaudhary v. State Of Delhi* AIR 1984 SC 618  
*Chandra Shekhar Soni v. Bar Council of Rajasthan* AIR 1983 SC 1012

*Ex-Capt Harish Uppal v. Union Of India* AIR 2003 SC 739  
*John D'Souza v. Edward Ani* AIR 1994 SC 975  
*Himalayan Cooperative Group Housing Society v. Balwan Singh* AIR 2015 SC 170  
*Vishwanath Swami v. Bar Council of India* AIR 2013 SC 3589  
*A S Mohammed Rafi v. State of Tamil Nadu* AIR 2011 SC 308  
*D Saibaba v. Bar Council of India* AIR 2003 SC2502

**Module 06 Contempt of court:**

Meaning and scope, Need for sparing use, Maintaining the dignity and respect for Courts and Judiciary  
 Historical development of law of contempt of court in India  
 Freedom of speech and contempt of court: The Constitutional perspectives  
 Meaning of contempt  
 Civil contempt  
 Criminal contempt  
 Implications of amendment in Contempt of Courts Act (2006 amendment)  
 Defenses for contempt  
 Punishment for contempt  
 Procedure for initiating contempt proceeding  
 Contempt by Judges, Magistrate, Lawyers, Companies and Others  
 Remedies, Apology, Appeal and Review  
 Contempt of Supreme Court, High Court and Subordinate Court  
 Comparison with Order 39 Rule 2A of Civil Procedure Code

**Module 07 Cases relating to Contempt of Court :**

*Arundhati Roy v. High court of Judicature at Bombay* 2017 SC  
*Pushpaben v. Narandas V Badiani* AIR 1979 SC 1536  
*LD Jaikwal v. State of UP* AIR 1984 SC 1734  
*Charan Lal Sahu v. Union Of India* AIR 1988 SC 107  
*PN Duda v. V P Shiv Shankar* AIR 1988 SC 1202  
*Noorali Babul Thanewala v. KMM Shetty* AIR1990 SC 464  
*Bal Kishan Giri v. State of UP* AIR 2014 SC (Supp)469  
*High Court of Judicature of Bombay v. Manisha Koirala* 2 003 CriLJ 1634 (Bombay HC)  
*Dr. Subramanian Swamy v. Arun Shourie* AIR 2014 SC 3020  
*Re: S Mulgaokar* AIR 1978 SC 717

**Recommended Readings:**

- 1) K.V. Krishnaswamy Iyer – Professional Conduct and Advocacy
- 2) Dr. Kailash Rai - Legal Ethics – Accountancy for Lawyers and Bench and Bar relations
- 3) B.R. Aggarwala – Supreme Court Practice and Procedure
- 4) P. Ramanath Iyer- Legal and Professional Ethics
- 5) Dr. S.P.Gupta - Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
- 6) M.P. Jain – Outline of Indian Legal History – Chapter : Development of Legal Profession
- 7) M.R. Mallick- The Advocates Act, 1961 with Professional Ethics, Advocacy, and Bar-Bench Relationship.
- 8) Dr B Malik : The Art of a Lawyer

- 9) Raju Ramachandran : Professional Ethics for Lawyers- Changing Profession, Changing Ethics
- 10) Saadiya Suleman : Professional Ethics & Advertising by Lawyers
- 11) Nilendra Kumar and Neha Chaturvedi : M.K. Gandhi's- The Law and the Lawyers

## Optional Subject 1 (Any one from the following)

### LO 0705 Comparative Constitutions

**Objectives of the Course:** This paper aims to acquaint the students with scope and significance of comparative study of the constitutional law from the point of view of its making and its contemporary working. It will help the students to appreciate the constitutional developments from the national and international perspectives. It takes in its fold the basic principles of interpretation of Constitution. It will enhance the comprehension of Constitutional law as a branch of public law.

**Module 01 Scope and Significance of Comparative Study of Constitutional Law:**

Forms of government- Parliamentary-Presidential-Monarchical  
Types of Constitutions  
Scope and significance of comparative study of constitution in constitution making  
Significance of comparative study of constitution in interpretation  
Common law of England  
American Constitution  
The Common law heritage  
Indian position

**Module 02 History of Constitution Making and its Development In India:**

Applicability of foreign precedents in interpretation of the Constitution of India  
Fundamental Rights : Bill of Rights  
Instances of application of foreign precedents  
Instances of departures from foreign precedents  
Forms of Government : Article 74 and 75

**Module 03 Federalism- Comparative study:**

Principles of federalism  
Legal features of federalism  
Co-operative federalism  
Transition from comparative federalism to co-operative federalism  
Distribution of legislative and financial power in a federal system  
Federalism-Indo-U.S. comparative perspective  
Separation of power : Checks and balance mechanism  
Amending power in India, U.S. and Australia: comparative perspective

**Module 04 Judicial Review:**

Evolution and concept of judicial review  
Meaning of judicial review  
Characteristics of modern constitutions and their impact on Judicial Review  
Constitutional growth in India under judicial review and its impact

**Module 05 Justification and limitation of written constitution:**

Incidents of written constitution - a legal instrument  
Justiciability of written constitution  
Written constitutions which are not justiciable : France, U.S.S.R., China  
Indian Constitution : Justiciability and non-justiciability

**Module 06 Interpretation of Constitution:**

Interpretation as a legal instrument  
Limitations of liberal interpretation  
Spirit of constitution  
Indian constitution and instances of interpretation

**Module 07 The Constitution as higher law:**

Higher law distinguished from 'Rule of Law'  
Elements of Rule of Law  
Parliamentary supremacy under the Indian Constitution  
Distinction between Constitutional Law and Ordinary law

**Module 08 Role of Judiciary And Doctrine of State Action**

Court as guardian of the constitution  
Exceptions to judicial review  
Special functions of judiciary in federation  
Constitutional Law as a branch of public law

**Recommended Readings :**

- 1) Dr. D.D. Basu, *Comparative Constitutional Law* (LexisNexis Butterwoths Wadhwa, Nagpur)
- 2) Dr. D.D. Basu, *Comparative Federalism* ( Wadhwa and Company, Nagpur)
- 3) Dr. Chakradhar Jha, *Judicial Review of Legislative Acts*(LexisNexis Butterwoths Wadhwa, Nagpur)
- 4) M. V. Paylee, *Constitutions Of The World* (Universal Law Publishing Co.Pvt. Ltd., Delhi, Vol.1&2)
- 5) M.P.Jain, *Indian Constitutional Law* (Wadhva and Company Nagpur)
- 6) H.R.Khanna, *Making of India's Constitution* (Eastern Book Co., Lucknow)

## LO 0706 Investment and Securities Law

**Objectives of the Course:-**The securities market plays a very important role in the growth and development of Indian market economies. Mature and well-regulated securities market supports corporate initiatives and also facilitate the management of financial risks. Also, retail investors are investing an increasing proportion of their money in mutual funds and other collective investments which places the securities markets at the central of individual wealth. This paper aims to introduce students to the various laws and regulations enacted by the competent legislative and regulating bodies governing the operation and movement of security market.

**Module 01 Historical evolution of Investment and Securities Laws:**

Meaning and Definition of Investment and Securities  
Historical origins of Investment and Securities law –International and National Perspective  
History of Capital Markets in India  
Need for securities legislation and investor protection

**Module 02 Regulatory Framework to Govern Securities in India:**

Concept of Securities  
Kinds of Securities -Ownership instruments, Shares, Stocks  
Debt instruments -Debentures and Bonds  
Offered Documents – Prospectus  
Norms of disclosure under different laws- The Companies Act, 2013, The Securities Contracts (Regulation) Act, 1956 and The Securities Exchange Board of India Act, 1992 ( only relevant provisions relating to the above )

**Module 03 Concept of Securities Market:**

Primary Market: Scheme of Primary Market, Advantages- Dis-advantages to companies and investors.  
Players in Primary Market – Underwriters- Brokers to an issue- Managers to the issue- Bankers to the issue and Registrar to the issue  
Secondary Market - Players in the Secondary Market- Brokers- Over the Country Exchange of India (OCTEL)

**Module 04 Banks and Securities:**

Role of Banks to Issue Securities  
Changing Functions of Banks from Direct Lending to Modern System of Investment Banking.  
The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002: Its Background and Importance  
The Debt Recovery Tribunal

**Module 05 Stock Exchange and Investor Protection:**

Trading, Spot delivery contract, Badla Contract, Future contracts, Options, Derivatives, Listing of Shares  
Investors Protection mechanism under various statutes:-  
Role and functions of SEBI Tribunal,  
Depositories Act, 1996 – Rights and Obligations of depositories, participants, issuers and beneficial owners, Penalties.  
Dematerialisation of securities (Advantages and Dis-advantages)

The Companies Act, 2013 :- Acceptance of deposits, Misstatement in prospectus, fraudulently inducing person to invest money, non-payment of dividend, Right to demand financial statement, Investor Education and Protection Fund, class action suits.

The Securities Exchange Board of India Act, 1992:- Measures under Section 11(2) of SEBI Act, Investor awareness program

The Securities Contracts (Regulation) Act, 1956 :- Recognized stock exchanges, listing of securities, penalties and procedure.

**Module 06 Foreign Investment Laws:**

The Foreign Exchange Management Act, 1999:- Regulation and management of Foreign Exchange, Contravention and Penalties, Adjudication and Appeal, Directorate of enforcement

Difference from FERA, Administration of Exchange Control, Adjudicatory Powers

Joint ventures in India and Foreign Collaborations: Concept of Transnational Corporations and Multinational Corporations

Foreign Direct Investment- Foreign Institutional Investors- Regulatory Mechanism in India

**Module 07 Insider Trading:**

Meaning and Definition of Insider Trading

Position in UK- USA

Indian perspective of Insider trading -SEBI Guidelines-The Companies Act, 2013

**Recommended Readings:**

- 1) Sanjeev Agarwal, Guide to Indian Capital Market, Bharat Law House, 2009
- 2) Imaad A Moosa, Foreign Direct Investment: Theory Evidence and Practice, PalgraveMacMillan, 2010.
- 3) NitiBhasin, FDI In India, New Century Publication, 2008.
- 4) V.A. Avdhani, Investment and Securities Market in India, Himalaya Publishing House, 2011
- 5) Vishal Saraogi : Capital Markets and Securities Laws simplified, Lawpoint Publication
- 6) E. Gordon & K. Natarajan : Capital Market in India; Himalaya Publishing House, Ramdoot
- 7) V.L. Iyer : SEBI Practice Manual; Taxman Allied Service (P) Ltd
- 8) S. Suryanarayanan& : SEBI – Law, Practice & Procedure; Commercial Law Publishers (India)

## LO 0707 Criminal Minor Acts

**Objectives of the course:** Indian Penal Code is not the only criminal law in India, though it is one of the major criminal law. Apart from IPC there are many other criminal legislations. Post-independence many more legislations were enacted by the State to control crime and criminal behavior. These special legislations redefined crime and the criminal procedure to be followed. These legislations are rampantly been used by police and courts in day to day life. The course is designed to acquaint students with few important minor criminal Laws which are essential for all criminal law lawyers.

### **Module 01 The Maharashtra Police Act 1951:**

Scope and objects and historical perspectives of the Act  
Important Definitions  
Regulation of Public Acts and Police powers under chapter III  
Special Measures for maintenance of Public Order and Safety of State. Executive Powers and Duties of the Polices  
Offences and Punishment under the Maharashtra Police Act, 1951

### **Module 02 The Prevention of Corruption Act 1988:**

Legislative History, Object and Scope of the Act- Public Duty and Public Servant Defined.  
Appointment of Special Judges  
Offences and Penalties  
Investigation into cases under the Act  
Sanction for Prosecution Special Procedure: Change in Rules of Evidence and Criminal Procedure (Secs. 20-24)

### **Module 03 The Maharashtra Control of organized Crime Act 1999:**

Legislative History, Object and Scope of Maharashtra Control of organized Crime Act 1999  
Organized Crime: Definition and Scope  
Punishments  
Courts and Public Prosecutor (Secs 6-12)  
Interception of wire, electronic or oral communication (Secs 13-16)  
Special Procedure: Change in Rules of Evidence and Criminal Procedure (Secs 17- 23)

### **Module 04 The Narcotic Drugs and Psychotropic Substances Act, 1985:**

Legislative history, Object and intent of NDPS Act 1985  
Authorities and officers under the NDPS Act 1985  
Prohibition, Control and Regulation of narcotic Drugs and psychotropic substances  
Offences and Punishments under the NDPS Act 1985  
Procedure under NDPS Act 1985

### **Recommended Readings:**

- 1) Sunil Dighe, The Maharashtra Police Act 1951, Snow White Publication (2016)
- 2) D.R. Chaudhary & A.N. Choudhary, The Maharashtra Control of organized Crime Act 1999, CTJ Publications

- 3) A.S. Ramachandra Rao, Commentary on the Prevention of Corruption Act, Universal Publication Co., New Delhi
- 4) R.P Kataria, Law Relating to Narcotic Drugs and Psychotropic Substances in India, Oriental Publication

## LO 0708 Cooperative Law

**Objectives of the Course:** This course enables study of the form of organisation set up for mutual benefit. The first part of the course is about principles of cooperation, its history, growth and development and the characteristics of a cooperative society as a form of organisation in comparison with other forms. The other part of the course is a detailed study of the Cooperative Law in force in Maharashtra, that will enable a student to know about the process of formation, management and control of cooperative societies, their relations with third parties and its members, and settlement of disputes between the society and its members. This study will equip a student to understand this special law, and to specialize in this branch of law.

### Part I: General Principles of Co-operation and Co-operative Societies

**Module 01 Theory and Principles of Co-operation:**

- Capitalist, socialist and co-operative forms of organisation
- Definition of co-operation
- Fundamental principles of co-operation
- Importance, advantages and limitations of co-operation
- Advantages of co-operative organization in the society and the economy
- Social, economic and moral benefits of co-operation

**Module 02 History, Growth and Development:**

- History, growth and development of co-operative movement in India, Growth and development through Five-Year Plans
- Role of the State in development of co-operation, State aid to societies.
- Role of National Co-operative Development Corporation, NABARD.
- Co-operative legislations, particularly the State cooperative laws and Multi State Cooperative law, with special reference to Maharashtra

**Module 03 Co-operative Societies:**

- Characteristics of a co-operative society
- Comparison with other forms of organization, viz, company, trust and partnership firms
- Role and functions of different kinds of co-operative societies: Credit, finance, banking; Producers, farmers, dairy; Consumers; Housing; Marketing.
- Salient features of the law relating to Multi-State Cooperative Societies Act

### Part II: The Maharashtra Co-operative Societies Act 1960 and Rules

**Module 04 Registration of Societies:**

- Societies that can be registered, and limited liability, Classification of societies
- Conditions of registration, Name,
- Procedure for registration
- Bye-laws, important features of Model Bye-laws
- Cancellation of registration, De-registration
- Amalgamation, Transfer, Division or Conversion Societies

**Module 05 Members of a Society:**

Who is a member, types of members, open membership

Who can become a member

Procedure for admission, continuation and cessation of membership, Removal and expulsion of a member

Rights, privileges, duties, disabilities and liabilities of members, Voting power of a member

**Module 06      Incorporation, Duties and Privileges of a Society:**

Effect of incorporation

Register of members, and its inspection and copies

Rights, privileges and immunities of a Society

Duties, disabilities, liabilities of, and restrictions on a Society

**Module 07      Elections and Management of a Society:**

Final authority of General Body

Election of the Managing Committee, Procedure, Supervision over elections, Elections to specified and notified societies, No-confidence against officers of societies

The Managing Committee, Constitution, Who can be its members, Reservation of seats, its powers and functions, Liability of members of the managing committee

Appointment and nomination of members of committee, Disqualification of membership of the committee

Meetings of General Body and Managing Committee, Annual general meeting and special general meeting, Conduct of business at such meetings

Registrar's powers of supervision, inquiry, investigation and administration.

**Module 08      Dispute Settlement:**

Types of disputes, and forums for redressal, Cooperative Court, Registrar;

Exclusive jurisdiction of the cooperative court, Jurisdiction, Limitation period

Powers of the Co-operative court, Its decision, Appeals against decisions, Contempt of Co-operative Court and Cooperative Appellate Court

Constitution and powers of the Maharashtra State Co-operative Appellate Court

Disputes for recovery of money, Recovery certificate and its effect,

Liquidation of Cooperative Societies, Procedure for liquidation and winding up.

Offences and Penalties, Cognizance of offences

**Module 09      Finance, Accounts and Audit:**

State aid to societies, Role of apex societies.

Funds and their utilization, Restrictions on utilization of funds, Reserve Fund, Restriction on dividends, Investment of funds

Maintenance of account books and registers,

Audit of cooperative societies, need for audit,

Rectification of defects in accounts

Registrar's powers of inspection and supervision

**Recommended Readings:**

- 1) B B Goel, Cooperative Legislation – Trends and Dimensions, Deep and Deep Publications, 2005
- 2) Rish Pal Nainta, Laws Relating to Cooperative Societies – A Commentary, 2004

- 3) Sunil Dighe.: Maharashtra Co-Operative Societies Act, 1960 and Rules, 1961. Snow White Publications, 2017
- 4) S Desai, Commentary on Co-operative Housing Societies. Snow White Publications, 2009.
- 5) V V Ghanekar, Co-Operative Movement in India, Institute of Rural Development & Education, 2004
- 6) A K Gupte and S D Dighe, Maharashtra Co-operative Societies Act 1960 with Rules 1961. Hind Law House, 2008.
- 7) M C Jain and H M Bhatt, Maharashtra Co-Operative Societies Act, 1960. Law Times, 2009.
- 8) A E Karmali, Maharashtra Co-operative Societies Act, 1960 and Rules, 1961, Snow White Publications, 1997.
- 9) H A Mehta, Guide to Co-Operative Housing Societies, 7<sup>th</sup> ed Reprint, Snow White Publications, 2012.
- 10) R K Pillai, Maharashtra Co-Operative Societies Act, 1960, Current Publications, 2014.
- 11) A M Shah, Maharashtra Co-Operative Societies Act, 1960, Snow White Publications, 2004.
- 12) Snow White Publications: Guide to Co-Operative Housing Societies, Snow White Publications, 2017.

## LO0709 Private International Law

**Objectives of the Course:** In the contemporary economically packed globalised era, the relations between individuals and legal persons increased vastly compare to yester years. The interaction between individuals brings forth the legal regulations of various states to the forefront to address the problems that arise out of such relations. Conflict of laws or Private International law is another side of international law which regulates the disputes under different private laws that regulate the foreign elementary provisions between individuals and legal persons in their day to day transactions. The significance of private international law and its practice before the courts is rapidly increasing in which India lags behind in educating its pupil in a most important area of legal studies. The above course has been drafted to give a over view of the subject to the students which is highly helpful in further research and professional carrier.

### **Module 01 Introduction :**

Historical Development of Private International Law  
Meaning and Definition of Private International Law  
Sources of Private International Law  
Relationship between Public International Law and Private International Law

### **Module 02 Connecting Factors of Private International Law :**

Choice of Law Rules (Conflict of Law Rules)—Foreign element and foreign law characterization  
Nationality or citizenship-general significance-Constitutional Provisions (Art 5-11)  
Domicile of Origin—Choice—Dependent persons-Married women—Minor Children—Lunatics  
Residence—Habitual Residence—Temporary Residence  
Residence of Legal Persons

### **Module 03 Law of Contractual and Non-Contractual Obligations: An Over view :**

Law of Contract-Autonomy of Parties-Presumptions of Proper Law of Contract-Capacity to contract  
Validity and Formation of Contract –Formal and Material Validity  
Performance of contract-Illegal contracts by proper Law-Contracts in Which Performance is unlawful-illegal contracts by Lex Fori-Public Policy-Breach of contract-Remedies  
Non-Contractual Obligations-: Law of torts-Defenses-Damages –Unjust Enrichment

### **Module 04 Law of Property :**

General Rules-Lex Situs-Movable and Immovable Property-  
Transfer of Property –Debts-Mortgage-Pledge- Lex Loci fore – Choice of Law of Rules

### **Module 05 Family Law :**

Marriage—Dissolution of Marriage—Divorce—Judicial Separation –  
Maintenance-Choice of Law  
Legitimacy, Legitimization and Adoption –Choice of Law Rules

## **Module 06 Foreign Judgments :**

1. Basis of Enforcement of Foreign Judgments
2. Recognition of Foreign Judgments- Jurisdictional and Legal Issues
3. Execution of Foreign Judgments by Indian Courts-Execution of Indian Judgments by Courts Out Side India-Clauses of reciprocity

### **Conventions to be referred:**

- 1) Hague Codification convention on Private International Law
- 2) Convention of 15 June 1955 relating to the settlement of the conflicts between the law of nationality and the law of domicile
- 3) Convention of 1 June 1956 concerning the recognition of the legal personality of foreign companies, associations and institutions
- 4) Convention of 24 October 1956 on the law applicable to maintenance obligations towards children
- 5) Convention of 15 November 1965 on Jurisdiction, Applicable Law and Recognition of Decrees Relating to Adoptions
- 6) Convention of 1 June 1970 on the Recognition of Divorces and Legal Separations
- 7) Convention of 14 March 1978 on Celebration and Recognition of the Validity of Marriages
- 8) Principles on Choice of Law in International Commercial Contracts 2015
- 9) Convention of 1 February 1971 on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters
- 10) Relevant Indian Legislative provisions of Contracts, CPC, Family Law; Law of Property

### **Recommended Readings:**

- 1) Dicey, Morris & Collins on the Conflict of Laws ( Sweet and Max well 15<sup>th</sup> edn 2016)
- 2) James Fawcett and Janeen M Carruthers, CHESHIRE, NORTH & FAWCETT: PRIVATE INTERNATIONAL LAW Oxford: Oxford University Press , 14th edn, 2008
- 3) Setalavad: Conflict of Laws, Lexis Nexis, 2014
- 4) Paras Diwan: Private International Law : Indian and English ; Deep & Deep 2008
- 5) K.B. Agraawal & Vandana Singh: Private International Law in India , 2010 ( walters Kulwer Netherlands)
- 6) Universals Private International Law 2016
- 7) V. C Govindraj: Conflict of Law in India (oxford) 2011

### **Recommended Journals:**

- 1) International Law and Comparative Law
- 2) Indian Journal of International Law
- 3) British Year Book of International Law
- 4) Indian Year Book of International Law

**Part X**  
**Syllabus of Fourth Year B.A. LL.B, Fourth Year B.B.A LL.B, and Second Year LL.B**

**Fourth Year B.A. LL.B. - Semester VIII**  
**Fourth Year B.B.A. LL.B. - Semester VIII**  
**Second Year LL.B. - Semester IV**

**LC 0801 Labour and Industrial Law**

**Objectives of the Course:** The labour movement has been instrumental in the enacting of laws protecting labour rights in the 19th and 20th centuries. Labour rights have been integral to the social and economic development since the industrial revolution. After the Independence the government of India has enacted numerous legislations for the regulation of labour relations and their welfare. Labour and Industrial law mediates many aspects of the relationship between trade unions, employers and employees. It defines the rights and obligations of workers, union members and employers in the workplace. An understanding of Labour Laws is very essential for law students because of the fact that the scope and ambit of these laws is very wide and is touching the lives of millions of people in the country.

**Module 01 Introduction:**

Industrial Jurisprudence and Labour Policy in India  
Labour Problems  
Industrial Relations  
Principles of labour legislations (Social welfare, justice, equity and security)  
Labour legislations and Constitutional provisions (Fundamental Rights,  
Directive Principles of State Policy and Distribution of legislative powers)

**Module 02 Discipline in Industry:**

The Industrial Disputes Act, 1947 :- Objectives, Definitions, Industry and Industrial Disputes, Settlement of Industrial Disputes - Authorities and Procedures, Strike, Lock-out, Lay off, Retrenchment and Unfair Labour Practices  
The Factories Act, 1948 – Factory, Inspecting staff, Health, Safety and Welfare Measures, Working Hours of Adults and Employment of Young Persons  
The Industrial Employment (Standing Orders) Act, 1946 – Definitions, Legal nature of standing orders (Submission, Conditions, Certification, Duration and Modification, Payment of Subsistence Allowance, Model Standing Orders, Penalties and Procedures)  
Disciplinary Proceedings in Industries – Charge-sheet, Domestic Inquiry, Inquiry Officer, Rights of Employee during Inquiry Proceedings, Evidence in Inquiry, Inquiry Reports and Punishment

**Module 03 Social Security Legislations:**

Concept of Social Security, Its Characteristics and Constituents, Social Security system in India

The Employees' Compensation Act, 1923 – Objects and reasons, Definitions, Employer's Liability for Compensation, Amount of Compensation and Employee's Compensation Commissioner  
The Employees' State Insurance Act, 1948 – Objects and Reasons, Employees' State Insurance Corporation, Contributions, Benefits, Adjudication of Disputes and Claims  
The Contract Labour (Regulation and Abolition) Act, 1970- Objects, Registration of Establishments, Licensing of Contractors, Welfare and Health of Contract labour, Penalties and Procedure

### **Module 03**

#### **Concept of Wages and Unfair Labour Practices:**

The Minimum Wages Act, 1948 – Objects, Definition of Wages, Fixation and Revision of Minimum Wages  
The Payment of Wages Act, 1936 – Objects, Payment of wages, Deductions from Wages, Authorities  
The Maharashtra Recognition of Trade Unions and Prevention of Unfair, Labour Practices Act, 1971- Definitions, Recognition of Unions, Obligations and Rights of Recognised Unions, Other Unions and Certain Employees, Illegal Strikes and Lock outs, Unfair Labour Practices, Powers of Labour and Industrial Court

#### **Recommended Readings:**

- 1) Avtar Singh and Harpreet Kaur, Introduction to Labour and Industrial Law, LexisNexis
- 2) G.M. Kothari, How to Conduct and Defend Disciplinary Inquiry and Cases, Eastern Book Company
- 3) H.L. Kumar, Law Relating to Disciplinary Proceedings in Industries, Universal Publishing Co. Pvt. Ltd
- 4) P.L. Malik, Handbook of Labour and Industrial Law, Eastern Book Company
- 5) S.D. Puri and Sandeep Puri, Treatise on the Contract Labour (Regulation and Abolition) Act, 1970, Snow White Publications.
- 6) S.K. Puri, Labour and Industrial Law, Allahabad Law Agency
- 7) S.N. Mishra, Labour and Industrial Laws, Central Law Publications
- 8) S.P. Jain, Industrial and Labour Laws, Dhanpat Rai & Co.
- 9) Taxmann's Labour Law
- 10) V.G. Goswami, Labour and Industrial Laws, Central Law Agency

## LC 0802 Jurisprudence

**Objectives Of The Course:** The course aims at developing an analytical approach to understand the nature of law and the development and legal system. Jurisprudence seeks to answer fundamental questions about law. The concern of jurisprudence are an inescapable feature of the law and legal system. Jurisprudence has generous frontiers. It accommodates copious subjects of intellectual enquiry. This paper attempt to identify and elucidate several of the major preoccupations of legal theory. This paper also intent to create an understanding of basic legal concepts like Rights, Title, Possession, Ownership, Liability, Obligation which are basic to the study of Law.

**Module 01 Introduction to Jurisprudence:**

Jurisprudence – Meaning- definition- Significance.  
Character of Law –Meaning and types of Law  
Sources of Law and Legislation-Precedent-Custom –Juristic Writings  
Relationship between Law – Morality and Ethics

**Module 02 Schools of Jurisprudence:**

Natural Law School-Classical and Modern  
Positivist School  
Sociological School  
Historical School  
Realist School  
Feministic School-Liberal- Radical and Post Modern

**Module 3 Marxist Theories of Law and State**

Dialectics, Hegel and Marx  
Marx and Hegel’s Political Philosophy  
The Materialist Conception of History  
Marx and Ideology  
The State and Law  
Marx and Justice, Morality and Human Rights

**Module 4 Concept of Property, Ownership and Possession.**

Property, meaning, kinds, theories, modes of acquisition property.  
Ownership, definition, characteristic of ownership, subject-matter, kinds of Ownership.  
Possession, idea, kinds, modes of acquiring possession and possessory Remedies.  
Difference between Ownership and Possession.

**Module 5 Persons:**

Legal Status of Persons- Natural and Legal  
Lower Animals, Dead persons, Unborn Persons  
Kinds of Legal Persons.  
Theories of Legal Personality

**Module 6 Rights and Duties:**

Meaning of Legal Rights, Duties, Scope  
Classification of Legal Rights and Duties  
Theories of Legal Rights  
Hohfeldian analysis of rights - Correlation of Rights and Duties.

**Module 7 Title:**  
Definition and Nature of Title  
Classification of Titles  
Importance of Agreements  
Kinds of Agreements  
Validity of Agreements  
Modes of Acquiring Possession  
Modes of Acquiring Ownership

**Module 8 Liability:**  
Definition and Nature  
Kinds of Liability  
General Conditions of Liability  
Measure of Penal Liability  
Measure of Civil Liability.

**Module 9 The Law of Obligations:**  
Definition of Obligation  
Solidary Obligations  
Sources of Obligations

**Recommended Books:**

- 1) Bodenheimer *Jurisprudence – The Philosophy and Methods of Law* (1996), Universal Publication, Delhi.
- 2) Fitzgerald, (ed.) *Salmond on Jurisprudence* (1999).
- 3) W. Friedman, *Legal Theory* (1999) Universal Pub., Delhi.
- 4) V. D. Mahajan, *Jurisprudence and Legal Theory* (1996 re-print), Eastern Books, Lucknow.
- 5) M.D.A. Freeman (ed.), *Lloyd's Introduction to Jurisprudence*, (1994), Sweet and Maxwell.
- 6) Paton G. W. *Jurisprudence* (1972), Oxford, ELBS.
- 7) H.L.A. Hart, *The Concept of Law* (1970), Oxford, ELBS.
- 8) Roscoe Pound, *Introduction to the Philosophy of Law* (1998 Re-print), Universal Pub., Delhi.
- 9) N.V. Jayakumar, *Lectures in Jurisprudence*, 2nd Ed., Lexis-Nexis.
- 10) P.S. Atchthwepillai, *Jurisprudence and Legal Theory*, Eastern Book Company.
- 11) Raymond Wacks, *Understanding Jurisprudence*, Oxford University Press, (2012).
- 12) Suri Ratnapala, *Jurisprudence*, Cambridge University Press (2009)
- 13) HilaireMcCoubrey & Nigel D. White, *Textbook on Jurisprudence*, Oxford University Press (1999)

## LC 0803 Law of Evidence

**Objectives of the Course:** The course equips the student with the fundamental principles of evidence law, and the strict application its rules in judicial proceedings. He will understand the role of evidence law and its principles in civil and criminal proceedings, the connection of this law with substantive law and other laws of procedure. He will also understand its relevance in non-litigation practice. The student will also be exposed to the trans-national initiatives in this field.

### Module 01 Preliminary:

Importance and significance of law of evidence, and its role in civil and criminal proceedings.

Facts, Facts-in-issue, Relevant Facts

Evidence, Kinds of evidence: direct and substantial, direct and circumstantial, intrinsic and extrinsic, oral and documentary

Proof: Proved, not proved, disproved

Presumptions: Shall presume, may presume and conclusive proof

Applicability of the Evidence Act; affidavits, arbitration, commissions, tribunals, court-martials etc.

Three basic principles of evidence

Evidence must be confined to facts in issue

Best evidence must be given in all cases

Hearsay evidence must be excluded

### Module 02 Relevancy - I:

Relevancy under the Act, Logical and legal relevancy, Purpose of theory of relevancy

Facts connected with other facts (sections 6 – 16), Res gestae, Conduct, Statements, State of mind, Motive and preparation, Identity of a thing, Identification parades, Existence of conspiracy, Compensation and damages, evidence of inconsistent and improbable facts, Alibi, State of mind and body, Past similar transactions, Usual course of business

Admissions and confessions, What are these concepts, Distinction between the two, Admissibility of confessions, judicial and extra-judicial confessions, Confessions to police officer, and in police custody, retracted confession, confession of co-accused, Discovery of fact, Admissibility, Reliability and Weight to different types of admissions and confessions

### Module 03 Relevancy – II:

Statements of persons who cannot be called as witnesses, Dying declaration: its admissibility, reliability and weight, Books of accounts, other statements.

Statements under special circumstances

Judgments in other cases, Judgments in rem, Other judgments.

Opinions, Expert evidence: handwriting, forensic, ballistic, polygraphy, brain-mapping, Opinions of other persons.

Character: Meaning of character, Its relevancy in civil and criminal proceedings.

- Module 04 Proof of Facts – Documentary Evidence:**  
 Proof of handwriting and signature, proof of unsigned and of printed documents  
 Primary and secondary evidence  
 Proof of electronic record  
 Public and private documents  
 Certified copies, Bankers’ Books Evidence Act
- Module 05 Proof of Facts and Oral Evidence:**  
 Facts that need not be proved  
 Oral evidence and contents of documents  
 Oral evidence must be direct  
 Witnesses  
     Requirement of oath  
     Competency and Compellability  
     Number of witnesses  
 Relationship between oral and documentary evidence, Parol evidence rule.  
 Estoppel: meaning, Estoppel of tenant, licensee, acceptor, bailee, Promissory estoppel.
- Module 06 Burden of Proof:**  
 Meaning, burden and onus of proof, burden of proof of the case and of particular facts, Standard of proof in civil, criminal and other cases  
 Situations in which burden of proof cast on particular party  
 Presumptions  
     Presumptions as to documents: as to genuineness, due procedure, formalities and contents.  
     Presumptions of fact, Of life and death relationship of partners etc, ownership, good faith in transactions, legitimacy  
     Special provisions of burden of proof and presumptions in criminal cases  
     General presumption in section 114
- Module 07 Witnesses:**  
 Privileges and disabilities of witnesses, Judicial, Matrimonial, Official, Matters of affairs of state, Title-deeds, Other privileges and disabilities  
 Disability and privilege relating to legal practitioners  
 Privilege concerning incriminating answers  
 Evidence of an accomplice
- Module 08 Examination of Witnesses:**  
 Order of production and examination  
 Examination in chief, Cross examination, Re-examination, Meaning, purpose, scope and limits, Questions that can be asked.  
 Questioning credibility of a witness  
 Use of writing during examination and cross-examination  
 Compelling witness to answer  
 Hostile witness  
 Refreshing memory, use of earlier statements for corroboration
- Module 09 Control of the Judge, and International Conventions:**  
 Control of the Judge

to decide admissibility of evidence  
to put questions and order production  
effect of improper admission or rejection of evidence  
International Conventions (Broad provisions only)

Hague Convention on the Taking of Evidence Abroad in Civil or  
Commercial Matters

Hague Convention Abolishing the Requirement of Legalisation for  
Foreign Public Documents (Apostille Convention)

### **Recommended Readings:**

- 1) V P Sarathi's Law of Evidence, 7<sup>th</sup> ed, Abhinandan Malik (ed), Eastern Book Company, 2017.
- 2) M Monir, Textbook on The Law of Evidence, 10<sup>th</sup> ed (Reprint), Universal Law House, 2016
- 3) Ryan's Essential Evidence Outlines – Practitioner and Student Handbook, 2005.
- 4) Avtar Singh, Principles of the Law of Evidence, 22<sup>nd</sup> ed, Central Law Publications, 2016
- 5) Ratanlal and Dhirajlal, The Law of Evidence. 25<sup>th</sup> ed, B M Prasad and Monish Mohan (ed), LexisNexis, 2016.
- 6) Ram Jethmalani and D S Chopra, Law of Evidence : Concise Commentary, Thomson Reuters, 2015.
- 7) C D Field's Commentary on Law of Evidence, 13<sup>th</sup> ed, Delhi Law House, 2017
- 8) M Monir's Law of Evidence. 17<sup>th</sup> ed, Universal Law Publishing, 2016
- 9) V Nageshwar Rao, The Indian Evidence Act, 2<sup>nd</sup> ed, Lexis Nexis, 2015.
- 10) Woodroffe and Amir Ali's Law of Evidence, 20<sup>th</sup> ed, B M Prasad and Manish Mohan (ed), Lexis Nexis 2017
- 11) Sarkar's Law of Evidence, 19<sup>th</sup> ed, Sudipto Sarkar and H R Jhingta (eds), Lexis Nexis, 2016
- 12) Y H Rao and Y R Rao, Expert Evidence - Medical and Non-Medical, 4<sup>th</sup> ed (Reprint 2011) Lexis Nexis, 2010
- 13) Ram Jethmalani and D S Chopra, The Law of Evidence : Commentary on Evidence Act, 1872, 2<sup>nd</sup> ed, Thomson Reuters, 2016.
- 14) Peter Murphy and Richard Glover, Murphy on Evidence, 12<sup>th</sup> ed, 2011
- 15) Nayan Joshi, Electronic Evidence, Kamal Publishers, 2012
- 16) K D Gaur, Textbook on the Indian Evidence Act, Universal Law House, 2017
- 17) N V Paranjpe, Evidence in Criminal Trials, Thomson Reuters, 2017.
- 18) Stephen Mason, Electronic Evidence, 4<sup>th</sup> ed, 2017 free for download at [http://humanities-digitallibrary.org/index.php/hdl/catalog/book/electronic\\_evidence](http://humanities-digitallibrary.org/index.php/hdl/catalog/book/electronic_evidence)
- 19) Stephen Mason, Electronic Signatures in Law, 4<sup>th</sup> ed, 2016, free for download at [http://humanities-digital-library.org/index.php/hdl/catalog/book/electronic\\_signatures](http://humanities-digital-library.org/index.php/hdl/catalog/book/electronic_signatures).

## LP 0804 Practical Training Paper II – Alternative Dispute Resolution System

**Objectives of the Course:** The objective of this paper is to acquaint students with various modes of ADR. ADR mechanism is less bound by procedural formalities and speedy in giving results. For this reason ADR is appreciated by many countries around the world. The course is designed in a way that it will give the students insightful knowledge about this emerging area. The goal of the course is to help the students to understand practically the various methods of resolving disputes under ADR system, so that they can help their clients and society to select and employ the most effective, just and humane methods. The inability to resolve disputes in a timely manner eviscerates public and private rights obligations. To overcome this drastic situation ADR is highly recommended and accepted.

### **Marking scheme:**

- (A) University written examination at end of term: 80 Marks
- (B) Written submissions: 10 Marks
- (C) Viva voce examination: 10 Marks

### **Part A: University Written Examination: 80 Marks**

- Module 01      Alternate Dispute Resolution Mechanisms:**  
Alternate Dispute Resolution Mechanisms: Meaning--Defination—Concept--  
History  
Structure powers and Functions of National and State Legal Services  
Authorities under the Legal Services Authority Act  
Legislative and judicial sanction for ADR  
Forms of ADR: Negotiation, Mediation, Conciliation, Arbitration  
Structure Powers and functions Ombudsman  
Lok-pal and Lokayukta, Lok-adalats..
- Module 02      Negotiation and Mediation:**  
Meaning, features, theories, types of negotiation  
Appointment, role and qualities of the negotiator, Process of negotiation  
International negotiation  
Meaning, features, theories and role of mediation  
Appointment and role of mediator  
Good offices
- Module 03      Conciliation:**  
Meaning, features and modes of conciliation  
Conciliation under the Arbitration and Conciliation Act 1996  
Appointment and role of conciliator,  
Techniques of conciliation and Termination of conciliation proceedings  
Contractual provisions about conciliation
- Module 04      Arbitration:**  
Meaning, features, theories and types of arbitration  
Historical perspectives of arbitration as a dispute settlement mechanism, and  
law of arbitration  
Types of Arbitration --Domestic and International arbitration,  
Institutional arbitration

Advantages and disadvantages of arbitration of arbitration  
Difference between Negotiation--Mediation--Conciliation--Arbitration.

**Module 05**

**Arbitration agreement:**

The arbitration agreement, formation, its essentials  
Validity of arbitration agreement  
Rule of severability, Effect of death, insolvency etc on agreement  
Parties to arbitration agreement, Agreement as binding on third parties  
Power of court to refer parties to arbitration  
Jurisdiction of courts

**Module 06**

**Structure, Powers and Functions of Arbitral Tribunal:**

Constitution of Arbitral Tribunal- qualifications to act as arbitrator  
Disclosures by arbitrator, Disqualification of arbitrators  
Grounds to challenge appointment and procedure of Arbitrators  
Powers of Courts to appoint Arbitrators  
Jurisdiction of arbitral tribunal - power to rule on its own jurisdiction  
Interim measures ordered by arbitral tribunal, interim measures by court.

**Module 07**

**Arbitration proceedings and award:**

Conduct of arbitral proceedings, procedure, rules of procedure  
Language, impartiality of arbitrator, equal treatment of parties  
Procedure before arbitral tribunal, claim, defence, hearing, evidence, experts, confidentiality; Application of the law of evidence and limitation  
Court's assistance in taking evidence, Fast track procedure  
Arbitral award – Types of award- Form and CONTENT- Finality of award- Interpretation of award  
Correction in award--Stamp duty—Registration--Additional award  
Costs, Termination of proceedings  
Time limits for award, extension of time  
Recourse against award, Grounds of setting aside award, Court's role  
Enforcement of award

**Module 08**

**International Perspectives and Enforcement of Foreign Awards:**

International perspectives: -  
UNCITRAL Model Law on International Commercial Arbitration  
The Geneva Protocol on Arbitration Clauses 1923  
The Geneva Convention on the Execution of Foreign Arbitral Awards 1927  
The New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards 1958  
Foreign awards – meaning and definition (New York Convention Awards and Geneva Convention Awards)  
Referring parties to arbitration  
Binding nature of foreign awards,  
Enforcement of foreign award, Proof of award conditions for enforcement  
Jurisdictional issues

### **Part B: Written submissions: 10 marks**

Students shall maintain a journal through the semester. The journal will be assessed by the teacher, and shall be presented at the time of viva voce examination. The journal shall contain the following drafts:

1. A domestic arbitration agreement after a commercial dispute has arisen between parties.
2. An arbitration clause in an international contract (having one Indian company as a party) for referring matter to institutional arbitration of an institution situated outside India
3. A conciliation clause in a commercial contract.
4. An invitation for conciliation proceedings.
5. A request by one party to the other party requesting that their commercial dispute be referred to arbitration.
6. A letter requesting an arbitrator to act as arbitrator in a case after disputes have arisen. Assume that the contract has an arbitration clause with reference to one arbitrator.
7. An application to the appropriate court to appoint an arbitrator when parties have failed in their attempts to appoint one according to the arbitration agreement.
8. An application to the court seeking interim injunction or appointment of receiver before the arbitral proceedings have begun.
9. An application to the court for setting aside an award.
10. An application for enforcement of a foreign award.

### **Part C: Viva voce examination: 10 Marks**

Viva voce examination shall be confined to the following:

- a) Drafts written in the journal, and
- b) The detail provisions of laws applicable to drafts written in the journal (including the substantive law involved in the dispute)

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### **Recommended readings:**

- 1) Madhusudan Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution, 4<sup>th</sup> ed, Universal Law Publishing, 2017
- 2) N V Paranjpe, Law Relating to Arbitration and Conciliation in India, 7<sup>th</sup> ed, Central Law Agency, 2016
- 3) Avtar Singh, Law of Arbitration and Conciliation, 10<sup>th</sup> ed, , Lucknow, 2013
- 4) Mallika Taly, Introduction to Arbitration, Eastern Book Company, 2015
- 5) Vishnu Warriar, Arbitration, Conciliation and Mediation, Lexis Nexis, 2015
- 6) K V Satyanarayana, Law of Arbitration and Conciliation in India, Asia Law House, 2017
- 7) Anirban Chakraborty, Law and Practice of Alternative Dispute Resolution in India – a Detailed Analysis, Lexis Nexis, 2016
- 8) Ashwinie Kumar Bansal, Arbitration and ADR, 5<sup>th</sup> ed, Universal Law Publication, 2016
- 9) Shriram Panchu, Mediation Practice and Law - The Path to Successful Dispute Resolution, 2<sup>nd</sup> ed, Lexis Nexis, 2015
- 10) Anuroom Omkar and Kritika Krishnamurthy, The Art of Negotiation and Mediation, Lexis Nexis, 2015
- 11) Ujwala Shinde, Alternative Dispute Resolution, Hind Law House
- 12) P C Rao and William Sheffield, ed, Alternative Disputes Resolution- What it is and how it works? Universal Law Publishing, New Delhi, 2015

- 13) S B Malik, Commentary on the Arbitration and Conciliation Act, 6<sup>th</sup> ed, Universal Law Publishing, 2013
- 14) N D Basu, Law of Arbitration and Conciliation, 13<sup>th</sup> ed, Orient, 2016
- 15) U Pattabhi Ramian, Arbitration & ADR Including Conciliation, Mediation & Negotiation, Asia Law House, 2011
- 16) R S Bachawat, The Law of Arbitration and Conciliation, 5<sup>th</sup> ed, Lexis Nexis, 2013
- 17) P C Markanda, Law Relating to Arbitration and Conciliation, 9<sup>th</sup> edn, LexisNexis, 2016
- 18) O P Malhotra, The Law and Practice of Arbitration and Conciliation, 2nd edn, LexisNexis Butterworths, New Delhi 2006.
- 19) N D Basu, Law of Arbitration and Conciliation, P K Majumdar (ed), Orient, 2016
- 20) G K Kwatra, The Arbitration and Conciliation Law of India, Universal Law Publishing Co Pvt Ltd, New Delhi, 2008

## Optional Subject 4 (Anyone from the following)

### LO 0805 Human Rights Law and Practice

**Objectives of the course:** The National Legal Systems recognized the rights of individuals from ancient periods and extended protection through various legal regulations. However, they could not provide an effective remedy for breaches outside the state and state violations. This scenario and other developments in the beginning of 20<sup>th</sup> century led the nation-states to bring the aspects of individuals rights under the purview of international law and appropriately titled them as Human Rights with the adoption of Charter of UN in 1945. In pursuance of the directions of the preamble and other provisions of Charter, a plethora of international instruments have been agreed upon by the States Parties to Protect and promote the Human Rights of Individuals both international and domestic levels. In view of the gaining significance of International Law of Human Rights, this paper presents subtly an overview of the International and Domestic perspectives of Human Rights along with the redress mechanism.

#### Module 01 Introduction:

Historical origins of Human Rights in International and National Scenario: An overview  
Basic Components of Human rights –Value-dignity-Equality –Justice- Morals and Ethics  
Perspectives on Rights and Duties—Relationship between Rights and Duties  
Provisions Under the Charter of UN –Preamble-Art. 1 (3) –Art 13 (1) (b)—Arts 55-56

#### Module 02 Types of Generational Human Rights :

##### Civil and Political Rights (First Generational Rights):

**Civil Rights:** Freedom of opinion --Freedom of expression and press --- The right to personal security in relation to justice and police --- Equality before the law –Right to Life and Liberty—Right to Privacy—Right to Religion

**Political Rights:**Equal access to public --- Participation in Governance—Right to Vote –Good Governance

##### Economic , Social and Cultural Rights ( Second Generational Rights):

**Economic and Social Rights:** Labour Rights—Right to Property – Right to Education- freedom of association --Right to Social Security (Pension, Medical Services-the right to insurance for sickness, old age –Unemployment allowance etc).

**Cultural Rights:** Right to develop their languages—Right to follow customs, folkways, literatures, and traditions—Right to enjoy scientific and Technological benefits

**Group Rights (Third Generational Rights):** Right to Development—Right to Self-determination—Right to Peace and happiness—Right to safe and decent Environment—Right to Human Assistance—Right to Malnutrition –Right to water.

**Right to Genetic Engineering(Fourth Generational Rights):** Right to Protect from Human Genome—Right to Genetic Identity—Right to impose restrictions on medical-Scientific and Technology

interference—Right to Die in peace and Dignity—Right to infanticide—Right to fetus

- Module 03      Human Rights of Vulnerable and Disadvantaged Groups:**  
Meaning and Definition of Vulnerable and Disadvantaged Groups  
Social and Economic Status of Women and Children  
Status of Socially and Economically Disadvantaged groups—Indigenous People—SC/STS—Aged and Disabled –Rights of Minorities  
Vulnerable Groups—Sex Workers—Stateless Persons—Migrant Workers—HIV/AIDS patients—Third Gender
- Module 04      Human Rights and Enforcement Mechanism:**  
**International Mechanism:**  
Commission on Civil and Political Rights  
Commission on Economic, Social and Cultural Rights  
Commission on Women and Children and Disabled Person  
Role of Human Rights Council and Office of the High Commissioner for Human Rights  
**National Mechanism:**  
National Human Rights Commission  
National Commission for Women  
National Commission for Protection of Child Rights  
National Commissions for SC/STS, Minorities and other disadvantaged groups  
Role of Judiciary
- Module 05      Significance of Human Rights Education:**  
Meaning and Definition of Human Rights Education  
Role of UN in the Promotion of Human Rights Education  
Role of Govt of India in the Promotion of Human Rights Education – UGC and Universities

In this paper in every Unit the students need to be imparted a comparative approach of both international and national scenario with reference to the relevant International declarations, covenants, Conventions along with the Part III and Part IV of the Constitutional Perspective. While dealing with the units, appropriate international and national case laws has to be imparted basing on the significance of the topic and linkage of the cases that are relevant and more suited to the area with contemporary developments.

**Recommended Reading:**

- 1) T.S. N. Sastry, Introduction to Human Rights and Duties - Book I, (Savitribai Phule Pune University Press, Pune, 2015)
- 2) T.S. N., Human Rights of Vulnerable and Disadvantaged Group - Book II(Savitribai Phule Pune University Press, Pune, 2015)
- 3) T.S. N., Human Rights and Duties in India : Law, Policy, Society and Enforcement Mechanism - Book III(Savitribai Phule Pune University Press, Pune, 2015)
- 4) T.S. N., India and Human Rights (Concept Publishing Company, New Delhi 2005)
- 5) V.T. Patel and T.S.N. Sastry: Studies in Human Rights, ( PR Publications New Delhi,2000)
- 6) V. K. Ahuja, Public International Law (Lexis Nexis, Noida, 2016)

- 7) Gurdip Singh, International Law (Eastern book company, Lucknow, 2016)
- 8) Economic social and Cultural Rights in International Law, ed Eibe Riedgal, Gilles Giacca, Christophe Golay (Oxford University Press, UK, 2014)
- 9) Walter Kailin and JorgKunzli, The Law of International Human Rights Protection (Oxford University Press, New York, 2010)
- 10) Peter N. Strarms, Human Rights in World History (Routledge, New york, 2010)
- 11) De Schutter, International Human rights Law, Cases, Materials Commentary (Cambridge University Press, New Delhi, 2010)

## LO 0806 Competition Law

**Objectives of the Course:** There is aggressive competition in today's market. New start-ups and entrepreneurs are emerging almost every day. With opening of Indian markets in almost all sectors, the study of Competition law becomes inevitable. It is a rapidly growing area of law which reflects the free market economy and increasing world globalization. The course aims to give an overview on the basics of Competition Law in India through a comparison of the main jurisdictions (especially U.S. and UK) and thus provide a solid background for further studies of this subject. The course will examine and compare the application of competition law to business agreements, the exercise of dominant position, the combinations between the firms and sellers and the enforcement mechanisms. Emphasis will be placed on the Competition Act, 2002 with discussion of laws from selected other jurisdictions such as US, UK and EU.

### **Module 01 Introduction:**

Basic Concepts: Customer and Consumer , Market , Types of Market - Perfect Market, Monopoly, Oligopoly and Monopsony  
Rationale behind Competition Law  
Constitutional aspect of Competition Law with respect to Human Rights and Social Justice (Article 39 (b) and (c) of Constitution of India, 1950)  
Relation between Competition Policy and Competition Law  
Objectives of Competition Law  
Economic analysis of Competition Law

### **Module 02 Historical Development of Competition Law:**

History and Development of Competition Law/ Antitrust Law  
Development of Competition Laws in USA, UK and EU  
Sachar Committee, Raghavan Committee Report  
Salient Features of MRTP Act, 1969  
Competition Act 2002 – Salient Features  
Difference between MRTP Act and Competition Act  
Important Definitions under the Competition Act, 2002.  
Brief overview of Competition Law in USA, UK and EU

### **Module 03 Anti-Competitive Agreements:**

Anti- Competitive Agreements:- Meaning and Scope  
Types of Anti-competitive agreements - Horizontal and Vertical agreement  
Rule of Perse and Reason  
Exemption from anti-competitive agreements  
Prohibition of Anti-competitive agreement/ Cartel/bid rigging  
Practices, decisions and agreements resulting into cartels  
Pro-competitive and anti-competitive effects of joint ventures  
Precompetitive and anticompetitive effects of vertical agreements  
Procedure for inquiry by CCI  
Prevention of Anti-competitive agreements in USA, UK and EU

### **Module 04 Regulation of Abuse of Dominant Position:**

Economics of abuse of dominance  
Types of Abuse by a Dominant Player: Exploitative Abuses: Vertical restraints and Excessive pricing; Exclusionary Abuses- Price discrimination, discounts and predation

Enterprise  
Relevant Market  
Dominance in Relevant Market  
relevance of sector specific competitive dynamics on dominant position  
Predatory Pricing  
Defenses against abuse of dominance  
The remedies in case of abuse of dominance  
Prevention of Abuse of Dominant Position in UK and USA

**Module 05 Regulation of Combinations:**

Combinations: Merger, Acquisition, Amalgamation and Takeover  
Jurisprudence of Horizontal, Vertical and Conglomerate Mergers  
Private Equity Investments  
Notification of combinations  
Jurisdictional test: Turn over, Asset, Domestic nexus, Exemptions  
Regulations and Penalties.  
Position in USA, UK and EU

**Module 06 Enforcement Mechanisms:**

Establishment and Constitution of Competition Commission of India, Powers and Functions  
Jurisdiction of the CCI  
Adjudication and appeals  
Competition Appellate Tribunal  
Director General of Investigation (DGI)- Penalties and Enforcement.  
Competition Advocacy in India and International Perspective

**Module 07 Interface of Competition Law with other laws:**

Intellectual Property Rights and Competition Law  
International Trade and Competition Law  
Consumer law and Competition Law

**Recommended Readings:**

- 1) Richard Whish & David Bailey, *Competition Law*, Oxford University Press.
- 2) Avtar Singh, *Competition Law*, Eastern Book Company.
- 3) Vinod Dhall, *Competition Law Today*, Oxford University Press.
- 4) Abir Roy, *Competition Law in India: A Practical Guide*, Kluwer Law International B. V., 2016
- 5) Srinivasan Parthasarathy, *Competition Law in India*, Kluwer Law International B.V., 2017
- 6) T. Ramappa, *Competition Law in India: Policy, Issues, and Developments*, Oxford University Press, 2014
- 7) Alison Jones, Brenda Sufrin, *EU Competition Law: Text, Cases, and Materials*, Oxford University Press.
- 8) Barry Rodger, Angus MacCulloch, *Competition Law and Policy in the EU and UK*, Routledge.
- 9) Kirsty Middleton, Barry Rodger, Angus MacCulloch, *Cases and Materials on UK and EC Competition Law*, Oxford University Press
- 10) Maher M. Dabbah, *International and Comparative Competition Law*, Cambridge University Press.

## LO 0807 Vulnerable and Disadvantaged Groups and Criminal Law

**Objectives of the course:** In India there are multiple socio-economic disadvantages that members of particular groups experience. The task of identifying the vulnerable groups is not an easy one. Besides there are multiple and complex factors of vulnerability with different layers and more often than once it cannot be analyzed in isolation. In this course paper the vulnerable groups that face discrimination include- Women, Scheduled Castes (SC), Scheduled Tribes (ST) and Children. From the British era, Criminal law was used to eradicate social evils. The fear of punishment was a tool of social change. Post-Independence, the modern State has used criminal law to bring social change. This Course paper will help students to understand the role of Criminal Law in protecting the vulnerable and disadvantaged groups in India.

**Module 01 Introduction to Vulnerable and Disadvantage groups:**

- Meaning of Vulnerable and Disadvantaged groups
- Structural discrimination and vulnerable groups
- Role of law to overcome discrimination
- Criminal law as a tool of social change

**Module 02 The Protection of Civil Rights Act 1955:**

- Social menace of Untouchability
- Legislative history, objectives and scope of the Act
- Practices of untouchability and its Punishment
- Presumption of courts in some cases
- Power of court to impose collective fine
- Non application of Probation of offenders Act

**Module 03 The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989:**

- Legislative history, objectives and scope of the Act
- Defining Atrocity against Scheduled Caste and Scheduled Tribes
- Offences of Atrocities and punishment thereof
- Externment procedure
- Collective Fine
- Special Courts and Special Prosecutor
- Presumption by courts in certain cases
- Precautionary and Preventive measures under the Rules of 1995
- Non application Anticipatory Bail and Probation of Offenders Act
- Investigation and supervision.
- Personnel under the Act and their duties

**Module 04 Dowry Prohibition Act 1961:**

- Dowry a social menace
- Legislative history, objectives and scope of the Act
- Dowry Defined
- Penalty for giving and taking dowry.
- Dowry for benefit of wife or her heirs.
- Change in procedural law and Evidence Law.
- Dowry Prohibition officers.

**Module 05 The Protection of Children from Sexual Offences (POCSO) Act 2012:**

Legislative history, Objective and Scope of the Act  
Sexual offences against children  
Using child for pornographic purpose  
Abetment of an attempt to commit an offence  
Procedure for reporting of cases  
Procedure for recording statement of the child  
Special courts: Procedure and powers of special courts and recording of evidence  
Punishments under the Act.

**Module 06 The Immoral Traffic (Prevention) Act, 1956:**

Legislative history, Object and reasons of the Act  
Social Landscape of Prostitution.  
Prostitute: Vaguely defined under the Act.  
Protection of Morals and Places of Residence.  
Ponce or Poncing under the Act.  
Corrective Institutions and Protective Homes.  
Personnel under the Act.

**Note: The above Legislations are to be studied along with relevant rules framed under the Act by appropriate governments.**

**Recommended Reading:**

- 1) Justice P.S. Narayana, Commentary on the Protection of Children from Sexual Offences Act, 2002 and Rules, Universal Law Publishing Co, New Delhi.
- 2) B. R. Beotra's Immoral Traffic (Prevention) Act, 1956 (With State Rules), The Law Book Company (p) Ltd, Allahabad.
- 3) LaitaDharParihar, Women & Law From Impoverishment to Empowerment- A Critique, Eastern Book Company, Lucknow.
- 4) SmitaNarula, Broken People: Caste violence against India's Untouchables, Human Rights Watch.
- 5) K.B Saxena, Report on Prevention of Atrocities against Scheduled Castes, National Human Rights Commission, 2002.

## LO 0808 Civil Minor Acts

**Objectives of the Course:** This Course covers subjects that a civil practitioner, whether working in litigation or not, needs to address very often. While the law relating to interest is a substantive law, other laws in this course are procedural. Nevertheless their study is indispensable to each lawyer. The Specific Relief Act in this Course covers only those reliefs that were not covered in the course in contract law.

### **Module 01 The Interest Act 1978:**

When can a court allow interest  
Rate of interest  
Effect of provisions relating to interest in other statutes  
Date from which interest shall commence  
Section 34 of the Civil Procedure Code  
Powers of an arbitrator to award interest

### **Module 02 The Specific Relief Act 1963:**

Nature of specific relief, specific relief only for enforcing individual civil rights  
Possession, Nature of remedy, Recovery of specific movable and of immovable property, summary remedy for forcible dispossession, Liability to deliver to person entitled to immediate possession.  
Declaration, Claim for consequential relief  
Injunctions, Types of injunctions, Circumstances in which injunction is granted, When will injunction not be granted, Compensation in suits for injunction

### **Module 03 The Limitation Act 1963:**

Limitation bars the remedy but does not extinguish the right. The role of limitation law  
The bar of limitation, Prescribed period and the Schedule, Continuous running of time, Special period of limitation for the government, Application to arbitration proceedings  
Extension of period : court closed, for sufficient cause, legal disability; No bar in suits against trustees  
Computing period of limitation, Exclusion of time, Effect of death, defendant being out of India, fraud and mistake  
Effect of acknowledgment in writing and payment on account of debt  
Adverse possession: acquisition of ownership by possession

### **Module 04 The Registration Act 1908:**

Authorities under the Act  
Documents of which registration is compulsory, and is optional  
Provisions about contents of documents  
Time and place for registration  
Procedure of registration: Fees, Presentation, who can present, Enquiry, Admission or denial, procedure on denial of execution; Enforcing attendance, Endorsements on the document, Registration; Recording in books and indexes, Electronic indexes  
Inspection and copies of books and indexes

Registration of wills  
Effect of registration and non-registration  
Refusal to register, Grounds for refusal

**Module 05    The Indian Stamp Act 1899 and the Maharashtra Stamp Act 1958.**

Object and purpose of stamp duty, and the Act, Authorities under the Act and their powers and functions  
Instrument, which instruments are chargeable to stamp duty, calculation of stamp duty  
Liability to pay stamp duty, Who is liable to pay  
Mode of payment of stamp duty, unstamped instrument  
Valuation for purposes of stamp duty, Adjudication of stamp duty, procedure of adjudication  
Allowances for stamps  
Offences and penalties  
Under the Maharashtra Stamp Act 1958 and Rules: Valuation and Ready Reckoner.

**Module 06    The Maharashtra Court Fees Act 1959.**

Court fees, Nature of levy, Object and purpose of the Act  
Documents chargeable to court-fees, Plaintiff and counter-claims, the Schedule, Exempt documents, Mandatory nature of payment  
Computation of court fees, Fixed fees and ad-valorem fees, Modes of collecting court fees, Cancellation of stamp.  
Decision of questions as to valuation  
Refund of court fees  
Multifarious suits

**Module 07    The Suits Valuation Act 1887.**

Object and purpose of the Act.  
Valuation for suits relating to land  
Valuation in other suits  
Objections in appeals to over valuation or under valuation

**Recommended Readings:**

- 1) Sarkar, Specific Relief Act, Sudipto Sarkar and R Yashod Vardhan (eds), 17<sup>th</sup> ed, Lexis Nexis, 2016
- 2) Pollock and Mulla, The Specific Relief Act, 1963, 14<sup>th</sup> updated edition, Nilima Bhadbhade (ed), Lexis Nexis, 2014
- 3) B M Gandhi, Equity, Trusts and Specific Relief, Eastern Book Company, 2017
- 4) Anand and Iyer's Commentary on the Specific Relief Act, 1963, Delhi Law House, 13<sup>th</sup> ed
- 5) S C Banerjee, Law of Specific Relief, 13<sup>th</sup> ed, Universal, 2015
- 6) U N Mitra, Tagore Law Lectures – Law of Limitation and Prescription, 14<sup>th</sup> ed, 2016
- 7) T R Desai, Commentary on the Limitation Act, 11<sup>th</sup> ed, Universal Law House, 2016
- 8) Shriniwas Gupta, The Limitation Act, 3<sup>rd</sup> ed, Universal Law House, 2016
- 9) B B Mitra's Limitation Act, 23<sup>rd</sup> ed, M R Mallick (ed), Eastern Law House, 2014
- 10) Mulla, The Registration Act, 13<sup>th</sup> ed, K Kannan (ed), Lexis Nexis, 2016
- 11) Malik's Commentary on The Registration Act 1908 with State Amendments, 4th ed, Delhi Law House, 2016
- 12) Sanjiva Row, Registration Act, 15<sup>th</sup> ed, Law Publishers, 2015

- 13) K Krishnamurthy's The Indian Stamp Act, 12<sup>th</sup> ed, M R Hariharan Nair and Boris Paul (ed), Lexis Nexis, 2017
- 14) Aiyar S Krishnamurthi, The Indian Stamp Act, 9<sup>th</sup> ed, Universal Law House, 2017
- 15) Sunil Dighe, The Maharashtra Stamp Act, Snow White Publications, 2017
- 16) Mahendra Jain and H M Bhatt, The Maharashtra Stamp Act 1958, Law Times, 2017
- 17) A N Khanna, Law of Court Fees and Suits Valuation, 8<sup>th</sup> ed, Universal, 2011
- 18) MLJ Manual on the Court Fees Act 1870, Lexis Nexis, 2017

## LO 0809 International Economic Law

**Object of the Course:** In the Changing dimension of Globalisation and the increasing demand of interdependence on economic relations of nation states, the significance of international law has grown considerably in the contemporary era. The relations of nation-states are mostly depending on economic cooperation than on political perspectives only as compared to yester years. In order to have a broad outlook of the nation-state relations in the field of economic era, this course equips the student to understand an over view of economic legal scenario of states.

### **Module 01 Introduction :**

Definition, Nature and Sources of International Economic Law  
Relationship between national and international economic laws  
Origin and Development of International Economic Law-Bretton Woods Conference

### **Module 02 Developments in the context of de-colonization :**

Developing States and the Modern perspective of international economic relations- Significance of-- Resolution on Permanent sovereignty Over Natural Resources –Declaration on the New International Economic Order – The Charter of Economic Rights and Duties Law — Sustainable Development – Human Rights-Sustainable Development  
Structural Perspective of GATT – Significance of Ministerial Conferences— Mechanism for Dispute Resolution—Problems and Perspective of GATT Regime.

### **Module 03 International and Regional Financial Institutions:**

IBRD Structure Powers and Functions –Significance of IRO  
Structure Powers and functions of IMF  
Structure Powers and Functions of World Bank  
Structure powers and Functions of Asian Development Bank  
Structure Powers and Functions of G-20  
Structure Powers and functions of BRICS

### **Module 04 Significance of Treaties Bilateral Agreements and International Economic Law:**

Multilateral and Bilateral treaties and significance  
Uruguay round and its impact on International Economic Law  
Significance of most Favoured Nations Clause and National Treatment  
Objective Principles of GATT 1994 –Reduction of Tariff and Non-Tariff Barriers to Trade.  
General Exceptions to Article XX and XXI of GATT 1994  
Safe Guard Measures under XIX of GATT 1994

### **Module 05 WTO and International Economic Law :**

Historical origins of WTO  
Structure Powers and Functions  
Role and Responsibility of Secretariat  
Dispute Settlement System under WTO  
Impact of WTO Law on Domestic Law

**Recommended Readings:**

- 1) Asif H. Qureshi – International Economic Law (London: Sweet & Maxwell, 1998)
- 2) Jackson and W. Davey et al. - International Economic Relations (1995).
- 3) H. Fox (ed.)- International Economic Law and Developing States: Some Aspects (1992).
- 4) I. Seidi – Hohenveldern, International Economic Law (1992).
- 5) Bhandari and Sykes – Economic Dimensions in International Economic Law (1999).
- 6) Van Meorhaeghe – International Economic Institutions (1998).
- 7) Schwazenberg – Foreign Investment and International law
- 8) Oxolic – Legal Aspects of International Transfer of Technology.
- 9) Wallace – Multinational Corporations.
- 10) O’Connell – International Law, Vol. I & II.
- 11) Harves D.D, - Cases and Materials on International Law

**Recommended Journals:**

- 1) American Journal of International Law
- 2) British Year Book of International Law
- 3) Indian Journal of International Law
- 4) Journal of Economic Law of Oxford
- 5) International Economic Law e journal
- 6) Indian Journal of International Economic Law

**Part XI**  
**Syllabus of Fifth Year B.A. LL.B, Fifth Year B.B.A LL.B, and Third Year LL.B**  
**Fifth Year B.A. LL.B. - Semester IX**  
**Fifth Year B.B.A. LL.B. - Semester IX**  
**Third Year LL.B. - Semester V**

**LC 0901 Civil Procedure Code**

**Objectives of the Course:** Civil Procedure Code is subject of daily use by the courts and lawyers. Students cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. It is necessary to have good grounding in the subject before one enters the profession. The substantive law determines the rights of persons affected by action. The main objective of this paper is to give to a law student a thorough knowledge of procedural aspects of working of civil courts and other machineries.

**Module 01 Preliminary, Institution of suits, Bar to jurisdiction, Maintainability:**

The Code of Civil Procedure, its objects and purpose, History of the Code of Civil Procedure

Definitions: (to be considered along with the relevant topic): decree, decree-holder, district, judge, judgment, judgment-debtor, legal representative, mesne profits, order

Subordination of courts

Jurisdiction (all suits of civil nature), types of jurisdiction, issue of jurisdiction as preliminary issue, objections to jurisdiction, Bar to jurisdiction

Place of suing, Institution of suits

Res judicata and stay of suit

Parties to a suit, Joinder, misjoinder and non-joinder of parties, Recognised agents and pleaders, Effect of death, marriage and insolvency of parties

Frame of suit, whole claim, Joinder and misjoinder of causes of action and claims, Bar of suit on same cause of action.

**Module 02 Summons and Pleadings:**

Issue of summons and documents, Purpose of issuing summons, Service of summons, persons who can serve summons, mode of service, on whom can it be served, substituted service, service on defendant outside jurisdiction of the court, Effect of not taking steps to serve summons, Effect of non appearance of defendant after being served.

Exemption from appearance

Pleadings, purpose, forms, particulars in pleadings, mandatory particulars, Verification, Amendment of pleadings

Plaint, particulars, contents, relief, grounds of relief, admitting plaint, Return of plaint, Rejection of plaint, Effect of return and rejection of plaint, Accompaniments to plaint: Documents, Address

Written statement, admission and denials, Counter claim, Set off, Grounds of defence

- Registered addresses of parties, Appearance of parties and consequence of non-appearance, setting aside ex-parte decrees
- Module 03 Preliminary procedures, Issues, hearing and judgment and orders:**  
 Examination of parties by court, Discovery and inspection  
 Admissions and effect, Production, impounding and return of documents  
 Framing of issues, effect if parties not at issue  
 List of witnesses, Summons to witness, Expenses of witness, Witness to give evidence and production of documents  
 Hearing of suit, Right to begin, Order of appearance of witnesses, Manner of taking evidence, Language, Recording questions and answers and objections, Demeanour of witness, recording evidence on commission, Affidavits and personal attendance, Adjournments  
 Withdrawal and adjustment of suits, Payment into court  
 Judgment, Its contents, Decision on each issue  
 Interest and Costs, Compensatory costs, Costs for causing delay  
 Inherent powers of a court, Open court and *in camera* proceedings
- Module 04 Decrees and execution of decrees:**  
 Decree, Meaning, Purpose, Court which passed the decree, Decrees granting particular reliefs.  
 Execution of decrees, court by which decree will be executed, Transfer of decree,  
 Persons by whom and against whom decree can be executed, Transferees, Legal representatives  
 Payment under decree, Procedure of executing a decree, Issue of process, Stay of execution,  
 Property that can or cannot be attached.  
 Modes of execution of different kinds of decrees, Attachment and Garnishee order, Sale, Arrest and detention  
 Questions to be determined by executing court, Resistance or obstruction to execution.
- Module 05 Interlocutory, incidental, supplemental and special proceedings:**  
 Commissions  
 Settlement of disputes outside Court  
 Arrest and attachment before judgment, Security for costs  
 Interim injunction  
 Interlocutory orders  
 Receivers  
 Cavaet
- Module 06 Particular proceedings:**  
 Summary procedure  
 Third party procedure  
 Suits by or against government and public officers  
 Suits by aliens and foreign states  
 Suits by or against corporations, partnership firms, persons carrying on business in names other than their own.

Suits by or against minors  
Suits by indigent persons  
Interpleader suits  
Special case

**Module 07**

**Appeals, Revision and Review, Recognition of judgments:**

Appeals from original and from appellate decrees, Appeals to Supreme Court

Appeals from orders

Powers of Appellate Courts, Procedure in appeals, Filing appeal, Stay of proceedings or execution, Hearing, Judgment and decree in appeal

Reference, review and revision

Recognition of foreign judgments

**Module 08**

**Procedure of Commercial Courts:**

Various courts under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015, purpose of establishing these courts, commercial disputes, jurisdiction of commercial courts.

Important provisions of Code of Civil Procedure as amended by the Commercial Courts etc. Act relating to :

Written Statement and denials in written statement

Costs

Form and verification of pleadings

Summary judgment

Case management hearings

Written arguments

**Module 9**

**The Limitation Act 1963:**

The role of limitation law.

Bar of limitation, Prescribed period and the Schedule, Continuous running of time, Special period of limitation for the government, Application to arbitration proceedings.

Extension of period : court closed, for sufficient cause, legal disability; No bar in suits against trustees

Computation of period of limitation, Exclusion of time, Effect of death, defendant being out of India, fraud and mistake

Effect of acknowledgment in writing and payment on account of debt

Adverse possession: acquisition of ownership by possession

**Recommended Readings:**

- 1) Mulla, Code of Civil Procedure , Universal, Delhi.
- 2) C.K. Thakker, Code of Civil Procedure, Universal, Delhi.
- 3) M.R. Mallick (ed), B.B. Mitra on Limitation Act, Eastern Lacknow.
- 4) Majumdar P.K. and Kataria R.P. Commentary on the Code of Civil Procedure, 1908, Universal , Delhi . Jain M.P., Code of Civil Procedure with Amendments, Wadhwa
- 5) Shah A.N. The code of civil procedure, Universal , Delhi.
- 6) Sarkar's Law of Civil Procedure, Vols, Universal, Delhi.
- 7) Sukumar Ray, Textbook on the Code of Civil Procedure, Universal Law Book Co.

- 8) Dr. Avtar Singh, Code of Civil Procedure, Central Law Publication Universal's Code of Civil Procedure
- 9) Jain M P, The Code of Civil Procedure, Wadhwa Nagpur Publication
- 10) Avtar Singh, Code of Civil Procedure, Central Law Publication 89
- 11) Mathur D. N., The Code of Civil Procedure, Central Law Publication
- 12) U. N. Mitra, Limitation and Prescription
- 13) AIR Commentaries on the Limitation Act
- 14) S. R. Myneni, Law of Limitation, Asia Law House, Hyderabad 90 LL.B. Semeste
- 15) P.K. Majumdar and R. P. Kataria, Commentry On The Code of Civil Procedure Code-1908, Universal ,Delhi.
- 16) P.K.Mukharjee, Limitation Act, Allahabad Law Agency.
- 17) Civil Manuat - Issued by the High Court Bombay
- 18) Takwani C. K. - The Code of Civil Procedure
- 19) Shailendra Malik, Code Of Civil Procedure ,27 th Edition,2011,Allahabad Law Agency.
- 20) Sarkars Commentry on The Civil Procedure Code ,Dwivedi ,Allahabad Law Agency.
- 21) AIR Commentaries on Limitation Act, W.W. Chitale, AIR Ltd., Nagpur
- 22) Taxman's - The Code of Civil Procedure 1908
- 23) Kelkar R.V.: Criminal Procedure, 3rd Edn. Eastern Book Co., Lucknow, 1993.
- 24) Ratanlal and Dhirajlal: The Code of Criminal Procedure, 15th Edn. Wadhwa & Co.,
- 25) Padala Rama Reddi: The Code of Criminal Procedure, 1973, Asia Law House, Hyderabad.
- 26) Prof. S.N. Misra: The Code of Criminal Procedure, Central Law Agency.
- 27) M.P. Tandon: Criminal Procedure Code, Allahabad Law Agency. 6. Shoorvir Tyage: The Code of Criminal Procedure, Allahabad Law Agency
- 28) Mulla, Code of Civil Procedure Code (1999) Universal, Delhi
- 29) C.K. Thakkar ,Code of Civil Procedure Code(2000) Universal ,Delhi
- 30) M.R.Mallik (ed) B.B. Mitra, On Limitation Act (1998) Eastern ,Lucknow
- 31) Sanjiwa Rao - Civil Procedure Code.
- 32) K. Takwani: Civil Procedure, 4th Edition, Eastern Book Co., Lucknow, 2007.
- 33) A.N. Saha: Code of Civil Procedure
- 34) Mulla: Code of Civil Procedure: Tripathi (Abridged Edition), (Student Edition).
- 35) B.B.Mitra: Limitation Act, 17th Edition, Eastern Law House, Calcutta, 1974, Allahabad, 1973.
- 36) . Sanjiva Row: Limitation Act, 7th Edn. (in 2 Vol.s), Law Book Co., Allahabad, 1973.
- 37) Sanjiva Row: Code of Civil Procedure, 3 rd Edn, (in 4 Vols), Law Book Co., Allahabad.
- 38) Ganguly A. C. - Civil Court Practice and Procedure

## LC0902 Interpretation of Statutes

**Objectives of the Course :** This paper aims to acquaint the students with basic principles of interpretation. It focuses on general and specific rules of interpretation of statutes. It prescribes the guidelines on interpretation of remedial, penal and taxing statutes. It provides for internal and external aids for interpretation of statutes. It also contains the rules regulating commencement, operation and repeal of statutes. It prescribes the principles for interpretation of Constitutional document.

### **Module 01 Introduction:**

- Meaning of Interpretation
- Object of Interpretation
- Classification of Statutes
- The General Clauses Act, 1897 : An overview of important provisions and important definitions

### **Module 02 General Principles of Interpretation:**

- Literal Rule
- Golden Rule
- Mischief Rule
- Statute must be read as a whole in its context
- Statute to be construed to make it effective and workable
- Omissions not to be inferred
- Every word in a statute to be given a meaning

### **Module 03 Subsidiary Rules of Interpretation:**

- Same word same meaning
- Use of different words
- Rule of last antecedent
- Non-obstante clause
- Legal fiction
- Mandatory and directory provisions
- Conjunctive and disjunctive words 'or' and 'and'
- Construction of general words-*Noscitur A Socis*
- Rule of *ejusdem generis*
- Words of rank
- Reddendo Singula Singulis*

### **Module 04 Internal Aids to Construction:**

- Preamble
- Definition
- Sections
- Heading
- Marginal notes
- Punctuation marks
- Illustrations
- Proviso
- Explanation
- Schedule

- Module 05 External Aids to Construction:**  
 Parliamentary history  
 Historical facts and surrounding circumstances  
 Social economic and political developments  
 Reference to other statutes  
*Contemporanea exposition*  
 Other external aids- codifying and consolidating statutes
- Module 06 Interpretation of Statutes Affecting Jurisdiction of Courts**  
 General principles  
 The extent of exclusion  
 Exclusion of jurisdiction of superior Courts
- Module 07 Construction of Penal and Taxing Statutes:**  
 Rule of strict construction of taxing statutes  
 General principles of strict construction  
 Limits of rule of strict construction  
*Mens rea* in statutory offences and Indian Penal Code  
 Vicarious liability in statutory offences
- Module 08 Construction of Remedial Statutes:**  
 Distinction between remedial and penal statutes  
 Liberal construction of remedial statutes
- Module 09 Commencement and Operation of Statutes:**  
 Commencement of statute  
 Retrospective operation of statute
- Module 10 Expiry and Repeal of Statutes**  
 Perpetual and temporary statutes  
 Effect of expiry of temporary statutes  
 Express or implied repeal  
 Consequences of repeal
- Module 11 Interpretation of the Constitutional Document**  
 Rules of interpretation of Constitutional documents  
 Liberal interpretation and not narrow interpretation  
 Specific rules for interpretation :-  
 Broad and liberal interpretation  
 Doctrine of pith and substance  
 Doctrine of colourable legislation  
 Doctrine of implied powers  
 Principle of incidental and ancillary powers  
 Principle of occupied field  
 Doctrine of waiver  
 Doctrine of severability  
 Doctrine of eclipse  
 Harmonious construction  
 Doctrine of basic feature  
 Doctrine of prospective overruling  
 Principle of implied prohibition

**Recommended readings:**

- 1) G.P. Singh, Interpretation of Statutes (LexisNexis, Butterworth Wadhwa ,Nagpur)
- 2) Bindra N.S., Interpretation of Statutes (LexisNexis )
- 3) Vepa Sarathi, Interpretation of Statutes (Eastern Book Company)
- 4) Maxwell, Interpretation of Statutes (Sweet and Maxwell)
- 5) Rupert Cross, Statutory Interpretation (Butterworth)
- 6) Avtar Singh, Introduction to Interpretation of Statutes (LexisNexis, Butterworth Wadhwa )
- 7) Battacharya T., Interpretation of Statutes (Central Law Agency)
- 8) R.D. Shrivastava, Textbook of interpretation of Statutes (Central Law Publication)
- 9) Swarup, Legislation and interpretation (University Book Agency )
- 10) M.P. Tondon, Interpretation of Statutes (Allahabad Law Agency)

## LC 0903 Environmental Law

**Objectives of the course:** The environmental pollution and degradation of biodiversity has become one of the biggest hazards not only to human existence but also to the existence of all the gifts that nature has bestowed on mankind. Unless immediate and urgent steps are taken to control environmental pollution, a bleak and terrible future awaits the humanity. This fact has accelerated the emergence of different legal and governmental measures at national and international level for prevention of environmental pollution. This course aims to create awareness among the students about the legislative measures for protection of environment and spirit of Indian Constitution for protection of environment. It also provides the opportunities to the students to understand the activist role played by Indian Judiciary in protection of environment and evolution of different principles such as polluter pay principle, precautionary principle, inter-generational equity and sustainable development. At the end of this course the students would be familiar with the overall environmental legal regime of the country as well as its international obligations. This course would equip the students with basic knowledge and skills to understand Environmental Law issues.

### **Module 01 Introduction:**

Historical origin of Environment Law—International and Indian Jurisprudence  
Components of Environment –Ecology, Ecosphere and Biosphere  
Protection of Environment in Ancient India and during British period  
Meaning and definition of Environment, Environmental Pollution – Its kinds (Natural and artificial – Air, Water, Noise, Soil), causes and effects.  
Nature of Environmental Law - Public law or private law  
Common law aspects of environmental law - Nuisance, Trespass, Negligence, Absolute and Strict liability.  
Criminal Liability and Environment Protection – Offences affecting public health and safety under Indian Penal Code, 1860 and Section 133 of Cr. P.C.

### **Module 02 Environment Protection under Indian Constitution:**

Preamble, Fundamental Rights, Directive Principles of State Policies, Fundamental Duties, Distribution of Legislative Powers, Implementation of International obligations.  
Remedies – Writ Jurisdiction of High Court and Supreme Court  
Public Interest Litigation and Environment Protection.  
Role of Indian Judiciary in protection of Environment

### **Module 03 Principles of International Environmental Law and their relevance in India:**

Stockholm Conference, 1972, Rio Summit or Earth Summit-I, 1992, UNEP, Convention on Climate Change, Convention on Biological Diversity, Earth Summit-II, 1997 – Impact of all above in India  
World Summit on Sustainable Development, 2002, UNFCCC, 2015– Position in India  
Responsibility of States in Protection of Environment—Trans-boundary pollution and state’s responsibility—Trail Smelter Arbitration  
Significance and Protection of Ozone Layer- Global Warming-Acid Rain-Oil Spills- Gas Leak- Marine Pollution  
Sustainable Development, Inter-generational Equity, Precautionary Principle, Polluter Pays Principle, Public Trust Doctrine- Relevance of

above in India

**Module 04 Resource Management I: Legislative and Judicial Perspective:**

The Water Act, 1974, the Air Act, 1981, the Environment (Protection) Act 1986 - Definitions, Measures taken for protection and conservation of natural resources, Authorities, offences and penalties and important judicial decisions under these legislations

Protection of Forests:

The Forest Act, 1927 - Definitions, Types of Forests, Acts prohibited in these forests, transit of forest produce, powers of forest officers, offences and penalties, important judicial decisions

The Forest (Conservation) Act, 1980 - De-reservation of forest land for non-forest purpose, Advisory Committee, Penalties

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition Of Forest Rights) Act, 2006 – Forest rights, recognition, restoration and vesting of forest rights and related matters, authorities and procedure for vesting of forest rights, offences and penalties, important judicial decisions

The National Forest Policies of 1952 and 1988

The Wildlife Protection Act, 1972 - Important Definitions, Authorities under the Act, Wildlife Advisory Board, Hunting, Protection of Specified plants, Sanctuaries and National Parks, Central Zoo Authority and Recognition of Zoos, Trade or commerce in wild animals, animal articles and trophies, Forfeiture of Property Derived from Illegal Hunting and Trade, Offences and Penalties, important judicial decisions.

**Module 05 Resource Management II: Legislative and Judicial Perspective:**

The Biological Diversity Act, 2002- Important Definitions, Regulation of access to biological diversity, national biodiversity authority, state biodiversity board, biodiversity management committees, equitable benefit sharing, judicial decisions.

The Public Liability Insurance Act, 1991 – Important definitions, Liability to give relief in certain cases on principles of no fault, Duty of owner to take out insurance policies, relief and establishment of Environmental Relief Fund, offences and penalties.

The National Green Tribunal Act, 2010 – Establishment, jurisdiction, powers and proceedings of the tribunal, penalty, Role of NGT in Environment Protection.

Environment Protection Rules:-

The Noise Pollution (regulation and Control) Rules, 2000

Guidelines for Eco-Sensitive Zones around Protected Areas

The Environment (Protection) Rules

CRZ Notification

Hazardous Wastes (Management and Handling) Rules

Manufacture, Storage and Import of Hazardous Chemical Rules

Municipal Solid Wastes (Management and handling) Rules

The Ozone Depleting Substances (Regulation and Control) Rules

**Module 06 Environment and Development:**

Environmental issues involved in the development projects like Silent Valley Project, Narmada Valley Project and Koondankulam Nuclear Power Plant  
Human Rights Perspective - Displacement and Rehabilitation, Genetically Modified Crops, Farmers and breeders rights,  
Environment and Protection of Cultural Rights.  
Environment Impact Assessment (EIA) - Meaning, Evolution and history, Process, Constraints, EIA Notification of 1994 and 2006.  
E-waste management

**Recommended Readings:**

- 1) Ritwick Dutta and Sanjeet Purohit, Commentary on the National Green Tribunal Act, 2010, Universal Law Publications.
- 2) P.S. Jaswal, Environmental Law, Allahabad Law Agency
- 3) Majumdar, Nandy, Mukherjee, Environment and Wildlife laws in India, LexisNexis.
- 4) Maheshwara Swamy, Textbook on Environmental Law, Asia Law House, Hyderabad
- 5) S. Shantakumar, Introduction to Environmental Law, Wadhwa & Company, Nagpur
- 6) S.C. Shastri, Environmental Law, Eastern Book Company, Lucknow, 2005
- 7) H. N. Tiwari, Environmental Law, Allahabad Law Agency
- 8) Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, New Delhi
- 9) P Leelakrishnan, Environmental Law in India, Lexis Nexis, New Delhi
- 10) P Leelakrishnan, Environmental Law Case Book, Lexis Nexis, New Delhi
- 11) Philippe Sands, Principles of International Environmental Law, Cambridge University Press, New York
- 12) P. Ishwara Bhat, Natural Resources Law: Concepts and Approaches, Eastern Book Company.
- 13) P B Sahasranaman, Handbook of Environmental Law, Oxford University Press

## LP 0904 Practical Training Paper III – Drafting, Pleading and Conveyance

**Objectives of the Course:** This course covers essential skills required of an Advocate : the skill of drafting conveyances and pleadings. Developing the ability to draft effectively requires development of skills of writing purposefully, articulation, legal research, and of qualities of language, its clarity and precision. All of these develop by practice. The objective of the course is to introduce the student to these skills, and lead him through various basic documents that an Advocate would be called upon to prepare.

The subject of Conveyancing will enable a student to know the aspects of the drafting process, essential features of some transactions involving transfer of property and contracts, as also other documents that he would have to make for his clients. He will learn addressing the interests of all parties to the transaction, and the need for protecting to the best extent possible the interests of his own client as a transacting party.

The subject of Pleadings will alert the student towards the basic principles of drafting pleadings that state the case of his client. He will understand the process of pleadings, particularly the interplay between different substantive laws applicable to the case. He will also understand the application of principles of pleadings, and the rules of procedure, and the mandatory contents in different categories of pleadings.

### **Marking scheme:**

- (A) University written examination at end of term: 80 Marks
- (B) Written submissions: 10 Marks
- (C) Viva voce examination: 10 Marks

### **Part A: University Written Examination: 80 Marks**

#### **Module 01 General principles relating to conveyancing:**

Object of Conveyancing, essentials of drafting

The drafting process: Know the laws, Know the transaction, Scheme of the draft, Ascertain facts, Language, Style, Form, Need for precision and clarity, Use of precedents.

Contents of a draft conveyance: Commencement, Parties, Recitals, Parcels, Operative part, Arrangement of obligations, Signatures, Attestation.

Formalities: Writing, Attestation, Notarisation, Registration

Investigation of title, Chain of title, Public notices and their purpose, search and title report.

#### **Module 02 Transfers:**

Agreement to sell immovable property

Sale deed of immovable property

Lease deed of immovable property

Simple mortgage of immovable property  
Gift of immovable property  
Sale of raw materials by its supplier to a manufacturing company.

**Module 03 Contracts:**

Agreement for a short term loan given by an individual proprietor to his employee  
Partition deed between members of a joint Hindu family  
General power of attorney  
Partnership deed  
Agreement to transfer shares of a private limited company  
Non-disclosure agreement between parties negotiating a contract  
Indemnity bond  
Leave and licence agreement

**Module 04 Notices and other documents:**

Will  
Affidavit  
Acknowledgment in writing under section 18 of the Limitation Act 1963  
Public notice inviting objections to a transaction of immovable property  
Notices:  
For dissolution of a partnership at will  
Under section 106 of the Transfer of Property Act 1882  
Under section 138 of the Negotiable Instruments Act, 1882  
Reply to notice under section 138 of the Negotiable Instruments Act, 1882  
Notice under section 80 of the Civil Procedure Code

**Module 05 General principles relating to pleadings:**

Meaning and purpose of pleadings, Importance of pleadings in the administration of justice  
Rules of pleadings, Types of pleadings, Orders VI to VIII of Civil Procedure Code 1908, Relationship between pleadings and evidence  
The pleading process: Know relevant substantive laws, Identify provisions applicable, Understand essential elements of provisions, Know presumptions, Ascertain facts, Select facts, Language, Style, Form, Need for precision and clarity, Use of precedents.  
Jurisdiction, Limitation, Valuation, Court fees and calculation  
Prayers, Prayers and court fees, Verification

**Module 06 Plaints etc. Civil Proceedings:**

Suit for recovery of price of goods sold  
Suit for declaration of share and partition of property of a joint Hindu family  
Suit for specific performance  
Application for probate  
Petition for divorce by mutual consent  
Petition for divorce alleging grounds of divorce  
Caveat application

**Module 07 Written statements etc. in Civil Proceedings:**

Written statement in a suit for recovery of price of goods sold  
Written statement in a suit for declaration of share and partition of property of a joint Hindu family

Written statement in a suit for specific performance  
Reply to an application for probate contesting the will  
Reply to an application for succession certificate giving consent to grant of succession certificate  
Reply contesting a petition for divorce  
Reply to a petition for restitution of conjugal rights

**Module 08 Pleadings in Criminal proceedings:**

Application for bail  
Application for anticipatory bail  
Criminal complaint alleging defamation, or affray and simple hurt  
Application to court for recovery of motor vehicle seized by police.  
Application for compounding an offence of defamation or an offence under 498A of IPC.  
Application by a wife for maintenance for herself and her children

**Module 09 Appeals, Petitions and other proceedings:**

Consumer complaint alleging defect in goods or deficiency in services  
Reply to consumer complaint about defect in goods or deficiency in services  
Writ petition under Article 14 or Article 19 or Article 21 of the Constitution of India  
Appeal from a judgment and decree dismissing a suit for specific performance  
Appeal from a judgment refusing to grant divorce

**Part B: Written submissions: 10 marks**

Students shall maintain a journal, and shall write in the journal any one draft from each of Module Nos. 02, 03, 04, 06, 07, 08 and 09. (total seven drafts). The journal will be assessed by the teacher, and shall be presented at the time of viva voce examination.

**Part C: Viva voce examination: 10 Marks**

Viva voce examination shall be confined to the following: a) Drafts written in the journal, and b) the detail provisions of laws applicable to drafts written in the journal.

**Recommended Readings:**

- 1) Medha Kolhatkar, Drafting, Pleading and Conveyancing, Lexis-Nexis 2015
- 2) S P Aggarwal, Pleadings, An Essential Guide, 2<sup>nd</sup> ed, Lexis-Nexis , 2013
- 3) S P Aggarwal, Drafting and Conveyancing, Lexis Nexis 2015
- 4) Nayan Joshi, Legal Writing and Drafting, Kamal Publications, 2017
- 5) K M Sharma and S P Mago, Criminal Courts, Pleadings and Practice, 3<sup>rd</sup> ed, Kamal Publishers, 2014
- 6) A B Kafaltiya, Textbook on Pleadings, Drafting and Conveyancing, Universal Publishing House, 2015
- 7) DeSouza's Forms and Precedents of Conveyancing, C R Datta and M N Das (eds), Eastern Law House, 2017.
- 8) G M Divekar's Practical Guide to Deeds and Documents, S K Katariya and Gaurav Sethi (eds), Hind Law House, 2014
- 9) A S R Rao, Modern Commercial Draftsman, Eastern Book Company, 1989
- 10) A B Majumder, Law relating to Notices, Eastern Law House, 1993
- 11) S K Mitra, Law of Notices, Orient Publishing Company, 2004

- 12) Mogha's Indian Conveyancer, 14<sup>th</sup> ed, G C Mogha (ed), Eastern Law House, 2009
- 13) Mogha's Law of Pleadings in India, 18<sup>th</sup> ed, P C Mogha et al (ed), Eastern Law House, 2013
- 14) P S Narayana, Criminal Pleadings and Practice, 9<sup>th</sup> ed, Asia Law House, 2013
- 15) R.K. Sahni & B.L. Bansal, Criminal Pleadings & Art of Better Drafting, Capital Law House, 2015
- 16) Rahul Mhaskar, Guide to Practical Criminal Drafting, Current Publications, 2015
- 17) Rodney Ryder, Drafting Corporate & Commercial Agreements, 2<sup>nd</sup> ed, Universal Law Publishing, 2011
- 18) Tina Stark, Drafting Contracts - How & Why Lawyers Do What They Do, Indian Reprint, Wolters Kluwer, 2007
- 19) N S Bindra's Pleadings and Practice, 12<sup>th</sup> ed, H K Saharay (ed) Universal Law Publishing, 2017
- 20) P K Majumdar, Law of Pleadings, Conveyancing & Advocacy, 5<sup>th</sup> ed, Orient Publishing Company, 2013
- 21) P S Narayana, Civil Pleadings and Practice, 11<sup>th</sup> ed, Asia Law House, 2017
- 22) P S Narayana, Pleadings and Practice (Civil and Criminal), 11<sup>th</sup> ed, Asia Law House, 2017
- 23) Hargopal's Legal DRAFTSMAN - A Comprehensive Guide to Deeds and Documents, 13<sup>th</sup> ed, Universal Law Publishing, 2013
- 24) Kanya Chawla Gill, Drafting Pleading and Conveyancing, 2<sup>nd</sup> ed, Universal Law Publishing, 2016
- 25) Murli Manohar's Art of Conveyancing and Pleading, 2<sup>nd</sup> ed, R Prakash (ed), Eastern Book Company, 2004
- 26) P Butt and R Castle, Modern Legal Drafting. [Guide to using clearer Language]. Cambridge University Press, 2011.
- 27) S C Ghosh's Principles and Forms of Pleadings, 5<sup>th</sup> ed, Eastern Law House, 2011

## Optional Subject 5 (Anyone of the following)

### LO 0905 Law And Education

#### Objectives of the Course:

This paper aims to acquaint the students with constitutional provisions guaranteeing the right to education. It provides the students with significance of the directive principles of state policies dealing with policies on education. It acquaints the students with the mechanism of regulation of education by Government. It provides the students with the judicial and legislative developments in the field of right to education. It introduces the students with the changing scenario in the field of higher education.

#### Module 01 Education : Constitutional Allocation of Power:

Right to education- Constitutional and legal dimensions  
Legislative competence - Article 246 read with Schedule VII  
Concurrent List Entry 25  
Union List Entries 63, 64, 65 and 66  
Reasons for transferring Education from state list to concurrent list  
Areas of Central Legislation over Education, The U.G.C. Act 1956

#### Module 02 Constitutional Goals:

Free and Compulsory Education for children below 14 years under Article 45  
Right to Education And Article 41  
Right to Education And Judicial Trends  
Right to Education and Article 21A  
The Right to Education under The Right To Education Act, 2009

#### Module 03 Equality of opportunity to take education:

Articles 14, 15, 16 and 29 (2)  
Reasonable classification  
Reservation of seats and special concessions for SC/ST and Other classes  
Right to Education Social Justice Through Social Inclusion

#### Module 04 Minorities and Education:

Minority's Rights : Right to conserve distinct script and culture- Art.29 (1)  
Right To Establish and administer educational institution of their choice  
Minority Institutions- Right to compensation if property is acquired for public purpose- Article 301 (a)  
No discrimination in grant in aid- Art. 30 (2)

#### Module 05 Government Control and educational institutions:

Governor-Chancellor  
Appointment of Vice-Chancellor  
Government Power To nominate members on various University Bodies and their role  
The Maharashtra Universities Act, 2016 : Overview  
Private Universities And Right To Education  
Funding to education, concessions, scholarship, freeship etc.

## Autonomy vs. Social Control

### **Module 06 Fair Hearing In Educational Matters:**

Disciplinary actions, Malpractices in examination, punishments  
Disputes between staff and management : Grievance mechanism  
Observance of principles of natural justice

### **Module 07 Mechanism For Discipline In Educational Institutions:**

Chancellor  
Provision for Appeal to Educational Tribunals  
Appointment and termination of staff, appointment of administrator  
Law Commissions Reports

### **Module 08 Educational Institutions And Judicial Review:**

Educational Institution And Article 12  
Right to education, Financial Autonomy, Capitation fee  
Right of private, aided, non-aided, minority and non-minority institutions  
:Admission And Fee Structure  
The National Commission For Minority Educational Institutions Act, 2004 : An  
Overview  
Establishment of new schools and colleges : Grant- denial of affiliation  
State Educational Councils  
Educational Institutions and Right to Information: Government, Private, Deemed  
Jurisdiction of Court under Articles 136, 226 and 227

### **Module 09 Higher And Technical Education And Regulatory Authorities**

Regulation under the University Grants Commission Act, 1956  
U.G.C. Inspection of Universities Rules, 1960  
U.G.C. Rules Regarding Fitness of Universities  
U.G.C. Recognition of college in terms of Regulations, 1974  
U.G.C. (Establishment and Maintenance of Institutions) Regulations, 1985  
Regulation of Legal Education by Bar Council of India under the Advocates Act,  
1961

### **Recommended Readings :**

- 1) R.D. Agarwal, Law of Education And Educational Institutions In India (1983)
- 2) B.M. Sankudhar, Encyclopedia of Education System In India ( Deep and Deep Publication,1999)
- 3) P.L. Mehta, R. Poonga, Free and Compulsory Education (( Deep and Deep Publication,1999)
- 4) S.P. Sathe, Fundamental Rights And Directive Principles of State Policy Constitutional Developments Since Independence (Indian Law Institute, 1974)
- 5) G.S. Sharma (ed.), Educational Planning : Its Legal And Constitutional Implications In India(1967)
- 6) Sita Ram Sharma (ed.), U.G.C. Schemes A Manual for Universities, Colleges And Research Institutions (Mangal Deep Publications, Jaipur, 2003)
- 7) N. Sudaarshan (ed.), Right To Education Emerging Scenario (The Icfai University Press, Hyderabad, 2007)
- 8) Sumeet Malik, Supreme Court Educational Institutions Cases (Eastern Book Company,Lucknow, 2008)

## LO 0906 Principles of Taxation Law

**Objectives of Course :** This paper aims to acquaint the students with basic principles of taxation. It highlights the important principles of computation of income. It provides important tenets of calculation of income of natural and legal person. It also prescribes for powers and functions of various authorities under Income Tax Act. It provides the important features of the Goods and Services Tax Act.

**Module 01 Introduction:**

Importance and Significance of Taxation  
Constitutional provisions relating to taxation ( Art. 265-289)  
Types of Tax Laws – Income Tax, GST, Wealth Tax and Service Tax

**Modul 02 Basic aspects of Income Tax Act, 1961:**

Introduction to historical lineage of Income Tax Act  
Scope and objectives of Income Tax Act  
Some of the Basic Definitions :  
Agricultural Income-Advance Tax-Asset-Capital Asset-Divided-Income  
Previous Year-Assessment Year-Revenue Receipts -Revenue Expenditure

**Module 03 Computation of Income:**

Income from Salaries-Deductions from Salary and Computation of Salaries-  
Income from House Property : Self Occupied, Let Out-Exemption of property  
income from tax-Computation of Self Occupied Property-Capital Gains-Profits  
and gains of Business or Profession-Rebates and Reliefs-Applicable rates of tax  
and tax liability-Profession Tax

**Module 04 Taxation of Natural and Legal persons:**

Individuals including non-residents  
Hindu Undivided Family  
Companies and Firms  
Association of Persons  
Trust and Cooperative Societies  
Charitable and Religious Institutions

**Module 05 Authorities under the Income Tax Act:**

Director General of Income Tax-Director of Income Tax-Additional Directors-  
Joint Director--Deputy Directors-Assistant Directors-Income Tax Officers-Tax  
Recovery Officers-Inspectors of Income Tax

**Module 06 Powers and Functions of various authorities:**

Tax avoidance, Tax evasion and Tax Planning  
Concept of tax avoidance, Tax evasion and Tax Planning (With Distinction)  
Inspections Search Seizure  
Penalties for tax evasion and tax avoidance

**Module 07 ST, Goods and Services Tax Act, 2017:**

Scope and object of GST  
Important Definitions :Aggregate Turnover-Business-Capital Goods-Casual  
Taxable Person-Composite Supply –Continuous Supply of goods and  
services-Input Tax -Output Tax-Outward Supply

Persons under GST-Place of Business-E- Contract-E- Filling

Levy and Collection of tax – Tax liability on composite and mixed supplies

Composition Levy: Power to grant exemption from tax

Sharing of Income between Union and States

Structure, Powers and Functions of GST Council

Offences and Penalties for certain offences under section 122

**Recommended Readings:**

- 1) Kanga & Nani palkhivala: The Law and practice of Income Tax 2014 Lexis Nexus
- 2) Chaturvedi and Pithisaria: Companion to Chaturvedi & Pithisaria's Income Tax Law - Wealth Tax Act, 1957, 2016 Easter Book Company
- 3) Dr. Girish Ahuja And Dr. Ravi Gupta: Concise Commentary on Income Tax including Wealth Tax with Tax Planning/Problems & Solutions, 2014, Eastern Book Company
- 4) Dr. Girish Ahuja and Dr. Ravi Gupta: A Compendium of Issues on Income Tax & Wealth Tax (in 2 Vols.), 2010 Eastern Book Company
- 5) CA Atul Kumar Gupta: Goods and Services Tax – Law, Practice and Procedures, Lexis Nexis 2017
- 6) Dr Girish Ahuja & Dr Ravi Gupta: Systematic Approach to Income Tax E 37th Paperback – 2016, Walters Kluwer
- 7) Tax Mann: Latest Edition on Income Tax
- 8) V.S. Datey : GST Ready Reckoner, TAxMann 2017

## LO 0907 Law of Forensic Science

**Objectives of the Course:** This Course introduces to the student to acquire the basic knowledge in forensic sciences in order to appreciate the criminal law perception with a practical approach to understand the investigative process conducted by the investigative agencies. It also further acquaints the students to appreciate the technicalities and the interlink between law and medicine.

### **Module 01 Introduction:**

- Crime, Criminal behavior, Criminal Justice System
- Nature and scope of Medical Jurisprudence/Forensic Science
- Historical Development of Medical Jurisprudence and Forensic Science
- Basic Principles and Significance
- Organizational structure of Forensic Science labs in Central and State
- Code of Medical ethics

### **Module 02 Crime Scene Management:**

- Defining the Scene of crime
- Managing a crime scene and its hierarchy
- Role of First Responding officers
- Search patterns of a crime scene
- Crime Scene Documentation
- Collection, Packaging, Labeling and Forwarding of exhibits for forensic laboratories
- Preservation of evidence
- Health and safety protocols

### **Module 03 Forensic Science and its application in crime investigation:**

#### **Crime Scene Evidences:**

- Blood, Semen & other Biological fluids
- Viscera
- Shoe impressions, Tool marks, Tyre marks
- Bite marks
- Hair- Animal & Human, Fibers & Fabrics
- Glass, Soil, pollen Paint
- Establishment of identity of individuals
- DNA
- Fingerprints/Foot prints
- Anthropology-Skeletal Remains
- Odontology

#### **Questioned Document and their Identification:**

- Identification of objects by shape and size
- Handwriting and signature-analysis, identification and examination
- Procedure for examination
- Types of forgery

Anonymous letter  
Charred document  
Idented writing  
Counterfeit coins and notes

- Module 04      Forensic Evidences in various offences:**  
Medico legal aspect of Death  
Sexual offences  
Abortion, medical termination of pregnancy, female feticide  
Impotence, virginity, sterility and artificial insemination  
Infanticide  
Age determination  
Identification  
DNA/RNA  
Postmortem
- Module 05      Forensic Ballistics and Vehicular accident reconstruction:**  
Firearms & Their Classification  
Ammunition, Projectiles, Mechanism of Firing  
Bullet, Weapon & Cartridge case Identification  
GSR-Detection and analysis  
Nature of Injuries – Entry & Exit wounds  
Range of Fire and factors affecting it  
Primary causes of vehicular accidents  
Analytical tools to evaluate accidents
- Module 06      Medical Toxicology:**  
Forensic Toxicology  
Forensic Pharmacology  
Analytical and Clinical Toxicology  
Poison and their Medico-legal aspect
- Module 07      Recent advancement in Forensic Science:**  
Cyber Crime  
Forensic Speaker Identification  
Narco analysis  
Brain mapping  
Polygraph  
Facial reconstruction  
Preventive Forensic  
Forensic DNA Fingerprinting

**Recommended Readings:**

- 1) Ganguly's Medical Jurisprudence and Toxicology, Dwivedi Law Agency, Allahbad edi.2007
- 2) Modi, a Text Medical Jurisprudence and Toxicology,
- 3) Jhala and Rajus, Medical Jurisprudence, revised by R.M. Jhala and K. Kumar
- 4) Lyon's Medical Jurisprudence and Toxicology

## LO 0908 Land Laws I

**Objectives of the Course:** Land law deals with the rights to use, alienate, or exclude others from land. Land use agreements, including renting, are an important intersection of property and contract law. Land rights refer to the inalienable ability of individuals to freely obtain, use, and possess land at their discretion, as long as their activities on the land do not impede on other individuals' rights.

The purpose of the course, divided across two semesters, is to apprise the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land.

This paper deals with laws that mainly affect urban properties, their development and dealings. With a sound background of law of transfer of property, this course equips the student with all other laws that affect use and dealings of land, and activities that enable its best exploitation. Although much of course content involves laws in force in the State of Maharashtra, the principles governing these laws are common across laws on the subjects in other states. Although detail provisions might differ in laws of other states, study of principles that underpin the laws forming part of this course will enable the student to apply these to similar laws in other states.

### **Module 01 Maharashtra Ownership Flats Act 1963:**

Purposes and objects of the Act  
Definitions : flat, construct a block or building of flats or apartments, and promoter  
Duties, liabilities, responsibilities and disabilities of a promoter  
Alterations, additions and defects to structure and building  
Flat purchase agreement, and its registration  
Rights, liabilities of a flat-taker  
Essential supplies and services  
Offences by promoters, by companies

### **Module 02 Maharashtra Apartment Ownership Act 1970:**

Purpose and objects of the Act  
Definitions of : apartment, apartment owner, building, common areas and facilities, common expenses, common profits, Declaration, limited common areas and facilities, property,  
Apartment as transferable property, its ownership, separate assessment  
Declaration, its contents, formalities, registration; Amendment to Declaration  
Common areas and facilities, encumbrances against apartments,  
Contribution to common expenses, charge  
Rights, duties, liabilities and disabilities of an apartment owner, tenants and users  
Bye-laws, Management of Apartments Condominium

- Disposition of property, destruction or damage  
Distinction between ownership of apartment, ownership of share in joint property, and holding of flat in a cooperative housing society.
- Module 03** **Real Estate (Regulation and Development) Act, 2016, and the Maharashtra Real Estate (Regulation and Development)(Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 : The Act, and Registration of Projects and Real Estate Agents:**  
Purpose and object of the Act; Enactment scheme (Central and State): Act, Rules and Regulations; Housing Policies of Governments.  
Meaning of the following terms: advertisement, allottee, apartment, building, carpet area, commencement certificate, common areas, competent authority, completion certificate, development, development works, estimated cost of real estate project, garage, interest, occupancy certificate, promoter, prospectus, real estate agent, real estate project, sanctioned plan  
Registration of real estate project, procedure, consequences of non-registration  
Registration of real estate agents, procedure and consequences of non-registration; Functions, duties and liabilities of real estate agents
- Module 04** **Real Estate (Regulation and Development) Act, 2016, and the Maharashtra Real Estate (Regulation and Development)(Registration of Real Estate Projects, Registration of Real Estate Agents, Rates of Interest and Disclosures on Website) Rules, 2017 : Relationship between parties:**  
Functions, duties, obligations and liabilities of a promoter : from advertisement to completion of project.  
Publication on web-site, effect.  
Transfer of title, Agreement for sale  
Rights, duties and liabilities of allottees
- Module 05** **Real Estate (Regulation and Development) Act, 2016 : The Authority, The Tribunal, and Remedies:**  
Real Estate Regulatory Authority: Establishment, Incorporation, Composition, Qualification of Chairpersons and members, Meetings, Powers and functions, Filing of complaints, Enforcement of orders, Appearance in person and legal representation (Sections 20-23, 29, 31, 32, 34-38, 40, 56)  
Effect of the Act (sections 88-89), Bar of jurisdiction (section 79)  
Appeals:  
Real Estate Appellate Tribunal, Establishment, Composition, Application to Tribunal, Powers, Execution of orders (sections 43-45, 53-54).  
High Court (section 58)  
Offences and Penalties by promoter, allottee and real estate agents (sections 59-68)  
Power to adjudicate compensation (sections 71-72)
- Module 06** **Maharashtra Regional and Town Planning Act 1966:**  
The purpose and object of the Act, and its general scheme

Development Plan, its contents and its implementation (sections 21, 22 and 42)

Control of Development and use of Land included in Development Plans (sections 43-58)

**Module 07 Maharashtra Rent Control Act 1999: Forfeiture and Recovery of**

**Possession:**

Rent Control in urban areas, Purpose and object of the Act, Historical background of the Act

Application of the Act, Exemptions

Definitions: Landlord, legal representative, licensee, paying guest, premises, tenant,

Relief against forfeiture

Recovery of possession by landlord (sections 16, 18-22)

Landlord's rights, duties and liabilities: enter for inspection, essential supplies, conversion of use, receipt for rent, registration of agreements, lawful charges

Jurisdiction of courts, Appeals

**Module 08 Maharashtra Rent Control Act 1999 : Standard Rent, Repairs, Sub-Tenancies:**

Definition: standard rent, permitted increase,

Standard rent: its concept, components, increase in rent, liability to pay standard rent, Application for fixing standard rent, Court's power to fix standard rent;

Landlord's duty to repair, Recovery or possession for repairs (sections 16(1)(h), 17)

Prohibition on sub-letting, assignment or transfer; Sub-tenants to become tenants.

**Module 09 Maharashtra Rent Control Act 1999 : Special cases and Licencees:**

Special provisions for recover of possession by licensors, effect of non-registration of agreement

Special provisions for recover of possession by members of armed forces

Competent Authority, its powers and functions, bar of jurisdiction, no appeal, summary disposal of applications, special procedures, enforcement of orders

**Recommended Readings:**

- 1) J V N Jaiswal, Housing Law in India, Eastern Book Company, 2007
- 2) Abhay M Shah, The Maharashtra Ownership Flats (Regulation of the Promotion of Construction, Sale, Management & Transfer) Act, 1963, Current, 2010
- 3) M C Jain and H M Bhatt, Law Relating to Ownership of Flats and Apartments in the State of Maharashtra, Noble Law House, 2014
- 4) Sunil Dighe, Maharashtra Housing ( Regulation and Development ) Act, 2012 and the Maharashtra Ownership of Flats Act, 1963, Snow White Publications, 2016
- 5) G M Divekar, Law of Ownership Flats, 2000
- 6) K Goyal, Guide to Real Estate ( Regulation and Development ) Act, 2016, 2<sup>nd</sup> ed, Commercial Law Publishers, 2017

- 7) A K Gupte, Real Estate (Regulation and Development) Act, 2016, Hind Law House, 2016
- 8) A B Puranik, D R Choudhari, and A N Choudhari, Maharashtra Regional and Town Planning Act, 1966, CTJ Publications, 2017
- 9) S Desai, Maharashtra Regional and Town Planning Act, 1966, Snow white, 2017
- 10) S Dighe, Maharashtra Rent Control Act, 1999, Snow white, 2016
- 11) S Tendulkar, Law Times, 2016
- 12) A S Chandurkar, Maharashtra Rent Control Act, 1999, Shanti Law House, 2015
- 13) J H Dalal, Maharashtra Rent Control Act 1999, Hind Law Publication, 2013

## LO 0909 International Law on Air, Space and Sea

**Objectives of the course:** international Law of Air, Space and Sea are the part of the jurisdictional perspective of a State. The aim of the course is to subtly introduce to the students, the significance of Air, Space and Law of the Sea as the basic components of International Law with a background of Indian perspective. Law of Air, Space and Sea constitutes as an important resource zones for the sustainability of nation states the course introduces the basic percepts of these areas with current developments.

**Module 01 Introduction to Air and Space Law:**

Historical back ground of Air and Space Law  
Meaning and Definition of Air and Space Law  
Concept of Outer Space and Space Activities

**Module 02 Principles of Air and Outer Space Law:**

Sovereignty of state over Air Space  
Meaning and Distinction between Air and Space Law  
Five Freedoms of the Air  
International Legal Regime on Outer Space in the context various legal instruments  
Role of ICAO in the regulation of Air and Outer space  
Definition of Moon and other celestial bodies – Legal Regulations for exploration

**Module 03 Law of the Sea:**

An overview on the Historical background of law of the sea  
Significance of Law of the Sea in the contemporary era  
Territorial waters – Rights and duties of coastal states – Innocent passage -  
Criminal jurisdiction of coastal states  
Importance of Contiguous Zone –Rights and duties of States  
Exclusive Economic Zone :Rights and duties of coastal states in EEZ –  
Rights of land locked states  
Continental Shelf – Rights and duets of costal sates in Continental shelf -  
Significant of straight baseline—Continental Slope and Edge  
High Seas : Jurisdiction – Piracy, Right of hot pursuit –Criminal Jurisdiction  
of States in High Seas  
Legal Regulation of Marine Environment-Legal rules of International,  
Regional and National Perspective with respect to Pollution from Land  
based resources –Vessels-Dumping of Wastes  
Sea-Bed Authority-Structure Powers and Functions –Role of the Enterprise  
International Tribunal for the Law of the Sea-Structure-Powers and Functions

**Module 04 Law of AIR and space and Sea: Indian Interests:**

**Regulation in Air and Space Law :**

Air safety provisions- Air Traffic management,  
Legal regime of Air Space and Outer Space  
Problem of application of Air, Space -Liability under International  
Civil Aviation

### **Law of the Sea:**

Indian Maritime Interests, Policy and Law  
The Territorial Waters, Continental Shelf, Exclusive Economic Zone  
and other Maritime Zones Act, 1976

### **Recommended Readings :**

- 1) Ranbir Singh et.al (eds) : Current Developments in Air and Space Law (NLU Delhi 2012) online edition available at <http://nludelhi.ac.in/download/publication/2015/Current%20Developments%20in%20Air%20and%20Space%20Law.pdf>
- 2) Mc.Nair – Law of the Air (London, Steensand ) Bin Cheng – The Law of International Air Transport (London, Stevens and sons).
- 3) Shawcross and Beaumont – The Law of Air. Bin Cheng – Studies in International Space Law (Clarendon Press, Oxford). Azbeyratne, RIR, Legal and Regulatory Issues in International Aviation (1996)
- 4) S. Bhatt, The New Aviation Policy in India (1977) Carole Blackshow, Aviation Law and Regulation
- 5) V.S.Mani: Recent Trends in International Space and Policy (1996) [DrRuwantissaAbeyratne](#) Air Law and Policy (2007)
- 6) C.Wilfred Jenks – Space Law (London, Stevens & Sons , Gurdip Singh, International Law (2<sup>nd</sup> ed., 2011) ( respective chapters)
- 7) V.K. Ahuja, Public International Law (Lexis Nexis 2016)  
Robert Jennings and Arthur Watts (eds.), Oppenheim’s International Law [Vol. I – Peace] (9<sup>th</sup> ed., 1996) concerned chapters
- 8) Ian Brownlie, Principles of Public International Law (8<sup>th</sup> ed., 2012)
- 9) I.A. Shearer, Starke’s International Law (1<sup>st</sup> Indian ed., 2007)
- 10) D.J. Harris, Cases and Materials on International Law (7<sup>th</sup> ed., 2010)
- 11) Malcolm N. Shaw, International Law (7<sup>th</sup> ed., 2008, 2015)
- 12) R.P. Anand origin and Development of Law of the Sea (Martins Nijhoff 1983) available at <http://publicinternationallaw.in/sites/default/files/books/ODLS.pdf>
- 13) D.P. O’Connell: Law of the Sea (clear don Press 1988)
- 14) Surendra Kumar Yadav: International Space Law Applicability in Indian Perspective; International Journal of Science and Research (IJSR) available at <https://www.ijsr.net/archive/v5i7/1071602.pdf>

### **Recommended Journals:**

- 1) Indian Journal of Air and Space Law
- 2) Indian Journal of International Law
- 3) American Journal of International Law
- 4) International Legal Materials

**Part**  
**Syllabus of Fifth Year B.A. LL.B, Fifth Year B.B.A LL.B, and Third Year LL.B**  
**Part**  
**Fifth Year B.A. LL.B. - Semester X**  
**Fifth Year B.B.A. LL.B. - Semester X**  
**Third Year LL.B. - Semester VI**

**LC 1001 Criminal Procedure Code**

**Objectives of course:** Procedural Law providing for a fair procedure is significant for a just society. Criminal Procedure has to be just, fair and reasonable to the accused as well as to the victims. At the same time it confronts a crises of intrusion into individual rights in order to protect the common weal. The criminal process involves increasing expenditure of government resources. Criminal procedure, thus, makes a balance of conflicting interests. Thus a duty is imposed on all those who are connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. The main object of the course is to familiarise students with the working of the criminal justice delivery system and also to make them understand the significant riddles of the procedure. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The Course will acquaint the students with organisation of the functionaries under the Criminal Procedure Code, their powers and functions.

Juvenile Justice and Probation of offenders 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. The Course teacher, in addition, shall endeavour to familiarise the students with the case papers like, FIR, Police statement, charge sheet etc.

**Module 01      Introductory:**

1. The rationale of criminal procedure: the importance of fair trial
2. Constitutional perspective: Article 14, 20 & 21
3. The Organisation of police, prosecutor, defense counsel and prison authorities and their duties, functions and powers

**Module 02      Pre-trial process: arrest:**

1. Distinction between cognizable and non-cognizable offence
2. Warrant and summons:  
Arrest with and without warrant.
  1. The absconder status.
  2. Rights of the accused person

**Module 03      Pre-trial process: Search and Seizure:**

1. Search warrant and search without warrant
2. Police search during investigation
  - a) General principles of search:
  - b) Seizure
  - c) Constitutional aspects of validity of search and seizure proceeding

**Module 04      Pre-trial Process: FIR:**

	1. F.I.R.
	2. Evidentiary value of F.I.R.
<b>Module 05</b>	<b>Pre-trial Process: Magisterial Power to Take Cognizance:</b>
<b>Module 06</b>	<b>Trial Process:</b> Commencement of proceeding. Dismissal of complaints. Bail: Concept and purpose. Bailable and Non-Bailable offences. Cancellation of bail. Anticipatory bail. Appellate bail powers. General principles concerning bond.
<b>Module 07</b>	<b>Fair Trial:</b> Conception of fair trial Presumption of innocence Venue of trial Right of the accused to know the accusation Right to cross examination and offering evidence in defence Right to speedy trial
<b>Module 08</b>	<b>Charge:</b> Framing of charge Form and content of charge Separate charges for distinct offence Discharge- pre-charge evidence
<b>Module 09</b>	<b>Preliminary pleas to bar the trial:</b> Jurisdiction. Time limitation: rational and scope. Pleas of autrefois acquit and autrefois convict. Issue- Estoppel. Compounding of offences.
<b>Module 10</b>	<b>Trials and Execution:</b> Trial before a court of session Trial of warrant cases by magistrate Trial of summons cases by magistrate Summary Trials Submission of Death sentences for confirmation Execution, Suspension, remission and commutation of sentence
<b>Module 11</b>	<b>Judgment:</b> Form and content Post-conviction orders in lieu of punishment: emerging penal policy Compensation and cost Modes of providing judgment
<b>Module 12</b>	<b>Appeal, Review, revision:</b> No appeal in certain cases The rationale of appeal, review and revision The multiple range of appellate remedies:-

Supreme Court of India  
High Court  
Sessions Court.  
Special right to appeal  
Governmental appeal against sentencing  
Judicial power in disposal of appeals.  
Legal aid in appeals.

Revisonal Jurisdiction.  
Transfer of cases.

**Module 13**

**Miscellaneous:**

Maintenance of wives, children and parents  
Transfer of criminal cases  
Irregular proceedings  
Limitations of taking cognizance  
Compounding of Offences and Plea-bargaining.  
Security for peace and good behaviour  
Maintenance of Public order and tranquility

**Module 14**

**Probation:**

Concept of Probation: Origin and Development in India  
Probation of offender's law  
Judicial attitude  
Mechanism of probation: Standards of probation services  
Problem and prospects of probation  
The suspended sentence

**Module 15**

**Juvenile delinquency:**

Nature and magnitude of the problem  
Causes  
Juvenile Court system  
Treatment and rehabilitation of juveniles  
Juveniles and adult crime  
Legislative and judicial protection of juvenile offenders  
Juvenile Justice (Care and Probation of Children) Act, 2000

**Recommended Books:**

- 1) Chandrasekharan Pillai, (Ed.), Kelkar's Outline of Criminal Procedure, Eastern Book Company, Lucknow.
- 2) Ratanlal and Dirajlal, Code of Criminal Procedure, Lexis Nexis.
- 3) Woodroffe, Commentaries on Criminal Procedure Code, Universal , Delhi.
- 4) Chandrasekharan Pillai ed., Kelkar's Lectures on Criminal Procedure, Eastern Book Company, Lucknow.
- 5) D. D. Basu, Criminal Procedure Code 1973, Vol I & II, Lexis Nexis (2017).
- 6) Sarkar on Criminal Procedure Code, Vol I & II, Lexis Nexis.
- 7) N.K. Chakrabarti, Probation System in the Administration of Criminal Justice.
- 8) VedKumari, Juvenile Justice System.

## LC 1002 Administrative Law

**Objectives of Study:** Today, it is expected that the Administrative Law should be specifically deals with delivering two fundamental aspects of good governance *firstly* rule based administration that ensure transparency in discretion based administration to avoid arbitrariness and *secondly* delivery of administrative justice in furtherance of a welfare functions of the State where in litigative justice may not be accountable, efficient and effective.

Therefore, there is need to understand the evolution, nature and scope of Administrative Law and to realise its relation with Constitutional Law. Hence, while framing this syllabus the objective is to insight the law student that how administrative law functions to control the government and ensures the exercise of public power according to the Constitution and the rule of law. As the scope of Administrative law is as broad and involved as the extent of government itself so the efforts are taken while incorporating contents under this paper to 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 discretion and principles of administrative adjudication. Thus, efforts are taken to cover all the above aspects while framing the syllabus of this paper.

**Module 01 Evolution, Nature and Scope of Administrative Law:**

Evolution, Definitions and scope of Administrative Law  
Relationship between Constitutional Law and Administrative Law,  
Reasons for growth of Administrative Law, Conseild'Etat  
Rule of Law and Separation of Powers  
Administrative Law vis-à-vis privatization  
Accountability and responsiveness of administrative agencies,  
Administrative deviance- corruption, nepotism, mal-administration.

**Module 02 Legislative Powers of Administration:**

Meaning of Delegated Legislation, Comparative position – U.K., USA & India  
Necessity and Constitutionality, Forms and requirements delegated legislation  
Powers of exclusion and inclusion and power to modify statute,  
Requirements for the validity of delegated legislation  
Brief study of control on delegated legislation - Legislative and Judicial Control

**Module 03 Judicial Powers of Administration:**

Need for devolution of adjudicatory authority on Administration  
Adjudicatory power of administrative authority and Principles of Natural Justice, Exceptions to Principle of Natural Justice

**Module 04 Administrative Discretion and Judicial Control:**

Need for conferring discretion on administrative authorities,  
Limitations on exercise of discretion and role of the Constitutional mandates - Grounds of Judicial review  
Impact of Liberalisation, Privatisation and Globalization, on Administration

**Module 05 Liability for wrongs of Government(Tortious and Contractual):**

Tortious liability in cases of Sovereign and Non-Sovereign Function,

Contractual liability of government  
Statutory Immunity-Act of State-Liabilities Government privilege in legal proceedings – state secrets, public interest, Estoppel and waiver  
Remedies in the form of Judicial Review and Statutory remedies, Suits for Compensation  
Public Interest Litigation (Social Action Litigation) – Meaning, Laches, Res Judicata

**Module 06 Corporations and Public Undertakings:**

State monopoly vis-a-vis arbitrary action, Liability of public and private corporations – departmental undertakings  
Legislative and Governmental Control over Corporations and public undertakings  
Legal remedies, Accountability - Committee on Public Undertakings, Estimates Committee

**Module 06 Informal Methods of Settlement of Disputes and Grievance Redressal Procedures:**

Conciliation and mediation through social action groups, Use of media, lobbying and Public participation  
Commissions of Inquiry Act, 1952, Public Enquiries and Commissions of Inquiry  
Significance of Lokpal and Lokayuktas Act, 2013, Vigilance

**Module 07 Right to Information Act, 2005:**

Transparency and right to information – Constitutional imperative  
Object and Salient features of the Act  
Right to Information and obligations of Public Authorities  
Hurdles in the implementation of the Act

**Recommended Readings:**

- 1) C. K. Allen, Law and Orders (1985)
- 2) D.D. Basu, Comparative Administrative Law (1998),
- 3) Franks, Report of the Committee on Administrative Tribunals and Inquiries (HMSO, 1959)
- 4) Peter Cane, An Introduction of Administrative Law (1996) (Oxford)
- 5) Wade, Administrative Law (Seventh Edition, Indian Print 1997), (Universal, Delhi)
- 6) J. C. Garner, Administrative Law (1998) Butterworth (ed.B.L. Jones),
- 7) S. P. Sathe, Administrative Law (1998), (Butterworth – India, Delhi.)
- 8) C. K. Takwani, Lectures on Administrative Law, (Eastern Law Pub. Co. Luuknow.)
- 9) M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000), Butterworth – India,
- 10) Jain and Jain, Principles of Administrative Law (1997) (Universal Delhi)
- 11) M. P. Jain Cases and Materials on Indian Administrative Law Vol. I and II (1996), (Universal, Delhi)
- 12) De Smith, Judicial Review of Administrative Action (1995), (Sweet and Maxwell with supplement)
- 13) Kriesberg, Martin (ed), Comparative Administrative Theory, (Washington Rhodes)
- 14) Aldershort, R.A.W. Public Administration and Policy Analysis
- 15) D. D. Basu, Shorter Constitution of India, (1996) (Prentice Hall of India, Delhi)

## LC 1003 Company Law

**Objectives of the course:** Company legislation in India owes its origin to the English company law. Modern business ventures require knowledge of company law. There have been considerable changes in company law over last few years. These Changes have put more responsibility on the shoulder of Directors. A company has to comply with lot of procedures as covered under Companies Act. Listing agreement, SEBI Act and regulations. Moreover corporate Governance is now actively being implemented in various corporate houses. Law students are expected to study these changes thoroughly and minutely. Company Act 2013 seems to strengthen the Corporate Governance. This paper provides study of company law in detail which is essential for budding lawyers. This paper should be taught to students according to latest developments in Company Law.

### **Module 01      Concept, Nature & Meaning of Company:**

Historical origin of company law in India & Fundamental concept of company law, important definitions of company law.  
Characteristics of company – (Company a Legal Person, Separate Legal Entity, Perpetual Succession, Nomination facility, Common Seal, Limited liability)  
Doctrine of Corporate Veil.  
Important changes introduced by Companies Act 2013.  
Importance of Company Law in Globalised world.  
Difference between company & others forms of business organizations.

### **Module 02      Registration & Incorporation of Company:**

Types of Company ( Single man Company, Company Limited by Share Holders, Unlimited Company, Private and Public Company, Multinational Company)  
Formation of Company (Public Company, Private Company, One man Company)  
Certificate of Incorporation.  
Pre-incorporation contracts.  
Commencement of Business.  
Memorandum of Association, Alteration of MOA, Doctrine of Ultra vires.  
Article of Association.  
Doctrine of constructive notice & Indoor Management.

### **Module 03      Promoters, Securities (shares), Debentures:**

Promoters- Meaning, Duty & liability-Fiduciary relationship.  
Prospectus  
Shares-Its Meaning & Nature.  
Kinds of Share.  
Securities (Shares)- Allotment of securities & Share Holdings.  
Issue of share.  
Certificate of shares.  
Share Holders voting right  
Transfer of shares  
Shareholders

	Share Capital (kinds of share capital)
	Publication of Authorized, Subscribed & paid up capital
	Buy back shares
	Dividends
	Debentures,- Meaning, Kinds & Characteristics of Debentures.
	Guidelines for issue of debentures by public sector.
<b>Module 04</b>	<b>Appointment, Role &amp; Qualification of Director &amp; Meetings of Boards:</b>
	Role, Appointment & Types of Directors
	Company to have Board of Directors
	Independent Director
	Manner of election of Director & maintenance of independent data.
	Position of Director (Director as agent, trustee & organ)
	Appointment of directors & Managerial Staff
	Directors Identification number
	Powers & Duties of Directors
	Civil & Criminal Liability Of Directors
	Inspection, Inquiry & Disqualification
	Removal of Director
	Various types of Meetings
<b>Module 05</b>	<b>Compromise, Reconstruction, Amalgamation &amp; Mergers:</b>
	Arbitration
	Compromise, Arrangements & Amalgamations
	Sanction, Duties & Powers of Tribunal
	Power to Compromise or make arrangements with creditors and members
	Reconstruction & Amalgamation of Company
	Modes of reconstruction
	Declaration & Payments of dividends in above cases
	Fast track Mergers
	Amalgamation of companies by Central Government in public interest.
<b>Module 06</b>	<b>Accounts of Company:</b>
	Books of accounts etc to be kept by the Company
	System of maintenance of accounts in Company
	Audit & Auditors
	Protection of Minority Share Holders
	Prevention of Oppression and Mismanagement
	Removal of names of companies from register of companies
	Revival & Rehabilitation
<b>Module 07</b>	<b>Winding up Process:</b>
	Meaning of Winding up
	Procedures for winding up
	Winding up process by Tribunal
	Consequences of winding order
	Company liquidator & their appointments
	Report of the liquidator
	Custody of company's property
	Company Dissolution

	Voluntary Winding up
	Declaration of insolvency
	Procedure for voluntary Winding up
	Appointment of Liquidators
<b>Module 08</b>	<b>Constitution of National company Law Tribunal, Appellate Tribunal &amp; Special Court:</b>
	Constitution of National Company law Tribunal
	Appellate Tribunal
	Selection of members, terms of office, salary
	Removal of members
	Order of Tribunal
	Powers of Tribunal
	Appeal from orders of Tribunals
	Establishment of special courts
	Offences trial by special courts
	Meditation & Conciliation Panel
	Corporate Social Responsibility

**Recommended Readings:**

- 1) Company Law, Dr. N. V Paranjape, Central Law Agency, 2016
- 2) Company Law, Avtar Singh, Eastern Book Company, 2013
- 3) Corporate Governance & Concept & Dimensions, Agrawal S
- 4) Amalgamation & Merger of Companies & the WTO: An Indian Perspective, Singh R. K. , Eastern Law House-2013
- 5) Taxman's Company Law & Practice, Kapoor G.K. and Dhamija Sanjay, 2017,
- 6) Company Law, S. R. Myneni, Asia Law House Hyderabad, 2015
- 7) Company Law: Piercing the Corporate Veil, Chopra D.S. & Arora Nishant, Eastern Law House-2013.

## LP 1004

### Practical Training Paper IV – Moot Court Exercise and Internship

**Objectives of the Course:** This course enables the student to apply all laws of the course in the practicals. The first part of moot courts will enable him to learn identifying facts, applying the law, deriving issues, oral presentation skills, organising argument, and presenting it with persuasion. The second part will give him the experience of visiting court proceedings, and watch advocates conduct matters.

#### Part A: Moot Courts

In this part, each student will prepare and present three moot courts. In each, he will present oral arguments for the case and side allotted by the teacher, and will write exercises in a journal. Oral presentation shall be done in the presence of all students of the class. It will be followed by critical positive analysis about the salient features of the presentation and content, and suggestions for improvement. The teacher shall ensure that these suggestions are implemented at the next presentation.

Students shall be formally dressed for the presentation.

Each moot court will be marked as follows:

- a) Oral presentation: 05 marks
- b) Journal exercise: 05 marks

#### Part B: Internship

Each student will attend, take notes and study two case proceedings in courts, and complete the writing exercises in the journal under the guidance of an Advocate.

#### Part A Moot Courts

##### Module 01 Pre-moot Preparations

Mooting: the activity, its meaning, purpose and goal  
Nature and purpose of arguments in proceedings.  
Organisation of an oral presentation  
Oral presentation techniques  
Reading and understanding the Moot Problem

##### Module 02 Legal Research for the Moot Problem

Identifying the legal provisions applicable, statutory law, case-law (for and against)  
Using law reports and legal databases  
Modes of citation, during oral presentation, and in written arguments  
Reading a judgment, locating *ratio decidendi*, its use as precedent  
Distinguishing judgments that lay down similar propositions

### **Module 03 Moot Court 1**

#### **1) Objectives:**

Reading the moot problem, Identifying own party, Identifying and arranging facts, Identifying the law and its provisions.

Organisation of argument : Greeting, Opening, Statement own case, Brief statement of facts of the case, Case of other side, Issues, Issue-wise arguments (Facts → law, Law → Facts), Concluding an issue, Summing up, Prayer, Closing, Greeting.

Quoting statutory provisions with effect.

#### **2) Journal exercise:**

Table of facts arranged in chronological order

Statements of facts for the party that is represented.

Effective and complete prayer

Identify and state:-

The statutory law applicable, the section number, summary of that section. In case of common law: the principle of law and its ingredients

Case-law (for and against) with correct citation style, and one-sentence summary of the relevant principle involved.

List of books referred to (with uniform citation : JILI or OSCOLA or Blue Book)

### **Module 04 Moot Court 2**

#### **Objectives**

Formalities: Addressing the judge, the other party and Advocate for the other party, Referring to parties during course of argument,

Listening to, handling and answering court questions

Eye-contact with the judge

Respectful and deferent manner

#### **Journal exercise:**

One page summary of case and argument

Table of facts in chronological order

Statement of issues in the case

Statement of the full case of the other party / parties

Issue-wise statement of case of own party and other party

Effective and complete prayer

Identify and state:-

The statutory law applicable, the section number, summary of that section. If common law: the principle of law and its ingredients

Case-law (for and against) with correct citation style, and one-sentence summary of the relevant principle involved.

List of books referred to (with uniform citation : JILI or OSCOLA or Blue Book)

## **Module 05 Moot Court exercise 3**

### **Objectives**

- Oral presentation: Voice, tone, volume, pitch
- Use of humour
- Body language
- Use of one-page summary of the case for the purposes of argument
- Ability to present argument without dependence on notes
- Ability to present complete argument within time limit set for the purpose

## **Module 06 Journal exercise:**

- The entire argument for the party being represented within not more than twelve pages.
- Use of proper headings and paragraphs within the written argument.
- Use of correct citations and citation styles in the written argument.
- The written argument must contain the statement of case, summary of facts, case of the other party, issues or questions or charges, issue or charge-wise argument, prayer.

### **Part B: Internship**

This part involves attending court proceedings personally for observing cases. Students shall attend court for case observation outside college hours. Case observation or completing this exercise shall not be an excuse for attending classes, and there will be no attendance credits for attending court proceedings.

Each exercise shall carry 20 marks.

## **Module 07 Observation of a Trial**

The student will observe a civil or criminal trial involving hearing of oral evidence under guidance or supervision of an Advocate. Student shall begin internship and case observation at the beginning of the academic year, and shall present notes in the journal for assessment at the end of the first term. Observation shall continue through the next term. The teacher shall verify the progress of the proceeding with the record of proceeding on e-court website. The supervising Advocate's certificate shall be attached to the journal.

**Important:** Students shall maintain confidentiality of the parties, and facts and details in matrimonial matters or matters involving women and children, or matters of sensitive nature. In such a case, names, dates (of facts and not of court proceedings), locations etc shall be modified in the journal exercise.

### **Objectives**

- a) Attending court and court proceedings
- b) Applying substantive law and procedure to facts
- c) Familiarity with court procedures

d) Court manners and discipline

**Journal exercise**

Case number, parties names (subject to confidentiality requirement stated above), Description of court, Place.

Maintain date wise notes of the proceedings

State and discuss the provisions of law involved in the proceedings on each date: aspects of procedure and substantive law.

Brief report of the proceeding on each date.

Summary of entire proceedings at the end of the first term.

Summary of the following at the end of observation: (The summary shall cover only those of the following stages that occurred):-

Case of the plaintiff or prosecution

Case of the defendant or accused

Issues or matters in controversy, or charges

Substantive law involved, and its provisions

Procedural law involved, and its provisions

The legal character of each witness (viz. eye witness, attesting witness, knowing facts etc), and the purpose of examining him, brief summary of his evidence.

Brief statement of important documents filed or relied upon.

Summary of arguments of all parties

Judgment or order passed.

**Module 07 Observation of Arguments**

The student will observe arguments in any other proceeding involving substantial question of facts and law, viz, appeal, petition, application, in any court: Labour court, Industrial Court, Consumer Forum or Commission, Company matter, District or High Court or Supreme Court. This observation may be completed during the first term or during the vacation between the two terms. Completed journal work must be presented for assessment at the beginning of the second term. The teacher shall check the passage of the proceeding with the record of proceeding on e-court website. Advocate's certificate will not be necessary. Student shall give a declaration in the journal that he attended the case.

**Objectives**

Observing arguments

Observing organisation of arguments and presentations

Observing interaction with judge

Understanding analysis and arrangement of facts, and application of law to facts

Learning Court manners

Learning Presentation skills

**Journal exercise**

Case number, parties names (subject to confidentiality requirement stated above), Description of court, Place.

Maintain date wise notes of the proceedings

State and discuss the provisions of law involved in the proceedings on each date: aspects of procedure and substantive law.

Brief report of the proceeding on each date.

Summary of the following at the end of observation: (The summary shall cover only those of the following stages that occurred):-

Case of the plaintiff or prosecution

Case of the defendant or accused

Issues or matters in controversy, or charges

Substantive law involved, and its provisions

Procedural law involved, and its provisions

Description of evidence produced by parties

Summary of arguments of all parties

Judgment or order passed.

### **Recommended Readings:**

- 1) Nomita Aggarwal, A Beginner's Path to Moot Court, Universal Law Publishing, 2014
- 2) Abhinandan Malik, Moot Courts and Mooting, Eastern Book Company, 2017
- 3) Kailash Rai, Moot Court (Pre-Trial Preparation and Participation in Trial Proceedings), 5<sup>th</sup> ed, Cantral Law Agency, 2015.
- 4) K L Bhatia, Moot Court and Mock Trial - Art to and Art of Advocacy: Essentials of Court Craft, Universal Law Publishing, 2013
- 5) K Evans, Language of Advocacy, 1<sup>st</sup> Indian Reprint, Universal Law Publishing, 2000
- 6) J Hill, Practical Guide to Mooting, 1<sup>st</sup> Indian Reprint, Palgrave Macmillan, 2009.
- 7) J Snape and G Watt, How to Moot - A Student Guide to Mooting , Oxford University Press, 2005.
- 8) U Sakhalkar, Developing Skills Through Moot Court and Mock Trial, Allahabad Law Agency, 2014
- 9) B Malik, Art of a Lawyer - Cross Examination, Advocacy, Courtmanship, Universal Law Publishing, 2014.
- 10) D Pope and D Hill, Mooting and Advocacy Skills, 1<sup>st</sup> South Asian edn, Sweet & Maxwell, 2014.

## Optional Subject 6(Any one from the following)

### LC 1005 Election Laws

#### Objectives of the course:

This paper aims to acquaint the students with the vital elements of democracy. It prescribes the students with the constitutional and legislative aspects of representation. It provides the students with the process of conduct of election and related aspects. It also provides the students with judicial perspectives on electoral reforms. It acquaints the students with redressal mechanism for election disputes.

#### Module 01 Jurisprudential Aspects of Representation:

Concept of representation and participation of people

Election and viability of democratic system

Historical perspectives of election in India:-

The Government of India Act, 1861

The Government of India Act, 1892

The Government of India Act, 1902

The Government of India Act, 1935

Election and its statutory significance under the Representation of People Act, 1951

Modes of election:

Single nontransferable vote

Proportional representation

#### Module 02 Conduct of Elections And Administrative Machinery:

Election Commission : A Constitutional Entity

Powers and functions of Election Commission under Article 324 of the Constitution

Election Commission and Power of High Court under Article 226

Preparatory process for conduct of election

Conduct of elections under the Conduct of Election Rules, 1961

#### Module 03 Election of President, Vice President and other Legislative Bodies:

Election of President under Article 52 of the Constitution

Election of Vice President under Article 63 of the Constitution

Election to the House of People (Lok Sabha) and the Council of States (Rajyasabha)

Election to the State Legislatures

Election to Local bodies

#### Module 04 Election Disputes:

Election petition

Jurisdiction of High Court in election petitions

Qualification for setting aside elections

Disqualifications for setting aside elections

- Statutory procedure : implications of non-compliance
- Module 05 Electoral Reform And Judicial Activism:**  
 Scope and ambit of Article 329 : *Mohinder Singh Gill v. Chief Election Commissioner, New Delhi*, AIR 1978 SC 851  
 Bar on jurisdiction of High Court : *Lakshmi CharanSen v. A.K. M. Hassan Uzzaman*, AIR 1985 SC 1233  
 Corrupt electoral practice : *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299  
 Anti-defection : *KihotaHollohon v. Zachilhu*, AIR 1993 SC 412  
 Office of profit and disqualification : *In Re Smt. Jaya Bachchan* (2006)  
 Transparency in election process : *People's Union for Civil Liberties v. Union of India*, (2003) 4 SCC 399  
 Disqualification of representative after conviction : *Lily Thomas v. Union of India*, (2013) 7 SCC 653
- Module 06 Constituencies And Delimitation:**  
 Delimitation – meaning  
 Bar to interfere by court  
 Delimitation of Parliament and State Assembly  
 Delimitation of Assembly Constituencies in Jammu and Kashmir
- Module 07 Electors and Electoral Rolls:**  
 Preparation and revision of electoral rolls  
 Electoral rolls of Parliament and Assembly  
 Language, form and manner of preparation of electoral rolls  
 Claims and objections of electoral rolls
- Module 08 Nominations, Scrutiny And Withdrawal of Candidature:**  
 Nomination : form, proposer  
 Procedure for setting up by Political Parties  
 Disclosure by candidates and right to information : criminal antecedents, assets, liabilities, educational qualifications  
 Scrutiny of nomination : date, time, place  
 Withdrawal of candidature : period for withdrawal, notice, authorized persons
- Module 09 Political Parties And Election Symbols:**  
 Evolution of symbol system  
 Registration of political parties  
 Recognition of political parties  
 Promulgation of Election Symbols (Reservation and Allotment ) Order 1968  
 Splits and mergers of political parties and allotment of symbols  
 Disputes relating to allotment of symbols and role of Election Commission
- Module 10 Campaign, Poll and Result :**  
 Model code of conduct: evolution, application, violation  
 Use of media, loudspeaker vehicles  
 Opinion polls and exit polls  
 Poll : law and order, voting systems, voting procedure, adjournment, fresh Poll

Right to vote : in person, by post, preference votes, assistance to blind, illiterate or infirm

Declaration of result : uncontested returns, contested returns, publication of result, notification

**Recommended Readings:**

- 1) S.K. Mendiratta, All You Want To Know About Indian Elections (LexisNexisButterworthsWadhwa, Nagpur, 2009)
- 2) Herman Finer, Theory and Practice of Modern Government, (Greenwood: 1970)
- 3) Rajni Kothari, Rethinking Democracy (Orient Longman: 2005)
- 4) ManoranjanMohanty, Theorizing India's Democracy, in Indian Democracy: Meanings and Practices, Rajendra Vohra, ed. et al., (Sage: 2004)
- 5) RajendraVora, SuhasPalshikar, Indian Democracy Meaning And Practices (Sage Publication, 2005)
- 6) V.S. Rama Devi & S.K. Mendiratta, How India Votes- Election Laws Practice and Procedure ( LexisNexis, 2017)
- 7) Dobia&Dobia, Law of Elections and Petitions (Set of two volumes) (LexisNexis, 2016)
- 8) B.S. Chowdhury, Law of Elections In Indian Republic (1967)
- 9) G.S. L. Srivastava, Elections and election petitions (1969)
- 10) I. Narain and others, Election Studies In India : An Evaluation (1978)
- 11) M. Krishnaan Nair, The Law Of Elections In India (1981)
- 12) P.M. Bakshi (ed.) , Chawla's Elections : Law and Practice (1985)
- 13) M.W. Fisher and J.V. Bondurant, John V., Indian Experiences With Democratic Elections (1956)
- 14) B. Holden, Nature of Democracy (1974)
- 15) Lakeman, Enid, How democracies vote : A study of Electoral systems (1974)
- 16) Z.M. Quraishi, Struggle for Rashtrapatibhawan : a study of Presidential Elections (1973)
- 17) R. Kothari, Party system and election studies (1967)
- 18) S.C. Kashyap, Election and electoral reforms in India (1971)

## LO 1006 Bankruptcy and Insolvency Law

**Objectives of the Course:** The Insolvency and Bankruptcy Code 2016 consolidated and amended the law relating to reorganization and insolvency resolution of corporations, partnership firms, and individuals. The Course will give the student an overview of the new law that not only opens opportunities for specialized practice in this area, but also in the course of transacting, and due diligence investigation. The student will apprise of the Insolvency resolution process, the distinction between Insolvency and Bankruptcy, the function of regulation in this area, the functioning of various authorities.

### **Module 01 Introduction:**

Historical perspectives of insolvency, bankruptcy and the laws

Need for the Insolvency and Bankruptcy Code 2016

Objects of the Code

Applicability of the Code

Definitions of the terms: claim, charge, corporate person, corporate debtor, core services, creditor, debt, default, financial information, financial institution, financial product, financial service, financial sector regulator, insolvency professional, person, property, security interest

Concepts of Insolvency and Bankruptcy, Debtors and Creditors

### **Module 02 Insolvency Resolution and Liquidation Process for Corporate Persons:**

Corporate insolvency resolution process

Liquidation process

Fast track insolvency resolution process

### **Module 03 Insolvency Resolution and Bankruptcy for Individuals and Partnership Firms:**

Insolvency resolution process

Bankruptcy order for individuals and partnership firms

Administration and distribution of the estate of the bankrupt.

### **Module 04 Authorities under the Code:**

The Insolvency and Bankruptcy Board of India

Powers and functions of the Board

Insolvency professional agencies

Information utilities

Inspection and investigation

### **Module 05 Adjudicating Authorities under the Code:**

Adjudicating Authorities for Corporate Persons

Adjudicating Authorities for Individuals and Partnership Firms

Appeals

### **Module 06 Insolvency and Bankruptcy Code vis-à-vis Other Legislations:**

The Companies Act, 2013

The Sick Industrial Companies (Special Provisions) Repeal Act, 2003

The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002

The Recovery of Debts Due to Banks and Financial Institutions Act, 1993

The Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920

**Module 07 Offences and Penalties for Contravention of the Provisions of the Code:**

By the debtor

By the creditor

By the bankrupt

**Module 08 Cross Border Insolvency:**

UNCITRAL Model Law on Cross Border Insolvency

World Bank Principles for Effective Insolvency and Creditor Rights

Asian Development Bank Principles of Corporate Rescue and Rehabilitation

**Recommended Readings:**

- 1) UNCITRAL Legislative Guide to Insolvency Law
- 2) Mulla, The Law of Insolvency in India, 6th ed., Lexis-Nexis, 2017
- 3) Sumant Batra, Corporate Insolvency – Law and Practice, Eastern Book Company, 2017
- 4) Guide To Insolvency and Bankruptcy Code, Taxmann, 2016
- 5) The report of the Bankruptcy Law Reforms Committee, Nov 2015, available at [www.ibbi.gov.in/Reports.html](http://www.ibbi.gov.in/Reports.html)
- 6) The Report of the Joint Committee on the Insolvency and Bankruptcy Code, 2015, Lok Sabha, 2017, available at [www.ibbi.gov.in/Reports.html](http://www.ibbi.gov.in/Reports.html)

## LO 1007 Comparative Criminal Justice System

**Objectives of the Course:** Comparative research earlier was a luxury. It served to broaden one's horizons. Today, comparative research is a necessity. In the criminal justice system the only way to effectively prevent and combat crime on the world stage is via the harmonisation and the coordination of national and international efforts. That requires up-to-date and intimate knowledge of criminal justice arrangements abroad. This necessitates the appreciation of meaningful and valuable differences, stemming from culture, history and social discourse which helps shape criminal justice arrangements in places quite different from our own. The academic endeavour of comparative criminal justice requires detailed understanding of not just criminal justice process but also the actors involved in it and the society that forms the backdrop to these process.

### **Module 01 Introduction:**

Meaning and Significance of Comparative Criminal Justice

A comparative perspective on criminal justice and its main components.

An overview of an impact of international criminal justice on comparative criminal justice

Impact of Comparative Criminal Justice on Indian Criminal Law

### **Module 02 Comparative Policing:**

Police and policing

Policing and crime control:

Community policing

Zero tolerance policing

Policing corruption

Rise of private policing

### **Module 03 Transnational and global policing:**

Transnational policing

International policing institutions:

Interpol

Europol

UNPOL[United Nations Police]

UN Office on drugs and crime (UNODC)

### **Module 04 Prosecution & Pre-trial justice:**

UN Guidelines on role of prosecutors

Prosecution :-

England (Crown prosecution services)

Netherlands

America (Grand Juris)

India

Pre-trial justice the role of magistrate

Pre-trial custody in law and practice

### **Module 05 System of trial:**

Inquisitorial trials in France

- Adversarial trials in England and India  
Trial in Islamic Legal Tradition
- Module 06     Jury System:**  
The English jury  
The American jury  
Jury system in India  
Juris in inquisitorial system
- Module 07     Sentencing:**  
Death penalty and Human Rights  
Death Penalty in USA and UK  
Death Penalty in India
- Module 08     Models of Criminal Justice Process:**  
Crime Control Model:  
Rights of Victim  
Rights of Accused Person  
Power of investigation agencies  
Role of Courts  
Due Process Model:  
Rights of Victim  
Rights of Accused Person  
Power of investigation agencies  
Role of Courts

**Recommended Readings:**

- 1) Nelken D (2010) Comparative Criminal Justice Making sense of difference, London Sage
- 2) Nelken D (ed)(2011) Comparative criminal justice and globalisation Farnham Ashgate
- 3) Crawford A (ed) (2011) International and comparative criminal justice and urban governance Cambridge, Cambridge University Press
- 4) Haberfeld M.R. & Cerrah I (ed) (2008) Comparative policing: the struggle for democratization, London: Sage
- 5) Jones J & Newturn I (ed) (2006) Plural Policing a Comparative example London: Routledge
- 6) Andreas P and Nadelmann E (2006) Policing the globe: Criminalization and crime control in international relations, New York: Oxford University Press
- 7) Bowling B, Sheptyck J (2012) Global Policing, London: Sage
- 8) Choe D.H. (2013) Discretion at pretrial stage: A comparative study, European journal of criminal policy and research, 20.
- 9) Schonteich M. (2008) The scale and consequences of pretrial detention around the world In: Open Society Foundations (Ed) Justice initiatives London
- 10) Terrill R.J. (2012) World Criminal Justice Systems: A comparative survey ,Oxford Newness
- 11) Vogler R (2005) A world view on criminal justice Aldershot: Ashgate
- 12) Van Koppen P.J. and Penrod S.D. (eds) (2003) Adversarial versus inquisitorial justice, New York, Kluwer
- 13) Hans V(2008) jury system around the world, Annual Review of Law and Social Science
- 14) Vidmar N (ed) (2001) World Jury System, Oxford: Oxford University Press
- 15) Garland D (2001) The culture of control, Crime and order in contemporary society, Chicago , University of Chicago

- 16) Pratt J Brown, D Brown, S Hallsworth, and W Morrison , (eds) (2013) the new punitiveness , London: Routledge.
- 17) Zimring F (2003) The contradictions of American Capital Punishment, Oxford:Oxford University Press.
- 18) Francis Pakes, (2015), Comparative Criminal Justice, Routledge, London.
- 19) Mark Findlay, International And Comparative Criminal Justice (Routledge, London, 2013)

## LO 1008 Land Laws II

**Objectives of the Course :** This paper deals with laws dealing with agricultural and other lands, their use, holding, management and dealings. With a sound background of law of transfer of property, this course equips the student with all other laws that affect use and dealings of land, and activities that enable its best exploitation. Agricultural land is subject to such control and regulation as would enable its most effective and efficient use. This module appries the student of such provisions. Specialisation in these laws is as much useful for practice in litigation in these specialised area and in specialised courts, but also in advise and consultancy in dealings of these properties.

Although much of course content involves laws in force in the State of Maharashtra, the principles governing these laws are common across laws on the subjects in other states. Detail provisions might differ in laws of other states, study of principles that underpin the laws forming part of this course will enable the student to apply these to similar laws in other states.

### **Module 01 The Maharashtra Land Revenue Code, 1966: Lands:**

Historical background of land revenue system, and the Code  
Revenue areas

Lands: Vesting, Extinction of rights, assignment for special purposes, pasturage, right to trees, trees and forests, recovery of value of natural products and trees etc, regulating cutting and supply of wood.

Grant of lands

Use of land

Encroachment on land

Relinquishment of land

### **Module 02 The Maharashtra Land Revenue Code, 1966 : Land Revenue:**

Land Revenue: Liability and assessment (64-78)

Assessment and settlement of land revenue of agricultural lands (sections 90-107)

Assessment and settlement of land revenue of lands used for non-agricultural purposes (sections 108-120)

Revenue Surveys: Procedure for survey, Survey numbers, Partitions, sub-divisions, (sections 79-88)

Boundary and boundary marks (sections 132-146)

### **Module 03 The Maharashtra Land Revenue Code, 1966 : Land Records:**

Record of rights (sections 147-159)

Rights in unoccupied lands (sections 160-167)

Realisation of land revenue and other revenue demands: Liability, priority of claim, time for payment, recovery, enforcement (sections 168-184)

### **Module 04 The Maharashtra Land Revenue Code, 1966 : Procedures before Revenue Officers, Appeals and Tribunal:**

Revenue Officers, their powers and duties

Procedure of Revenue Officers  
Appeals, Revision and Review  
Maharashtra Revenue Tribunal

**Module 05 The Maharashtra Tenancy and Agricultural Lands Act, 1948 : Holding and Use of land, Tenancies and Parties:**

Purpose and object of the Act and historical background.  
Concepts: Deemed tenants, Protected tenants, Ceiling area, Economic Holding, Irrigated land, Maximum and minimum rent, Certificated Landlord  
Rights, liabilities, duties and disabilities of landlord  
Rights, liabilities, duties and disabilities of tenant  
Restriction on holding of lands, restrictions on transfer of lands  
Management of estates

**Module 06 The Maharashtra Tenancy and Agricultural Lands Act, 1948: Personal Cultivation, Termination of Tenancies and Enforcement:**

Termination of tenancies by parties :  
Without default: personal cultivation, non-agricultural use, and by certificated landlord  
on default  
surrender  
Relief against termination  
Termination of tenancy by operation of law, Tiller's day  
Purchase of land by tenants, procedure for purchase  
Right of tenant to exchange land  
Collector, Mamlatdar and Tribunal, their powers and functions under the Act;  
Jurisdiction and bar of jurisdiction; Appeals and revision

**Module 07 The Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act 1947:**

Purpose and object of the Act and historical background.  
Determination of local and standard areas, entry in record of rights  
Restrictions and prohibitions on transfer and partition of fragments including court sales, exceptions, penalty, transfer of fragment to Government and compensation  
Consolidation, procedure, Reservation of land for public purpose, Scheme : its preparation and enforcement, and compensation and apportionment, Certificate of transfer, Rights in holdings, Transfer of encumbrances  
Consolidation Officer, Settlement Commissioner, their powers and functions, Bar of jurisdiction

**Module 08 The Maharashtra Agricultural Lands (Ceiling on Holdings) Act 1961**

Purpose and object of the Act and historical background.  
Ceiling on holding of land, Exempted land, Prohibition on holding land beyond ceiling limits  
Restrictions on transfers and acquisitions, and consequences of

contravention  
Surplus land, Submitting returns, Selection of land, Procedure of determining surplus land, Declaration of surplus land, Compensation, Distribution of surplus land  
Collector and Maharashtra Revenue Tribunal, Powers and functions, Appeals

**Module 09      The Mamlatdar Courts' Act 1906**

Purpose and object of the Act and historical background.  
Mamlatdar and Joint Mamlatdars, their appointment and powers  
Cause of action and limitation  
Procedure from filing of plaint till enforcement of orders  
Injunction and its disobedience  
Collector and his powers and functions

**Important Note:** Definitions in above Acts must be covered as relevant to contents of modules.

**Recommended Readings:**

- 1) S Dighe, Land Laws in Maharashtra, Snow White, 2016
- 2) A K Gupte, G Sethi, Land Laws in Maharashtra, Hind Law House, 2016
- 3) A K Gupte, G Sethi, Maharashtra Land Revenue Code, 1966, Hind Law House, 2017
- 4) S Dighe, Maharashtra Land Revenue Code, 1966, Snow White, 2016
- 5) S Dighe, Maharashtra Tenancy and Agricultural Lands Act with Rules, 1956, Snow White, 2017
- 6) K S Gupte and A K Gupte, Maharashtra Tenancy and Agricultural Lands Act, 1948, Hind Law House, 2015
- 7) D M Parulekar, The Bombay Tenancy and Agricultural Lands Act, 1948, Chaudhari Publishers, 2008
- 8) R M Tagare, Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, Mukund Prakashan, 1991
- 9) A R B Kher, Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, Nasik Law House, 1999
- 10) D R Chaudhari and A N Chaudhari, Bombay Mamlatdars' Courts Act, 1906, CTJ Publications, 2012

## LO1009 Humanitarian and Refugee Law

**Objective of the Course:** The objective of this course is to familiarize the student with the expanding horizons of international law. The Law of war is today popularly referred to as International Humanitarian Law. A number of issues arise out of humanitarian consideration which fix responsibilities on the nation-states to discharge their traditional responsibility under International Law. In view of the expanding tenants of international law of human rights, war and the various issues and crimes of individuals have to be dealt in without violating the international norms. In this paper the student is presented an overview of various aspects and institutional mechanism that has been developed over the years by states parties.

The Second part Refugee Law is also critically important and again brings forth the responsibility on nation-states to discharge their obligations in the prevention of Statelessness and the resultant consequences that arise out of loss of nationality. In view of the compelling jurisprudence of Human Rights Law, the states have a onerous duty to extend protection to people who lose their nationality for no fault of us. In this area again the aspects of Human Rights highlights that Individuals being a subject and object of international law, the responsibility of the States to protect the rights that are guaranteed under various international legal instruments.

### **Module 01 Introduction to International Humanitarian Law (IHL)**

History and Development of IHL

Application of IHL –Martens Clause

Armed Conflict and Non-international armed conflict - Common Articles 2 & 3

International Human Rights Law and Humanitarian Law

IHL and Human Rights

### **Module 02 Protected Persons and Property**

Wounded, The Sick, The Shipwrecked.

Prisoners of War.

Medical, Religious and Relief Personnel

Protection of Civilians.

Protection of Women and Protection of Children

Protection of Cultural Property.

### **Module 03 Implementation of IHL and Institutional Mechanisms**

Basic issues involved in Implementation of IHL.

Implementation of Law at National Level.

Grave Breaches of Geneva Conventions and Additional Protocols.

Role of ICRC.

War Crimes Tribunals an Over View

International Criminal Court- Jurisdiction--Powers and Functions

#### **• Conventions and Protocols to be covered in this area are**

The first Geneva Convention protects wounded and sick soldiers on land during war 1949

The second Geneva Convention protects wounded, sick and shipwrecked military personnel at sea during war 1949

The third Geneva Convention applies to prisoners of war

The fourth Geneva Convention affords protection to civilians, including in occupied territory.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977

- **Judicial Decisions**

International Military Tribunal at Nuremberg

International Military Tribunal for the Far East (Tokyo)

International Criminal Tribunal for the Former Yugoslavia (ICTY)

International Criminal Tribunal for Rwanda (ICTR)

Special Court for Sierra Leone

**Module 04 Introduction to International Refugee Law**

Historical Background of Refugee Law

Meaning and Definition of Refugee Under various International Documents

Difference between Refugees and Internally Displaced Persons

Human Rights and Refugees –An over view

**Module 05 International Framework for Refugee Protection**

Asylum

Protection

Non-refoulement

Non-discrimination

Family Unity

Durable Solutions

International Cooperation- Burden Sharing-Extradition of Refugee-voluntary

Repatriation-Naturalization

An over view on role of UNHCR in the protection and Promotion of Refugee Rights

**Module 06 Refugees in Indian Context**

Legal and Constitutional Provisions

Reasons for non signatory to Refugee Convention

Role of Indian Government in Protecting Refugees

Role of NHRC and Judiciary

**Recommended Readings:**

1) Kavin M. Cahill, *Basics of International Humanitarian Missions* (2003)

2) V. K. Ahuja, *Public International Law* (2016) Lexis Nexis

3) ICRC, *Summary of the Geneva Conventions of 12 August 1949 and their Additional Protocols* (Second Edition, 2012)

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5) Fleck, Dieter, ed., *The Handbook of Humanitarian Law in Armed Conflicts* (1998)

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**Important Note:**

If any amendment takes place in any Legislation under any law either by the Union or by the State Legislature, such updations shall come into force only from the next academic year onwards automatically. Accordingly, such new enactments of any of the provisions of any law in partial shall be automatically deemed to me updated and accordingly the institutions need to cover such new provision in the place of old regulations without major modifications to syllabi. In case in any law if any of the provisions of the existing law are repealed such provisions shall automatically deemed to be repealed in the syllabi from the next academic year.

In any legislation if major changes are brought in by the Legislature at any point of time during the year after the commencement of the academic year, such changes shall come into affect only from the next academic year. In such cases, the BOS needs to take note of such major changes and draft such portions of syllabi either wholly or partially affecting such papers.

In case if any legislation is completely removed and new legislation is introduced in place of it, the BOS has to make the arrangements to draft syllabi of such papers basing on the new legislation. Such syllabi shall come into force only from the beginning of the new academic year.

With respect of any of the rules stated above, any changes introduced by University from time to time such rules shall come into force from such period mentioned in such circulars. Accordingly, the rules stated herein needs to be read in conjunction with such circulars.