

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

*(Program Code: 5-1-01)*

**(W.E.F. 2021-2022)**



**Dr. B.R. Ambedkar College of Law  
ANDHRA UNIVERSITY**

**Visakhapatnam - 530 003**

## **PROGRAM OBJECTIVES FOR 3 YEAR LL. B**

***(Program Code: 5-1-01)***

### **LL. B: 3 Years Degree Program**

Dr. B.R. Ambedkar College of Law, started offering 3 Years Degree Program with the statutory permission from the Bar Council of India, New Delhi. This program is running under the Semester system following Choice Based Credit System. The Department is implementing revised curriculum of UGC- CDC. The curriculum is updated periodically.

Legal education offered by the department is designed to give professional orientation, besides promoting skills of advocacy and drafting of legal documents. The law graduates have the opportunity to practice as advocates, legal advisors and consultants in corporate sector or serve as law teachers in various institutions. The syllabus of all Law Courses has been thoroughly revised and updated as per the directions of The Bar Council of India, regulating body of Law Courses.

### **Program Objectives- LL. B 3 Years: -**

1. To provide quality multi-disciplinary education in legal studies, keeping in view the demands of the global economy and the needs of domestic society.
2. To evolve and impart comprehensive legal education at all levels to achieve excellence.
3. To organize advanced studies and promote research in all branches of Law.
4. To organize lectures, seminars, symposia, workshops, and conferences to disseminate legal knowledge and the legal process, as well as its role in national development.
5. To promote cultural, legal, and ethical values with a view to promoting and fostering the rule of law and the objectives enshrined in the Constitution of India.
6. To improve the ability to analyze and explain to the public the legal implications of current issues of public concern.
7. To publish periodicals, treatises, study books, reports, journals, and other literature on all subjects relating to law and applied studies.
8. To hold examinations and confer degrees and other academic distinctions.
9. To promote legal awareness to achieve social and economic justice for all.
10. To undertake study and training projects relating to law, legislation, and judicial institutions.
11. To promote inter disciplinary study of Law in relation to management, technology, International Co-operation, and development.
12. To instill in students and research scholars a sense of responsibility to serve society in the field of law by developing skills in advocacy, legal services, legislation, parliamentary practice, law reforms, and

other areas; to make law and legal processes effective tools for social development. And to do all things that are incidental, necessary, or conducive to the achievement of all or any of the University's objectives.

**Program Outcomes:**

- i. The Program would sensitize the students with the concept of law and fundamental principles of Law.
- ii. The students will get familiarize about the legal systems and procedures.
- iii. The students would be exposed to legal clinical education.
- iv. The students would be promoted to cultural, legal and ethical values with a view to promote and foster the Rule of Law and the objectives enshrined in the Constitution of India.

**Program Specific Outcomes**

- i. The program will facilitate the students to become a good lawyer, judge, mediator, negotiator, conciliator or pursue higher studies.
- ii. The students will be equipped with the tools of legal profession.
- iii. The students would be equipped with the professional skills which are required for legal practice such as drafting, pleadings, conveyancing, and arguments etc.,

**ANDHRA UNIVERSITY**

**Regulations relating to**

**LL.B. 3 YEAR DEGREE COURSE**

**(Semester System)**

*(effective from the Academic Year 2021-2022)*

The following regulations for 3 year LL.B Course shall come into force with effect from the Academic Year 2021-2022

- **Admission** into 3 Year LL.B. Degree Course is subject to LAW CET and University Rules and Regulations. Admissions are made by LAW CET Convener in accordance with the Rules prescribed by Government of Andhra Pradesh vide G.O.M s.No26 Higher Education dtd 24-2-2004
- **For the award of 3 year LL.B. Degree**, a candidate shall be required to have i) received instruction and training for the prescribed course of study as full-time students for three academic years, and ii) passed all the examinations prescribed for the award of 3 Year LL.B. Degree.
- **Duration:** 3 Year LL.B Degree Course has to be pursued in six semesters stretching over

three academic years. Each academic year comprises of two Semesters.

- **Medium of Instruction** will be in English language
- **Class Room Instruction:** Class room instruction for each semester will be for 16 weeks excluding the period for conducting the examinations.
- **Attendance:** In order to be eligible to take the examination in any subject, candidate is required to put in 75% of attendance in each subject which includes lectures, tutorials and practical training.

If a student for any exceptional reason fails to attend 75% of the classes held in any subject, he/she may be condoned for the shortage of attendance if the student concerned attended at least 66% of the classes held in the subject concerned subject to the payment of the fine prescribed from time to time by the University.

- **Credits:**  
All papers carry six credits each except the Paper on Seminar and Clinical Legal Education which carries only two credits. Total credits of the LL.B (3 Year) Course are 178.

- **Question Paper Pattern**

➤ For papers other than Practical Papers, the question paper consists of three parts.

- **Part A** consists of short answer questions. In this Part nine questions will be given and the candidates have to answer any **Six** questions. . Each question carries 4 marks carrying a total of **24 marks**.
- **Part B** consists of essay questions. In this part four essay questions will be given and the Candidate has to answer any **Two** questions. Each question is **18 marks**.
- **Part C** consists of hypothetical problems. In this part four hypothetical problems will be given and the candidate has to answer any **Two** questions. Each question carries **10 marks**. The answer shall cover recitation of acts, framing of issues, reasoned decisions and citation of authority.

*For Practical Training Papers I, II and III in Sixth Semester* The Semester end paper carrying 50 Marks consists of 8 essay questions out of which the candidate has to answer any five questions.

- **Allotment of Marks:**

All papers carry 100 Marks.

Except for the Practical papers, 80 Marks are allotted to Semester End written examination. 20 Marks are allotted for internal sessionals, the split up of which is as follows;

- *Test* -10 Marks (Two midterm tests will be conducted out of which one test will be in objective mode consisting of not less than 10 questions.)
- *Assignment*-5 Marks (One Assignment to be given)
- *Semester End Viva*-5 Marks

For all practical papers 50 Marks are allotted to internal component and 50 marks are allotted to external co component except for Moot Courts Paper.

Paper on Seminar and Clinical Legal Education except for VI semester.

Practical Papers are,

- Practical Training Paper-I (Drafting, Conveyancing and Pleading )in Sixth Semester
- Practical Training Paper-II,(Professional Ethics and Professional Accounting System),in Sixth Semester
- Practical Paper III,(Alternate Dispute Resolution),in Sixth Semester
- Practical Paper IV,(Moot Court Exercise and Internship)Tenth semester

*Seminar and Clinical Legal Education Paper* carries a total of 100 marks, breakup of which is as follows:

- Seminar Presentation–25Marks
  - Seminar Write-up-25Marks
  - Project Report on Clinical Legal Education Exercise prescribed for the concerned semester.-25Marks
  - Viva-25Marks
  - **Examination:**
    - Candidate shall take examination in each of the subjects prescribed for study at the end of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination is three hours.
    - The semester end examination shall be based on the question paper set by an external paper setter.
    - For qualifying in the examination the candidate has to secure a minimum of 40% in the theory papers excluding internal sessionals and a minimum of 50% in the practical papers.
- Practical papers** in LL.B(3YDC)are, Seminar and Clinical Legal Education papers and the Practical Training Papers I, II, III and IV of the sixth semester.
- Grafting/Grace is permitted. Eg A candidate, who secured only 35%, would fail having fallen short of the required minimum pass percentage (40%) by five marks. Permission for grafting allows such candidate an opportunity to utilize the excess marks if any he might have earned in some other paper for filling up the said deficit. Thus, if the concerned candidate happened to secure 45 marks in another paper, the extra five marks which is in excess of what is required for a pass could be notionally added to fill the deficit of 5marks of the paper in which the candidate

actually failed and thereby declare the candidate to have been passed in such paper.

0.5 or more will be rounded up to the higher value of 1 for the purpose of class elevation, third class to second class or second class to first class. Eg. 4.96 will be treated as 5.0 or 5.45 will be treated as 5.5.

### ➤ Scheme of Grading

S.No	Range of Marks	Grade	Grade Point	
1	>90 < 100	O	10	Outstanding
2	>80 < 90	A+	9	Excellent
3	>70 < 80	A	8	Very Good
4	>60 < 70	B+	7	Good
5	>55 < 60	B	6	Above Average
6	>50 < 55	C	5	Average
7	>40 < 50	P	4	Pass
8	< 40	F	0	Fail
9			0	Ab (Absent)

CGPA will be calculated from II semester onwards up to the final semester CGPA multiplied by “10” gives aggregate percentage of marks obtained by a candidate.

- **Classification** of successful candidates is based on **CGPA** as follows:

➤ Distinction	---	CGPA 7.0 or more
➤ I Class	---	CGPA 6.0 or more but less than 7.0
➤ II Class	---	CGPA 5.0 or more but less than 6.0
➤ Pass	----	CGPA 4.0 or more but less than 5.0

Note: Only those candidates who appear and pass the examination in all the papers of the First semester, all the papers of the Second semester, all the papers of the Third semester, and similarly all the papers of the Fourth semester, at first appearance are eligible to be placed in O grade.

### Awards:

No candidate who has not passed all the papers relating to any semester at the first appearance shall be eligible for the Award of Medals or Prizes by the University and to receive certificates of rank obtained by them in the examination.

### Explanation:

Credits, Grade Letter, Grade Points, Credit Points

**Credit** means the unit by which the course work is measured. One credit means one hour of teaching work or one hour of practical work per week. **Grade Letter** is an index to indicate the performance of a student in a particular course (Paper). It is the transformation of actual marks secured by a student in a course/paper. It is indicated by a Grade letter O, A, B, C, D, E. There is a range of marks for each Grade Letter. **Grade Point** is Weight-age allotted to each grade letter depending on the marks awarded in a course/paper. **CGPA**: CGPA means Cumulative Grade Point Average. It will be calculated from 2<sup>nd</sup> semester onwards. **SGPA** means Semester Grade Point Average. This is calculated for each semester of the

programme CGPAx 10 will be the overall percentage of the marks obtained by the candidate.

**Award of the Degree for 3 Year LL.B., & 5 Year B.A.LL.B.**

A candidate shall be declared to have passed in a subject/paper if the candidate secures a minimum of “P” grade in theory and a minimum of “C” in practical examination/project/field works/viva.

Further a candidate has to secure a minimum of 40% in theory examination (excluding sessional marks) and a minimum of 50% (excluding sessional marks) in the practical examination/project/field work/viva voce/industrial training in semester-end/year end examinations and 50% aggregate to pass.

**General Rules**

The candidate who secures less than prescribed SGPA/CGPA may be permitted to appear for the examination within the duration of the course or before the expiry of transitory regulations.

Failed candidates will be permitted to appear for the University examinations after the expiry of transitory regulations as per the existing regulations, scheme and syllabi which are enforce.

Ranks will be given only to the candidates, who have passed all the subjects/papers at a time. However, Distinction will be given to the candidates, who secure 70% and above, those who have passed all the subjects / papers at a time.

**Revaluation**

The candidate has to apply for revaluation on or before 15 days from the date of publication of the results.

**Betterment**

A candidate can avail the betterment chances during the validity of all the courses.

## LL.B (Three Year) Degree Program Pattern

### FIRST YEAR

#### FIRST SEMESTER

Sl.No	Paper No	Course Code	Subject	Hours			Max		Credits
				Per week			Marks		
				L	T	P	E	I	
1	1	TH-713101	Law of Contracts(General Principles of Contract (Secs.1 to 75)including Specific Relief Act)	5	1	-	80	20	6
2	2	TH-713102	Constitutional Law-I	5	1	-	80	20	6
3	3	TH-713103	Law of Torts including MV Accident and Consumer Protection	5	1	-	80	20	6
4	4	TH-713108	Law of Crimes-I (IPC)	5	1	-	80	20	6
5	5	TH-713107	Family Law-I(Family Relations)	5	1	-	80	20	6
6	6	SM-001	Seminar &Clinical Legal Education	-	-	4	50	50	2
		TOTAL							32

#### SECOND SEMESTER

Sl. No	Pap er No	Course code	Subject	Hours Per week			Max Marks		Credits
				L	T	P	E	I	
1.	1	TH-713201	Special Contracts	5	1	-	80	20	6
2.	2	TH-713202	Constitutional Law-II	5	1	-	80	20	6
3.	3	TH-713203	Environmental Law including Laws for The Protection of the Wild Life and other Living Creatures including Animal Welfare	5	1	-	80	20	6
4.	4	TH-713204	Jurisprudence (Legal Method, Indian Legal System and Basic Theory of Law)	5	1	-	80	20	6
5.	5	TH-713205	Family Law-II(Testamentary and Intestate Succession)	5	1	-	80	20	6
6.	6	SM-001	Seminar &Clinical Legal Education	-	-	4	50	50	2
TOTAL									32



## SECOND YEAR

### THIRD SEMESTER

Sl. No	Paper No	Course Code	Subject	Hours			Max		Credits
				per week			Marks		
				L	T	P	E	I	
1	1	TH-101521	Property Laws including Transfer of Property Act and Easements Act	5	1	-	80	20	6
2	2	TH-101522	Labour and Industrial Law-I	5	1	-	80	20	6
3	3	TH-713308	Company Law	5	1	-	80	20	6
4	4	TH-101524	Administrative Law	5	1	-	80	20	6
5	5	TH-101525	Interpretation of Statutes and Principles of Legislation	5	1	-	80	20	6
6	6	SM-001	Seminar &Clinical Legal Education	-	-	4	50	50	2
7			Ethics and Values (Non Credit Paper)	1					
TOTAL									32

### FOURTH SEMESTER

Sl. No	Paper No	Course Code	Subject	Hours per week			Max Marks		Credits
				L	T	P	E	I	
1	1	TH-713401	Labour and Industrial law-II	5	1	-	80	20	6
2	2	TH-713402	Public International Law	5	1	-	80	20	6
3	3	TH-713409	Principles of Taxation Law	5	1	-	80	20	6
4	4	TH-713404	Intellectual Property Rights Litigation	5	1	-	80	20	6
5	5	TH-713408	Land Laws including Tenure and Tenancy System	5	1	-	80	20	6
		TH-713405	Investment Law including Securities (Optional Paper –I)						
6	6	SM-001	Seminar & Clinical Legal Education	-	-	4	50	50	2
TOTAL									32

### THIRD YEAR

#### FIFTH SEMESTER

Sl. No	Paper No	Course Code	Subject	Hours per week			Max Marks		Credits
				L	T	P	E	I	
1	1	TH-101901	Civil Procedure Code and Limitation Act	5	1	-	80	20	6
2	2	TH-713508	Law of Crimes –II (Cr.P.C., Juvenile Justice Act and Probation of Offenders Act)	5	1	-	80	20	6
3	3	TH-101903	Law of Evidence	5	1	-	80	20	6
4	4	TH-101905	Banking Law	5	1	-	80	20	6
		TH-101906	Law of Insurance (Optional Paper-II)						
5	5	TH-101907	Media Law including Right to Information	5	1	-	80	20	6
		TH-101908	International Human Rights(Optional Paper III)						
6	6	SM-001	Seminar & Clinical Legal Education	-	-	4	50	50	2
<b>TOTAL</b>									<b>32</b>

#### SIXTH SEMESTER

Sl. No	Paper No	Course Code	Subject	Hours per week			Max Marks		Credits
				L	T	P	I	E	
1	1	TH- 713607	Practical Training-I(Drafting, Pleading and Conveyancing)			6	50	50	3
2	2	TH- 713601	Practical Training-II Professional Ethics and Professional Accounting System			6	50	50	3
3	3	TH- 713602	Practical Training-III Alternate Dispute Resolution(ADR)			6	50	50	3
4	4	PR- A253	Practical Training -IV Moot Court Exercise and Internship)			6	50	50	3
5	5	TH- 713603	Penology and Victimology	5	1	-	20	80	6
		TH- 713604	Women and Criminal Law (Law relating to Violence against Women)(Optional Paper-IV)						
TOTAL									18
GRAND TOTAL									178

## **FIRST SEMESTER**

### **Paper-I : LAW OF CONTRACTS (General Principles of Contract (Secs.1to75) including Specific Relief Act) Course Code: TH-713101**

#### **Course Objectives:**

This course involves the students in the interdiction of mercantile law, This course primarily covers the concept of history and contractual obligations and also it ensure that the rights and obligations arising out of a contract are honoured.

This course also involves the student for better understanding of general division of the Indian contract Act in the past, and had a wide scope of general principles included in the sec1 to 75.

This course also enlightens the view of the student in illustrates elements that need to be fulfilled for a valid contract along with exception and also the present course deals with the parties in case the contract has been breached or has been considered to be void.

Unit-1;History and nature of contractual obligations - writs of debt, covenant and account actions on the case and on assumption of consideration - moral basis for contractual obligations subjective and objective theories sanctity of contracts.

Learning outcomes:

Unit 1: For better understanding it's scope and evolution and new changes in the contract law. Unit-2:

Agreement and contract definitions, elements and different kinds.

Learning outcomes:

Unit 2: To study the importance of agreements and contracts and its applicability.

Unit-3: Proposal and acceptance - their various forms, essential elements, communication and revocation-proposal and invitations for proposal-floating offers-tenders-dumping of goods.

Learning outcomes:

Unit 3: To understand the concept of proposal and acceptance along with latest case law.

Unit-4: Consideration-nudum pactum-its need, meaning, kinds, essential elements-privy of contract and of consideration-its exceptions-adequacy of consideration-present, past and adequate consideration-unlawful consideration and its effects-views of Law Commission of India on consideration-evaluation of the doctrine of consideration.

Learning outcomes

To understand the law relating to consideration and importance of consideration for valid contract.

Unit-5: Capacity to contract-meaning-incapacity arising out of status and mental defect-minor's agreements-definition of minor-accessories supplied to a minor-agreements beneficial and detrimental to a minor-affirmation-restitution in cases of minor's agreements-fraud by a minor-ratification in cases by a person of an agreement made by him while he was a minor-agreements and estoppel- evaluation of the law relating to minor's agreements-other illustrations of incapacity to contract.

Learning outcomes:

Unit 5: To understand the concept of capacity to contract in detail along with the validity of minor contracts.

Unit-6: Free consent-its need and definition-factors vitiating free consent ,Coercion-definition-essential

elements-duress and coercion-various illustrations of coercion doctrine of economic duress-effect of coercion-evaluation of Sec. 15., Undue Influence-definition-essential elements-between which parties can it exist? Who is to prove it? Illustrations of the undue influence-independent advice-pardahanash in women-unconscionable bargains effect of undue influence., Misrepresentation-definition-misrepresentation of law and of fact-their effects and illustration ,Fraud-definition-essential elements-suggestio falsi suppressio veri-When does silence amounts to fraud? Active concealment of truth-importance of intention.

Learning outcomes:

Unit 6: To study the importance of the consent and also various topics such as correction undue influence, fraud, misrepresentation and mistake with illustrations for better understanding of free consent.

Unit-7: Legality of Object:Void agreement-lawful and unlawful considerations, objects-void,voidable,illegal and unlawful agreements their effects.Unlawful consideration and objects: Forbidden by law,Defeating the provision of any law,Fraudulent, Injurious to person or property, Immoral, Against public polity,Void Agreements, Agreements without consideration,.Agreements in restrain marriage, agreements in restrain to trade-it exceptions- sale of good will, Sec.II restriction, under the Partnership Act,trade combinations exclusive dealing agreements, restraints on employees under agreement of service. Agreements in restraint of legal proceedings-its exceptions, Uncertain agreements, . Wagering agreements-its exceptions.

Learning outcomes:

For better understanding of the content of legal object and its importance

Unit-8: Discharge of a contract and its various modes:.,By performance-conditions of valid tender of performance-how?By Whom?Where?When?In what manner? Performance of reciprocal promises- time essence of contract., By breach-anticipatory breach and present breach,Impossibility of performance- specific grounds of frustration-effect of frustration-frustration and restitution,.By period of limitation,By agreement-rescission and alteration-their effect-remission and waiver of performance extension of time-accord and satisfaction.

Learning outcomes

For better study of discharge of a contract.

Unit-9:Quasi-contracts or certain relations resembling those created by contract. Learning outcomes

To study the law relating to quasi contracts.

Unit 10: formation of E Contracts, Authentication of E Contract, Problems relating to Internet Contracts

Learning outcomes

For better understanding of contractual remedies available for breach of contract.

Unit-11:Remedies in contractual relations:.,Damages-kinds-remoteness of damages-ascertainment of damages,Injunction-When granted and when refused? Why? Refund and restitution,Specific performance-When?Why?

Learning outcomes:

To study law relating to specific performance of contract.

Unit-12:Specific Relief: Specific Relief Act, 1969;Definition, Recovering possession of property, Specific performance of contracts, Rectification of instruments, Rescission of contracts, Cancellation of Instruments, Declaratory decrees, Preventive relief

**Course outcome:**

1. Students get familiar in understanding laws relating to contractual obligations.
2. To attain the knowledge in matters relating to modern technical methods in contracts.

3. To know and understand about what are the modes provided in discharging contracts and legal applications in discharging contracts, Remedies available for breach of contracts.
4. Become competent in understanding law relating to general principal of contracts and also law relations to specific relief.

*Books Recommended:*

1. T.S. Venkatesa Iyer. Law of Contract revised by Dr. Krishnamachary, S. Gogia&Co.,Hyderabad ,1995
2. Avatar Singh: Law of Contract and Specific Relief Act-Eastern Book Company,Lucknow,1998
3. G.C.V. Subba Rao : Law of Contract, S. Gogia & Co.,Hyderabad1995.
4. V.Kesava Rao,Contract1- Case and Materials,Butterworths
5. Anson: Law of Contract, Clarendon Press, Oxford,1998..CheshireandFifoot, Law of Contract

## **Paper-II: CONSTITUTIONAL LAW-I**

**Course Code: TH-713102**

### **Course Objective:**

- The Objective of study of Constitution Law-I is to have basic understanding about Indian constitution its historical perspective: Constitutional development since 1858 to 1947.
- Student will know about the making of India's constitution: concept of constitution, what is constitutionalism, its salient features, constituent assembly, sovereignty, preamble-status and its goals
- The students gets an opportunity to look into the state definition and to know about the fundamental rights and enforcement through constitutional remedies.
- The course aims to teach the students about directive principles of the state and the relation and difference between the fundamental rights and directive principles of state policy.
- The course also teaches about the fundamental duties of the citizens of India.

Unit-1:Historical Perspective: Constitutional Developments since 1858 to1947 Morle Minto Reforms-Dyarchy-Montague-Chelmsford Reforms.IndianNationalCongress1885Various Trends of opinion- social Reform vs. Political Independence. Protest against British Repression. Jalianwala Baag. Rowlatt Act-Sedition Trials of Tilak

### **Learning Outcomes:**

Development of the constitution since 1858 to 1947. Various reforms, stages of Indian freedom struggle viz., protests against British Repression etc.

Unit-2:MakingofIndia'sConstitution-conceptofconstitutionandConstitutionalism-Salientfeatures- Constituent Assembly- Sovereignty.Preamble-Statusanditsgoals.

### **Learning Outcomes:**

Making of Indian constitution, its concept and features. Learns about constituent assembly,sovereignty, preamble-status and its goals

Unit-3: Concept of state and law (Articles12 & 13)

### **Learning Outcomes:**

The concept of state and law, Articles 12&13

Unit-4:Equality and Social Justice: Equality before the law and Equal protection of Laws- meaning- Constitutional provisions-Totalconspectus-Articles14,15,16,17,29(2),325, Classification for Differential Treatment,Gender Justice,Arts.15(1),(2),(3),16,29(2),Administrative discretion and Equality, Compensatory Discrimination for Backward Class/SC& ST.

**Learning Outcomes:**

*Fundamental right, equality and social justice. Articles 14,15,16,17,29(2),325 Classification for differential treatment gender justice Articles 15 (1)(2)(3).16,29(2)*

Unit-5:Freedom and Social Control: Freedom of speech and expression, Freedom of the press,,Freedom of Speech and contempt of court,Freedom of Assembly,Freedom of Association, Freedom of Movement, Freedom to Reside and Settle, Freedom of profession/business. etc., Property and social control 1950 to 1978, Property and social control -After 1978.

**Learning Outcomes:**

Freedom of speech and expression, freedom of press, assembly, association, movement resideand settle, profession/business.

Unit-6:Personal Liberty:Rightsofanaccused-DoubleJeopardy,Right against self-incrimination, Right against Retroactive Punishment, Right to life and Personal Liberty-Meaning of - Art. 21, Gopalan, case. Personal Liberty-Meaning of-Maneka Gandhi, Sunil Batra, etc.,case. Procedure established by law- Gopalan, Kharak Singh, case. Procedure established by law -Dueprocess-Maneka Gandhiandafter.

**Learning Outcomes:**

Personal Liberty, meaning of Article 21 and several cases related to personal liberty

Unit-7:Preventive Detention- Constitutional Policy Art.22, Preventive Detention Safeguard under the constitution and Art.23

**Learning Outcomes:**

Preventive detention-constitutional policy, Art.22. Preventive detention safeguard under theconstitution and Art.23.

Unit-8:Secularism:Concept of Secularism-Indian Constitutional provisions,Historical Perspective of India Secularism, Religion and State-in India-State control and non- interference with Religion.Concept of Secularism;American Model-Separation of State-Church- IsitRelevanttoIndia? Tradition in India-Equal Respect for-all Religions?

**Learning Outcomes:**

Concept of Secularism-Indian constitutional provisions and its historical perspective ofIndian secularism.

Unit-9: Minority Rights-Why? Scope-Meaning of Minority, Minority Rights to Educational Institutions.

**Learning Outcomes:**

Minority rights, scope-meaning of minority, minority rights to educational institutionsUnit-10:Constitutional

Remedies:Supreme Court & High Courts.

**Learning Outcomes:**

## Constitutional remedies – Supreme court & High court

Unit-11: Fundamental Rights and Directive Principles: Directive Principles-Reasons for incorporation, Directive Principles-Directions of Social Change - A new social order Fundamental Rights and Directive Principles Interrelationship -Judicial balancing, Constitutional amendments- Arts, 31A, 31-B and 31-C to strengthen Directive Principles, Judicial policy towards Directive Principles from Champakamto Minerva Mills. Relationship between Fundamental Rights, Directive Principles and Fundamental Duties.

### Learning Outcomes:

Fundamental rights and directive principles. Course Outcome:

- Learners would understand the basis of Indian Constitution, its development and importance of constitution in every walk of citizens life.
- Learners know about their fundamental rights and the way it should be enforced through constitutional remedies.
- At the end of the course the learner is fully aware of the Indian Constitution, its importance in judiciary system.
- The learning will help the student to enter into legal profession by practicing law or working in judiciary system.

### Books Recommended:

1. Shukla V.N, Constitution of India, Eastern Books Company, Lucknow.
2. Pandey J.N, Constitutional Law of India, Central Law Agency, Allahabad.
3. Austin, Granville, The Indian constitution- Corner Stone of a Nation, Oxford University Press, New Delhi (Indian Reprint 2000).
4. Basu D.D: Constitutional Law of India, Prentice Hall of India, New Delhi.
5. Jain, M.P., Indian Constitutional Law, Wadhwa & Co., Nagpur.
6. Subba Rao, G.C.V., Indian Constitutional Law, Eastern Books Company, Lucknow.
7. Tope T.K. : Constitutional Law of India, Eastern Book Company, Lucknow.
8. Shiva Rao B.: The Framing of India's Constitution (in 5 volumes), Indian Institute of Public Admn., New Delhi.
9. Seervai, H.M.: Constitutional Law of India (in 3 volumes), M.M. Tripathi, Bombay.
10. Constituent Assembly Debates (5 books)- Official report, Lok Sabha Secretariat, New Delhi.

## **PAPER –III: LAW OF TORTS INCLUDING MV ACCIDENT AND CONSUMER PROTECTION (Course Code: TH-713103)**

### Objectives of the Course:

The objective of the study of Law of Torts is to know about the evolution of torts law, defining the tort, classification of tort, awarding the damages, torts in Indian context. Similarly torts under MV accident and rights and duties of consumer under consumer protection act.

### Learning Outcomes:

The student learns about the principles of liability in torts, justification in torts, concept of negligence, absolute liability and strict liability. The student also learns about the Motor Vehicle act.

Students will get an insight of Torts and Consumer protection law, consumer rights, consumer duties, damages under consumer protection law.

The judicial process involved in Tort is also an important learning for a student. Overall the study of Law of Torts is of immense use for any Law student.

Unit-1: Evolution of Law of Torts; Its development by courts in England, Forms of Action, Emergence of specific remedies from case to case, Reception of Law of Torts in India, Principles of Equity, Justice and Good Conscience, Uncodified character-advantages and disadvantages.

Unit-2: Definition, Nature, Scope and Objects: A Wrongful act-violation of a duty (in rem) imposed by law, duty which is owed to people generally, Legal damage-Damnum sine injuria and Injuria sine damnum., Tort distinguished from Crime, Breach of Contract etc., The concept of unliquidated damages, . Changing scope of Law of Torts: Expanding character of duties owed to people generally due to complexities of modern society - scientific and technological progress, industrialization, urbanisation, specialization, occupational hazards., Objects-Prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunctions.

Unit-3: Principles of Liability in Torts: Fault, Wrongful intent, Negligence, . Liability without fault, . Violation of Ethical codes, Statutory liability, Fatal Accidents Act, Railway Act, . Workmen's Compensation Act, Motor Vehicles Act, Carrier Act, Insurance Laws, Place of motive in Torts.

Unit-4: Justification in Torts: Volenti non fit injuria - What is free consent?: Informed consent, mere knowledge and knowledge coupled with assumption of risk, . Necessity, Private and Public, . Plaintiff's default, . Act of God and Inevitable Accident, Private defence, . Statutory authorization, . Judicial and Quasi-judicial Acts, Parental and quasiparental authority.

Unit-5: Extinguishment of Liability in Certain situations: Death, actio personalis moritur cum persona Exceptions, Law Reform (Miscellaneous Provisions) Act, 1934, Waiver and acquiescence, Release, Accord and satisfaction, Limitation.

Unit-6: Standing: Who may sue in torts, Aggrieved individuals, Class Action, Order 1 Rule 8, Social Action Groups, Statutes granting standing to certain persons groups, Who may not be sued, . Ambassadors, Lunatics, Infants.

Unit-7: Doctrine of Sovereign immunity and its Relevance in India: Liability of States-Sovereign and non-sovereign functions, Crown Proceedings Act of U.K., Federal Tort Claims Act of U.S.A. Constitution of India, Arts 299 and 300, Act of State.,

Unit-8: Vicarious Liability: Basis, scope and justification, Express authorization, Ratification, Abetment, Special Relationship, Master and servant- arising out of and in the course of employment who is master?- Control test who is servant? Borrowed servant Independent Contractor, Principal and Agent, Corporation and Principal Officer.,

Unit-9: Torts Against Persons and Personal Relations: Assault, Battery, Mayhem, False Imprisonment, Defamation- Libel, slander including law relating to privileges, Marital Relations, domestic Relations, parental Relations Master and Servant relations, Malicious prosecution, Shortened Expectation of life, Nervous shock, . Defenses.

Unit-10: Wrongs Affecting Property: Trespass to land, Trespass ab initio, Dispossession, Movable Property- Trespass to goods, Detinue, conversion, Torts against Business interests- Injurious falsehood, misstatements, passing off, Defenses.

Unit-11: Negligence: Basic concepts, Theories of Negligence, . Standards of care, Duty to take care carelessness inadvertence, Doctrine of contributive negligence, Res ipsa loquitur and its importance in contemporary, . Professional liability due to Negligence with special reference to consumer Protection Law.



Unit-12:Absolute/Strict Liability:The Rule in Ryland vs. Fletcher. Principle for application of these rules,Storing of dangerous things, . Escape of dangerous things - application of principles in concretecases of damage arising out of industrial activity. (The Bhopal Disaster, Oleam Gas Escape,MachuaDamBurst,M.C.MehtaCase,NuclearInstallationsandtheirhazards), Defences,,Liability under Motor Vehicle Act,Railway Actetc.

Unit-13: Nuisance: Definition, Essentials, Types, Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, interference with light and air.

Unit-14:Legal Remedies:Legal Remedies,Award of damages-simple,special,punitive,.Remoteness of Damages-Foreseability and directness tests, Injunction, Specific Restitution of Property,Extra- Legal Remedies-self help,Re-entry in land, Recapture of goods,distressdamagefeasant abetment to nuisance.,

Unit-15:Judicial Process in Tort: Dilatoriness, Complicated rules of procedures and evidence, Experiential process, Reports of Testing labs,Court fees, Problems of access.

Unit-16:Tort and Consumer Protection Law:Duty to take care and liability for negligence:Manufacturers and traders and providers of services such as lawyers, doctors and other professional,Caveat emptor and caveat venditor,Deceit and false advertisement, Liability forhazardous and inherently dangerous industrial activity, Product liability - EEC directives, Right to common property resources- right to pass and repass on pathways, Consumer Protection Act,1986.Consumer Protection Amendment Act, 2019.

Unit-17:Motor Vehicles Act, 1988.

### **Course Outcome:**

The outcome of the study is, Student learns about the evolution of Law of torts in England, various torts,damages for various torts, difference between tort, crime, breach of contract, breach of trust,

### **Books Recommended:**

1. Winfield& Jolowicz:Tort, XII Edition,Sweet and Maxwell, London-1994
2. Salmond and Heuston: Law of Torts,India reprint Universal BooksTraders,NewDelhi-1994.
3. RamaswamyIyer:The Law Torts
4. Achutan Pillai: The Law of Torts,Eastern Book Co., Lucknow.
5. DurgaDasBasu:The Law of Torts,XEditionPrenticeHall of India,New Delhi
6. RatnaLal&DhiraajLal:The Law of Torts,Wadhwa & Company, Nagpur, 1992
7. R.K.Bangia:The Law of Torts,AllahabadLawAgency,Allahabad,1999
8. J.N.Panday:The Law of Torts,Central Law Publications ,Allahabad,1999
9. VivienneHarpwood: TheLaw of Torts, Cavandish Publishing Ltd., London, 1993
10. Hepple& Mathews: Tort- cases and materials,Butterworth, London, 1980.
11. D.N.Saraf, Law of Consumer Protection in India,MNTripathi,Bombay.

### **Paper-IV - LAW OF CRIMES-I (IPC) (Course Code: TH-713108)**

### **Course objective**

The Objective of study of Law of Crimes to learn about the various crimes committed and the punishments

prescribed by the Law.

Learning outcome:

While studying the Law of Crimes the student knows about the stages of crime, factors negating guilty intention.

The study also educates the student about the types of punishments viz., death penalty, social relevance of capital punishment, imprisonment for life, types of life imprisonment.

It may also be learned that specific offence against human body.

The major outcome of the study is to know about the various crimes committed by the several individuals, nature of crimes, factors forcing individuals to commit crime, forced crimes and the resultant punishment, criminal mind sets, habitual criminals etc.

Similarly, the it is also being learned about the functioning of judicial system, police mechanism and the key role of lawyers. Here the law student learns about his future role as a Lawyer or judge or judicial officers, or police officer etc.

Unit-1: General: Conception of Crime, State's power to determine acts or commissions as crimes, State's responsibility to detect, control and punish crime, Distinction between crime and other wrongs., Pre- colonial notion of crime as reflected in Hindu, Muslim and Tribal Law, The colonial reception-Macaulay's Draft based essentially on British notions, IPC are reflection of different social and moral values, Applicability of I.P.C., Salient Features of the I.P.C.

Unit-2: . Elements of Criminal Liability, Author of crime-natural person and a fit subject for punishment, companies and corporations, Mens rea-Evil intention, Importance of mens rea, Recent Trends to fix liability without mens rea in certain socio- economic offences, An act in furtherance of guilty intent, An omission as specifically included in the code, Injury to another.

Unit - 3: Group Liability:., Stringent provision in case of combination of persons attempting to disturb peace, Common intention, . Abetment, Instigation, aiding and conspiracy, Mere act of abetment punishable, Unlawful Assembly, Basis of liability, Criminal conspiracy, Rioting as a specific offence.

Unit-4: Stages of Crime :, Guilty intention - Mere intention not punishable , Preparation, Preparation not punishable, Exception in respect of certain offences of grave nature or of a peculiar kind such as possession, counterfeit coins, false weights and measures, Attempt, Attempt when punishable specific IPC provisions, Tests for determining what constitutes attempt proximity, equivocality and social danger, Impossible attempt.

Unit-5: Factors Negating Guilty Intention:., Mental incapacity, Minority, Insanity-impairment of cognitive facilities, emotional imbalance, Medical and legal insanity, Intoxication-involuntary, Private Defence-justification and limits, When private defence extends to causing of death to protect body and property, Necessity, Mistake of fact.

Unit-6: Types of Punishment : , Death, Social relevance of capital punishment, Alternatives to capital punishment, Imprisonment-for life, with hard labour, simple imprisonment, Forfeiture of property, Fine, Discretion in awarding punishment, Minimum punishment in respect of certain offences

Unit-7: Specific Offence Against Human Body :, Causing death of human beings , Culpable homicide, Murder, Distinction between culpable homicide and murder, Specific mental element requirement in respect of murder, Situation justifying treating murder as culpable homicide not amounting to murder, Grave and sudden provocation, Exceeding Right to Private Defence, Public servant exceeding legitimate use of force, Death in sudden fight, Death caused by consent of the deceased- Euthanasia, Death

caused of person other than the person intended ,Miscarriagewithorwithoutconsent,Rashandnegligentact causing death,Hurt-grievous and simple,Assault and criminal force,Wrongful RestraintandWrongful Confinement-kidnappingfromlawful guardianship and from outside India, Abduction.

Unit-8: Offences against Women :, Insulting the modesty of a woman, Assault or criminal forcewithintentooutragethemodestyofawomen,Causingmiscarriagewithoutwoman'sconsent,Causing death bycausingmiscarriagewithoutwoman'sconsent,Kidnappingorabducting woman to compel her to marry or force her to illicit intercourse, Buying a minor for-purposes of prostitution,Rape,Custodial rape, Marital rape, .Cruelty by husband correlatives of the husband, Common law remedies to protect against obscene / indecent depiction of women, Internet crimes. Protection of Children from Sexual Offences Act, 2012. Disha Act.

Unit-9: Offences Against Property: Theft, Cheating, Extortion, Robbery and Dacoit,Mischief,Criminal misrepresentation and criminal Beach of Trust,

Unit-10:Forgery, Defamation and Tress Pass and Offences against theState.Unit-

11:PreventionofCorruptionAct1986.

Unit-12: The Arms Act, 1959.

### **Course outcome**

The out come of the study of Law of Crimes is to know about the Concept of Crime, States power to determine acts or commissions as crimes. State's role in detecting the crimes and its control through various mechanisms. Student also learns about the elements of criminal liability, group liability.

### *Books Recommended:*

1. RatanLal and Dhiraj Lal: Indian PenalCode, Wadhwa & Co., Nagapur
2. Achutan Pillai: Criminal Law,Butterworth Co.,
3. GourK.D.: Criminal Law -Cases and material,Butterworth Co.,
4. Kenny's:Outlines of Criminal Law

## **Paper- V- FAMILY LAW-I (Family Relations) (Course Code :TH-713107)**

### **Course Objectives:**

1. To create awareness and educate the students about rights and duties of the members of the familytowards each other, with special reference to spousal relation.
2. To give overview to the students and help in better understanding on the current laws on marriage, divorce,maintenance, adoption and guardianship.
3. To give practical exposure to students by field visits of Family Courts, Mediation and Conciliation Centerse.t.c.

Unit-1:Concept of family,Nuclear family and Joint family,Joint Hindu Family(Mitaksharaand Dayabhaga):Mitakshara joint family Mitakshara Coparcenary- formation and incidents, Property under Mitakshara law- Separate property and Copercenary property,Dayabhagacoparcenary - Formation and incidents,Property under Dayabhaga Law, Karta of the joint family-his position, powers, privileges and obligations,Alienationofproperty- separateandcoparcenary,Debts- doctrines of pious obligation and antecedent debt.Partition and Reunion Joint Hindu Family as a social security institution and impact of Hindu Gains of Learning Actandvarioustaxlawsonit.

Unit-2: Marriage And Kinship: Evolution and importance of institutions of Marriage and Family. Role of Religion, Indian Family Law, Impact of customs on marriage and family.

Unit-3: Applicability & Sources of Law: Who is a Hindu, Who is a Muslim, Who is a Christian, Sources of Hindu Law, Sources of Muslim Law, School of Law, Hindu and Muslim laws.

Unit-4: Essential Conditions of Marriage, State intervention through various legal measures, Essentials Conditions of valid Hindu Marriage Hindu Marriage Act, Essential conditions of valid Muslim marriage, Concept of Dower, Essential conditions of marriage for valid Christian Marriage, Indian Christian Marriage Act, 1882, Special Marriage Act, Kinds of marriages under Hindu and Muslim systems.

Unit-5: Matrimonial Remedies: Annulment, RCR Judicial Separation, Divorce -Conditions for grant of matrimonial remedies under Hindu Marriage Act, Indian Divorce Act; Matrimonial Remedies for Muslims (Talaq, Ila, Zihar, Tafwiz, Khula, Mubara) Muslim wife's grounds of divorce/Dissolution of Muslim Marriage Act, 1939, Bars to Matrimonial Relief.

Unit-6: Maintenance: Maintenance of divorced wives, neglected wives, minor children and parents under Hindu Marriage Act & Hindu Adoptions and Maintenance Act; Maintenance of Muslims wives during and after divorce; Protection of Rights on Divorce Act, 1986 S.125 of Cr.P.C. The Muslim Women (Protection of Marriage) Act, 2019.

Unit-7: Child and the Family: Legitimacy, Adoption, Custody and Maintenance/Hindu Law (HMA, 1956) & Guardianship law of Hindu and Muslims. The Guardian and Wards Act, 1890.

Unit-8: Customary practices and the law: Dowry and Dowry Prohibition Act, 1961. Prohibition of Child Marriage Act, 2006. Sati Act, 1987, New amendments

Unit-9: Family Courts, Need for UCC: Composition, Powers and Functions of Family Courts (Family Courts Act 1984) Article 44 of the Indian Constitution.

Unit-10: Emerging Trends in Family Relations – Surrogacy; IVF; Homosexual Marriages; Live in Relationship – Maintenance Rights and Children born out of Live in Relationship.

### **Course Outcomes:**

1. Students learning Family Law learn about basic concepts like marriage, divorce, parental custody, domestic abuse and child's rights.
2. Family Law examines historical and social contexts that have influenced the modern definition and regulation of families.
3. Students will gain skills of thinking, analysis, written and verbal presentation of ideas of argument.

### **Books Recommended:**

1. Paras Divan, Modern Hindu Law, Central Law Agency
2. Paras Divan, Family Law, Central Law Agency.
3. Flavia Agnes, Marriage, Family Law I & II, OUP
4. Tyabji, N. M. Tripathi Publications, N. Delhi
5. Mohammedan Law, Dr. Mohammed Nazmi Central Law Agency
6. Marriage and Family Law Reforms in India, Archana Parasher Sage Publications.
7. Maine's Treatise on Hindu Law and Usage, Bharat Law House, Delhi
8. Vasudha, Towards Uniforms Civil Code, ILI, Delhi
9. Archana Parasher Marriage and Family Law Reforms in India, Archana Parasher Sage Publications.

### **Paper VI- Seminar and Clinical Legal Education (Course Code: SM-001)**

**SECOND SEMESTER**  
**PAPER-I – SPECIAL CONTRACTS**

(Course Code: TH- 713201)

**Course Objectives:**

1. The aim of the course is to impart knowledge in the special contracts such as contract of indemnity, contract of guarantee, contract of bailment and contract of agency.
2. Introduce learner to the basic elements of contract of bailment.
3. Enable learner to understand the contract laws of sale of goods.
4. Improve learners' ability to understand the provisions of partnership Act.
5. This course is designed to analyse concepts of negotiable instruments

Unit-1 Indemnity and Guarantee: Indian Contract Act, 1872, Contract of Indemnity and guarantee (Secs. 134, 127); Definition, Rights to Indemnity holder, Liability of the Indemnifier, Contract of Guarantee, Definition of Guarantee, Essential characteristics of contract of Guarantee, Distinction between contract of indemnity and contract of Guarantee, Kinds of guarantee, Rights and liabilities of surety, Discharge of surety, Contract of Bailment (Secs. 148-181 of Indian Contract Act, 1872).

Learning Outcomes: On completion of this unit students should be able to:

1. Analyse the contract of Indemnity and contract of Guarantee.
2. Interpret the contract of guarantee, and the rights & liabilities of surety.
3. Acquaint with the concept of contract of bailment.

Unit-2: Bailment: Definition, Essential requisites of Bailment, Kinds of Bailment, Rights and Duties of Bailor and Bailee, Termination of Bailment, Pledge, Definition, Rights and duties of Pawnor and Pawnee, Pledge by Non Owners.

**Learning Outcomes:**

On completion of this unit students should be able to:

1. Acquaint with the rights and duties of the Bailor and Bailee.
2. Understand the rights and duties of the Pawnor and the Pawnee.
3. Analyse the relationship of principal and Agent.

Unit-3: Contract of Agency: (Secs. 182-238 of the Indian Contract Act 1872), Definition of Agent, Creation of Agency, Rights and duties of Agent, Delegation of authority, Personal liability of Agent, Relations of Principal with Third parties, Termination of Agency.

**Learning outcomes:**

On completion of this unit students should be able to:

1. Identify the provisions of Sale of Goods Act.
2. Understand the Rights & Duties of the buyer and seller.
3. Interpret the Rights of Unpaid Seller.

Unit-4: Contract of Sale of Goods: (The Indian Sale of Goods Act, 1930), Formation of Contract, Subject-matter of Contract of Sale, Conditions and Warranties, Express and implied conditions and warranties, Caveat Emptor, Property, Possession and risk, Passing of Property, Sale of non-owners, Delivery of goods, Rights and

duties of Seller and buyer before and after sale, Rights of unpaid seller.

**Learning Outcomes:** On completion of this unit students should be able to:

1. Understand the Partnership Laws.
2. Analyse the rights and duties of the partners.
3. Acquaint with the Modes of Dissolution of partnership firm

Unit-5: Contracts of Partnership: (The Indian Partnership Act, 1932), Definition and nature of Partnership, Formation of Partnership, Test of Partnership, Partnership and other associations, Registration of Firm, Effect of non registration, Relation of Partners, Rights and duties of Partners, Properties of the Firm, Relation of Partners to third parties, Implied authority of a partner, Kinds of partners, Minor as partner, Reconstitution of a firm, Dissolution of firm.

**Learning Outcomes:**

On completion of this unit students should be able to:

1. Critically examine the provisions of Negotiable Instruments Act, 1881
2. Know about the holder in due course.
3. Acquaint with the dishonour of Cheques.

Unit-6: Hire purchase

Unit-7: Negotiable Instruments Act, 1881: Definition of negotiable instrument, essential features of promissory note, bill of exchange and cheque, holder, holder in due course, payment in due course, dishonour of cheque.

**Course Outcomes:**

By the end of this course, students should:

1. Understand the core concepts in the legal structure of contracts, partnership and sale of Goods etc.
2. Able to apply the main statutory provisions of the Contract, partnership and Sale of Goods Acts.
3. Interpret the legal provisions to the legal issues arising in some of the main day-to-day dealings of the business.
4. Analyse the provisions of sale of goods Act.
5. Acquaint with the concepts of Negotiable Instruments Act.

*Books Recommended:*

1. Anson's Law of Contract, Oxford University Press, London
2. Venkatesh Iyer: The Law of Contracts and Tenders. Gogia & Co., Hyderabad
3. Cheshire & Fifoot: Law of Contract, Buttersworth, London,
4. Mulla: The Indian Contract Act, N.M. Tripathi (P) Ltd. Bombay
5. G.C.V. Subba Rao: Law of Contract, S. Gogia & Co., Hyderabad
6. K. Krishnan Nair: Law of Contract, S. Gogia & Company, Hyderabad
7. Avtar Singh: Law of Contract, Eastern Book Company, Lucknow,
8. A. Ramaiah's Sale of Goods Act, 4th Edition 1998, The Law Book Co. Allahabad
9. Benjamins Sale of Goods, 1st Edition. 1978, Sweet & Maxwell, London
10. P.S. Atiyah: Sale of Goods Act 1997, Universal Book Traders, Delhi
11. Chale s.D. Drale: Law of Partnership, Sweet & Maxwell, London
12. Bowsteadon Agency, Sweet and Maxwell, London.

**Paper- II-CONSTITUTIONAL LAW-II**  
(Course Code: TH- 713202)

**Course Objective:**

Constitutional Law II paper contemplate to enlighten the students so the fundamental concepts used in the discipline. Constitutional law matters because it protects the rights of individuals. Constitutional law also is crucial in maintaining a political system of checks and balances. This means that the various government agencies related to the judicial, legislative and executive branches regularly communicate with and review each other's legal proceedings, which helps ensure that no political branch becomes too powerful and preserves the structure of the democratic republic.

Unit-1:Parliamentary Government:Westminster Model-Indian experience before Independence-choice Of Parliamentary Government, President of India-Election Qualifications, Impeachment, Salary,etc.,Council of Minister-President's Constitutional position, Governor and State Government-President's constitutional relationship. Legislative Process Privileges,Freedom of Speech.Practice of law- making,etc.,Legislative Privileges-vs. Fundamental Rights, In re.Art143 of the constitution of India,Prime Minister-Cabinet system - collective responsibility -Individual responsibility President P.M.Relationship. Party System-Anti-defection Law.Freedom of an M.P./M.L.A. to dissent.

**Learning Outcomes:**

Know the difference between parliamentary form of government and presidential form of government  
Studying all the qualifications and functions of the president, prime minister, council of ministers and governor  
Studying the privileges of our political leaders and studying the conflict between the privileges and fundamental rights

Unit-2:Federalism: Federalism-principles-Comparative study of other Federations. Why India has a federal Government, Indian Federalism-President of India-Council of State Process of Constitutional amendment. Identification of Federal Features, Legislative Relations between the Centre and the States Administrative relations-Centre-States,Financial Relations-Centre-States, Governor's position from the perspective of Federalism,Centre's Powers over the States-Art.356, J & K - Special Status,Critical problems of India Federalism Sarkaria Commission-Greater autonomy vs Central Control one party domination. Emergence of Political Federalism.Growth of Regional parties.

**Learning Outcomes:**

**Learning Outcomes:**

Know the difference between federal and unitary form of government and why India included federal features in its constitution. Studying the legislative, administrative and financial relations between the center and the state. Studying the process of the amendment of the constitution and special provisions.

Unit-3:Governor under the constitution:Powers and functions

**Learning Outcomes:**

Knowing and studying all the powers and functions of the Governor under the Constitution of India.

Unit-4:Independency of the Judiciary and Judicial process:Judicial process under the Constitution:Judicial Review - Art. 32, 226, 227,Nature of Judicial Review, Court system in India: Backlogs,Arrears, alternatives.Lok Adalats etc.Judges;Appointments, Conditions of service, etc. Subordinate Judiciary,Jurisdiction of Supreme

Court and High Court, Advisory Jurisdiction of the Supreme Court, Public Interest Litigation.

Learning Outcomes:

Studying the judiciary, judicial process and judicial review

Knowing the writ system and independence of judiciary and the jurisdiction of all the courts  
Studying about the Public Interest Litigation

Unit-5 Freedom of Trade and Commerce:

Learning Outcomes:

Know the freedoms and rights granted by our constitution on the trade and commerce

Unit-6: Services under the Constitution: Doctrine of pleasure (Art. 310), Protection against Arbitrary Dismissal, Removal, or Reduction in Rank (Art. 311), Tulsiram Patel case- Exceptions to Art. 311.

Learning Outcomes:

Studying various administrative services under the constitution of India along with doctrines  
Knowing the procedure for dismissal and removal from the services

Unit-7; Election Commission of India: Power and functions

Learning Outcomes:

Studying and knowing the elections process, qualification and disqualification of the candidates and etc.

Unit-8: Emergency Provisions under the constitution: Emergency. Need for such a provision. Types of Emergencies. Experience in other democracies, Proclamation of Emergency-conditions-Art. 352- Effect of Emergency on Centre-State relations, Emergency and suspension of fundamental rights. Arts. 358, 359 - Makhn Singh Tarasikha to A.D.M. Jabalpur, Financial Emergency.

Learning Outcomes:

Studying the types of emergencies and why we need the emergency provisions  
Studying the conditions which lead to proclamation of emergency  
Knowing the center-state relations during emergency

Unit-9: Amendment to the Constitution: Constitutional Processes of Adaptation & Alteration: Methods of constitutional Amendment-Written-Unwritten-Rigid-Flexible Constitutions, Provisions which can be amended by ordinary procedure. Special procedure, review of Constitutional Amendments, Limitations upon constitutional amendments Shankari Prasad, Sajjan Singh, Golak Nath vs. Punjab - Why should Fundamental Rights be immune from the process of constitutional Amendment, Basic Structure Doctrine as a limitation-Kesavananda Bharati. Development of the Basic Structure Doctrine  
Constituent power of the Supreme Court. Waman Rao, Minerva Mills, etc., Indira Gandhi Vs Raj Narain; Judicial consensus on Basic Structure, Legislative and Judicial Attempts to bury the Basic Structure Doctrine; Legitimization of the Basic Structure Doctrine, Special Bench to reconsider the Basic Structure Issue. Forty-Second Constitutional Amendment. Forty-Fourth constitutional Amendment. Minerva Mills and subsequent developments of the Basic Structure Doctrine. Responsibility of the court; Activism vs. Restraint. Latest Amendments 102<sup>nd</sup>, 103<sup>rd</sup> and 104<sup>th</sup> Amendments.

Learning Outcomes:



Studying the procedure for amendment of the constitution Examining various case studies that dealt about the amendment

### **Course outcome:**

After studying this paper, the student can

The students will get an idea about the supreme document of India

Every citizen of India must aware the constitution because each and every enactment found its base in the constitution

Students will have the command on the rights that are given under the constitution

Students can understand why the center and state relations are important in a country like India

### **Books Recommended:**

1. Shukla V.N.: Constitution of India, Eastern Books Company, Lucknow.
2. Pandey J.N.: Constitutional Law of India, Central Law Agency, Allahabad.
3. Austin, Granville: The Indian Constitution - Corner Stone of a Nation, 1966, Biodiversity, Press, New Delhi.
4. Basu D.D.: Constitutional Law of India, Prentice Hall of India, New Delhi.
5. Jain, M.P.: Indian Constitutional Law, Wadhwa & Co., Nagpur.
6. Subba Rao, G.C.V.: Indian Constitutional Law, Eastern Books Company, Lucknow.
7. Tope T.K.: Constitutional Law of India, Eastern Book Company, Lucknow.
8. Shiva Rao B.: The Framing of India's Constitution (in 5 volumes), Indian Institute of Public Admn., New Delhi.
9. Seervai, H.M.: Constitutional Law of India (in 3 volumes), M.M.
10. Tripathi, Bombay. Constituent Assembly Debates (5 books) - Official report, Lok Sabha Secretariat, New Delhi

### **Paper-III: Environmental Law Including Laws for the Protection of The Wild Life And Other Living Creatures Including Animal Welfare (Course Code: TH- 713203)**

### **Course Objectives:**

The objective of studying of Environmental Law is to learn about the importance of environment and its protection by means of several enactments made by government of India from time to time and suitable amendments made thereof.

### **Learning outcome:**

The Out come of study of Environment Law is, a student learns about what is environment, Its importance in the humans' day to day activities, human race survival, need for environment protection, enactments made of government of India and various state governments for protection of environment, punishments for violations, fines and penalty.

Unit -1: Basic Aspects: Meaning and definition of environment and pollution, kinds of pollution, sources and consequences of pollution: Significance of environmental Law: Ancient Indian Philosophy relating to environment protection.

Unit-2: Territory law, Constitution provisions concerning environment Articles 14, 15, (2) (b) 19(e), 21, 31, 32, 38, 39, 42, 47, 48-A, 49, 51, 51 A: Constitutional provisions about states powers concerning acquisition, regulation and distribution of natural resources (water, forests, mines, oil) with special emphasis on Arts 14, 15, 19, 31A, 31B, 31C, 39 (b) & (c): Union lists ( Entries 6, 52, 56, 57) State list (Entries 17, 18, 21, 23)

Concurrent List (Entries 17, 17-I, 17B, 18, 20) of Ninth Schedule and land reforms, Abolition of intermediaries and land ceiling.

Unit-3: Primary Protective Laws: Water Act, 1974, Air Act, 1981, Environment (Protection) Act 1972 and Forest Act, 1927 and Forest Conservation Act, 1980, Biodiversity Act, 2002, NEA 1995, NEAA 1997, Schedule Tribe (Forest Rights) Act . The National Tribunal Amendment Act, 1995, Amendment 2010, National Green Tribunal Act, 2010.

Unit-4: Secondary Laws noise pollution regulations: Environment Impact Assessment (EIA), rules relating to waste management (Solid wastes, hazardous wastes, bio-medical wastes, CRZ Notification). The Noise Pollution (Regulation and Control) (Amendment , rules, 2010).

Unit-5: Common Law & Criminal Law Remedies for Environmental Problems: Nuisance, Negligence, strict liability and absolute liability, Provisions of IPC relating to environmental problems (public nuisance u/s 268 and others (Sections 269, 270, 277, 284, 285, 286, 425 to 440) Section 133 of Cr.P.C.

Unit-6: International Law and Environmental Protection: Stockholm Conference 1972, Rio Summit, 1992, UNEP, WSSD, 2002, Trail Smelter Arbitration

Unit-7: Environment and Development: Meaning and concept of development - Its impact on environment; conflict between environment and development, Concept of Sustainable Development. (Principles of integration, polluter pay principle, precautionary principle, interpenetrated equity), Public Trust Doctrine. people's movements (Chipko, Tehri, Silent valley and NBA) Land Acquisition for development projects – Social and legal problems. The Public Liability Insurance Act and Rules 1991 and Amendment 1992; The Environment (siting for Industrial Projects) rules 1999.

Unit-8: Judicial Activism and Environment: Public interest litigation for environmental protection; landmark judgments – (Reference cases; Bhopal case, Olum gas leakage case, Rural Litigation and Entitlement Kendra, Dehradun, (Dehradun case, (1985) Supp SCC 487), A.P. Pollution Control Board v. Prof M.V. Nayudu, (1999) 2 SCC 718), Vellore Citizen Reformatory. Union of India, (1996) 5 SCC 647, Ganga Pollution case (1988) ISCC, Olga Tellis v Bombay Municipal Corporation ((1985) 3 SCC 545), S. Jagannath v. UOI (1997) SCC 867, Samatha case, M.C. Mehta v. Kamal Nath ((1997) ISCC 388) and other latest landmark judgments.

#### **Course outcome:**

After completion of the study of Environment Law a student become immensely knowledgeable about the environment's importance and the ways to protect it. The Student will be able to guide the others in respect of its importance and protection methods.

#### **1) Books Recommended:**

- 2) S.C. Sastry, Environmental Law
- 3) Tiwari, Environmental Law
- 4) S. Shanta Kumar, Environmental Law
- 5) Armin Rosencranz, Shyam Divan, Martha L. Noble: Environmental Law
- 6) Leela Krishna, P, The Evolving Environmental Law and Policy in India
- 7) Leela Krishna, P, Environmental Law
- 8) Paras Diwan, Environmental Law, Policy, Administration

### **Paper – IV: : JURISPRUDENCE**

**(Legal Method, Indian Legal System and Basic Theory of Law)**

**(Course Code : TH- 713204)**

#### **Course Objectives:**

1. To provide a foundational understanding of the multi dimensional philosophical and theoretical perspectives of the meaning, scope, source and authority of law
2. To develop fundamental insights into the fundamental legal concepts such as rights, liability etc.
3. To relate the jurisprudential perspectives to the Indian legal system and judicial approaches.
4. To inculcate an investigational and critical approach towards the science of law as a theoretical learning and practical engagement.

Unit-1: Meaning of and need to study Jurisprudence. The nature of law and its relationship with other disciplines like sociology, political science and history, political and power structures and just society.

Learning Outcomes:

appreciate the importance of jurisprudence , its meaning and its relation with allied fields such as sociology, political science etc

Unit-2: Concept of law, its difference with laws of natural sciences, social sciences, history. The differences between the ends of a legal order, a political order and a religious order, Issues concerning the dialectics of law.

Learning Outcomes:

get to know the complexity of the concept of law, its dialectics, Indian concept of Dharma and how legal order differs from other social ordering like political and religious order. Will also get exposed to the moral and utilitarian perplexities of law.

The obligatory nature of law, The functions of law, law as the upholder of the moral order in the society, Concept of Dharma and connection between law and morality, Law for bringing efficiency and social stability; the utilitarian views.

Unit-3: Defining law: Natural Law theories, Contractarian theories - general will theories and free will theories, Analytical School of Law or Positive Law, and autonomous theories particularly positivist theories and autonomous theories connected (development of Austin onwards; Reference to Dworkin, Rawls and Marx in terms of the doctrine of Withering away of State, Transcendental Theories.)

Learning Outcomes:

develop a detailed comprehension over natural law and analytical theories of law proposed by different scholars, their respective approaches and the mutual contrast therein .

get to know the different explanations of the relation between state, law and society (Social Contract theories) and also the Marxian doctrine of withering away of state.

Unit-4: Law as a means of social control, Law as Volksgeist, the Historical School of Law, Law as practice of courts, the Realist School, Law as a system of rules, H.L.A. Hart's concept of Law, Law as a Normative System, What is a norm and what is a normative system. Kelsen's Pure theory

Learning Outcomes:

will be acquainted (in addition to natural and analytical schools of law learnt through 3<sup>rd</sup> unit) with the

distinguished approaches different schools of law (such as historical, sociological and realism schools of law)

Unit-5: Theories of Authority, Types of Authority – legislative, judicial and customary (sources of law) – their binding nature. Bindingness with regard to Precedent. Determination of ratio will identify the different sources of law- legislation, custom and precedent and understand their essentials and their relative merits

Unit-6: Limits on the legislative authority – discuss with reference to Natural Law and Positive Law. Also with reference to Austin, Kelsen. Refer Indian cases like Golaknath and D.C. Wadhwa's Case.

Natural Law views that the limits are defined by principles of morality or natural justice – the legislation, from whatever source, must be in accordance with such principles. Discuss with reference to Aquinas, Finnis. The Rationalist views that the limits are set by rational principles of justice – Discuss with reference to Kant, Rawls. The Basic Structure Doctrine – that the limits are set by the basic structure of the Constitution or the law itself; any legislation contrary to the basic structure is non-law (Refer Kesavananda and Coelho cases). Define and discuss the basic legal concept of reasonableness with reference to Indian cases. State of Madras V G. Row (1952 SC 196), Dwaraka Prasad Laxmi Narayan V. State of U.P. (AIR 1954 SC 224), Krishnachandra V. Commissioner of Police (1961 3 SCR 135), Hardhan Shah V. State of West Bengal (1975 3 SCC 198), Air India V. Nargesh Meerza (AIR 1987 SC 1829), Maneka Gandhi V. Union of India (1978 2 SCR 621). Judicial decisions particularly the decisions of Indian Supreme Court on contemporary socio political, legal and economic issues. People; State – with particular reference to Directive Principles of State Policy; Locus standi, Randhir Singh, Golaknath and other relevant cases.

Learning Outcomes:

secure insights over the natural, positive law and sociological perspectives on the limits to legislative authority with the support of Indian case law. With the help of land mark and other contemporary judgments, will gain particular appreciation over the scope and importance of the doctrines of basic structure and reasonable restrictions in drawing limits to legislative authority

Unit-7: Functions of the courts – Administration of Justice – need for – The purpose of civil justice; primary and sanctioning rights, Criminal justice, punishment and theories of punishment.

Learning Outcomes:

In overall comprehension about evolution of administration of justice, categorization of justice and the theories of criminal justice

Unit-8: Personality; Concept of Rights, rights in the wider sense of the term, liberty, power, Immunity and their jural correlatives.

Learning Outcomes:

acquire fundamental understanding of the elements of rights, their theoretical rationale in the form of will and interest theories, essential elements of right, kinds of rights, Hohfeldian analysis of rights and classification of rights. also acquire fundamental understanding on the concept of personality, theories relating to the same and the related aspects .

Unit-9: Legal concepts of Ownership and Possession

Learning Outcomes:

Form conceptual understanding of essentials of ownership and possession, theories of ownership and possession. the relative strength of possession as nine points in law and also the kinds of ownership and possession

Unit-10: Concept of Liability – Nature and kinds of liability, penal liability, acts and

intention, Negligence, vicarious liability, the measure of criminal liability and the measure of civil liability.

**Learning Outcomes:**

Get grasp over the fundamental features of liability such as remedial, penal liability, causation of liability, stages of commission of crime, state of mind for liability such as mens rea, intention, negligence, malice, motive etc

Unit 11: The Law of Obligations –sources of obligation – contract and tort. Titles and Law of Procedure with reference to Evidence and Estoppel.

**Learning Outcomes:**

Comprehend the legal idea of obligation as different from duty, sources of obligation like contractual, delictual, quasi and innominate and Kinds of solidary obligations

Unit 12: Law of Property – kinds of property, leases, servitudes and securities. Modes of acquisition of property – possession, prescription, agreement and inheritance.

**Learning Outcomes:**

Understand the varied meanings of property as a concept, different modes of acquisition of property, and kinds of property along with related legal concepts.

**Course Outcome:**

1. Learners would develop an inquisitive and analytical ability through critically examination of the legal concepts and issues with a multi dimensional approach.
2. Learners would develop a well founded appreciation for the seminal importance of jurisprudence for legal education as well as professional engagement.
3. Learners acquire higher ability to comprehend the jurisprudential insights inbuilt in the judgments.

Learners aspiring to enter into legal profession as advocates or judges or any other law related occupation would in particular be benefitted since their jurisprudential learning contributes to develop an authentic or even a creative base for their argument or adjudication or outlook towards the emerging socio legal issues.

**Books Recommended:**

1. Salmond, Jurisprudence, Universal Publishers. Paton, Jurisprudence
2. Allen, Law in Making, Universal Publishers.
3. Mahajan V.D, Legal Theory and Jurisprudence.
4. Dias, Jurisprudence.
5. Lloyd, Introduction to Jurisprudence
6. S.N. Dyani, Fundamental of Jurisprudence: Indian Approach
7. G.C.V. Subba Rao, Jurisprudence and Legal Theory
8. Friedman – Legal Theory
9. Ronald Dworkin – Taking Rights Seriously
10. Roscoe Pound – Philosophy of Law

**Paper – 5 : FAMILY LAW-II**

## **(Testamentary and Intestate Succession)**

**(Course Code: TH- 713205)**

### **Objectives of the course:**

This course involves the student in the interdiction of personal laws of Hindus Muslims and Christians ,as it effects property relations. This course primarily covers the concept of undivided family ,uncodified and codified of Hindu law it relates to intestate and testamentary succession .This course also involves the student for better understanding of Muslim law in matters relating to instate ,testamentary succession and applicable to persons of all denominations and other provisions relating to testamentary succession of Indian succession act 1925 with latest amendments.

Unit-1:Concept of property:property concept,scope and evolution,New Property concepts,Such As Skill, Job, etc.As new forms of property.

#### *Learning outcomes:*

*For better understanding its scope and evolution and new changes in the property concept.*

Unit -2:Inheritance:Hindus, historical perspective of traditional Hindu law as a background tothe study of Hindu succession Act, 1956. Succession to property of a Hindu male dying intestateundertheprovisionsofHinduSuccessionAct.1956.

#### Learning outcomes:

To study the importance of codified and uncodified Hindu law relating to inheritance .

Unit-3: Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act,1956.

#### Learning outcomes:

To understand the concept of devolution of interest in Mitakshara copencary and the changes brought by the government in this area .

Unit-4: Succession to property of Hindu female dying intestate under the Hindu succession Act.1956. Disqualifications relating to succession, General Rules of Succession, Hindu Succession amendment Act, 2005

#### Learning outcomes:

To understand the general concept of succession relating to Hindu female dying intestate read with Hindu succession amendment Act 2005.

Unit-5:Disqualifications,general principles.Learning outcomes:

To study the law relating to disqualifications to succession.

Unit-6:Muslim Law of Inheritance and Succession , Rules governing Sunni and Shia law of inheritance,Differences between Shia and Sunni Law, Administration of Estates, Wills under Muslim Law.

#### Learning outcomes:

To understand the concept of Muslim law of inheritance, testamentary succession .

Unit-7:Indian Succession Act:Domicile,Intestate Succession,Will-Codicil, Interpretation - Revocation of Will, Bequests-conditional - contingent or void bequests,Legacies, Probate and letters of administration, Executor-

administrators, Succession certificate.

Learning outcomes:

For better understanding of Indian succession Act pertaining to will, codicil, revocation of will, etc.

**Course outcome:**

1. student gets familiarity in understanding personal laws relating to property and due property concepts
2. To attain the knowledge in matters relating to inheritance and study historical prospective of traditional laws in testamentary and intestate succession
3. to know and understand about dissolution of general equality in distributing ancestral property and its impact on society.
4. Becomes competent in understanding law relating to testamentary and intestate succession.

*Books Recommended:*

1. Tahir Mahmood: The Muslim Law of India, Law Book Company, Allahabad; 2. Aquil Ahmed: Text Book of Mohammadan
2. Prof. G.C.V. Subba Rao: Family Law in India, S. Gogia & Company, Hyderabad.
3. Asaf A.A. Fyzee: Outlines of Mohammadan Law, Oxford University Press, Delhi.
4. Mulla: Principles of Mohammedan Law
5. Paras Divan: Family Law (Hindu, Muslim, Christian, Parsi and others) Allahabad Law Agency, Allahabad.
6. M.A. Qureshi: Text Book on Muslim Law, Central Law Publications, Allahabad.
7. Hidayatullah: Mulla Principles of Mohammadan Law, (4th reprint), N.M. Tripathi Private Limited, Bombay.
8. Tandon M.P.: Muslim law in India, Allahabad Law Agency, Allahabad.
9. Prasad V.: The Indian Succession Act, 1925, Allahabad Law Agency, Allahabad.

**Paper-VI: Seminar and Clinical Legal Education (Course Code: SM-001)**

**THIRD SEMESTER**

**Paper-I:**

**PROPERTY LAW INCLUDING TRANSFER OF PROPERTY ACT AND EASEMENTS ACT**

**COURSE CODE : TH-101521**

**Course Objective:**

The concept of property and the nature of property rights are basic to the understanding of law relating to property. The objective of this paper is to focus on concept and classification of property as well as principles governing transfer of movable and immovable property. The course also focus on sale, mortgages, leases, easements and Gifts of property.

Unit-1: Concept and meaning of property - kinds of property - movable and immovable property - tangible and intangible property, private and public property.

Unit-2: General Principles of transfer of property, transfer of property, what property cannot be transferred? Condition restraining alienation, condition restraining enjoyment, vested and contingent interest, condition

precedent and condition subsequent, transfer to unborn person and rule against perpetuity.

Unit-3: Doctrine of election – covenants- transfer by ostensible owner, doctrine of feeding the grant by estoppel, doctrine of acquiescence, doctrine of lis pendens, fraudulent transfer, doctrine of part- performance.

Unit-4: Sale: Definition, contract for sale, rights and liabilities of seller and buyer.

Unit-5: Mortgages: Kinds of mortgages, - when registration is necessary?, Rights of mortgagor - right to redeem, clog on redemption, partial redemption, rights and of mortgagee, right to foreclose or sale, right to sue for mortgage money, accession to mortgaged property, rights of mortgages in possession, substituted securities, liabilities of a mortgagee in possession, marshalling and contribution, subrogation - legal subrogation and conventional, "redeem up and foreclose down",

Unit -6: Lease: Definition, right and liabilities of lessor and lessee, kinds of leases. tenancy-at- will, tenancy by- holding-over, tenancy-at-sufferance.

Unit-7: Gifts: definition, essentials, onerous gift, conditional gifts, universal donee, donatio mortis causa.

Unit- 8: Exchange of Properties and Assignment of actionable claims.

Unit- 9: Easements: Definition, nature and characteristics of easements, acquisition or creation of easements, classification or kinds of easement, termination or determination of easements, difference between easement and licence.

*Course Outcomes :*

*On completion of this course:*

- 1. The students will be able to understand the most fundamental concept in property law including transfer of property Act, leases Gift of property, mortgages, sale and easements.*
- 2. The students will be able to appreciate the significance of property law from various perspectives including economic efficiency, underprivileged perspectives.*
- 3. The students will be able to develop skills for applying technical rules of property transfer.*

*Books Recommended:*

1. Mulla, Transfer of Property, Butterworths Publications.
2. Subba Rao, GCV, Commentaries on the Transfer of Property Act.
3. Krishna Menon, Law of Property.
4. Sanjeev Rao, Transfer of Property
5. Grover, Transfer of Property

**Paper – II : LABOUR AND INDUSTRIAL LAW – I**  
**COURSE CODE : TH-101522**

*Course Objective:*

*The objectives of the course are to improve the skills of the students in the following areas:*

Unit-1: *Historical Perspective on Labour:* Labour through the ages – slave labour – guild system – division on class basis – labour during feudal days; Labour – capital conflicts: Profit motive, exploitation of labour, poor working conditions, poor bargaining power, unorganized labour, surplus labour, division of labour and super-specialisation, lack of alternative employment; From Laissez faire to Welfare State: Transition from exploitation to protection and from contract to status; International Labour Standards and their implementation.



1. Labour during the feudal days.
2. Labour- capital conflicts
3. Exploitation of Labour
4. Laissez faire system to Welfare State
5. Exploitation to Protection of Labour.
6. Contract to status of workmen
7. International Labour Standard and their implementation

*Learning Outcome:*

*By proper study of this unit, the student will be able to understand Historical perspectives on Labour through the sages. By study of this unit, the intellectual skills of the students are to be improved. With this type of learning outcome, the student learner will understand the concepts and understanding that how to do something.*

Unit-II: *Trade Unionism*: Colonial labour law and policy; Labour Movement as a counter measure to exploitation – History of trade union movement in India; Right to trade union as part of human right to freedom of association. Role of trade unions in the changing economic scenario.

1. Colonial Labour Law and Policy
2. Labour movements as a counter measure to exploitation
3. History of Trade Union Movement in India.
4. Freedom of Association is the Right to Trade Union
5. Role of Trade Unions in the changing economic scenario.

*Learning Outcome:*

*By study of this Unit, The students will be able to understand the concept of Trade Unionism. By understanding of this Trade Unionism, the students will also be able to apply cognitive strategy. In this type of learning outcome, the student learner will be able to use his personal strategies to think, organise, learn and behave in rightful manner.*

Unit-III: *Legal control and protection of trade unions*: Indian Trade Union Act of 1926: registration, rights and liabilities of trade union, Amalgamation and dissolution of trade union; Problems: multiplicity of unions, over politicization, intra-union and inter-union Rivalry, outside leadership, closed shop and union-shop, recognition of unions. Amendments to Trade Union Act and reforms in law.

1. Objectives of Trade Unions Act, 1926.
2. Registration of Trade Unions
3. Rights and Liabilities of trade Unions.
4. Amalgamation and dissolution of Trade Unions.
5. Multiplicity of Trade Unions and over politicization
6. Intra Union and Inter Unions Rivalry
7. Recognition of Trade Unions
8. Amendment to the Trade Unions Act and reforms in Law.

*Learning Outcome:*

*By study of this Unit, the students will have physical ability to perform actions, achieving fluidity, smoothness or proper timing through practice.*

Unit-IV: *Collective Bargaining*: Concept of collective bargaining – essential characteristics – merits and

demerits – conditions for the success for collective bargaining; Bargaining process: Negotiation – Pressurization techniques: Strike and lockout, go-slow, work to rule, gherao; Structure of bargaining: plant, industry and national levels; Recognition of trade union for collective bargaining;

1. Concept of Collective Bargaining and its characteristics.
2. Merits and demerits of Collective Bargaining
3. Conditions for success of Collective Bargaining.
4. Lock out and kinds of the strikes.
5. Structure of Collective Bargaining.
6. Recognition of Trade Unions for Collective Bargaining.

*Learning Outcome:*

*By the study of this unit, The students will be able to know about the method of Collective Bargaining for settlement of differences of opinions between the employer and workmen. The attitude of the student learner will be changed and by this method, the internal state will reflect in learner's behaviors. It improves the learners response to people or situations.*

Unit-V: *Law relating to service conditions:* Industrial Employment (Standing Orders) Act, 1946 - Scope and object of the Act, Model standing orders, and matters to be incorporated in standing orders (schedule to the Act) Submission of draft standing order, certification and modification of standing orders; Interpretation of standing orders and power of appropriate Government to make rules; Concept of misconduct, disciplinary action and punishment for misconduct. Industrial Relations Code.

1. Industrial Employment (Standing Orders) Act. 1946- its scope and objectives
2. Modelled Standing order and matters to be incorporated in standing orders.
3. Submission, certification and interpretation of modification of Standing orders.
4. Interpretation of Standing orders and power of appropriate government to make rules.
5. Concept of misconduct, disciplinary action and punishment for misconduct.
6. Industrial Relations Code.
7. Concept and definition of Industry.
8. Industrial dispute.
9. Strikes and lock outs
10. Lay off and retrenchment – special Provisions.
11. Settlement machinery under Industrial Disputes Act, 1947.

*Learning Outcome:*

*By the study of this unit, The students will be able to know deeply about the concept of standing orders and practical approach on interpretation of standing orders in the industrial undertakings.*

Unit-VI: *Law relating to Industrial disputes:* Industrial Disputes Act, 1947 - Conceptual conundrum: industry, industrial dispute, workmen; (Sec.2(j)&(s)); Dispute settlement machinery: Conciliation officers, Board of Conciliation, labour court, Industrial Tribunal and National Tribunal – duties and powers; (Sec 3-10); Reference for adjudication and Voluntary Arbitration (Sec.10 & 10A); Award and its binding nature and judicial review of awards. (Secs.18 & 11-A); Statutory limitations on strikes and lock-outs; unfair labour practices – prohibition and penalties. (Sec.22-31&25-T, 25U); General and special provisions relating to lay-off, retrenchment & closure (Sections 25A-25S & 25K- 25R); 6.5 Recommendations of Second Labour Commission on industrial disputes.

1. Meaning of discipline and causes of indiscipline.
2. Lay off and its process. Doctrine of hire and fire
3. History of management's prerogative.
4. Restraint on management's prerogative
5. Fairness in disciplinary process

6. Right to know the charge-sheet and right of hearing.
7. Domestic Enquiry and its process.

*Learning Outcome:*

*By the study of this unit, The students will be able to know deeply about the concept of discipline and practical approach on disciplinary proceedings in the industrial undertakings and the student learner will be able to tackle the problems in the undertakings.*

Unit-VIII: *Discipline in Industry*: Meaning of discipline and causes of indiscipline in industry; Doctrine of hire and fire – history of management's prerogative; Restraints on managerial prerogatives: Fairness in disciplinary process, right to know the charge sheet and right of hearing ; Domestic enquiry – notice, evidence, cross-examination, representation, unbiased inquiry officer and reasoned decision; Prenatal (permission) and Postnatal (approval) control during pendency of proceedings (Sec.33 of ID Act)

*Books Recommended:*

1. R.F. Rustomji: The Law of Industrial Disputes in India.
2. J.N. Malik: Trade Union Law.
3. Bagri: Law of Industrial Disputes, Kamal Law House, 2001.
4. Srivastava: Law of Trade Unions., Eastern Book Company, 4<sup>th</sup> Edition 2002.
5. Dr. V.G.Goswami, Labour and Industrial Law, Central Law Agency, Allahabad.
6. S.N. Mishra, Labour and Industrial Law, Central Law Agency, Allahabad.
7. Khan and Khan Labour Law, Asia Law House, Hyderabad.

### **Paper-III : COMPANY LAW**

#### **COURSE CODE : TH-713308**

**Course Objectives:**

1. The aim of this course is to impart knowledge in Company law.
2. Introduce learners to the essentials of company
3. Enable learners to understand the Shares and debentures.
4. Improve learners' ability in understanding basic laws of dividends, debentures and Borrowing powers.
5. Expose learners to understand the specific knowledge on multinational companies and share capital in such companies.

Unit-1: Meaning of Company, essential characteristics, corporate personality and lifting the corporate veil; Forms of Corporate and non-Corporate Organisations; Corporations, partnerships and other associations of persons, state corporations, government companies, public sector private sector, their-role, functions and accountability of companies. Company Act, 2013.

**Learning Outcomes:**

*On completion of this unit students should be able to:*

1. *Understand the Company and its essential characteristics.*
2. *Analyse the concept of Incorporation, Memorandum of association. .*
3. *Acquaint with the various concepts of prospectus, Promoters. And Articles of association.*

Unit-2: Incorporation, Memorandum of Association - various clauses - alteration therein -doctrine of ultra vires, Articles of Association - binding force alteration - its relations with memorandum of association - doctrine of constructive notice and indoor management exceptions, Prospectus - issue - contents - liability for misstatements -statement in lieu of prospectus, Promoters - position - duties and liabilities

*Learning Outcomes:*

*On completion of this unit students should be able to:*

1. *Understand the relationship between transfers of shares.*
2. *Acquaint with the powers and duties of the directors of the company.*
3. *Analyse the concept of shareholder and rights of the shareholder.*

Unit-3: Shareholders: Shares - general principles of allotment statutory restrictions - share certificate its objects and effects - transfer of shares - restrictions on transfer - procedure for transfer - refusal of transfer - role of public finance institutions - relationship between transferor and transfers - issue of shares at premium and discount, Shareholder - who can be and who cannot be a shareholder modes of becoming a shareholder calls on shares - forfeiture and surrender of shares - lien on shares rights and liabilities of shareholder, Share capital - kinds - alteration and reduction of share capital - further issue of capital - conversion of loans and debentures into capital duties of court to protect the interests of creditors and shareholders.

*Learning Outcomes:*

*On completion of this unit students should be able to:*

1. *Interpret the concept of dividends.*
2. *Analyse the Audits and accounts and the concept of Borrowing.*
3. *Acquaint with the concept of debentures.*

Unit-4: Directors - position - appointment - qualifications, vacation of office - removal, resignation - powers and duties of directors -meeting, registers, loans remuneration of directors - role of nominee directors- compensation for loss of office - managing directors and other managerial personnel, Meetings - kinds procedure– voting.

*Learning Outcomes:*

*On completion of this unit students should be able to:*

1. *Distinguish the Private companies from public companies.*
2. *Interpret the public company, foreign companies and government companies.*
3. *Acquaint with the amalgamation of the companies.*

Unit-5: Dividends, Debentures, Borrowing Powers: Dividends - payment - capitalization of bonus shares, Audit and accounts, Borrowing - powers - effects of unauthorised borrowing - charges and mortgages - loans to other companies investments - contracts by companies, Debentures - meaning- floating charge - kinds of debentures - shareholder and debenture holder -remedies of debenture holders.

*Learning Outcomes:*

*On completion of this unit students should be able to:*

1. *Analyse the Winding Up of the company.*
2. *Understand the powers of powers and duties of official liquidator*
3. *Acquaint with the process of winding up of unregistered company.*

Unit-6: Majority rule: Protection of minority rights, Prevention of oppression and mis- management, who can apply - when can he apply, powers of the court and of the Central Government.

Unit-7: Other Allied Aspects: Private companies - nature advantages conversion into public company foreign companies, government companies, holding and subsidiary companies, Investigations- Powers, Reconstruction and amalgamation, Defunct Companies. National company Law Tribunal, powers and functions.

Unit-8: Law and Multinational Companies: Collaboration agreements for technology transfer, Control and regulation of foreign companies taxation of foreign companies, share capital in such companies.

Unit-9: Winding Up: Winding up - types - by court - reasons - grounds - who can apply - procedure, powers of liquidator - powers of court consequences of winding up order- voluntary winding up by members and creditors winding up subject to supervision of court.

Unit-10: Winding up proceedings: appointment of liquidator, powers and duties of official liquidator; Liability of past members - payment of liabilities - preferential payments, unclaimed dividends - winding up of unregistered company.

#### Course Outcomes:

*By the end of this course, students should:*

1. *Understand the core concepts in the legal structure of the formation, operation and fundamental aspects of the company.*
2. *Apply the main statutory provisions of the company and other relevant enactments of the company.*
3. *Analyse the legal provisions to the legal issues arising in incorporation, functions and operations of the company. Understand the topics of share and debentures.*

#### Books Recommended:

1. Palmer, Company Law
2. 2. Gover, Company Law
3. Ramai, A Guide to Companies Act, Wadhwa Publications
4. Avatar Singh: Company Law, Eastern Book company, Lucknow
5. Anantha Raman, lectures on company Law, Wadhwa and Company
6. Tadon M.P. ,Company Law, Allahabad Law Agency, Allahabad
7. Kailash Rai, Company Law , Allahabad Law Agency, Allahabad
8. Majumdar, Company Law, Taxman Publications

### **Paper- IV : ADMINISTRATIVE LAW COURSE CODE : TH-101524**

#### Course Objective:

Administrative law is the law that governs the administrative actions. As per Ivor Jennings- the

Administrative law is the law relating to administration. It determines the organization, powers and duties of administrative authorities. It includes law relating to the rule-making power of the administrative bodies, the quasi-judicial function of administrative agencies, legal liabilities of public authorities and power of the ordinary courts to supervise administrative authorities. It governs the executive and ensures that the executive treats the public fairly.

Administrative law is a branch of public law. It deals with the relationship of individuals with the government. It determines the organization and power structure of administrative and quasi-judicial authorities to enforce the law. It is primarily concerned with official actions and procedures and puts in place a control mechanism by which administrative agencies stay within bounds.

Unit-1: Evolution, Nature and scope of Administrative Law, From a laissez faire to a social welfare state State as regulator of primary interest State as provider of services Other functions of modern state - relief, welfare., Evolution of administration as the fourth branch of Government Necessity for delegation of powers on administration., Evolution of agencies and procedures for settlement of dispute between individual and administration., Regulatory agencies in the United States, Conseil d'Etat of France, Tribunalization in England and India., Relationship between Constitutional Law and Administrative Law Public Administration., Separation of Powers - to what extent of relevant in administrative functions, Rule of Law and Administrative Law., Definitions of Administrative Law, Scope of Administrative Law, Emerging trends - positive duties of administration under the modern social welfare legislation and compulsions of planning.

*Learning Outcomes:*

1. Salient features of the law distinct from the Constitutional Law.

Unit-2: Bureaucracy in India: Nature and organisation of civil service, Central and State, Its hierarchical character, accountability and responsiveness, powers and functions, Disciplinary proceedings and prosecutions under Prevention of Corruption Act. Mal administration: Disciplinary proceedings under Prevention of Corruption Act, 1988, Ombudsman, Parliamentary Commissioner, Lok Pal, Lok Ayukta, Vigilance commission, Congressional and Parliamentary Committees.

*Learning Outcomes:*

Fundamental principles followed to render justice i.e., principles of natural justice, their kinds and exceptions.

Unit-3: Legislative Powers of Administration : Necessity for delegation of legislative power, Constitutionality of delegated legislation-powers of exclusion and inclusion and power to modify statute, Requirements for the validity of delegated legislation, consultation of affected interests and public participation decision-making., Publication of delegated legislation, Administrative directions, circulars and policy statements, Legislative control of delegated legislation, Laying procedures and their efficacy, Committees on delegated legislation- their constitution function and effectiveness, Hearings before legislative committees, Judicial control of delegated legislation - doctrine ultra vires, sub-delegation of legislative powers.

*Learning Outcomes:*

3. The reasons and evolution of delegated legislation and its functioning authorities within the ambit of the power conferred to them.

Unit-4: Administrative Adjudicatory Process: Administrative tribunals and other adjudicating authorities their ad-hoc character - Compare administration of Justice in Courts with that of Tribunals (Ref. Robson), Nature of tribunals - constitution, procedure, rules of evidence, etc., with special reference to the following, Central Board of Customs and Excise, MRTP Commission, ESI Courts, Service Tribunals, Jurisdiction of administrative tribunal and other authorities : Distinction between quasi-judicial and administrative functions

and relevance of this distinction in the light of recent decisions of the supreme court.

*Learning Outcomes:*

4. The functioning of the special bodies constituted as alternative means for administering justice viz., Administrative Tribunals, Ombudsman, Lokayuktas, Lokpal etc.

Unit-5: Principles of Natural Justice: The right to hearing - Essentials of hearing process, Bias (no one can be a judge in his own cause) oral hearing, etc., Requirements regarding reasoned decisions, the right to counsel, institutional decisions. Exception to the rule of natural justice, violation of principles of natural justice, void or voidable. Administrative Appeals, Council of Tribunals and Inquiries in England, U.S. Regulatory Agencies and Administrative procedures Act 1946., Emerging Trends of Tribunalization in India as a relief to congestion in the courts and utilization of administrative expertise. Exceptions to the rules of natural justice, violation of principles of natural justice, void or voidable.

Unit-6: Judicial Control of Administrative Action: Preliminary. Courts as the final authority to determine legality of administrative action-problems and perspectives. Exhaustion of administrative remedies, Standing, standing for social action litigation, laches, res judicate, grounds of Judicial Review : Scope of Judicial Review, Jurisdictional error/ultra vires, abuse and non exercise of jurisdiction, Error apparent on the face of the record., violation of principles of natural justice, violation of public policy, primary jurisdiction, Doctrine of legitimate expectation, doctrine of public accountability and doctrine of proportionality, Methods of Judicial Review, statutory appeals, mandamus, certiorari, prohibition, quo- warranto, habeas corpus, declaratory judgments and injunctions, specific performance and civil suits for compensation , Fact-finding commissions

Unit-7: Administrative discretion and its judicial control and its judicial control, Need for administrative discretion, Administrative discretion and rule of law, Male fide exercise of discretion, Constitutional imperatives and use of discretionary authority Irrelevant considerations, Non-exercise of discretionary power, Discretion to prosecute or to withdraw prosecution, Limiting, confining and structuring discretion- General discretion, technical discretion.

Unit-8: Liability for Wrongs (Tortious and contractual), Tortious liability sovereign and non- sovereign functions, Crown Proceedings Act of U.K. and Torts Claims Act of U.S., Statutory immunity, Act of state., Contractual liability of government, Government privilege in legal proceedings-State Secrets, public interest, etc., Right to information and open government, Estoppel and Waiver

Unit-9: Corporations and Public Undertakings : , State Monopoly - Remedies against arbitrary action or for acting against public policy, Liability of public and private corporations of Departmental undertakings., Legal Remedies, Accountability - Committee on Public Undertakings, Estimates Committee, etc.

Unit-10: Powers of Enquiry and Investigation of the Administration: Powers of the government under the commissions of Inquiry Act, 1952, Working of the Act.

Unit-11: Right to know: Right to Information Act, 2005.

*Course Outcomes:*

the objectives of this course is to give the students an understanding of the evolution of administrative law to make them appreciate the concepts and principles of Administrative Law and to help them understand the working of the Administrative Institutions within the norms of good Governance and accountability.

*Books Recommended:*

1. Griffith and Street: Principles of Administrative Law.
2. H.W.R. Wade: Administrative Law, Oxford Publications, London.
3. DeSmith: Judicial Review of Administrative Action, Sweet and Maxwell.

4. S.P. Sathe: Administrative Law, Butterworths.
5. I.P. Massey: Administrative Law, Eastern Book Company.
6. Jain and Jain: Principles of Administrative Law, Wadhawa Publication, Naapur.

**Paper - V: INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION  
(Optional Paper-I)**

**COURSE CODE : TH-101525**

*Course Objectives:*

This course makes the student understand the concept of law and how to implement the law ,construction of legal words ,their exact interpretation in writing the judgments and the main aim of the penal statutes, and their exact interpretation while imposing punishments .

Unit-1: Introduction: Difference Between Construction and Interpretation, Concept and Power of Interpretation, Literal Construction, Other principals of Interpretation, General Principals of interpretation: The Primary rule: Literal construction , the other main Principals of interpretation, Reading words in their context: the external aspect, Reading words in context: the statutory aspect.

*Learning Outcomes:*

This chapter makes the student understand the difference between construction and interpretation of the Law.

Unit-2: Beneficial construction and restrictive construction, Consequences to be considered, Presumption against changes in the common Law, mens rea in statutory offences.

*Learning Outcomes:*

In this chapter the student will understand the consequence while making the changes in the commonlaw ,and how to consider mens rea in statutory offences.

Unit-3: Theoretical or ideological approaches to interpretation, Judicial Restraint, Judicial activism, Juristic Restraint, Juristic activism

*Learning Outcomes:*

Ideological approaches to interpretation, Judicial activism.

Unit-4: Presumptions regarding jurisdiction, Presumptions against ousting established jurisdictions, Presumptions against creating new and enlarging established jurisdictions, How far statutes affect the crown Further presumptions regarding jurisdiction, Territorial extent of British legislation, How far statutes conferring rights affect Foreigners, Presumption against violation of International Law.

*Learning Outcomes:*

Here the student is able understand the presumption regarding jurisdiction, knowing how far statutes conferring rights affect foreigners and violation of international Law.

Unit- 5: Construction to avoid collision with other provisions, construction most agreeable to justice and reason, Presumption against intending what is inconvenient or unreasonable, Presumption against intending injustice or absurdity, Presumption against impairing obligations, permitting advantage from ones own



wrong, Retrospective operation of statutes.

*Learning Outcomes:*

This chapter makes the student understand construction of legal words to avoid collision with the other provisions, presumption against intending injustice or absurdity, Retrospective operation of statutes.

Unit-6: Exceptional Construction, Modification of the Language to meet the intention, Equitable construction, Strict Construction of penal Laws, Statutes encroaching on rights or imposing burdens, Construction to prevent evasion, Construction to prevent abuse of powers.

*Learning Outcomes:*

This unit makes to understand the exceptional construction, modification of language to meet the intention, strict construction of penal laws, construction to prevent abuse of powers.

Unit-7: Intentions attributed to the legislature when it expresses none, Imperative and directory and enactments, Absolute and qualified duties, Impossibility of compliance, Waiver, Public and private remedies

This chapter makes easy to understand intentions attributed to the legislature when it express none. imperative and directory and enactments, absolute and qualified duties, public and private remedies.

Unit- 8: Rules of statutory interpretation: their judge made character, Legalism and Creativity: Mischief and Golden Rule, Rule of Construction in Fiscal and Criminal Statutes, Technicality: Rules as to necessary and implied repeal: Rule for interpretation of codifying, consolidating and amending statute, Values and Interpretation, Contemporaneous expositio, nositur a sociis, Ejusdem generis.

*Learning Outcomes:*

This unit makes understand Rules of statutory interpretation, judge made character, mischief and golden rules of interpretation.

Unit-9: Constitutional interpretation, differentiation from statutory interpretation Rex Vs Burah as example, Literal interpretations, Harmonious construction, Reference to Constituent Assembly debates, Pith and Substance, Occupied field, Residuary power, Repugnancy, Amending power Directive Principles as source of constitutional interpretation. Stare decisis, the doctrine has inherited by us, Techniques of innovation (Subversion) of stare decisis, Supreme Court's authority to overrule its own decisions

(Eg: Antulay Case), Advisory jurisdiction and its import on precedent, retrospective overruling in India, Objections to judicial review as anti-majoritarian

*Learning Outcomes:*

This unit makes clearly understand the Constitutional interpretation, Harmonious construction, pith and substance, Techniques of innovation of stare decisis, supreme court's authority to overrule its own decisions.

Unit-10: Principles of legislation: Principles of the civil code, principles of the penal code of punishments

*Learning Outcomes:*

Unit-X this unit clearly makes to understand the principals of legislations, principals of the civil code, and principals of the penal code of punishments.

*Course Outcome:*

1. Students will get familiar with the legal construction of the enactments.
2. they will be well versed with rules of statutory interpretation values and interpretation, 3. better understand principals of the civil codes and penal codes and their literal interpretations.

Books Recommended:

1. D.D. Basu — Limited Government and Judicial Review.
2. Jeremy Bentham: Theory of Legislation, Butterworths Publications.
3. Vepa P. Sarathi: Interpretation of Statutes, Eastern Book Co, Lucknow
4. Maxwell: Interpretation of Statutes, Butterworths Publications.
5. Crawford: Interpretation of Statutes, Universal Publishers, Delhi
6. Chatterjee: Interpretation of Statutes.
7. G.P. Singh: Principles of Statutory Interpretation, Wadhwa and Company, Nagapur.

***Paper -VI: Seminar and Clinical Legal Education (COURSE CODE : SM-001)***

## **FOURTH SEMESTER**

**Paper –I: LABOUR AND INDUSTRIAL LAW – II**

**COURSE CODE : TH-713401**

**Course Objectives:**

1. The aim of this course is to impart knowledge in the Labour and Industrial Law.
2. Introduce learners to Law relating to Wages and Bonus.
3. Enable learners to understand the Law relating to Retirement Benefits.
4. Improve learners' ability in understanding the Contract Labour and their Problems..
5. Expose learners to understand the Protection of Weaker Sections of Labour and Problems of Bonded Labour.

Unit-1: Remuneration for Labour: **Learning Outcomes:**

On completion of this unit students should be able to:

1. Understand the Remuneration for Labour and Law relating to Wages and Bonus.
2. Acquaint the Minimum Wage and distinguish it from Fair Wage, Living Wage and Need-based Minimum Wage.
3. Analyse the Fundamental Objects & its Constitutional Validity of the provisions of the Payment of Wages Act, 1936 and the Minimum Wages Act, 1948.

Unit-2: Law relating to wages and bonus: Theories of wages: marginal productivity, subsistence, wage fund, supply and demand, residual claimant, standard of living, Concepts of wages (minimum wage, fair wage, living wage, need-based minimum wage); Constitutional provisions; components of wages: Minimum Wages Act, 1948: Objectives and constitutional validity of the Act; procedure for fixation and revision of minimum rates of wages – exemptions and exceptions; Payment of Wages Act, 1936: Regulation of payment of wages; Authorized Deductions, Payment of Bonus Act; Bonus - Its historical background, present position and exemptions ; Payment of Bonus (Amendment) Act, 2007. The Code on Wages.

**Learning Outcomes:**

On completion of this unit students should be able to:

1. Know the Constitution of Trade Union and the History of Trade Union Movement in India.
2. Understand the provisions of Indian Trade Union Act of 1926.
3. Interpret the Amendments to the Trade Union Act, 1926.

Unit-3: Social security against employment injury and other contingencies: Concept and development of social security measures; Employers liability to pay compensation for employment injury; Legal protection: Workmen's Compensation Act, 1923 - Concept of 'accident arising out of' and 'in the course of the employment'; Doctrine of notional extension and doctrine of added peril; Total and partial disablement; Quantum and method of distribution of compensation. Employees State Insurance Act, 1948: Benefits provided under the Act; Employees' State Insurance Fund and Contributions; Machinery for the implementation of the Act; ESI Court and appeal to High Court. Social Security Code and Occupational Safety.

#### Learning Outcomes:

On completion of this unit students should be able to:

1. Understand the concept of the Collective Bargaining and its Essentials and Characteristics.
2. Know various provisions under Industrial Employment (Standing Orders) Act, 1946.
3. Analyse the Concept of Misconduct and its Consequences.

Unit-4: Law relating to retirement benefits: Employees Provident Fund and Miscellaneous Provisions Act, 1952; Family Pension Scheme 1971 and Employees Pension Scheme 1995; The changing rules regarding Employees Provident Fund and Pension Schemes; Payment of Gratuity Act, 1972 – Concept of Gratuity; Eligibility for payment of gratuity; Determination of gratuity; Forfeiture of gratuity.

Unit-5 Labour Welfare: Philosophy of Labour Welfare; Historical Development of Labour welfare legislation; Health, Safety and welfare measures under Factories Act, 1948; Welfare of women and child labour: Protective provisions under Equal Remuneration Act & Maternity Benefit Act. Industrial Relations Code. Health and Working Conditions Code.

#### Learning Outcomes:

On completion of this unit students should be able to:

1. Interpret the meaning of Industrial Discipline and Causes of Indiscipline in Industry
2. Identify the consequences of the Doctrine of 'Hire and Fire'.
3. Acquaint with the Concept of Domestic Enquiry.

Unit-6: Contract Labour: Problems of contract labour; Process of contractualisation of labour ; Legal protection: Contract Labour (Regulation and Abolition) Act, 1970; Controversy regarding Abolition of contract labour and their absorption; Land mark cases: Air India Statutory Corpn. V. United Labour Union, (1997) & SAIL case (2002); proposed amendment and its impact on the contract labour.

Unit-7: Unorganised Sector: Problem of Definition and Identification; Unionization problems Historical backdrop of proposed bills on social security for unorganized sector (2004, 2005 & 2007); Unorganized Sector Workers' Social Security Act, 2008

Unit-8: Protection of Weaker Sections of Labour: Problems of bonded labour, bidi workers, domestic workers, construction workers inter-state migrant workmen; Legal protection: Bonded Labour System (Abolition) Act, 1976; Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

#### Course Outcomes:

By the end of this course, students should:

1. Understand the law relating to Wages and how the Wage factors are influencing Labour-

Management Relations..

2. Acquaint with various Social Security Legislations available in India.
3. Evaluate the basic problems of labour against employers such as Payment of Wages, Minimum Wages and Payment of Compensation in respect of employment injuries and Retirement Benefits etc.
4. Identify the differences between Employees & Employers in respect of Social Security & Remuneration aspects and provide for the resolution of such incongruity.
5. Analyse the Legal Protection for abolition of Bonded Labour System.

Books Recommended:

1. R.F. Rustomji: The Law of Industrial Disputes in India.
2. J.N. Malik: Trade Union Law.
3. Bagri: Law of Industrial Disputes, Kamal Law House, Delhi.
4. Srivastava: Law of Trade Unions., Eastern Book Company.
5. Dr. V.G.Goswami, Labour and Industrial Law, Central Law Agency, Allahabad.
6. S.N.Mishra, Labour and Industrial Law, Central Law Agency, Allahabad.
7. Khan and Khan Labour Law, Asia Law House, Hyderabad.

**Paper -II - PUBLIC INTERNATIONAL LAW**  
**COURSE CODE : TH-713402**

Course Objectives:

- 1) To enable the students to identify the basic concepts, definitions and terms related to Income Tax.
- 2) To enable the students to determine the residential status of an individual and scope of total income.
- 3) To enable the students to compute income under various heads namely income from salaries, house property, business/ profession, capital gains and income from other sources.
- 4) To enable the students to discuss the various deductions under Chapter VIA of the Income tax act, 1961. Students would discuss the various benefits/ deductions under Chapter VI-A of the Income tax act, 1961.
- 5) To enable the students to compute the net total taxable income of an individual.

Unit-1: Basic Aspects of International Law;: Nature and Basis of International Law, Definition of International Law, Relationship between Municipal Law and International Law, Sources of International Law (Treaties custom, general principles, recognized by civilized Nation, ICJ decisions). Codification of International Law.

Learning Outcomes:

- 1) Students will have a broad exposure to the principal area of taxation.

Unit-2: State as subject of international law: Essentials of statehood- not fully sovereign states and other entities, Right and duties of states, Modes of acquisition and loss of state territory, State responsibility.

Learning Outcomes:

- 2) Students will be able to demonstrate substantial knowledge of various laws, cases, rulings, regulations and other government pronouncements collectively referred to as the ' Authority'

Unit-3: Recognition, Succession: Concept of recognition, theories, kinds and consequences of recognition, recognition

Unit-4, Individual as a subject of International Law: The Basic modification, post charter position: Nationality, Extradition, UNO & Human Rights, UDHR, Covenant on Civil Political Rights, 1966, Covenant on Economic Social and Cultural Rights, 1966. International Humanitarian Law.

Unit-5: Equitable resource utilization and justification: Law of the Sea Air, Law of Outer Space, Common Heritage of Mankind.

Unit-6: State Jurisdiction: Basis of Jurisdiction, Sovereign Immunity, Diplomatic Privileges and Immunities.

Unit-7: Treaties: Making of Treaty, Reservations to treaty, *Pacta sunt servanda*, Modes of termination of treaty. Comprehensive Test Ban Treaty.

Unit-8: UNO, Principles and Purpose of UNO, Security Council (Composition, powers and functions), General Assembly (Composition, powers and functions, ECOSOC (Composition, powers and functions) Trusteeship Council, ICJ (Composition, types of jurisdiction)

Unit-9: International Economic Institutions: a) WTO (Organization and functions) b) IMF (Compositions, powers and functions) c) IBRD (Composition, powers & function) and d) UNCTAD.

Course Outcomes:

- 1) Students would identify the technical terms related to Income Tax.
- 2) Students would determine the residential status of an individual and scope of total income.
- 3) Students would compute income from salaries, house property, business/profession, capital gains and income from other sources.
- 4) Students would compute the net total income of an individual.

Books Recommended:

1. Oppenheim, International Law, Longman, 9<sup>th</sup> Edn
2. Ian Bronnlie, Principles of Public International Law Oxford University Press,
3. Malcom N Shaw, International Law, Cambridge Publication.
4. H.O Agarwal, International Law and Human Rights, Central Law Publications Allahabad.
5. S.K. Kapoor, Public International Law, Central Law Agency.
6. J.G. Starke, Introduction to International Law, Aditya Books, New Delhi.
7. S.K. Varma, An Introduction to International Law, Printice Hall of India, New Delhi
8. Bowett, International Institutions.  
International Law; Sir Robert Jennings and Sir Arthur Watts (ed) Longman

### **Paper – III: PRINCIPLES OF TAXATION LAW**

**COURSE CODE : TH-713409**

Course Objectives:

- 1) To enable the students to identify the basic concepts, definitions and terms related to Income Tax.
- 2) To enable the students to determine the residential status of an individual and scope of total income.
- 3) To enable the students to compute income under various heads namely income from salaries, house property, business/ profession, capital gains and income from other sources.
- 4) To enable the students to discuss the various deductions under Chapter VIA of the Income tax act, 1961. Students would discuss the various benefits/ deductions under Chapter VI-A of the Income tax act,

1961.

5) To enable the students to compute the net total taxable income of an individual.

6) To understand the implications of GST on the taxable capacity consumers, dealers and of the society at large and its changes

Unit-1: Constitutional Provisions- Arts. 265 to 289 - Scope of Tax Laws: b. Tax and Fee. Capital Receipt and Revenue Receipt distinguished.

Unit-2: Direct Tax Laws : Income Tax Law: Historical outline, Definitions-‘Income’ ‘Agriculture Income’ Previous Year’ and Assessee’ Incidence of Tax and Residential Status. Statutory exemptions (Ss 10 to 13A) classification of Income and Heads of Income (Ss 14 to 59): b. Assessment (Ss.109 to 158) Collection and Recovery of Tax (ss 19A-234) Double Taxation Relief Clubbing of Incomes Ss 50-66).

Unit-3: Income Tax Authorities, Settlement of cases (S.245). Appeals and Revisions (Ss 246- 269), Penalties, offences and prosecution (Ss 270-280).

Unit-4: Surcharge. Definitions of Asset.

Unit-5: Indirect Tax Laws: a) Goods & Services Act, 2007. Historical outline-Definitions-A detailed study of Ss. 4 to 6A-Registration of Dealers-Liability in special cases (Ss 16 to 18): b) A.P. General Sales Tax Act, 1957 Definitions: Business-Dealer-Casual Dealer-Total turn-over- Registration of dealers (S. 12) Sales Tax Authorities (Ss 3 and 4).

Unit-6: VAT, Scope of VAT, problems and prospects in its application, Learning Outcomes:

The subject of Principles of Taxation adopts several learning goals some of them are:

- 1) Explain the concept of tax and the object of its levy
- 2) Describe the concept of direct and indirect tax and the differences between the two types of taxes.
- 3) Enumerate the basic features of indirect taxes and the principle indirect taxes in India.
- 4) Explain the concept of GST and the need for GST in India.
- 5) Discuss the framework of GST as introduced in India and understand the various benefits to be accrued from implementation of GST.
- 6) The constitutional provisions pertaining to levy of various taxes.
- 7) Appreciate the need for constitutional amendment paving way for GST.
- 8) Discuss the significant amendments made by the constitution by 101<sup>st</sup> amendment act 2016.

Course Outcomes:

- 1) Students would identify the technical terms related to Income Tax.
- 2) Students would determine the residential status of an individual and scope of total income.
- 3) Students would compute income from salaries, house property, business/profession, capital gains and income from other sources.
- 4) Students would compute the net total income of an individual.
- 5) To make them to be a Tax Consultant in preparing the tax planning, tax management, payment of tax, payment of tax returns.

Books Recommended:

- 1 Dr. Vinod K. Singhania, Student Guide to Income Tax, Taxman.
- 2 Dr. Vinod K. Singhania, Direct Taxes Law & Practice, Taxman Allied Service Pvt. Limited.
- 3 Myneni S.R., Law of Taxation, Allahabad Law Series.
- 4 Kailash Rai, Taxation Laws, Allahabad Law Agency.
- 5 Dr. Gurish Ahuja, Systematic Approach to Income Tax, Bharat Law House Pvt. Limited, Delhi

6. V.S. Datey: Law and Practice Central Sales Tax Act, 2003, Taxman Publications.
7. Nani Palkivala: Income Tax, Butterworths Publications.
8. Dr. GK Pillai, VAT- A Model for Indian Tax Reforms
9. Naidu's Sales Tax Act

## **Paper-IV:INTELLECTUAL PROPERTY RIGHTS' LITIGATION**

**COURSE CODE : TH-713404**

### **Course Objective:**

The Intellectual Property Rights can add immense value to the assets of a company. Unfortunately, understanding intellectual property rights can be confusing. On one side, you have those who question the worth of such creative products and projects, claiming that such creative work as design can be done by anyone whether they have had the training or not. On the creative workers' side, they are concerned that lessening intellectual property rights can threaten their creative work. Once a design or work has been made public sometimes there is little recourse to protect the work from being used by others without proper credit or compensation. While creative may have the biggest problem with the public release of their materials they also are sometimes found guilty of violating these rights themselves. It is vital that creatives value others' work the same way that they wish theirs would be valued to help make intellectual property rights more effective. With the increasing focus on innovation, research and cross-border collaborations, need to learn about intellectual property rights (IPRs) to safeguard their inventions has increased among the students. "As countries turn to innovation and creativity for sustainable development, need to understand the importance of IPRs has increased. The demand for IP is increasing, especially in developing countries," says a spokesperson from WIPO.

Unit-1: Introductory: The meaning of intellectual Property. The main forms of intellectual property: Copy rights, Marks, Patents, Designs. The competing rationales for protection of rights in Copyright Trade marks Patents designs Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright Convention, the Paris Union, the World Intellectual Property Rights Organization (WIPO) and the UNESCO; TRIPS; WIPO.

### **Learning Outcomes:**

Studying what the IPR are? Their nature and types?The procedure to protect the IPR  
Knowing the International organization that deal with IPR

Unit-2: Meaning of Copyright Copyright in literary, dramatic and musical works ,Copyright in Musical and Works and cinematograph films , Ownership of Copyright, Assignment of Copyright, Author's special rights, Infringement of copyright, Fair use Provisions, Remedies.

### **Learning Outcomes:**

*Studying the copyrights and how to claim ownership of copyrights Knowing the infringement of copyright and fair using provisions*

Unit-3: Intellectual Property in Trademarks: The rationale of protection of trade marks as (a) an aspect of commercial and (b) of consumer rights, definition, conception of Trade Marks, Registration; Distinction between Trade Mark and Property Mark, Geographical Indicators.

### **Learning Outcomes:**

Studying the trademarks with nature and definition

Knowing the difference between trademark and property mark and geographical indication.

Unit-4: The law of intellectual property: Patents: Conception of Patent. Historical overview of the patents Law in India, Patentable inventions with special reference to biotechnology products entailing creation of new forms of life, Process of obtaining a patent, Various grounds for refusing patent grant.

Learning Outcomes:

Studying and learning the history of patents Knowing what properties are patentable

Unit-5: Rights and obligations of a patentee, limitations and patents as chose in action, Duration of Patents Law

Learning Outcomes:

Studying and learning the procedure of litigation Unit-6: Litigation in Copyright Law.

Learning Outcomes:

Studying and learning the procedure of litigation in copyrights

Unit-7: Litigation in Trade Mark Law Learning Outcomes:

Learning Outcomes:

Studying and learning the procedure of litigation in trademarks law

Unit-8: Litigation in Patents Law.

Learning Outcomes:

*Studying and learning the procedure of litigation in patents law Course outcome:*

Course Outcomes:

After studying this paper, the student can

The students will get an idea about the patents system.

The students may know and guide the inventors and creators to protect their works Students will have the command on the rights of the patent holders

Books Recommended:

1. P. Narayanan: Patent Law, Eastern Law House.
2. Roy Chowdhary, S.K. & Other, Law of Trademark, Copyrights, Patents and Designs.
3. Dr. G.B. Reddy, Intellectual Property Rights and the Law, Gogia Law Agency.
4. John Holyoak and Paul Torremans, Intellectual Property Law.
5. B.L. Wadhera, Intellectual Property Law, Universal Publishers.
6. W.R. Cornish, Intellectual Property Law, Universal Publishers.

## **Paper – V: LAND LAWS INCLUDING TENURE AND TENANCY SYSTEM**

**(Optional Paper-III)**

**COURSE CODE : TH-713408**

Course Objectives :



The objective of this paper is to focus on land reforms in the state of A.P. and make students familiar with land laws. The course provides the detailed knowledge of land law reforms, broad concept of agriculture, relationship between land and man, concepts and applications including analysis of tenure holders, their interests, rights and liabilities, ownership, possession, succession, surrender, abandonment, mortgage, lease and the use of modern techniques for demarcation and digitalisation of Revenue Records and procedure of the Revenue Courts. It also deals with procedure of Land Acquisition payment of fair compensation, Rehabilitation and Resettlement of land losers

Unit- 1: Ownership of land - Doctrine of eminent domain - doctrine of Escheat.

Unit-2: Movement of Law reforms: Pre-Independence position - Zamindari Settlement - Ryotwari Settlement - Mahalwari System - Intermediaries - Absentee Landlordism - Large holdings. Post- dependence Reforms: Abolition of Zamindaries, Laws relating to abolition of Intermediaries.

Unit-3, Land Ceiling: Urban Land Ceiling and Agrarian Land Ceiling

Unit-4: Laws relating to acquisition of property and Governmental control and use of land. Right to fair compensation and transparency in land acquisition, Rehabilitation and Resettlement act, 2003.

Unit-5: Laws relating to tenancy reforms: Land to the Tiller, Rent control and protection against eviction, AP (Andhra Area) Tenancy Act, 1956. Land Revenue Code

Unit-6: Laws relating alienation / assignment in scheduled areas: A.P. Schedule Areas Land Transfer regulation 1959. (Samatha Case), A.P. Assigned Lands (Prohibition of Transfer) Act, 1977.

Unit-7: Laws relating to Grabbing. A.P. Land Encroachment Act, 1905, AP Land Grabbing (Prohibition) act, 1982.

Unit-8: Forest Laws - Conservation of Forest Act, 1980, A.P. Forest Act, 1967. Unit-9: Tribal Right to Land (Recent Act) and A.P. Land Revenue Code.

Course Outcome:

On successful completion of this course students will be able to:

- a) Explain the notion of agricultural land and apply land law concepts relating to tenure holders, ownership, possession, succession, surrender, abandonment, mortgage, lease and tenancies.
- b) Learn about maintenance and revision of village records.
- c) Learn about consolidation proceedings, mutation proceedings and its effect.
- d) Gain knowledge about the concept of land revenue and its assessment.
- e) Understand about the procedure of Revenue Courts and remedies in case of any illegal encroachment.
- f) Get a deep insight about the management of land and other property by local authorities.
- g) Procedure of acquisition of land for public purpose and payment of fair compensation, resettlement and rehabilitation of land losers.
- h) Gain knowledge about tribal rights, assigned lands, State and Central forest Acts, land ceiling Act etc.

*Books Recommended:*

1. P. Rama Reddi and P. Srinivasa Reddy: Land Reform Laws in A.P., Asia Law House. 5<sup>th</sup> Ed. Hyderabad..
2. P.S. Narayana: Manual of Revenue Laws in A.P., Gogia Law Agency, 6<sup>th</sup> Ed. 1999.
3. Land Grabbing Laws in A.P.: Asia Law House, 3<sup>rd</sup> Ed. 2001, Hyderabad.
4. G.B. Reddy: Land Laws in A.P., Gogia Law Agency, Hyderabad, 1st Edition, 2001.

**Paper - V:**

**INVESTMENT LAW (INCLUDING SECURITIES)  
(Optional Paper-III)  
COURSE CODE : TH-713405**

Unit-1: Securities: The concept and kinds: Government Securities, Securities issued by banks, Secured issued by corporations, Securities in mutual fund and Collective investment schemes, Depository receipts.

**Learning Outcome:**

By proper study of this unit, the student will be able to understand about the meaning of securities and in what way it is defined, the meaning of definition in death, how to deal with the securities in a better way so as to get profits in securities dealings and also various kinds of securities and which one is benefit to him and also to give him advice to the persons dealing with the securities. By study of this unit, the intellectual skills of the students are to be improved. With this type of learning outcome, the student learner will understand the concepts and understanding that how to do something to his clients also after putting up the practice as an advocate.

Unit-2: Government Securities: Bonds issued by government and semi government institutions, Role of Central Bank (the RBI in India), Impact of issuance of bonds on economy, Government loan from the general public, External borrowing, World Bank, I.M.F, Asian Development Bank, Direct from foreign government and Treasury deposits, government loan: the constitutional dilemma and limitations, dilution of powers of Central Bank.

**Learning Outcome:**

By exhaustive study of this unit, the student will be able to understand the nature of bonds issued by government and semi government institutions, the role played by Central Bank, effect of issuance of bonds on economy, necessity of Government loan from the general public, External borrowings from World Bank, I.M.F, Asian Development Bank, Direct from foreign government and Treasury deposits etc. . By study of this unit, the intellectual skills of the students are to be improved. With this type of learning outcome, the student learner will understand the concepts and understanding that how to do something.

Unit-3: Securities issued by Banks: Bank notes, issue of bank notes, changing functions of banks from direct lending and borrowing to modern system, Bank draft, travelers' cheques, credit cards, smart cards, nature of deposits, current, saving and fixed deposits, interest warrants.

**Learning Outcome:**

By study of this Unit, the students will have to learn ability to understand about the various kinds securities issued by banks, nature of deposits in depth.

Unit-4: Corporate Securities: Shares, Debentures, Company deposits, Control over corporate securities, a) Central government, b) National Company Law Tribunal c) SEBI guide lines on capital issues d) RBI; Protection of investor, a) Administrative regulation, b) Disclosure regulation, c) Protection by criminal sanction.: Basic features of the Securities Contracts (Regulation) Act, 1956 – recognition of stock exchange, option in securities- listing of securities, guidelines for listing of shares, debentures etc.

**Learning Outcome:**

By the study of this unit, The students will be able to understand about the Corporate securities and how the Central Government will have control over it by a) Central government, b) National Company Law Tribunal c) SEBI guide lines on capital issues

**d) RBI; and also how the regulations which are made by the Government for investor protection. It improves the student learners knowledge perfectly about the corporate securities and investors protection by implementation of regulations.**

Unit-5: Basic features of the Securities and Exchange Board of India Act, 1992 – establishment of SEBI, sanctions and Powers of SEBI, powers of the Central Government under the Act, guidelines for disclosure and

investors protection – SEBI Appellate Tribunal and Appeals.

***Learning Outcome:***

By the study of this unit, The students will be able to understand in depth and gain the knowledge about the basic features of SEBI, Sanctions and Powers of SEBI, Powers of the Central Government under the Act and also the Guidelines for disclosure and investors protection and what steps are taken by the authorities for investors protection.

Unit-6: Collective Investment: Unit Trust of India, Venture capital, Mutual fund, Control over issue and management of UTI.

***Learning Outcome:***

By the study of this unit, The students will be able to understand in depth and gain the knowledge whether there is the benefit sustenance of loss in putting the investment into Collective investment in UTI or Venture capital ie. Putting the investment in the newly formed company which is producing the goods or mutual fund and also control over issue and management of UTI etc.,

.Unit-7: Depositories: Denationalized securities, Recognition of securities, Types of depository receipts: IDR, ADR, GDR and Euro receipts, SEBI guidelines on depositories.

***Learning Outcome:***

By the study of this unit, The students will be able to analytically understand in depth and gain the knowledge on the importance of recognition of securities, types of depository receipts ie. IDR, ADR, GDR and Euro receipts and also the SEBI guidelines on depositories.

Unit-8: Investment in non-banking financial institutions: Control by usury laws, control by RBI, Regulation on non-banking financial and Private financial companies; law Relating to NBFCs – AP Protection of Depositors Act, 1999.

***Learning Outcome:***

By the study of this unit, The students will be able to analytically know in depth and gain the knowledge on the Investment in non-banking financial institutions and its controlling laws, control by RBI, Regulation on non-banking financial and Private financial companies and also law Relating to NBFCs and in what way the State of AP protected the depositories under AP Protection of Depositors Act, 1999

Unit-9: Foreign Exchange management in India: Concept of foreign exchange management and administration of exchange control.

***Learning Outcome:***

*By the study of this unit, The students will be able to analytically scrutinise in depth and gain the knowledge on the Foreign Exchange management in India, its concept and its administration of exchange control.*

***Books Recommended:***

1. Avatar Singh, Company Law, Eastern Book Company, Lucknow.
2. Ramai, A Guide to Companies Act, Wadhwa Publications.
3. Anantha Raman, Lectures on Company Law, Wadhwa and Company
4. Majumdar, Company Law, Taxman Publications.
5. Gupta, S.N., The Banking Law in Theory and Practice, (1999) Universal, New Delhi.
6. Tannan, M.L., Tannan's Banking Law and Practice in India, (2000) India Law House, New Delhi
7. Bhandari, M.C., Guide to Company Law Procedures, (1996) Wadhwa and Co., New Delhi.

**Paper -VI: Seminar and Clinical Legal Education (COURSE CODE :SM-001)**

**FIFTH SEMESTER**

**Paper -I: CIVIL PROCEDURE CODE AND LIMITATION ACT**

**COURSE CODE : TH-101901**

**Course Objectives:**

1. Introduce learners to the basic Conceptions of Civil Procedure in India
2. The aim of the course is to impart knowledge in basic procedure of civil suits
3. Enable learners to understand the Pleadings
4. Improve the learners' ability in understanding Judgment and decree.
5. Inculcate the knowledge to identify the appeals and commissions.

Unit-1: Introduction: Conceptions of Civil Procedure in India before the advent of the British Rule, Evolution of Civil Procedure from 1712 to 1901, Principal features of the Civil Procedure Code. Importance of State Amendments, Types of Procedures – Inquisitorial and Adversary- Importance of observance of procedure. Law Reforms, the Code of Civil Procedure(Amendment) Act, 2002.

**Learning Outcomes:**

On completion of this unit students should be able to:

1. Understand the origin of civil procedure in India.
2. Interpret the Concept of Law Suit and Order.
3. Analyse the territorial jurisdiction of the civil courts.

Unit-2: Suits: Concept of Law Suit, Order I, Parties to Suit, Order II, Frame of Suit, Order IV, Institution of suits, Bars & Suit: Doctrines of Sub Judice & Res Judicata, Place of Suing (Section 15, 20) - Territorial Jurisdiction., "Cause of Action" and Jurisdictional Bars, Summons (Sections 27,28,31, Orders IV,VI,IX), Service of Foreign Summons (Section 29), Power for Order (Section 30 order XI).

**Learning Outcomes:**

On completion of this unit students should be able to:

1. Acquaint with the concept of pleadings.
2. Analyse the meaning of plaint, written statement and all the essentials for registration of a plaint.
3. Identify the hearing of affidavit and procedure for court adjournments.

Unit-3: Pleadings: (Order VI), Material Facts, Forms of Pleading, Condition Precedent, Presumptions of Law, Striking Out/Amendment. Plaint: (Order VII), Particulars (esp., in money suits/suits for immovable Property), Showing of defendant's interest and liability, Ground of Limitation, Return of Plaint, Rejection of Plaint, Production and listing of Documents, Written Statement, Counter Claim, Set off, Framing of issues; Appearance and Examination; Appearance, Ex-parte procedure, Default of Plaintiff, Summoning and attendance of witnesses, Examination, Admissions, production, importing, return of documents, hearing, affidavit; Adjournments; Order XVII, Adjournment, Judicial Discretion & problems Arrears;

**Learning Outcomes:**

On completion of this unit students should be able to:

1. Identify the concepts of Judgment and decree.
2. Understand the Appointment procedure of Receivers and their powers.

3. Analyse various forms of suits and their filing procedure.

Unit-4: Judgment and decree: Concepts of judgment, Decree, and Interim Orders and stay Injunctions, Appointment of Receivers, Costs. Execution: (Order XXI), Concept of “Execution”, General Principles of Execution, Power for Execution of Decrees (Section 38-46), Procedure for Execution (Section 51-54), Enforcement: Arrest and Detention (section 55-59), Attachment (Section 60-64), Sale (Section 65-67).

#### Learning Outcomes:

On completion of this unit students should be able to:

1. Understand the concept of Appeals.
2. Analyse the different forms of appeals
3. Acquaint with the procedure for Appeals to the Supreme Court.

Unit-5: Suits in Particular Cases: Suits by or against Government (Section 79-82), Suits by Aliens and by or Against Foreign Rulers, Ambassadors and (Section 91-93), Suits relating to public matters, Incident and supplementary proceedings (Section 75-78, 94-95), and Suits against Minors, persons with unsound mind, indigent persons etc., Interpleader suits.

#### Learning Outcomes:

On completion of this unit students should be able to:

1. Understand the concepts of Social Action or Public Interest Litigation.
2. Acquaint with the provisions of Limitation Act, 1963.
3. Analyse the General principles of limitation, Extension.

Unit -6: Appeals: Appeals from Original Decrees (Section 96-99-A) and Order XLI., Appeals from Appellate Decrees (Sections 100-101), Appeals from Orders (Sections 104-106) (Order XLII), General Provisions Relating to Appeals (Section 107-108), Appeals to the Supreme Court (Section 108).

Unit-7: Commissions: The Rationale of Commissions, Order XXVI, Socio-Legal Commissions of Inquiry in “Social Action” or “Public Interest Litigation”.

Unit -8: Limitation: Concept of Limitation – Why limitation, General principles of limitation, Extension – sufficient causes – acknowledgment, Legal disability – Condonation – when comes to an end, Limitation Act, 1963 (excluding Schedules).

#### Course Outcomes:

By the end of this course, students should:

1. Able to understand basic procedures of civil litigation.
2. Interpret the special procedures in respect of particular suits.
3. Analyse the pleadings and jurisdictional issues.
4. Acquaint with the appeal procedures and review procedures.
5. Understand the provisions of Limitation Act, 1963

#### *Books Recommended:*

1. Mulla: Code of Civil Procedure: Tripathi (Abridged Edition), (Student Edition).
2. A.N. Saha: Code of Civil Procedure.
3. C.K. Takwani: Civil Procedure, 4<sup>th</sup> Edition, Eastern Book Co., Lucknow, 2007.
4. B.B. Mitra: Limitation Act, 17<sup>th</sup> Edition, Eastern Law House, Calcutta, 1974, Allahabad, 1973.
5. Sanjiva Row: Limitation Act, 7<sup>th</sup> Edn. (in 2 Vol.s), Law Book Co., Allahabad, 1973.

6. Sanjiva Row: Code of Civil Procedure, 3 rd Edn, (in 4 Vols), Law Book Co.,Allahabad.
7. AIR Commentaries on Limitation Act, W.W. Chitaley, AIR Ltd., Nagpur.

## **Paper - II: LAW OF CRIMES – II**

**(Criminal Procedure Code, Juvenile Justice Act and Probation of Offenders Act)**

**COURSE CODE : TH-713508**

Course objective:

The Objective of study of Law of Crimes to learn about the various crimes committed and the punishments prescribed by the Law.

Learning Outcome:

The out come of the study of Law of Crimes is to know about the Concept of Crime, States power to determine acts or commissions as crimes. State's role in detecting the crimes and its control through various mechanisms. Student also learns about the elements of criminal liability, group liability.

While studying the Law of Crimes the student knows about the stages of crime, factors negating guilty intention.

The study also educates the student about the types of punishments viz., death penalty, social relevance of capital punishment, imprisonment for life, types of life imprisonment.

It may also be learned that specific offence against human body.

The major outcome of the study is to know about the various crimes committed by the several individuals, nature of crimes, factors forcing individuals to commit crime, forced crimes and the resultant punishment, criminal mind sets, habitual criminals etc.

Unit 1: Criminal justice system: Inquisitorial and Adversary\Accusatorial; International norms regarding the basic principles of criminal justice system; Constitutional perspectives - Articles 14, 20, 21 & 22; The rationale of criminal procedure; Salient features of the Criminal Procedure Code, 1973; The organization of police, prosecution & defense and prison authorities – duties, functions and powers; Constitution of criminal courts and the significance of the segregation of magistrates into judicial and executive magistrates categories under the code; Important definitions: Investigation, first information, cognizable and non cognizable offence, bailable and non bailable offences, complaint, inquiry, charge, trial, summons and warrant cases, compoundable and non compoundable offences, discharge and acquittal, appeal, revision and reference.

Unit-2: Investigation proceedings: Initiation of investigation proceedings (sec.154-157); Interrogation powers of police officer (Secs.160& 161); evidentiary value of FIR and statements made to police officer (Sec.162 of Cr.P.C. and Sec.145 & 157 of Evidence Act); Arrest with and without a warrant : exercise of power and execution rules (Secs.41-60 & 70-80); Preventive powers of the Police (Sec.149-153); Rights of arrested person (Secs.50,50A,54-57,75,76,303,304 of Cr.P.C & Art.22); Search and Seizure (Secs.51,93-103, 165,166 & 166A,166B); Proclamation and attachment (sec.82-89) Recording of confessions and statements (sec.164); Special remand order (Secs.167); Police diary (Secs.172); Police report (Sec.173); Inquest proceedings (Secs.174-176);

Unit-3: Jurisdiction of Courts, Inquiry proceedings & Bail provisions: General principle of jurisdiction of criminal courts (Sec.177); Exceptions to the principle (sec.178-188); Initiation of Inquiry proceedings (Sec.190-194); Exceptions to the general principle of moving criminal courts (Secs.195-199); Complaint to magistrates (Secs.200-203); Inquiry proceedings before magistrates (Secs.204-209); Bail provisions (Secs.436-450)

Unit-4: Security and Maintenance proceedings: Security for keeping peace and for good behavior (Secs.106-

124); Maintenance of Public order and tranquility: Unlawful Assemblies (Secs.129-132); Public Nuisance (Secs.133-144); Disputes as to immovable property (Secs.145- 148); Maintenance of wives, children and parents: Order of maintenance (Secs.125); The Muslim Women (Protection of Rights on Divorce) Act, 1986; Procedure, alteration and enforcement (Secs.127&128)

Unit-5: Trial Proceedings: Concept of fair trial: Presumption of innocence, right of silence & right to speedy trial; Charge: Content and form (Secs.211-217); General principle to be tried separately for every charge and its exceptions (Secs.218-224); Trial before a court of session (Secs.225-237); Trial of warrant cases before magistrates (Sec.238-250); Trial of summons cases (Sec.251-265); Summary trials (Secs.260-265); Pleas and limitations to bar trial: Principle of Autrefois acquit and autrefois convict (Secs.300& Art20); Compounding of offences (Sec.320); Withdrawal from prosecution (Secs.321); ); Irregular proceedings (Secs.461,462 & 479); Limitations to take cognizance of offences (Secs.467-473); Evidence in inquires and trials Secs.272-283); Tender of pardon (Secs.307- 309); Provisions as to Accused persons of unsound mind (Secs.328-339)

Unit-6: Judgment, Appeals, Reference, Revision and Execution: Judgment: Mode and other provisions (Sec.353-365); Confirmation of death sentence (Secs.366-371); Appeals (Secs.372- 394); Reference and Revision (Sec.395-405); Transfer of criminal cases (Secs.406-412); Execution, suspension, remission and commutation of sentences (Secs.413-435)

Unit-7: Juvenile Justice System: Concept of juvenile justice; Historical perspective of juvenile justice system; Provisions relating to juvenile offenders under IPC(Secs.82&83) and Criminal Procedure Code(Secs.27&260); Juvenile Justice Act, 1986 – Distinction between juvenile offender and neglected juvenile; Constitution of Child welfare boards and juvenile courts; Observation and juvenile homes; Powers of the State Government to constitute Advisory Boards and release the juvenile from juvenile or special home; The Juvenile Justice ( Care & Protection) Act, 2015. major changes made to the JJ Act, 1986;

Unit-8: Probation of offenders and Parole: Concept of probation; Development of probation system in India; Probation of Offenders Act 1958: Salient features; Role of probation officers; Role of Judiciary in the implementation of the Act; Parole system: Concept and distinction with the probation system

Unit-9: Reforms in Criminal Procedure: Major recommendations made in the Mall Math Committee, 2002 in relation to Criminal Procedure Code; The Code of Criminal Procedure Code (Amendment) Act, 2005 – important changes; The Code of Criminal Procedure Code (Amendment) Act 2006 –significant changes.

Course outcome:

Similarly, the it is also being learned about the functioning of judicial system, police mechanism and the key role of lawyers. Here the law student learns about his future role as a Lawyer or judge or judicial officers, or police officer etc.

#### *Books Recommended:*

1. Ratan Lal and Dhiraj Lal: Indian Penal Code, Wadhwa & Co.
2. Achutan Pillai: Criminal Law, Butterworth Co.
3. Gour K.D.: Criminal Law - Cases and Material, Butterworth Co.
4. Kenny's: Outlines of Criminal Law.
5. R.V. Kelker, Lecturers on Criminal Procedure Code
6. S.N. Mishra, Criminal Procedure Code

### **Paper -III: LAW OF EVIDENCE COURSECODE : TH-101903**

Course Objectives

Law curriculum has to be so designed that the student gains adequate theoretical knowledge of the law and also learns the procedure for enforcement of rights and duties and remedies. Thus, care is taken to see that both substantive as well as adjective law are taught in the law college. Evidence plays a crucial role in proof of facts which in turn is the basis for the decision of the court in any case. Law of Evidence deals with how facts may be proved and thus this is a very important subject.

The objectives of the course are

1. To acquaint the student with the different systems of administration of justice and the nature and scope of law of evidence
2. To make the student understand the provisions of the Indian Evidence Act, the Basic definitions and the concepts of relevancy and admissibility and the rules of exclusion of evidence
3. To help the student appreciate what facts are relevant, how particular facts may be proved and the rules relating to burden of proof and examination of witnesses and the other aspects of the Indian Evidence Act

Unit-1: Introductory: Conceptions of evidence in classical Hindu and Islamic Jurisprudence, The Introduction of the British "Principles" of evidence, The Main Features of the Indian Evidence Act, 1872. Applicability of Evidence Act, Administrative Tribunals, Industrial Tribunals, Commissions of Enquiry, Court-martial. Central Conceptions in Law of Evidence:, Facts: Section 3 definition relevant facts/facts in issue, Evidence: Oral and documentary and real Primary and secondary evidence, Circumstantial Evidence and Direct and indirect Evidence- Hearsay Evidence, "proving" not proved and "disproving", Witness, Appreciation of Evidence

Presumption (Section 4), Learning Outcome:

The basic principles of law of evidence, the meaning and significance of evidence, the different types of

evidence, the concept of proof and the place of presumptions in the law of evidence. The student will also have understood the difference between relevancy and admissibility

Unit-2: The Doctrine of Res Gestae (Sections 6,7,8), Test identification parade(Sec.9), Evidence of Common Intention (Section 10), The problems of relevancy of "Otherwise" Irrelevant Facts (Section 11), Proof of Custom(Section 13), Facts concerning state of body and mind (Sections 14,15 & 16)

How facts forming part of the transaction (res gestae) will be relevant, the place of motive, identification of things and persons, facts relevant in case of the existence of conspiracy, to what extent collateral facts become relevant

Unit-3: Admissions and Confessions:, General Principles concerning Admissions (Sections 17- 23), Differences between "Admission" and "Confession", The problems of non-admissibility of confessions caused by , "any inducement, threat or promises" (Section 24), Inadmissibility of confession made before a police officer, (Section 25), Admissibility of "Custodial" Confessions (Section 26), Admissibility of information" received from an accused person in custody; with special reference to the problem of discovery based on "joint statement" (Section 27), Confession by co-accused (Section 30), The problems with the judicial action based on a "retracted confession" Learning Outcome:

The differences between Admissions and Confessions, the circumstances when admissions are relevant, the meaning of confessions and their relevance in a criminal trial, the two conditions of admissibility, truth and voluntary nature of confession, when confessions are said to be voluntary, the relevance of confessions made

to police officers and custodial confessions, the admissibility of discovery statements by accused in police



custody and the effect of confession of co accused and the problems with retracted confessions

Unit-4: Statement of persons who cannot be called as witnesses: Dying declarations: The justification for reliance on dying declarations (Section 32), The judicial standards for appreciation of evidentiary value of dying declarations. Other statements by persons who cannot be called as witnesses, Sections 32(2) to (8) and 33:

Learning Outcome:

One important exception to the rule against hearsay evidence, that is statements made by persons who can not be called as witnesses with special focus on dying declarations, their admissibility and evidentiary value and the precautions to be taken while recording and admitting dying declarations

Unit-5: Relevance of judgments, general Principles (Sections 40-44), Admissibility of Judgments in Civil and Criminal matters (section 43), “Fraud” and collusion” (Section 44)

Learning Outcome:

How and when previous judgments become relevant, as res judicata, how the judgments in rem become conclusive proof, the relevance of other judgments

Unit-6: Expert testimony: General principles (Sections 45-51), Who is an expert? Types of expert evidence, The problems with expert testimony. Evidence of character

The exceptions to the rule that opinions are not relevant – the expert opinion and problems in admitting the same, when non expert opinions also may be relevant and how the character of a party to the case may be a relevant fact

Unit-7: Oral evidence: general principles concerning Oral Evidence (Sections 59-60), exceptions to hearsay evidence.

Learning Outcome:

The importance of oral evidence and the exceptions to the rule against hearsay

Unit-8: Documentary evidence: General Principles concerning documentary evidence, primary and secondary evidence,(Ss. 61-66) Public document and private document(Sections 74-78) General Principles Regarding Exclusion of Oral by Documentary Evidence.(Sections 91-92) attested documents (Ss 67-72) Ambiguous documents (Ss93-100) presumptions regarding documents (Ss 79-90).

Learning Outcome:

General Principles concerning documentary evidence, primary and secondary evidence, when secondary evidence may be permitted, Public document and private documents, General Principles Regarding Exclusion of Oral by Documentary Evidence and proof of particular kinds of documents like attested documents Ambiguous documents presumptions regarding documents

Unit-9: Of Witnesses: Competency and compellability of witnesses, Examination of witnesses, Competency to testify (Section 118-122),Privileges of communications: matrimonial privileges(Section 122) State Privilege (Section 123), Professional Privilege (Sections 126,127,128), Accomplice (Section 133), General Principles of Examination (Sections 135- 166), Leading Questions (Sections 141-143), Lawful Questions in Cross-Examination (section 146), Hostile witness (Section154), Impeaching of the standing the credit of witnesses (Section 155), refreshing the memory (Sec. 164)

Learning Outcome:

About the difference between Competency and compellability of witnesses, Examination of witnesses, Competency to testify, Privileges of communications: matrimonial privileges State Privilege, Professional Privilege, Accomplice, General Principles of Examination of witnesses, Leading Questions, Lawful Questions in Cross-Examination, who is a Hostile witness, how the credit of a witness may be Impeached, and a witness may refresh his memory

Unit-10: Burden of proof: The general conception of burden of proof (Section 101-104), General and Special Exceptions to burden of proof, Presumption as to dowry death (Sections 113-B), The Scope of the doctrine of judicial notice (Sections 56-57) Facts admitted need not be proved (Sec 58)

Learning Outcome:

The meaning and general rules of burden of proof, the special rules of burden of proof, the difference between civil and criminal cases in terms of burden of proof, the effect of presumptions formal admissions on burden of proof

Unit-11: Estoppel: What is Estoppel? Estoppel, res judicata and waiver; and presumption, promissory estoppel, (Secs. 115-117) Improper admission and of witness in civil and criminal cases. (S. 167)

Learning Outcome:

About the doctrine of estoppel and its application in various situations, when an estoppel can or cannot be raised, its relationship with waiver

Unit-12: Law reform: Amendment to Indian Evidence Act by the IT Act, 2000.

What specific changes are made to Indian Evidence Act by the Information Technology Act, like electronic documents and proof of the same

Course Outcomes

After completing the course, the student

1. Will be able to understand the concept of evidence, its importance, the different systems of justice and proof of facts, the classification of evidence and the basic principles of the law of evidence
2. Must have understood the provisions of the Indian Evidence Act – what facts are relevant, how facts are proved and the rules of burden of proof.
3. Should also be able to appreciate the concepts of competency and compellability of witnesses, privileged communication, the examination of witnesses, presumptions and the doctrine of estoppel. Will be able to understand the changes brought about in the law of evidence by the Information Technology Act 2000

Books Recommended:

- (1) Batuk Lal: The Law of Evidence, Central Law Agency, Allahabad.
- (2) M. Monir: Principles and Digest of the Law of Evidence, the Universal Book Agency, Allahabad.
- (3) Vepa P. Saradhi: Law of Evidence, Eastern Book Co., Lucknow.
- (4) Avtar Singh: Principles of the Law of Evidence, Central Law Publications.
- (5) V. Krishnama Chary: The Law of Evidence, S. Gogia & Company, Hyderabad

**Paper - IV: BANKING LAW INCLUDING NEGOTIABLE INSTRUMENTS ACT**  
**(Optional Paper-II)**  
**COURSE CODE : TH-101905**

Course objectives:

1. This course is designed to understand the Banking law
2. Introduce learners the general relationship between banker and customer
3. Improve learners' ability in understanding the Rights of banker, Banker's lien, pledge, and guarantee,
4. Expose learners about the provisions of Negotiable instrument Act..
5. Inculcate knowledge on Functions and promotional role of the Reserve Banks of India.

Unit-1: Banker and customer: General relationship between banker and customer, essential features of general relationship, special relationship.

Learning Outcomes:

On completion of this unit students should be able to:

1. Evaluate the meaning of Banker and customer.
2. Analyse the General & special relationship between banker and customer.
3. Distinguish various types of Accounts.

Unit-2: Business aspects of banking: Opening of new account, kinds of accounts; current account, savings account, deposit account, joint account, accounts of special customers. (Minor, partnership, company, trust, married women etc.)

Learning Outcomes:

On completion of this unit students should be able to:

1. Understand the concept of Pass Book.
2. Acquaint with the Rights of banker and customer.
3. Distinguish different documents of title goods.

Unit-3: Pass book; over-over; draft-appropriation of payments; right of set-off, combining of several accounts, receipt of valuable for safe custody, garnishee orders.

Learning Outcomes:

On completion of this unit students should be able to:

1. Understand the essential features of Negotiable instruments.
2. Acquaint with the provisions of Cheque and bill of exchange.
3. Distinguish the holder and holder in due course.

Unit- 4: Rights of banker over securities for bank advances: Banker's lien, pledge, guarantee, documents of title goods a) bill of lading, dock warrant, warehouse keeper certificate, delivery order, railway receipt, Bankers commercial of letters credits.

Learning Outcomes:

On completion of this unit students should be able to:

1. Analyse the Liabilities of the parties to the negotiable instruments.
2. Understand the provisions of Banking Companies Regulation Act, 1949.

3. Analyse the Powers of the Reserve Bank of India.

Unit-5: Definition of Negotiable instrument, essential features of negotiable instruments, difference between negotiability and assign ability, Promissory note-bill of exchange, cheque and other analogous instruments (Bankers draft, travelers cheque, dividend warrant).

**Learning Outcomes:**

On completion of this unit students should be able to:

1. Identify the Functions and promotional role of the Reserve Banks of India.
2. Evaluate the Nationalization of Banks.
3. Understand the RBI guide lines.

Unit-6: Cheque: Kinds of cheques, crossing of cheques, endorsements and its kinds, holder and order in due, payment in due course, marking of cheques.

Unit-7: Liabilities of the parties to the negotiable instruments: Dishonour of cheques, statutory protection of paying banker and collecting banker; forgeries.

Unit-8: Banking Companies Regulation Act, 1949: General and specific powers of the Reserve Bank of India and central government, restrictions and loans and advances .

Unit- 9: The Reserve Bank of India Act, 1934: Functions and promotional role of the Reserve Banks of India, RBI and commercial banks.

Unit-10: Nationalisation of Banks: Effect of nationalization, achievements and drawbacks; globalization and its impact.

Unit-11: Innovations in Banking: e-Banking, off-shore banking and RBI guide lines.

**Course Outcomes:**

By the end of this course, students should:

1. Acquaint with the general relationship of Banker and Customer
2. Interpret the rights of the banker and customer.
3. Analyse the provisions of Negotiable instrument Act
4. Able to understand the Liabilities of the parties to the negotiable instruments
5. Identify the powers and functions of Reserve Bank of India.

Books Recommended:

1. Paget-Law of Banking
2. Sheldon-Practice and Law of Banking
3. Tannan-Law of Banking
4. Gulati- Banking Companies Act
5. Maheswari- Banking Law and Practice
6. Bashyam and Adiga-Negotiable Instruments Act
7. Parthasarathi, Negotiable Instruments Act.

**Paper – IV: LAW OF INSURANCE**

**(Optional Paper-II)**

**COURSE CODE : TH-101906**

**Course Objectives:**

The insurance idea is an old institution of transactional trade. The main objective of every insurance contract is to give financial security and protection to the insured from any future uncertainties. Hence, insurance is considered as an inevitable component of economic development. 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 arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures.

Insurance is a significant practice area for many law firms, and the insurance industry offers many interesting career paths for law graduates including underwriting, claims management, and insurance broking.

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 in the light

of various legislations regulating insurance sector in India.

In this subject, students examine the law and regulation of all facets of insurance in India – including property, liability, marine, motor vehicle, superannuation, life and income protection, workers compensation and reinsurance. Classes are interactive and include guest presentations by legal and insurance industry practitioners.

Through in-class activities, case analysis notes and legal advices, students develop practical skills in researching and applying the relevant rules of insurance law to advise hypothetical clients of their rights and options. Students also evaluate the effectiveness of India's current insurance laws and the scope for law and policy.

Unit-1 Contract of Insurance: Subject matter of the insurance principles applicable - Formation of Contract.

Unit-2: Definition and meaning of the term insurance.

Unit-3: History of Insurance in England and India in brief butline.

Unit-4: Nature of Insurance Contract : Contract uberrima fidei - Contract of Indemnity - Contract of wager and conditional contracts.

Unit-5: Classification of Insurance- construction of Insurances policies.

Unit-6: General principle of insurance common to all branches - insurable interest -premium - risk and proximate cause-non-disclosure-representations and Warranties assignment contribution and subrogation-double insurance and over insurance-reinsurance.

Unit-7: Life Insurance: Nature and scope, definition, Kinds of life insurance, the policy formation of life insurance contract-Life insurance conditions, circumstances affecting the risk, assignment & nomination, amounts recoverable, persons entitled to payment, settlement of claims and payment of money.

Unit-8: Fire Insurance: Definition and scope of fire insurance, nature of fire insurance contract, meaning of fire, formation of contract, insurable interest, indemnity, reinstatement, causaproxima, Kinds of policies, conditions in fire policies. The and alteration, notice of abandonment, average conditions. Right after loss, amount recoverable.

Unit-9: Marine Insurance: Nature and scope of Marine Insurance contract, nature of the contract, the Marine Adventure. The step in Marine Insurance, classification of Marine Policies, Deviation and change of voyage. The perils of the sea and Maritime perils, proximate cause, Loss: Partial, General average and particular over

age: total loss actual total loss and constructive loss. Notice of Abandonment, inchoate clause, sue and labour clause, Ademption.

Unit-10: Miscellaneous form of Insurance. Burglary Insurance: Nature and scope, Meaning the term burglary, exceptions in the policy Accident Insurance: Nature and scope meaning, the risk Guarantee insurance: Nature and scope, contract, contracts of guarantee and insurance contracts, fidelity policies, insurance of debts.

Unit-11: Liability Insurance: General, defence by insurer of assured, statutory subrogation, practice, employer's liability insurance.

Unit-12: Motor Vehicle Insurance: Relevant Provisions, Rights of Third parties. Clauses restricting cover. Unit-13: Statutory Materials: The Insurance Act 1938: 2. The Life Insurance Corporation Act, 1956: 3. The Marine Insurance Act 1963: 4. The General Insurance Act, 1972 5. The Motor Vehicles Act. IRDA Act, 1999.

### **Course Outcomes (Cos):**

This subject also contributes specifically to the development of the following graduate attributes which reflect the course intended learning outcomes:

- **Legal Knowledge**

A coherent understanding of fundamental areas of legal knowledge including:

- a. The Indian colonial and post-colonial legal system, international and comparative contexts, theoretical and technical knowledge;
- b. The broader contexts within which legal issues arise and the law operates including cultural awareness, social justice and policy;
- c. The impact of Anglo-Indian laws on Indigenous peoples, including their historical origins in the process of colonisation and ongoing impact; and
- d. The principles and values of justice and ethical practices in lawyers' roles.

- **Ethics and Professional Responsibility**

A capacity to value and promote honesty, integrity, accountability, public service and ethical standards including:

- a. An understanding of approaches to ethical decision making and professional responsibility;
- b. An ability to recognise, reflect upon and respond to ethical issues likely to arise in professional contexts in ways that evidence professional judgment, promote justice and serve the community; and
- c. An ability to reflect on and engage constructively with diversity in practice.

- **Critical Analysis and Evaluation**

A capacity to think critically, strategically and creatively, including the ability to:

- a. Identify and articulate legal issues in context, including the skill of critical reading and writing;
- b. Apply reasoning and research to generate appropriate responses;
- c. Engage in critical analysis and make a reasoned choice amongst alternatives; and
- d. Think creatively in approaching legal issues and generating appropriate responses.

- **Research skills**

Well-developed cognitive and practical skills necessary to identify, research, evaluate and synthesise relevant factual, legal and policy issues.

### **Books Recommended:**

1. Mac Gillivray, Insurance Law
2. Porter, Insurance
3. Brijmohan Singh, Fire Insurance
4. Arnold's Marine, Insurance
5. Houseman, Life Insurance

6. Chambers Marine, Insurance Act, 1906
7. M.N. Srinivasan: Principles of Insurance Law
8. K.S.N. Murthy, Modern Law of Insurance in India
9. Brijmohan Singh, Law of Insurance.
10. Collinvaux, Insurance
11. Johan Bird, Insurance

**Paper -V: MEDIA LAW INCLUDING RIGHT TO INFORMATION**  
**(Optional Paper-III)**

**COURSE CODE : TH-101907**

Course Objectives:

- 1) To introduce students to legal and ethical issues related to mass media
- 2) To help students gain an understanding of media laws in India and their implications on the profession of Journalism
- 3) To identify and analyze ethical questions pertaining to Journalism

Unit - I: Mass media - Types of – Press Films, Radio Television: Ownership patterns – Press – Private – Public, Ownership patterns – Films – Private, Ownership patterns – Radio & Television, Public, Difference between visual and non-visual media – impact on peoples minds.

Learning Outcomes:

- 1) *Students gain an understanding of laws pertaining to media Students gain an analytical knowledge into ethical issues related to media*

Unit-2: Press – Freedom of speech and Expression – Articles 129 (1) (a): Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition, Law relating to employees wages and service conditions, Price and page Schedule Regulation, Newsprint and Control Order, Advertisement – is it included with in freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act .

Learning Outcomes:

- 2) Students learn to apply media laws to case studies and evaluate the relative merits and demerits of laws and ethical questions pertaining to media. Creating an understanding among students about the importance of responsible Journalism which works within the framework of laws and ethics

Unit-3: Films - How far included in freedom of speech and expression?:

Censorship of films – Constitutionally, The Abbas Case, Difference between films and press – Why Pre-censorship valid for films but not for the press? Censorship under the cinematography Act.

Unit-4: Radio and Television - Government Monopoly:

Why Government department? Should there be an autonomous corporation? Effect of television on people, Report of the Chanda Committee, Government Policy, Commercial advertisement, Internal security of serials, etc, Judicial Review of Doordarshan decisions: Freedom to telecast.

Unit-5: Constitutional Restrictions :

Radio and television subject to law of defamation and obscenity, Power to legislate – Article 246 read with the seventh schedule, Power to impose tax – licensing and license fee.

Unit-6. Right to Information: Development of RTI in India Unit-7: Right to Information Act, 2005: Its implementation

Unit-8: Right to Information Decisions: Decisions of Judiciary, RTI and Decisions of Chief Central Information commissions and State Information Commission under the RTI Act, 2005.

Unit: 9 : Information Technology Act, 2000; Electronic Media.

Course Outcomes:

Discuss media laws in India and the world

Discuss the Right of Freedom of Speech and reasonable restrictions applicable Discuss media regulation in India

Demonstrate an understanding of the nature of ethics and morality in journalism Determine the ethical issues of media with case studies

Determine the provision provided to the journalist

The media law course is a study of legal media and entertainment that deals with press in current times both media and law are in demand and offer great job opportunities for high skilled and trained professionals

*Books Recommended:*

1. M.P. Jain, Constitutional Law of India (1994) Wadhwa.
2. H.M. Seervai, Constitutional Law of India Vol. 1. (1991) Tripathi, Bombay.
3. Rajeev Dhavan "On the Law of the Press in India" 26 J.L./288 (1984).
4. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on some Aspects of the Second Press commission" 26 J.L./391 (1984).
5. Soli Sorabjee, Law of person Censorship in India (1976).
6. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984)
7. D.D. Basu, The Law of Press of India (1980)
8. Right to Information Act, 2005, SP Sathe, 2006
9. Right to Information in India, Solu Nigam

### **Paper – V: INTERNATIONAL HUMAN RIGHTS**

**(Optional Paper-V)**

**COURSE CODE : TH-101908**

#### **Course Objectives:**

1. To provide a basic comprehension of the conceptual dimensions of human rights and the evolution of international Human Rights law
2. To develop a broad understanding of the major international legal frame work developed by the United Nations as well as regional organisations and further peruse the Indian legal system relevant to the application of international human rights law
3. To create particular understanding of special understanding of the human right issues pertaining to select vulnerable groups and the applicable international human rights law along with the concerned enforcement mechanism
4. To ensure fundamental grasp of the importance and principles of international humanitarian law



Unit-1: Origin and development of concept of Human Rights: Meaning of human rights and jurisprudential dimensions, Evolution of the concept of human rights, first generation, second generation and third generation human rights, sovereignty vs human rights. Learning Outcomes:

Learning Outcomes:

Will appreciate the importance of human rights, know the history of development of international human rights and develop conceptual understanding of human rights

Unit-2: Human Rights and United Nations Organization: Human rights and UN Charter, promotion and protection of human rights, Universal Declaration of Human Rights, Covenant on Civil and Political Rights, Covenant on Economic Social and Cultural Rights. Learning Outcomes:

Learning Outcomes:

Will develop an understanding of the contribution of UNO in the development of international human rights law

Unit-3: Human Rights and Regional Arrangements: European Convention on Human Rights, American Convention on Human rights, African Charter of Human Rights,

Learning Outcomes:

Will get to know the role of regional organisations in the development of legal guarantees to human rights at regional level, namely, European Convention on Human Rights, American Convention on Human Rights and African Charter on Human Rights

Unit-4: Protective agencies and mechanism, international commissions on human rights, ILO and Human Rights, UNICEF and human rights, Centre for human rights, OHCHR, Amnesty International, Amnesty International, Red Cross.

Learning Outcomes:

Will be acquainted with selective protective agencies such as OHCHR, UNICEF concerned with human rights protection

Unit-5: Vulnerable Groups in International Human Rights Law: International human rights law relating to women - CEDAW, international human rights law relating to children - UN Declaration and Charter on Right of Child, Indigenous groups and UNO, Refugees and international law of human rights

Learning Outcomes:

Will specially identify the human right concerns of select vulnerable groups such as women, children, refugees and indigenous people and understand the legal ambit of related human right instruments such as CEDAW, CRC etc

Unit-6: International Humanitarian Law (IHL): Basic principles of IHL, Geneva conventions, Rights of POW, Rights of civilians, Woman and IHL

*Learning Outcomes:*

Will secure insights into the basic principles of International Humanitarian law and the related legal

developments

Unit-7: International Enforcement of Human Rights: International Court of Justice, International Criminal Court, Role of European Court of Justice

Learning Outcomes:

Will gain general comprehension on the role of ICJ, ICC and European Court of Human Rights in the enforcement of human rights

Unit-8: Indian and International Human Rights Law: Constitutional mechanism for implementation of international human rights law, protection of Human Rights Act.

Learning Outcomes:

Will be appraised of the Indian Constitutional mechanism relevant to the implementation of human rights and also the working of Protection of Human Rights Act, 1993

Course Outcome:

1. Contributes to appreciation of the seminal importance of human rights and sensitisation over the critical human right issues.
2. Enables an analytical understanding of the jurisprudential ambit of human rights as guaranteed under international human rights law
3. Develops an understanding of the Indian approach towards human rights guaranteed under international law
4. Contributes to human rights advocacy with a professional touch

*Books Recommended:*

1. Dr. H.O. Agarwal, international Law on Human Rights, Central Law Agency, Allahabad
2. M.K. Balachandran, Rose Varghese, Introduction to Humanitarian Law, ICRA..
3. Angela Hegarthy, Slobban Leonard, Human Rights – an Agenda for the 21<sup>st</sup> Century.
4. Wace, Rebecca, International Human Rights, Text and Materials, London, Sweet and Maxwell.

## **SIXTH SEMESTER**

### **Paper-I :Practical Training - I (Drafting, Pleading And Conveyancing)**

**COURSE CODE : 713607**

Course Objective:

Legal drafting skills are of utmost importance to all lawyers. Lawyers need to figure out how best to present their cases to someone who does not know the facts. Hence, the ability to articulate one's thoughts, legal opinions and conclusions effectively through the medium of writing is a fundamental aspect of being a good lawyer. Legal proceedings progress by way of filing of appropriate documents at every stage. This course will help the Students

1. To acquaint with fundamentals of drafting, pleadings and advocacy techniques, with focus of simplicity and brevity.
2. To help students develop adequate technical account of substantive law in the context of drafting, pleadings and conveyancing
3. To offer students a systematic analysis of well drafted legal documents
4. To provide practical orientation and develop necessary acumen in drafting legal documents.

5. To train students in the art of drafting for courts, various other legal fora, and transactions.

Class room instructions and simulation exercises on the following items shall be extended :

(a) Drafting:

General principles of drafting and relevant substantive rules shall be taught.

(b) Pleadings:

1. *Civil*: (i) Complaint, (ii) Written Statement, (iii) Interlocutory Application, (iv) Original Petition, (v) Affidavit, (vi) Execution Petition, (vii) Memorandum of Appeal and Revision and (viii) Petition under Article 226 and 32 of the Constitution of India. *Criminal*: (i) Complaints, (ii) Criminal Miscellaneous Petition, (iii) Bail Application and (iv) Memorandum of Appeal and Revision.

(c) Conveyancing:

(i) Sale Deed, (ii) Mortgage Deeds, (iii) Lease Deed, (iv) Gift Deed, (v) Promissory Note, (vi) Power of Attorney and (vii) Will etc of 15 exercises.

Drafting and pleadings will include 15 exercises and carries 45 marks. Conveyancing will include 15 exercises and carries 45 marks.

These 30 exercises shall be recorded. Each student shall be served with different problems for the purpose of exercise.

These exercises shall be evaluated by a Board of Examiners consisting of one Teacher of the University college concerned, Principal/Head and Teacher concerned.

The same board will also conduct Viva Voce on the above concepts. It carries 10 marks. The proceedings of the Viva Voce shall be recorded.

The candidate shall get a minimum 1/3 of marks allocated for each component and 40% on the aggregate in order to qualify and pass in the above paper.

Course Outcome:

After completing this course. Students will be able to:

- 1) Analyse and apply general principles of drafting and conveyancing
2. Use effective writing techniques to draft different types of legal documents.
3. Draft different types of Deeds including deed of sale of land, mortgage deeds, license deeds, lease deeds, assignment deeds, trust deeds. partnership deeds and power of attorney deeds
4. Draft different types of contracts including commercial agreements, professional services agreement, employment agreements franchise, agency, dealership and distributorship agreements, intellectual property rights agreements, arbitration agreements, foreign collaboration and joint ventures agreements and real estate and tenancy agreements.

*Books Recommended:*

- (1) R.N. Chaturvedi : Pleadings and Conveyancing, Central Law Publications.
- (2) De Souza : Conveyancing, Eastern Law House.
- (3) Tiwari : Drafting, Pleading and Conveyancing, Central Law Agency.
- (4) Mogha: Indian Conveyancer, Eastern Law House.
- (5) Mogha: Law of Pleadings in India, Eastern Law House.
- (6) Shiv Gopal : Eastern Book Company.
- (7) Narayana P.S. Justice: Civil Pleadings and Practice, Asia Law House.
- (8) Narayana P.S. Justice: Criminal Pleadings and Practice, Asia Law House.

- (9) Noshirvan H. Jhabvala: Drafting, Pleadings, Conveyancing & Professional Ethics.

**Paper-II, Practical Training II (Professional Ethics and Professional Accounting System)**

**COURSE CODE : TH-713601**

***(Out line of the Course: Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations)***

**Core Objective of the Professional Ethics:**

The main concern of this subject – Professional Ethics is to prove the legal practitioner moral and ethical values for strict compliance. The reason behind it is that the practitioner discharges his professional duties without any personal gain. He is thereby discharge his professional obligation to the society without affecting any bias. Therefore, the society receives his professional service without hindrance. The practitioner is not only regulated by morality and ethic but he is also regulated by Bar Council of India Act, 1962. It talks about accountability to his client as well as Bar Council of India and other authorities. The professional will be equipped with well discipline in maintaining the relationship in between Bar and Bench and Client and himself. The subject ultimately makes the practitioner a perfect instrument for delivering legal service. All these regulations are quite axiomatic on a legal professionalist as he receives a license monopoly in nature of legal profession.

Unit-1: Law and Legal profession - Development of Legal profession in India, Right to practice a right or privilege? - Constitutional guarantee under Article 19(g) and its scope.

***Learning Out come:***

Under unit -1 the student receives the knowledge on what is law, what is legal profession, what is the professional right and evolutionary stages of legal profession in India.

Unit- 2: Regulation governing enrolment and practice - Practice of Law -Whether a business?, Solicitors firm- Whether an industry, Elements of Advocacy

**Learning Out come:**

Unit – 2 tells about the enrollment procedure. It also describes nature of the profession and makes distinction with other trade activities. And it also indicate the essential features of legal practice.

Unit-3: Ethics, Seven lamps of advocacy, Advocates duties towards Public, Clients, Court, towards other advocates and Legal Aid, Bar Council of Ethics.

***Learning Out come:***

Unit – 3 describe the ethical values, behavioural approach, professional compliance and professional duties.

Unit- 4: Disciplinary proceedings, Professional misconduct -disqualifications, Functions of Bar Council of India/State Bar Council in dealing with the Disciplinary proceedings, Disciplinary Committee Disqualifications and removal from rolls.

\* 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject to be covered.

***Learning Out come:***

Unit – 4 explains about the disciplinary actions on the professional misconduct by Bar Council of India and other regulatory authorities.

Unit- 5: Bar-Bench relations.

*Learning Out come:*

Unit – 5 discloses professional behavior in maintaining amicable relationship with Bench in order to provide justice in well disciplined manner.

Unit-6: Accountancy of Lawyers: Nature and functions of accounting, important branches of accounting. Accounting and Law, Use of knowledge of accountancy in Legal Disputes especially arising out of Law of Contracts, Tax Law, etc., Accountancy in Lawyers office/firm. Basic financial statements, -Income & Loss account, Balance Sheet- Interpretation thereof, -Feature of Balance Sheet Standard Costing. There shall be a University written examination on this paper for 80 marks and viva voce examination carrying 20 marks. The viva voce board shall be as mentioned under VIII. The candidate shall get a minimum 1/3rd of marks allocated for each component and 40% on the aggregate.

*Learning Out come:*

Unit – 6 it provides the knowledge on other branch of accountancy as it is essential for the legal practitioner to deal with the cases of business nature. This knowledge is also necessary for the legal profession to know the financial transaction of legal firms as well as business forms. Principles, features, kinds and other essentials are also being thought under this unit.

Unit-7: Supreme Court Rules, 1966.

Unit-8: E-COURTS; Online Reference for Access to the Case Status either in Supreme Court, High Courts. Net utility of Legal Practitioner.

*Books Recommended:*

- 1 Myneni S.R.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation.
- 2 Gupta S.P.: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation.
- 3 Kailash Rai: Professional Ethics, Accountancy for Lawyers and Bench-Bar Relation.
- 4 Siroh: Professional Ethics, Central Law Publications, Allahabad.
- 5 Ramachandra Jha: Selected Judgements on Professional Ethics published by Bar Council of India Trust.
6. Dr. G.B. Reddy: Practical Advocacy of Law, Gogia Law Agency. Hyd.
7. The Contempt of Law and Practice
8. The Bar Council Code of Ethics
9. 50 Selected Opinions of the Disciplinary Committees of Bar Councils and 10 Major Judgments of the Supreme Court on the subject
10. Examination rules of the university shall include assessment through case-study, viva, and periodical problem solution besides the written tests.

**Paper-III : Practical Training III (Alternate Dispute Resolution (ADR))  
COURSE CODE : TH-713602**

**Course Objectives:**

This introductory course will provide students with a broad understanding of ADR. The course will cover Negotiation, Mediation, Arbitration how each is used, and the advantages and disadvantages of each method.

The course utilizes role plays, simulations, and case studies.

Alternative Dispute Resolution (ADR) paper is by written examination for 60 marks and for 30 marks, a student is required to participate and learn a) Negotiation skills b) Conciliation skills c) Arbitrational practice including international arbitrational and arbitration rules by simulation programmes and case studies to be conducted by either by a legal practitioner or a senior teacher. c) The third component of this paper will be Viva Voce examination on all the above two aspects. This will carry 10 marks.

Unit-1: Judicial dispute resolutions: Characteristics, Operating Principles, Party participation and Control, Short focus on issue, Reasoned Decision, Finality, Adversary Process, What course do and do not do effectively? Advantages and Disadvantages of such resolution.

Identify and describe the different methods of resolving disputes as alternatives to litigation. Comprehend the benefits and detriments of each major Alternative Dispute Resolution process.

Describe the different roles played by the neutral and the parties in the various Alternative Dispute Resolution processes.

Communicate mediation principles both orally and in writing.

Apply dispute-resolution knowledge and skills in solving real-world conflicts. Recognize the role perception and communication plays in the negotiation process. Describe the need for establishing ground rules to promote effective team conduct.

Unit-2: Alternative dispute resolution: Alternative to formal adjudication - Techniques processes, Unilateral - Bilateral - Triadic (Third party) Intervention, Advantages – Limitations, Distinction between arbitration - conciliation and negotiation, Distinction between judicial settlement and alternative dispute resolution.

Unit-3: Self-help, avoidance and lumping, Negotiation, mediation, conciliation, arbitration and distinctions in between, Alternate models of dispute resolutions: Role of Panchayat, Role of Grama Sabhas, Lokpal, Lakayukta, Lok Adalats, Family Courts.

Unit-4: The Arbitration and conciliation Act, 1996, Background of the Act, Definitions of “Arbitration”, “Arbitrator”, Arbitration agreement, Appointment of “Arbitrator”, grounds for changing the arbitrator, termination of Arbitrator.

Unit-5: Proceedings in arbitral tribunals and enforcement of awards, Arbitral Award Termination of Proceedings, Setting aside of arbitral award, Finality and Enforcement, Appeals, Enforcement of foreign awards, New York and Geneva Convention Awards.

Unit-6: Section 89 and O-10, R-1-AB and C of CPC Conciliation, Meaning and definition conciliation agreement, appointment of conciliator, powers and function of conciliator, techniques of successful conciliation proceedings, enforceability.

Unit-7: Other Alternative modal of dispute resolution, Family Courts, Family Courts Act, 1984, family counciling techniques, Tribunals, Motor Accident Tribunals, MV Act, relevant provisions, Administrative Tribunals, Consumer Forums.

Unit-8: Legal Services Authority

Unit-9: Role of N.G.Os. in dispute resolutions Course Outcomes:

- 1) Enhancement of legal acumen with the objective of bringing social change.
- 2) Motivate the students in civil engagement with rights and duties .
- 3) Inculcate critical thinking to carry out investigation objectively without being biased with preconceived notions.
- 4) Imbibe effective communication skill in both oral and writing.
- 5) Understanding the law and applying them in practical field.
- 6) Provide advanced knowledge on varied topics in law empowering the students to pursue higher degrees at reputed academic institutions, corporate and judicial services.
- 7) Strong foundation on practical subjects such contract drafting, moot court which have strong links and application in training the students to face the court rooms with confidence.
- 8) Nurture problem solving skills, thinking, creativity through assignments, project work.

*Books Recommended:*

- (1) O.P. Tiwari : The Arbitration and Conciliation Act (2nd Edition): Allahabad Law Agency.
- (2) Johar's : Commentary on Arbitration and Conciliation Act, 1996: Kamal Law House.
- (3) Acharya N.K.: Asia Law House, Hyderabad.
- (4) Tripathi S.C.: Central Law Agency, Allahabad.
- (5) Avatar Singh: Arbitration and Conciliation, Eastern Law Book House, Lucknow.
- (6) Murthy KKS: Gogia Law Agency, Hyderabad.
- (7) P.C. Rao Alternate Dispute Resolution 2001 Ed. Universal Book Traders, New Delhi.
- (8) S.D. Sing: Alternate Dispute Resolution 2001 Ed. Universal Book Traders, New Delhi.

**Paper- IV- Practical Training - IV (Moot Court Exercise and Internship)**  
**COURSE CODE : PR-A253**

Course Objectives:

1. This paper is aimed at imparting the practical skills of research, case analysis and strategy, witness handling, and presentation of arguments at the trial and appellate stages of a case.
2. Inculcate learners Interviewing Techniques and Pre-trial Preparation.
3. Train the learners through Moot courts, Mock trials, Court Visits and Jail Visit.
4. Improve the learners' ability in understanding the Trial of Civil and Criminal Cases.
5. Introduce learners to the skills of Case Filing and Case Arguments.

This paper will have three components of 30 marks each and Viva Voce for 10 marks.

**A) Moot Court - 30 Marks**

*Requirements:*

1. Three Moot Courts in a year
2. Each 10 Marks
3. Moot Courts shall be based on assigned problems to be prepared by the faculty concerned
4. Evaluation by Principal/Head concerned an advocate and Teacher concerned
5. Out of ten marks allotted for each problem. 5 marks are to be allotted for written submissions and five for oral advocacy.
6. Written submissions shall include brief summary of facts, issues involve provisions of Law agreements, citation, Prayer, etc.,
- (a) Marks for oral advocacy may be awarded for communication skills, presentations, language,

provisions of law, authorities quoted court manners, etc.

**B) Observance of Trial in Two Cases, one civil and the criminal case - 30 marks**

Student has to attend courts to observe one civil and one criminal case minimum and record his observations step by step of different stages of litigations/proceedings in the 2/3rd year of 3- year Law Course. This court assignment should be evaluated by an internal Teacher and an advocate and average be taken. Court attendance shall be compulsory and attendance has recorded in a register kept therefore. This may be carried under the supervision of a Teacher of the college.

**C) Interviewing Techniques and Pre-trial Preparation and Internship Diary - 30 Marks**

*Requirements:*

1. Each student has to maintain a diary to record interactions with clients, preparation of documents and court papers.
  2. The student should observe two 'interview sessions' with clients either in the Lawyers office or in the legal aid office. This shall be recorded in the Diary. This carries 15 marks.
  3. Each student has to observe the preparation of documents and court papers and record such observance in the diary. This carries 7 1/2 marks.
  4. Each student shall observe the procedure for filing suit/petition and record the same in the diary. This carries 7 1/2 marks.
- D) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.**

**Course Outcomes:**

By the end of this course, students should:

1. Understand and competently utilize the rules of procedure, protocol, and negotiating techniques common to Moot Court competitions,
2. Explain the rationale, format, and instructional methods of the Moot Court simulation.
3. Acquaint with the basic structures and general procedures of the Courts in India.
4. Analyze the rules of procedure, protocol, and negotiating techniques common to Moot Court competitions,
5. Able to advance the arguments relevant for the competition case.

*Books Recommended:*

- (1) Dr. Kailash Rai: Moot Court Pre-Trial Preparation and Participation in Trial Proceedings.
- (2) Amita Danda: Moot Court for Interactive Legal Education, Gogia Law Agency, Hyderabad.
- (3) Blackstone's: Books of Moots, Oxford University Press.
- (4) Mishra: Moot Court Pre-Trial Preparation and Participation in Trial Proceedings.
- (5) NRM Menon, Clinical Legal Education, Pre.Law Education Series, EBC



## **Paper -V : PENOLOGY AND VICTIMLOGY**

**(Optional Paper-IV)**

**COURSECODE : TH-713603**

### ***Course Objectives:***

*This subject helps the student to understand the concept of crimes and the reason for imposing punishment and can better understand the pain of victim which again helps in imposing the punishment to the offenders, at the same time it also helps the student in understanding the concept of punishing offenders and different theories of punishment.*

Unit-1: Dimensions of Crime in India, Nature and extent of Crime in India, Reporting of Crime statistics and problem of accurate reporting of Crime, Victim Studies, self-reporting, Costs of Crime, Some factors for evaluating the rate of crime in India-Territory: Population: Heterogeneity: Human values, General approaches to crime control, Continental approaches: Social Defence, Social approaches: Crime Prevention Control, Crimes of the powerful, Organised crime-smuggling, traffic in Narcotics, White collar crime: corruption in public life, Socio-economic crime: Adulteration of Food and Drugs: fraudulent trade practices, Crimes in the professions-Medical, Legal, Engineering, State Criminality., Perpetrators of ordinary crime, The situation criminal, The chronic offender, Criminality of Women., Young offenders, Criminal gangs, Crimes of the marginalized with special reference to Forest offences; ii. State's offenders, vagrants, prostitution.

### **Learning outcomes:**

Unit 1. This chapter helps students in understanding the concept of crimes, victim studies, different approaches to crime and kinds of crimes, how to prevent and control crimes.

Unit-2: The Police and to Criminal Justice The Police system, Structural organisation of police at the centre and the states, Mode of recruitment and training, Powers and duties of police under the police acts, Criminal Procedure Code and other laws, Arrest, search and seizure and Constitutional imperatives, Methods of police investigation, Third degree methods, Corruption in police, Relationship between police and prosecution, Liability of police for custodial violence, Police Public relations., Select aspects of National Police Commission Report.

### **Learning outcomes:**

Unit 2. This chapter makes the student understand evolution of police system, its working method in different parts of world the concept of criminal justice system, third degree methods used on criminals, investigation method of police etc.

Unit-3: Punishment of Offenders Some discarded modes of punishment, Corporal punishment : Whipping and flogging : Mutilation and Branding, Transportation Exile, Public execution, An appraisal of these modes of punishment, Punishments under the Indian Criminals Law, Capital punishment, Imprisonment, Fine, Cancellation or withdrawal of licences, etc., The prison system, Administrative organisation of prisons, Mode of recruitment and training, The Jail Manual, Powers of prison officials, Prisoners classification - Male, Female : Juvenile and Adult : Undertrial, Constitutional imperatives and prison reforms and convicted prisoners, Open Prisons, Violation of prison code and its consequences, Appraisal of imprisonment as a mode of punishment.

### **Learning outcomes:**

Unit 3. This chapter helps the student in understanding modes, theories and kinds of punishment and how this punishment helps to control the crime rate.

Unit-4: Treatment and correction of Offenders, The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment, Classification of offenders through modern diagnostic techniques, The role of psychiatrists, psychoanalysts and social workers in the prison, Vocational and religious education and apprenticeship programmes for the offenders, Group counselling and resocialisation programmes, Prisoners organisations for self- government., Participation of inmates in community services, An appraisal of reformatory techniques, Suggested forms of treatment of offenders under the IPC (Amendment) Bill, 1972, Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

Learning outcomes:

Unit 4. This chapter helps to understand the concept of correctional institutions, the need for reformation and rehabilitation of offenders and developing the prisons, group counseling's of offenders etc.

Unit-5: Resocialization processes Probation, The Probation of Offenders Act, 1958., The attitude of judges towards probation, Mechanism of probation and standards of probation services, Problems and prospects of probation, The suspended sentence, Parole, Nature of Parole, Authority for granting parole, Supervision paroles, Parole and conditional release, Release of the offender, Problems of the released offender, Attitudes of the community towards released offender, Prisoner Aid Societies and other voluntary organization, Governmental action, An appraisal.

Learning outcomes:

Unit 5: this chapter explains Re socialization process of offenders, problems of the released offenders, attitudes of society towards released offenders.

Unit-6: Nature and Development, its expanding dimensions, typology of victims, compensation, compensation by application of Article 21 and 300A, victim and criminal justice, emerging trends and policies

Learning outcomes:

Unit 6 .this unit helps in better understanding the typology of victims, emerging trends and policies for compensation. Course outcome:

1. The student will understand the concept of crimes and criminals and types of criminals their ideology in committing crimes.
2. After going through this unit student will be able to analyse the concept of police and mode of recruiting and their system of working etc.
3. In this unit the student will be able to understand the entire concept of punishment.
4. This unit helps in understanding the working process of correctional institutions.
5. After this unit student will be able to access the concept of re socialization of offenders. This unit makes the student to understand the concept of victimology.

*Books Recommended:*

1. Ahmmads, Criminology and Penology, Central law Agency, Alhabadiddiqui
2. Iyer, Prospective in Criminology, Law and Social Change;
3. Ross, H. Lawrence (Ed.), Law and Deviance (1981);
4. Sutherland, E. and Cressy, Principles of Criminology (1978);
5. Walker, N., Crime and Criminology (1961): A Critical Introduction (1987);
6. J.M. Sethna, Society and to Criminal (1980); A. Siddique, Criminology: Problems and Perspectives, Central Law Agency. Lucknow

7. M. Ponioan, Crinology and Penology, Poiner Books, Delhi.
8. E. Sutherland, White Collar Crime(1949);

**Paper - V : WOMEN AND CRIMINAL LAW**  
**(Law Relating to Violence against Women)(Optional Paper-IV)**

**COURSE CODE : TH-713604**

Course objectives:

This course makes the student to get in depth knowledge in root cause of violence against women ,penal provisions, and different procedure laws to deal with problems of women, and makes the student to better understand in analyzing the women violence issues.

Unit-1: Introduction: Root causes of violence against women – Religion, patriarchy, marriage institution and changing cultural values; Perpetuation of violence: Social evils – Prostitution, Sati, child marriages, female feticide and infanticide, witchcraft, incest; International norms relating to protection of women and children against violence: CEDAW, UNIFEM Declaration on the Elimination of Violence Against Women, 1993.

Learning Outcomes:

UNIT 1. This chapter makes the student to better understand the root cause of the problem like religion, marriage, sati, child marriage, and how far the international conventions help them to come out of the issues.

Unit-2: Protection under IPC: Protective provisions under IPC: Definition of rape (Sec.375); Criminal Law Amendment Act, 1983 – Incorporation of new sections 376(A-D); Landmark cases: Mathura rape case; Bandit Queen case,; Marital offences: Cohabitation by a man with a woman other than his wife (Sec.493); Bigamy (Secs.494 & 495), Mock marriages (Sec.496); Adultery (Sec.497); Enticing a married woman (Sec.498); Offences against minor girls (Secs. 366, 366A, 366B,372,373)

Learning Outcomes:

UNIT 2.This chapter makes the student to learn about different penal provisions dealing with violence against women.

Unit-3: Procedure Laws and Protection to Women: Indian Evidence Act, Secs. 113A, 113B, 114A and Relevant provisions of Criminal Procedure Code.

Learning Outcomes:

UNIT 3. This chapter deals with different procedural laws in dealing with penal provisions of violence against women.

Unit-4: Protection under special laws: Child Marriage Restraint Act, 1929; Immoral Traffic (Prevention ) Act, 1956 (1986 Amendment) Medical Termination of Pregnancy Act, 1971; Commission of Sati (Prevention) Act, 1987; The Indecent Representation of women (prohibition) Act (1987) ;Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT Act) widening its scope through an amendment in 2003.

jUnit-5: Domestic violence and the law: Different forms of domestic violence; Amendments made to IPC (304B, 406 and 498A) and Dowry Prohibition Act, 1961(1983 and 1986 Amendments) dealing withdomestic

violence. Legal protection: Protection of women from Domestic Violence Act, 2005 - Civil remedy; Definition of domestic violence; Role of Police officers, Protection officers and Service providers.

Learning Outcomes:

UNIT 5. In this chapter the student will be able to learn how to resolve the issues related different forms of Domestic violence under different penal provisions.

Unit-6: Sexual Harassment: Definition and types of Sexual harassment; IPC provisions dealing with Sexual harassment (Sec.294, 354, 509); Land mark cases: Visakha Vs. State of Rajasthan; Apparel Export Promotion Council Vs. A.K. Chopra; Guidelines formulated by the SC: Formation of Complaints Committees; Preventive and Remedial measures; Legislative attempts made and reasons for failure to bring a comprehensive legislation; Sexual Harassment of women at work place (Prevention) Bill, 2003 (National Commission for Women); The Protection against sexual harassment of women at the workplace and other establishments Bill, 2005; Reforms in law.

Learning Outcomes:

UNIT 6. This chapter makes the student in better understanding the concept of sexual harassment of women at workplace, its impact on the women who are in workforce, and the available laws for protecting the working women.

Unit-7: Role of Statutory bodies: National Commission for Women and State Commissions for Women; constitution, powers and functions; National Commission for Women Act, 1990, Free legal aid to women.

Learning Outcomes:

UNIT 7. This chapter makes the student in understanding the role of statutory provisions in curtailing the problems of violence on women.

Course Outcome:

Student gets familiar with all the penal provisions of violence against women. Student will be able to identify the root cause of the problem

Student will be able to follow different procedural Laws in resolving the issues.

Student becomes competent in understanding the Law relating to women and criminal Law.

Books Recommended

1. R.N.Choudhary, Law relating to Juvenile Justice
2. Dipanshu Chakrobarty, Atrocities on Women
3. Indira Jaisingh, Prenatal and Diagnostics Act
4. AS.R.Myneni, Women and Law
5. Mamata Rao, Law relating to Women and Children

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