

Syllabus for B.L.S./LL.B. (Revised) Five Years Course

(With Effect from the Academic Year 2004-2005)

First Year B.L.S./ LL.B. Degree Course (Sem.-I)

ENGLISH - I

A. GRAMMAR and USAGE (Communication Skills)

1. Simple sentences (one clause): Their phrase structure.
 - i) Tense and concord
 - ii) Basic Transformation: a) passive
b) negative c) question
1. Compound and Complex Sentences: Use of connectives
2. Conditionals
3. Reported Speech
4. Some common errors in construction of sentences and sentence correction.

B. VOCABULARY (Communication Skills)

- i) Use of Legal terms
- ii) Idiomatic expressions

C. COMPREHENSIONS SKILLS

- i) Reading Comprehension (Principles and Practice)
- ii) Listening Comprehension. (As far as possible Short Legal Passages should be selected)

D. COMPOSITION SKILLS

- i) Paragraph Writing
- ii) Essay Writing
- iii) Formal Correspondence:
 - i. Letters of application for jobs
 - ii. Letters of complaint.

The Texts for study is:

1. The Due Process of Law by Lord Denning (Only parts 1-5).
2. The Law and Literature (Part –One)
Dr. Shakuntala Bharvani

Recommended Readings:

- 1) English Grammar, Composition and Correspondence By M.A.Pink and S.E.Thomas. London : The Gregg Publishing Co.,
- 2) English and American Business Letters By C.E.Eakersley and W. Kauf Mann London : Longmans

ECONOMICS

1. Introduction

- i) Economics as a science and its relevance to law.
- ii) Positive and normative economics
- iii) Micro and Macro economics

2. Demand and Supply

- i) Law of demand and Elasticity of demand.
- ii) Law of supply
- iii) Determination of price

3. Cost and Revenue Analysis

- i) Cost concepts
- ii) Revenue concepts

4. Market Structure

- i) Features of perfect competition
- ii) Features of monopoly
- iii) Features of monopolistic competition

5. Factors of production and their pricing

- i) Land and rent
- ii) Labour and wages
- iii) Capital and interest
- iv) Entrepreneur and profit

Indian Economy

6. Introduction

- i) Salient Features of Indian economy and structural changes
- ii) National income trends
- iii) Problems of poverty, population growth and inequalities

7. Agriculture

- i) Agricultural production and agriculture productivity.
- ii) Constraints in agriculture – institutional, financial, marketing and pricing.
- iii) National Agricultural Policy - 2000

8. Industry

- i) Growth and pattern of Industrialization
- ii) New Industrial Policy 1991
- iii) Public sector and disinvestments policy
- iv) Small scale industries – Problems and policies.

9. Financial Markets

- i) Indian Money Market – Features and Reforms
- ii) Indian Capital Market – Features and Growth
- iii) SEBI

10. Fiscal System

- i) Evaluation of Indian Tax structure and tax reforms since 1990's
- ii) Public expenditure – Composition and growth
- iii) Public debt management.

11. External Sector

- i) Structural changes in Indian's foreign trade since nineties.
- ii) Balance of payments problem since 1990's
- iii) WTO

Recommended Readings:

1. Indian Economics for Law students. Dr.S.R.Myheni, Allahabad Law Agency, Faridabad.
2. Legal Economics – K.C.Gopaldrishnan Eastern Book Company, Lucknow.
3. Economics for Law students – Dr.S.R.Myheni, Allahabad, Law Agency.
4. Indian Economy – Ruddar Datt and K.P.M. Sudhram S. Chand and Co.Ltd., New Delhi – 110 055;2004
5. Elementary Economic Theory – Dewett, Varma S. Chand and Company, New Delhi – 110 055.

LOGIC - I

I. Nature of Logic

- a) Traditional and Modern definitions of Logic
- b) Basic features of Inductive and Deductive reasoning. Their uses in law courts.
- c) Some basic logical concepts – Form, Content, Truth, Validity, Inference, Implication.

II Terms

- a) Meaning of Terms – Connotation and denotation of terms – positive and negative terms, contrary and contradictory terms.
- b) Distinctions between – proposition and sentence, proposition and judgment, proposition and fact, constituent and component.

III Proposition

- a) Traditional classification of proposition into categorical and conditional four –fold classification.
- b) Reduction of sentences to their logical forms.
- c) Distribution of terms in A, E, I, O propositions.

IV Modern classification of Propositions

- a) Aim of modern classification, Kinds of simple and compound propositions and basic truth tables for compound propositions.
- b) General propositions in Modern logic – universal and existential propositions.

V Comparative Study of Traditional and Modern Classification of Propositions

- a) Distinction between the traditional and modern general propositions.
- b) Meaning of predication with special reference to the copula.
- c) Failure of Traditional classification propositions.

VI Inference

- a) Kinds of inference – Immediate and mediate.
- b) Opposition of proposition – types of opposition – inference by Opposition of propositions- oppositions of singular propositions.

VII Educations

- a) Conversion and Observation and other immediate inferences.
- b) Laws of thought as applied to propositions.

VIII Definition

- a) Its purpose –rules and fallacies as per Traditional Definition.
- b) Modern Definitions – kinds.

IX Definition and Law

Precise definition with special reference to any specific definition – disablement, industry (Labour Law), private and public nuisance (Law of Torts), consent (Law of Contract), medical – intervention, physician, terminally ill, reference (basic concepts only from Law books)

X Division

Logical division – rules and fallacies of division – division by dichotomy.

XI Induction

- a) Simple Enumeration as a form of induction.
- b) Analogy – characteristic of a good and bad analogy. Its use in law – circumstantial evidence.

Recommended Readings:

1. Introduction to Logic – K.T.Basantani – Basic Text Book.
2. An Introduction to Logic – Irving Copi (Ninth edition)
3. Modern Introduction to Logic – L.S.Stebbing

HISTORY

1. East India Company and its administration (1757 – 1857)
 - (a) Regulating Act of 1773
 - (b) The Charter Acts from 1773 to 1853
2. (a) The revolt of 1857 : Its origin and causes.
(b) Consequences of the revolt with special reference to :
 - (i) Queen’s Proclamation and
 - (ii) Act for the Better Government of India, 1858.
- (c) Indian Councils Act of 1861
3. Socio-religious reform Movements with reference to :
 - (a) Emancipation of women.
 - (b) Upliftment of depressed classes.
4. Struggle for freedom (1885 – 1909)
 - (a) (i) Establishment of the Indian National Congress and the work of the Moderates (1885-1905)
 - (ii) Indian Councils Act of 1892.
 - (b) (i) Rise of Extremists and Partition of Bengal (1905)
 - (ii) The Indian Councils Act of 1909.
5. Constitutional Developments (1917 – 1935)
 - (a) (i) August Declaration (1917) and Montague – Chelmsford Report (1918)
 - (ii) The Government of India Act, 1919 and its consequences.
 - (b) (i) Simon Commission (1927), Nehru Report (1928) and Round Table Conferences.

(ii) Civil Disobedience Movement and the Government of India
- Act, 1935.
6. The Road to Partition:
 - (a) Cripps Mission (1942), Cabinet Mission Plan (1946) and the Indian Independence Act (1947).
 - (b) Genesis and Growth of Communalism and Partition of India.
7. British Impact and major developments in Indian.
 - (a) Education
 - (b) Press
 - (c) Local self government
 - (d) Civil Services.
8. Nehru Era (1947 – 1964)
 - (a) Making of the Constitution, its salient features and significance.
 - (b) Integration of the Indian States and the Kashmir issue.
 - (c) States Reorganization
9. Contemporary India
 - (a) Land Reforms and Modernization of Agriculture.
 - (b) Labour and Trade Union Movement.
 - (c) Hindu Code Bill and Emancipation of women.
 - (d) Upliftment of Scheduled Castes and Scheduled Tribes.
 - (e) Centre-State Relations.

Recommended Readings:

- 1) Mahajan, V. D. – Modern Indian History.
- 2) Majmudar, R.C., Raychaudhari, H.C.Datta, Kalikinkar – An advanced History of India
- 3) Pylee P. V. – Constitutional History of India, (1600-1950), Bombay, Asia Publishing House, 1972.
- 4) Ambedkar, B. R. – Annihilation of Caste, Speeches and writing

Books for Reference:

- 1) Sarkar, Sumit – Modern India, Macmillan India Ltd., New Delhi,
- 2) Banerjee, Anil Chandra – Constitutional History of India Vol.II (1858-1919) and Vol.III (1919 – 1977).
- 5) Dodwell, H. H. (ed.), The Cambridge History of India, Vol. VI, The Indian Empire (1858-1918), with additional Chapters on the Last phase (1919-1947) Delhi, S. Chand and Co., 1983.
- 6) Menon, C. P. – The story of Integration of States, Bombay, Orient Longman, 1956.

POLITICAL SCIENCE - I

Political Theory

1. Definition & Scope of Political Science.
2. State (As the central theme and concept) - Meaning, Definition & Constituent Elements of State, State with reference to Society, Association & Government.
3. Sovereignty – Meaning, Definition & Characteristics of Sovereignty, Austinian (Monistic) Theory of Sovereignty, Pluralistic view of Sovereignty.
4. Main currents of Western Political Thought
 - a) Plato's Ideal State, Aristotle's Classification of States (Governments).
 - b) Machiavelli's views on State Craft – "The Prince"
6. Judiciary – functions & Role, the Principle of Independence of Judiciary & the doctrine of Judicial Review.
7. Bases of Representation – Territorial & Functional, the System of Proportional Representation.
8. Montesquieu's Theory of the Separation of Powers (in brief)

Recommended Readings:

Political Organisation

5. Organisation of Government
 - a) Unitary & Federal Governments (Features, Merits & Demerits), Quasi – Federal, Is India A Quasi – Federal State?
 - b) Parliamentary & Presidential Forms of Government (Features, Merits & Demerits).
1. Asirvatham Eddy: Political Theory (Upper India Publishing House, Lucknow, 1971).
2. Barker Earnest : Principles of Social & Political Theory (Oxford, London, 1956).
3. Gokhale B.K. : Political Science (Theory and Government Machinery) (Himalaya Publishing House, Mumbai, 1994).
4. Johari J.C.: Contemporary Political Theory (Sterling, New Delhi, 1985)
5. Rathore L.S. & Haqqi S.A.H. : Political Theory & Organisation (Eastern Book Company, Lucknow, 2002)

LEGAL WRITING AND LEGAL LANGUAGE

A. Essays

1. Uniform Civil Code – 10 Marks

Article 44 of the Constitution of India with relevant extracts from the Parliamentary Debate on the Subject.

Various personal legislations relating to the personal; rights in adoption, marriage and divorce, guardianship, maintenance and succession.

Desirability of Uniform Civil Code in the matter of Marriage, divorce, adoption, succession laws appearing herein after as applicable to difference religion and community.

- a) Hindu Marriage Act 1955.
- b) Divorce Act 1869.
- c) Parsi Marriage and Divorce Act 1936.
- d) Special Marriage Act 1954.
- e) Dissolution of Muslim Marriage Act 1939.
- f) Hindu Adoption and Maintenance Act 1956.
- g) Indian Succession Act 1925.
- h) Hindu Succession Act.
- i) Law of Succession relating to Mohammedan.

Judgments of the Supreme Court of India delivered from time to time recommending changes in personal laws to bring about uniformity amongst personal laws.

- a) Ms. Jorden Diengdeh vs. S.S. Chopra AIR 1985 SC 935.

- b) Mohamed Ahmed Khan vs. Shah Bano Begum and others AIR 1985 SC 945.
- c) Smt. Sarla Mudgar, President Kalyani and others vs. Union of India AIR 1995 SC 1531.
- d) Ahmedabad Women Action Group (AWAG) vs. Union of India (1997) 3 SCC 573.
- e) Mrs. Pragati Varghese and etc. vs Cyril George Varghese and etc. AIR 1997 BOM 341.

2. Reservation Marks 15

Reservation under Constitution of India

Article 14, 15, 16(4), 17, 29(2), 46, 330, 331, 332 and 335 from the Constitution of India.

News items that have appeared and will continue to appear in the newspaper and magazines/journals from time to time on the subject of Reservation.

Judgement of the Supreme Court of India in particular the Judgement on Reservation after Mandal Commission Report.

Reservation of seats for women in decision making body.

Articles from the News Papers and Periodicals on this issue of Reservation.

Views expressed by the Supreme Court of India in the Judgment of Musilamani Mudaliar vs. Idol of Sri Swaminathaswami Hirukoli (1996) 8 SCC 525.

Constitution (Eighty First Amendment) Bill 1996 for Reservation of seats for women in the House of the People.

Reservation in Education, Employment and Promotion.

Articles from the Newspapers and Periodicals on this issue.

Views expressed by the Supreme Court of India in the following Judgments.

- a) K.C. Vasanth Kumar vs. State of Karnataka 1985 Supp. SCC 714.
- b) Janaki Prasad Parimoo vs. State of J. & K. (1973) SCC 420.
- c) Indra Sawhney vs. Union of India 1992 Supp. (3) SCC 217 Mandal Commission Case.
- d) Chhatar Singh vs. State of Rajasthan (1996) 11 SCC 742.
- e) Ashok Kumar Gupta vs. State of U.P. (1997) 5 SCC 201.
- f) S. Rangrajan vs. P. Jagjivan Ram (1998) 2 SCC 574.

3. Consumer Activism Marks 15

Introduction to the Consumer Protection Act.

The Consumer Protection Act, 1986.

Section 2 (6) Complaint

Section 2 (8) who is a Consumer

Consumers of Housing Facilities, Banking Services, Medical Services, Insurance Services, Telephone Services and Miscellaneous Services.

Consumer Protection Movement.

Consumer, Consumerism and the Constitution of India.

4. Public Interest Litigation Marks 15

Concept of Public Interest Litigation.

Public Interest Litigation in India.

Constitution of India, Articles in Parts III and IV.

Philosophical Basis of Public Interest in India.

Concept and Scope of Locus Standi.

Procedural Law in Public Interest Litigation.

Breach of Directive Principles of State Policy vis-à-vis Public Interest Litigation.

Socio-Economic Justice vis-à-vis Public Interest Litigation in India.

Judicial Activism to Public Interest Litigation Act.

- a) Judicial Activism – Genesis and Relevance.
- b) Critical Appraisal of Public Interest Litigation in India.
- c) Uses of Public Interest Litigation and Abuses of Public Interest Litigation.

Role of Judiciary in enforcement of rights through Public Interest Litigation and Social Action Litigation.

- a) Atrocity over foot path dwellers.
- b) Police atrocities. Some leading cases on custodial death, torture, handcuffing and illegal detention by police.
- c) Environment and Pollution.
- d) Misuses of Public Property.
- e) Status and Rights of women in Indian Society.

5. Introduction to the writing of eminent Jurists. Marks 15

1. **We the People.** By N.A. Palkhiwala

Part III Constitutional Issues. Chapter 9 to 14. Pages 123 to 260.

Part IV Chapter 17 Pages 337 to 356

2. **The Discipline of Law.** By Lord Denning

Part one, the construction of documents, Chapter 1 to 4. Pages 5 to 53

Part Three Pages 113 to 146..

3. **Learning the Law.** By Glanville Williams.

Chapter 1 The Division of the Law.

Chapter 2 Common of the Law.

Chapter 3 The Mechanism of Scholarship.

Chapter 4 Method of Study.

Chapter 5 Technical Terms.

Chapter 6 Case Law Techniques.

Chapter 7 The Interpretation of Statutes.

Chapter 8 Working out Problems.

Chapter 9 Answering Bookwork Question.

Chapter 10 In the Examination room.

In all the Chapters referred herein above reference to the English system of judiciary is omitted.

6. **Extracts from Important Judgments.**
Marks 15

Extracts would mean ratio of the Judgment as appearing in the Head Note and paragraphs of the Judgment wherein the law point is discussed. To also read the facts as set out in the Judgment.

- 1) Additional District Magistrate, Jabalpur vs. Shivkant Shukla. AIR 1976 SC 1207. This Judgment to be discussed from the book. We the People as also from the Judgment. To also briefly read other Judgments referred to therein.
- 2) P. V. Narsimha Rao vs. State. Air 1998 SC 2120.
- 3) Indian Medical Association vs. V. P. Shantha. AIR 1996 SC 550.

- 4) S. P. Gupta vs. Union of India OR Transfer of Judge's case. AIR 1982 SC 149. This Judgment is discussed from the book. We the People as also from the Judgment. To also briefly read other Judgments referred to therein.

7. **Accounts of Famous Trial**
Marks 15

- 1) Trial of **Bal Gangadhar Tilak** under Section 124A and 153A of the India Penal Code.

The above Trial is taken from the book.

Trial of Independence Author B. R. Agarwala. Publisher National Book Trust, India.

Trials of Tilak Author Publisher The Director, Publication Division, Ministry of Information and Broadcasting, Government of India.

Judgment reported in AIR 1922 BOM 112.

- 2) Trial of **Mahatma Gandhi** under Section 124A of the Indian Penal Code.

The above Trial is taken from the book.

Trials of Independence Author B. R. Agarwala. Publisher National Book Trust, India.

Plea made by Mahatma Gandhi for the severest penalty upon conviction for sedation taken from the book. The World of Law, Volume II. The Law as Literature edited by Ephraim London at pages 459 to 466.

3. Trial of **Walter Rowland.**

The above Trial is from the book with the title referred herein above. It is a trial with an introduction and edited by Henry Cecil. The entire trial as published in a book running into 164 pages. Students were however given pages 9 to 58 which gives relevant evidence, extract of Judgment etc. The book is published under the series Celebrated Trials.

POLITICAL SCIENCE – II

Foundations of Political Obligation

1. Power, Authority, Legitimacy.
2. Political Obligation – Meaning, Grounds & Theories, Problems of Obedience to Unjust laws.
3. Theories of Punishment.
4. Political Ideologies.
 - a) Liberalism – Meaning, Basic Principles, Merits & Demerits.
 - b) Socialism – Meaning, Basic Principles, Arguments in favour & against.
 - c) Utilitarianism – Mills’ concept of Liberty.
 - d) Communism – Marx’s Conceptions of Communism.
 - e) Democracy – Definitions, Conditions essentials for its success.
 - f) Gandhism.
5. Indian Constitution
 - a) Salient Features of Indian Constitution.

b) Preamble.

c) Fundamental Rights & Duties.

6. Political Parties, Features of Indian Political Parties.

Recommended Readings :

1. Basu, Durga Das : An introduction to the Constitution of India (Wadhwa & Company, Agra 2002).
2. Berry, Norman : An Introduction to Modern Political Theory (Macmillan, London, 1981).
3. Cocker, F. W. : Recent Political Thought (The World Press, Calcutta, 1966).
4. Gokhale B. L. : Political Science (Theory and Government Machinery) (Himalayan Publishing House, Mumbai, 1994).
5. Sartori, Giovanni : Democratic Theory (Oxford IBH, Calcutta, 1965).

SOCIOLOGY

1. Sociology as a Science

- a) Nature, definitions, scope
- b) Sociology of law & legal profession.

- b) Education c) Religion
- d) Political e) Economic

2. Basic concepts

Society – community – social groups – culture – role and status – social norms values and institutions.

Following topics should be dealt with specific reference to the Indian Society.

3. Understanding Indian Society

- a) Plurality
- b) Unity in diversity
- c) Indian ethos.

4. Social Stratification

- a) Caste b) Class c) Gender
- d) Deprived sections of society

5. Social conflict and social control

6. Social Institutions (Customs, Law & Problems regarding the same)

- a) Marriage and family

7. Social change & the role of law, media, education & technology in society.

Recommended Reading:

Ahuja Ram : India Social System

Ahuja Ram : Social Problems in India (Rawat Publications, 1992)

Desai Neera : Women in Modern India

Dr. Radha Krishnan : Hindu View of Life.

Ghosh Biswanath : Contemporary Social Problems in India (Himalaya Publication).

Gore M. S. & Chitnis S. : Sociology of Education

Horton R. B. & Hunt C. L. : Sociology (McGraw Hill, Kogaksha, 6th Ed.)

Kuppuswamy B. : Social Change in India perry J. & Perry E. : The Social Web (Harper & Row)

Sood Sushma : Violence Against Women

Srinivas M. N.: Caste in Modern India & other Essays

Yorburg Betty: Introduction to Sociology (Harper & Row, 1982)

HISTORY OF COURTS

I. Administrative of Justice in the Presidency

Towns and Development of Courts under East India Company.(1600-1773)

- From 1600 to 1726
- Establishment of Mayor's Court (1726)
- Working of the Mayor's Court of 1726
- changes introduced by the Charter of 1753
- Warren Hastings Plan of 1772, Reforms under the Plan of 1774 and Reorganization in 1780

II. Regulating Act of 1773

- Provisions of the Act
- Establishment of Supreme court at Calcutta under Charter of 1774
- Merits and Demerits of Act and the Working of the supreme Court at Calcutta
- Trial of Raja Nandkumar
- Trial of Radha Charan
- Patna Trial
- Kamalluddin's Case
- Cossijurah Case
- Saroopchand's Case
- Gora Gopichand's Case
- Settlement Act of 1781
-

III. JUDICIAL REFORMS OF CORNWALLIS

- Judicial Plan of 1787
- Judicial Plan of 1790
- Judicial Plan of 1793
- Judicial Plan of 1793
- Progress of Adalat System under Sir John Shore
-

IV CONFLICT ARISING OUT OF THE DUAL

- JUDICIAL SYSTEM
- Conflicts arising out of dual judicial system
- Indian High Courts Act 1861
- High Courts Under G.O.I. Act 1915
- High Courts under G.O.I. Act 1935
- High Courts under Constitution of India.

V. RULES OF LAW, INDEPENDENCE OF JUDICIARY AND SEPARATION OF POWERS

- Before Independence
- After Independence

VI. JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

- Appeals to Privy Council between 1726 1860
- Appeals to Privy Council between 1861 and 1949

VII. COURTS SYSTEM UNDER THE CONSTITUTION OF INDIA

A. SUPREME COURT

- Appt. of Judges
- Qualification of Judges
- Jurisdiction and powers of the Supreme Court

B. HIGH COURTS

- Appt. of Judges
- Qualification of Judges
- Jurisdiction and Powers of Judges

C. WRITS

- Habeas Corpus
- Mandamus- Certiorari
- Prohibition-
- Quo Warranto
- General principles of adjudication

D. SUBORDINATE COURTS

VIII. HISTORY OF LEGISLATURE

- Charter of 1600
- Regulation Law and Charter of 1813
- Charter Act of 1833
- Indian Councils Act of 1861, 1892 and 1909
- Govt. of India Acts, 1919, 1935
- Indian Independence Act 1947
- Development of Civil Law Codification of Law- Law Reforms

IX. HISTORY OF LEGAL PROFESSION

- Legal profession in Pre-British India
- Law Practitioners in the Mayor's Court of 1726
- Legal Profession under Charter of 1774
- Legal Profession in the Company's Courts And Legal Practitioners Act 1853.
- High Courts Act, 1861 and enrolment of Advocates under letters Patent Issued.
- Legal Practitioner's Act, 1879 and Report of Indian Bar Committee, 1923.
- Indian Bar Council Act 1926 and All India Bar Committee 1951.
- Advocates Act of 1961.
- Law Reporting in India.

Recommended Readings:

1. History of Courts, Legislative and Legal Profession – Kailash Rai
2. Indian Legal History – M.A.Jain
3. Indian Constitutional and Legal History -
4. Indian Constitutional and Legal History - S.D.Kulashresh

Second Year B.L.S./LL.B. Degree Course (Sem.-IV)

ENGLISH – II

A. COMPREHENSION SKILLS

Comprehension of legal texts, Judgments
And other passages of a more general nature.

B. COMPOSITION SKILLS

- i) Précis Writing and summarizing
- ii) Drafting of Minutes of General Meetings.
- iii) Essay writing, especially on topics of legal interest
- iv) Speeches and Debates
- v) Varieties of sentence structures

C. VOCABULARY

- i) Foreign words and phrases often used in legal texts.
- ii) Certain set expression and phrases.
- iii) One-word substitution
- iv) Similar sounding words which are often Confused.

D. SPEECH WRITING

- i) Reading aloud (Knowledge of pro Per pauses)
- ii) Stress marking of words.
- iii) Consulting a Pronunciation Dictionary
- iv) Drafting of Speeches for various occasions. .

The Text for study is:-

**i) Fifty years of Supreme Court in India
its Grasp and Reach**

Edited by S.K.Verma and Kusum,
Published in India by Oxford University,
Delhi, Indian Law Institute 2000.

ii) The Law & Literature (Part Two)
Dr.Shakuntala Bharvani

- Recommended Readings:** 1. Preparation and Practice in Précis Writing by J.M. Charlton,
London: Macmillan and Co.
2. Communication Skills in English By Eunice Desouza and
Govind Shahani Bombay: Noble Publishing House

LOGIC – II

I. Mediate Inference

Syllogism – Figures and Moods –
Testing the validity of arguments.

II Reduction

Aristotle's Dictum de omni et Nullo and
the First Figure
Direct Reduction and Indirect
Reduction.

III Hypothetical and Disjunctive Arguments

Rules and fallacies in the arguments with
special reference to Law.
Analysis of Rules and Inference and
Rules of Replacement.

IV Dilemma

Types of Dilemma Refutation of
Dilemma- Values of Dilemma in Law.

V Fallacies

Its kinds. Fallacies and Law

VI Hypothesis

Conditions of good hypothesis - kinds of
hypothesis.

VII Hypothetico

Deductive Method – stages of the
method as used in Science.
Method Inquiry in Law.

VIII Causation

Conception, common sense and
scientific notion, plurality of causes.
Maxims in relation to causation –
causation in Legal Reasoning.

i) In jure non remota caua sed proxima
spectator – In law the immediate and

not the remote cause is considered.

ii) Vis major/Actus Dei nemini Facit
infuriam – Law holds no man
responsible for the act of God.

iii) Volunti non – fit –injuria –Damage
suffered by consent is not a cause of
action.

ix) Respondent superior

IX Uses of Language

Emotive words – Emotively Neutral
language – kinds of agreement and
disagreement.

Impediments to good reasoning.

X Application of Logical Reasoning

Equality and its Implications (Chapter II)
Ends and Means (Chapter XI – both the
chapters are from the book Practical Ethics by
Peter Singer).

Recommended Readings:

1. Introduction to Logic –
K.T.Basantani.
2. Modern Introduction to Logic –
L.S.Stebbing
3. An Introduction to Logic – Irving
Copi – (Nineth Edition).
4. Practical Ethics by Peter Singer -
Second Edition –Cambridge
University Press.
5. Reason and Argument – Richard
Feldmen – Prentice Hall International
USA.
6. A Selection of Legal Maxims –
Herbert Broom. Tenth Edition.

POLITICAL SCIENCE – III

International Relations

1. International System: Nature & Scope.
2. Components of National Power & Limitations of National Power.
3. Peaceful Settlement of Disputes – Negotiation, Mediation, Conciliation, Arbitration, Judicial Settlement.
4. Power – From Bi-Polarity to Multipolarity Hegemonism.
6. International Society – Impact of the Third World, Stability vs. Progress, Rich vs. Poor.
7. Principal organ of the United Nations and their working.
8. Regional Organizations - Specialized agencies and international non – government agencies.

International Organization

5. World Government – Multi – National Agencies.

Recommended Readings:

1. Arora, Prem : International Politics (Cosmos Book Hive Pvt. Ltd., New Delhi 1996)
2. Arora Prem : International Politics (Cosmos Book Hive Pvt., Ltd, New Delhi 1994)
3. Murthy B.S. : International Relations and Organization, (Eastern Book Company, Lucknow, 2002)

Third Year B.L.S./ LL.B. Degree Course (Sem.-V)

LABOUR LAWS

Industrial Disputes Act 1947	40 marks
Collective Bargaining	10 marks
Industrial Employment (Standing Orders) Act 1946	15 marks
Employees Compensation Act, 1923	15 marks
MRTU & PULP Act 1971	20 marks

Recommended Readings:

Indian Law Institute – Labour Law and Labour Relations cases and materials.
O.P.Malhotra – The Law of Industrial Disputes.
K.M.Desai – The Industrial Employment (Standing Orders) Act. 1946.
Dr. Avtar Singh – Introduction to Labour & Industrial Law.

CONTRACT – I

(GENERAL PRINCIPLES OF CONTRACT AND SPECIFIC RELIEF ACT 1963)

General Principles of Contract, Indian Contract Act 1872 (Sections 1 – 75)

Government as a Contracting Party

Constitutional provisions – government power to contract – procedural requirements – kinds of government contracts – their usual clauses – performance of such contracts – settlements of disputes and remedies.

Standard Form Contracts

Nature, advantages – unilateral character, principles of protection against the possibility of exploitation – judicial approach to such contracts – exemption clauses – clash between two standard form contracts.

Multi-national Agreement

Specific Relief Act

Recommended Readings:

Avtar Singh – Law of Contract

R.K.Abichandani (Ed) – Pollock and Mulla on the Indian Contract Act and Specific Relief Act.

Anson – Law of Contract

Dutt on Contract,

M. Krishnan Nair – Law of Contracts

Banerjee S.C. – Law of Specific Relief

Dr. Meena Rao – Fundamental Concepts

Dr. Meena Rao – Consent in Law of Contract

Dr. Nilima Chandiramani – Law of Contract: - An outline

TORTS AND CONSUMER PROTECTION LAWS

(Tort 70marks Consumer Protection Law 30marks)

Introduction to Law of Torts

Definition, Nature, Scope and Objects

- a wrongful act – violation of duty imposed by law, duty which is owed to people generally (in rem) – damnum sine injuria and injuria sine damnum.
- Tort distinguished from crime and breach of contract
- The concept of unliquidated damages
- Changing scope of law of torts: expanding character of duties owed to the people generally due to complexities of modern society
- Objects – prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunction.

Principles of Liability in Torts

- Fault:
- Wrongful intent
- Negligence
- Liability without fault
- Statutory liability:
- Place of motive in torts

Justice in Tort

- Volenti non fit injuria
- Necessity, private and public

- Plaintiff's default
- Act of God
- Inevitable accident
- Private defense
- Statutory authority
- Judicial and quasi-judicial acts
- Parental and quasi-parental authority

Extinguishments of liability in certain situations

- Actio personalis moritur cum persona – exceptions
- Waiver and acquiescence
- Release
- Accord and satisfaction
- Limitation

Doctrine of sovereign immunity and its relevance in India.

Vicarious Liability

- Basis, scope and justification
- Express authorization
- Ratification
- Abetment
- Special Relationships:
- Master and servant – arising out of and in the course of employment – who is master? – the control test – who is servant? – borrowed servant – independent contractor and servant, distinguished
- Principal and agent
- Corporation and principal officer

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

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

Negligence

- Basic concepts
- Theories of negligence
- Standards of care, duty to take care, carelessness, inadvertence
- Doctrine of contributory negligence
- Res ipsa loquitur and its importance in contemporary law
- Liability due to negligence: different professional
- Liability of common carrier for negligence
- Product liability due to negligence: liability of manufacturers and business houses for their products

Nuisance

- Definition, essentials and types
- Acts which constitute nuisance – obstructions of highways, pollution of air, water, noise, and interference with light and air.

Absolute / Strict liability

- The rule in Rylands v. Fletcher
- Liability for harm caused by inherently dangerous industries

Legal remedies

- Legal remedies:
- Award of damages – simple, special, punitive
- Remoteness of damage – foreseeability and directness
- Injunction
- Specific restitution of property
- Extra-legal remedies – self-help, re-entry on land, re-capture of goods, distress damage feasant and abatement of nuisance.

Consumer movements: historical perspectives

- Common law protection: contract and torts
- Consumerism in India: food adulteration, drugs and cosmetics – essential commodities

Consumer, the concept

- General Perspectives
- Statutory and government services: to be included or not?
- Definition and scope: the Consumer Protection Act 1986 (CPA)
- Who is not a consumer?

Unfair Trade Practices

- Misleading and false advertising
- Unsafe and hazardous products
- Disparaging competitors
- Business ethics and business self-regulation
- Falsification of trade marks

Consumer of goods

- Meaning of defects in goods
- Standards of purity, quality, quantity and potency
- Statutes: food and drugs, engineering and electrical goods

Supply of essential commodities

- Prescribing standards of quality – BIS and Agmark

Consumer Safety

- Starting, distribution and handling of unsafe and hazardous products
- Insecticides and pesticides and other poisonous substances

Service

- Deficiency – meaning
- Professional services
- Medical services
- How to determine negligence
- Violation of statute
- Denial of medical service: violation of human rights
- Lawyering services: duty-towards-court and duty-to-client dilemma, break of confidentiality – negligence and misconduct.
- Public Utilities
- Supply of electricity
- Telecommunication and postal services
- Housing
- Banking

Commercial services

- Hiring
- Financing
- Agency Services

Enforcement of consumer rights

- Consumer Fora under CPA ; jurisdiction, powers and functions
- Execution of orders
- Judicial review
- PIL
- Class action
- Remedies
- Administrative remedies

Recommended Readings:

Ratanlal and Dhirajlal – The Law of Torts

P.S. Achuthan Pillai – The Law of Torts

Salmond and Heuston on the Law of Torts

Avtar Singh – The Law of Consumer Protection, Principles and Practice

Saraf Dal – Law of Consumer Protection in India

J.N. Barowalia – Commentary on CP Act, 1986.

LEGAL LANGUAGE INCLUDING LEGAL WRITING & GENERAL ENGLISH

- 1) Grammar Usage 15 marks
Brief Revision of rules of grammar & punctuation.
- 2) Comprehension, and Composition and Communication Skills 20 marks
- 3) LEGAL MAXIMS 15 marks

SALUS POPULI EST SUPREMA LEX
Regard for the public welfare is the highest law.

REX NON POTEST PECCARE
The king can do no wrong

AUDI ALTERAM PARTEM
No man shall be condemned unheard

NEMO DEBET ESSE JUDEX IN PROPRIA SUA CAUSA
No man can be a judge in his own cause

DE MINIMIS NON CURAT LEX
The law does not concern itself about trifles

QUOD AB INITIO NON VALET IN TRACTU TEMPORIS NON
CONVALESCIT
That which was originally void does not by lapse of time become valid.

UBI JUS IBI REMEDIUM
There is no wrong without a remedy

IN JURE NON REMOTA CAUSA SED PROXIMA SPECTATUR
In law the immediate, not the remote, cause of any event is regarded

ACTUS DEI NEMINI FACIT INIURIAM
The law holds no man responsible for the act of God.

IGNORANTIA FACTI EXCUSAT – IGNORANTIA JURIS NON EXCUSAT
Ignorance of fact excuse – ignorance of law does not excuse

VOLENTI NON FIT INIURIA
Damage suffered by consent is not a cause of action

NULLUS COMMODUM CAPERE POTEST DE INIURIA SUA PROPRIA
No man can take advantage of his own wrong

RES IPSA LOQUITUR
The thing speaks for itself

ACTUS NON FACIT REUM NISI MENS SIT REA
The intent and the act must both concur to constitute the crime

NEMO DEBET BIS VEXARI PRO UNA ET EADEM CAUSA
It is a rule of law that a man shall not be twice vexed for one and the same cause

CESSANTE RATIONE LEGIS CESSAT IPSA LEX
The reason of the law ceasing, the law itself ceases

ACTA EXTERIORA INDICANT INTERIORA SECRETA
Acts indicate the intention

DOMUS SUA CUIQUE EST TUTISSIMUM REFUGIUM
Every man's house in his castle

NEMO EST HAERES VIVENTIS
No one can be an heir during the life of his ancestor

LEGES POSTERIORES PRIORUM CONTRARIAS ABROGANT
Later laws repeal earlier laws inconsistent therewith

NOVA CONSTITUTIO FUTURIS FORMAM IMPONERE
DEBET, NON PRAETERITIS

A new law ought to be prospective not retrospective, in its operation

NOSCITUR A SOCIIS

The meaning of doubtful word may be ascertained by reference to the meaning of words associated with it

EXPRESSIO UNIUS EST EXCLUSIO ALTERIUS

The express mention of one thing implies the exclusion of another

MEMO DAT QUOD NON HABET

No one gives what he does not possess

CAVEAT EMPTOR

Let purchaser beware

RESPONDEAT SUPERIOR

Let the principal be held responsible

VIGILANTIBUS, NON DORMIENTIBUS, URS SUBVENIUNT

The law assist those who are vigilant, not those who sleep over their rights

ACTIO PERSONALIS MORITUR CUM PERSONA

A personal right of action dies with the person

NEMO TENETUR SEIPSUM ACCUSARE

No man can be compelled to criminate himself

4) Legal Concepts

5 marks

Law – Custom-Justice-Right-Duty-Wrong-Civil Wrong-Criminal Wrong Remedy-Fact-Person- Offence-Person-State-Plaint-Complaint-Suit-Affidavit Judgment-Appeal-Review-Revision- Reference-Writ-Stay order-Injunction - Adjournment Cause of Action-Issue-Charge-Bail -Ex Parte- Discharge –Accquital -Conviction-Legal heirs-Legal Representative-Power of Attomey- International law.- Arbitration-Jurisdiction-Amicus Curiae.

5) Legislative Materials

10 marks

Brief introduction to the various parts of an Act – Intent (aims & objects) Short title – Long title – Date of Assent – Section -Subsection – marginal note – date of commencement – Schedule or Table.

Exposure to Current Indian Statutes – AIR Manual -Civil Court Manual – Criminal Court Manual – Maharashtra Local Acts – Gazette of India – Maharashtra State Gazette.

The above may be taught with reference to the following Acts.

1. Maternity Benefit Act 1961
2. Medical Termination of Preg. Act 1971
3. Protection of Human Rights Act

6) Judicial Material

10 marks

Introduction to precedent – Ratio

The following cases for study (Facts – Issues – Arguments – Decision) 1 M.C. Mehta V/s.Union of Indian AIR 1987 SC 965

2 Vishaka & Ors. V/s. State of Rajasthan & Ors. AIR

1997 SC 3011 3 Dilip K. Basu V/s. State of West Bengal

1997 AIR SOW 233

7) Official Reports – Specified Law Reports

10 marks

Exposure to Official Reports and Private Reports – Supreme Court Reports – Indian Law Reports – All India Reporter – All India High Court Cases –Judgement Today Bombay Law Reporter – Bombay cases Reporter – Maharashtra Law Journal, Supreme

Court cases – Criminal Law Journal
– Labour & Industrial cases – Company cases – Madras Law Journal – All
Maharashtra Law Reporter- Marriage & Divorce cases – Consumer.- All England Law
Reporter.

- 8) Journals, Periodicals & Law Magazines & Abbreviations. 5 marks

Exposure to Lawyers collective - insight – One India One People – Journal of the
Indian Law Institute – India Bar Review – The Indian Advocate - Journal of the Bar
Council of India – India Quarterly – Modern Law Review – Law Quarterly Review.

- 9) Citations & References 5 marks

Importance of
citations
Understanding a
given citation

Citations in respect of Official Reports & specified Law Reports – (listed earlier)
Standard References in respect of the various Laws & Acts taught at LL.B. and Legal
Dictionaries.

- 10) Search of case Law 5 marks

Third Year B.L.S./LL.B. Degree Course (Sem. VI)

LAW OF CRIMES

A. CRIMINAL JURISPRUDENCE

1. Administration of Justice
 - What is administration of justice
 - Necessity for administration of justice
 - Historical background to administration of justice
 - Difference between civil and criminal justice

2. Elements of Criminal Liability
 - Nature of Criminal Liability
 - Mens rea and its importance
 - Intention
 - Knowledge
 - Negligence
 - Doctrine of Mens Rea under the I.P.C.
 - Exceptions of Mens Rea
 - Vicarious liability in crimes
 - Actus reus
 - Act and omission
 - Injury to another

3. Stages of Crime
 - Intention
 - Preparation
 - Attempt
 - Commission of Crime

4. Theories of Punishment
 - Deterrent
 - Preventive
 - Retributive
 - Reformatory
 - Compensation

5. Kinds of Punishment
 - Death Sentence
 - Social Reference of Capital Punishment
 - Alternative to Capital Punishment
 - Imprisonment
 - Simple
 - Rigorous
 - For Life
 - Solitary Confinement
 - Forfeiture of Property

- Fine
 - Sentencing Discretion
- B. INDIAN PENAL CODE 1860

Recommended Readings:

K.D. Gaur, Criminal Law : cases and Materials (1999), Butterworths, India
 Ratanlal – Dhirajlal’s Indian Penal Code (1994 reprint)
 K.D.Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi.
 P.S.Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow.
 Hidayathullaw, M., et.al., Ratanlal and Dhirajlals The Indian Penal Code (1994 reprint),
 Wadhwa and Co., Nagpur.
 B.M.Gandhi, Indian Penal Code (1996), Eastern, Lucknow

**CONSTITUTIO
NALLAW**

1. Historical and Constitutional developments between 1858-1947 Framing of Indian Constitution.
 Nature and Features
 A broad over-view of the constitution of India, 1950.
 Historical genesis of Indian Constitution should be part of the syllabus particularly the transfer of power in 1857, introduction of bicameralism, federalism by 1935 Act, freedom struggle, Indian Independence Act, 1947 and the drafting of our constitution.
2. Fundamental Rights and judicial activism
 Equality and Social Justice (Arts.14-18 & Part IV & Part XVI) Secularism and religious freedoms
 Life, Liberty other rights and freedoms
3. Directive Principles and Fundamental Duties (Parts IV,IV A)
4. Indian Federalism – idea of federalism – Indian federal features – strong centre – Cooperative Spirit– centre relations - Special status to J & K (Parts XI, XII, XIII, XIV, XXI)
5. Indian Parliament – Nature, Composition, powers and privileges and state legislatures.
6. Cabinet form of govt.
 Parliamentary form at the Centre and states – head of State – Council of Ministers – Attorney General and Advocate generals
7. Indian Judiciary: Supreme Court and High Courts, composition, powers and Judicial Independence – subordinate courts
8. Law making under Indian Constitution Kinds of Bills, passing of Bills, Ordinances
 Citizenship Act 1955, Representation of Peoples Act 1951, Comptroller and Auditor Generals Act, 1971.
 Legislation made in pursuance of the constitution like the (1) Bonded Labour Abolition Act (2) Civil Rights Protection, Act,1955, (3) Scheduled castes and Scheduled Tribes (Prevention of atrocities) Act 1989 should be duly referred to.
9. Emergency (Part XVIII)
 Kinds, Legal requirements, Legal effects
10. Amendment and the basic structure doctrine (Part XX)
11. Services under Indian Constitution (Part IV)
 Services under Union / State – All Indian Services, Doctrine of pleasure and exceptions
12. Democracy and Election Commission of India (Part XV)
13. Introduce the following
 1. Civil Rights Protection Act, 1955
 2. Citizenship : Part II
 3. Parts IX,IX A,X Panchayats, Municipalities and Scheduled & Tribal Areas
 4. Part XIV Administrative Tribunals (Covered in Administrative Law, Semester

- VII)
 5. Part XVII official language
 6. Part XIX Miscellaneous

Recommended Readings:

D.D. Basu Shorter Constitution of India. Constituent Assembly Debates Vol. 1 to 12
 H.M. Seervai, Constitution of India, Vol. 1-3
 M.P.Singh (ed.), V.N.Shukla, Constitutional Law of India G.Austin, Indian Constitution, Cornerstone of a Nation
 M. Gallanter, Competing Equalities – Law and the Backward Classes in India (1984) Oxford B.Sivramayya, Inequalities and the Law (1984) Estern, Lucknow.
 S.C, Kashayap, Human Right and Parliament (1978) Metropolitan, New Delhi D.D.Basu, Introduction to Constitution.

FAMILY LAW – I

- | | | |
|----|-----------------------------------------|----------|
| A) | Mohammedan Law | 35 marks |
| | 1) Sources | |
| | 2) Schools | |
| | 3) Shariat Act, 1937 | |
| | 4) Marriage | |
| | 5) Dower | |
| | 6) Divorce | |
| | 7) Maintenance | |
| | 8) Legitimacy & Parentage | |
| | 9) Guardianship | |
| B) | Divorce Act & Christian Marriage Act | 15 marks |
| C) | Indian Succession Act (Sec. 1-166 only) | 35 marks |
| D) | Parsi Marriage and Divorce Act | 15 marks |

Recommended Readings:

Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal Basu, N.D., Law of Succession (2000), Universal Kusem, Marriage and Divorce Law Manual (2000)
 Universal Machanda S.C, Law and Practice of Divorce in India (2000) Universal
 P.V. Kane, History of Dharmasastras Vol.2 pt.1 624-632 (1974)
 A. Kuppaswami (ed.) Mayne's Hindu Law and Usage Ch. 4 (1986) B.Sivaramayys, Inequalities and the Law, (1985)
 K.C.Daiya, "Population control through family planning in India, "Indian Journal of Legal Studies, 85 (1979)
 J.D.M. Derrett, Hindu Law: Past and Present
 J.D.M. Derrett, Death of Marriage Law
 A.A.A. Fyzee, Outline of Muhammadan Law, (1998)
 Alladi Kuppaswami, (ed.) Mayne's Hindu Law and Usage, 1986)
 J.D.M. Derrett, A Critique of Modern Hindu Law, (1970)
 Paras Diwan, Hindu Law (1985)
 S.T. Desai (ed.) Mulla's Principles of Hindu Law, (1998) – Butterworth's – India.
 Paras Diwan, Family Law: Law of Marriage and Divorce in India, (1984)
 A.M.Bhattachargee, Muslim Law and Constitution (1994) Eastern Law House, Calcutta. A.M.Bhattachargee, Hindu Law and Constitution (1994) Eastern Law House, Calcutta. Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal.

ENVIRONMENTAL LAWS

- 1) Concept of environment and pollution or introduction to problem of Environmental protection.
 - (i) Environment
 - (ii) Meaning and contents

- (iii) Pollution
 - (iv) Meaning
 - (v) Kinds of Pollution
 - (vi) Causes of pollution
 - (vii) Effects of pollution
- 2) Constitutional provisions regarding environmental protection including
 - (i) Directive principles
 - (ii) Fundamental rights and duties
 - (iii) Right to clean and healthy environment
 - (iv) Right to education
 - (v) Right to information
 - 3) Environmental protection under the general Laws: Nuisance, Penal Code, Procedural Code
 - 4) General introduction the enforcing agencies and remedies :
 - (i) Courts
 - (ii) Tribunals
 - 5) Polluter Pays principle
 - :- Public liability insurance
 - 6) Precautionary Principle
 - 7) Sustainable development
 - 8) Water Pollution Act 1974 and Air Pollution Acts 1981
 - (i) Meaning and Air Standards
 - (ii) Culprits and victims
 - (iii) Procedures for sampling
 - (iv) Formation of Boards and their functions or Protection agencies: their powers and functions
 - (v) Offences and penalties
 - (vi) Judicial approach
 - 9) Noise Pollution
 - 10) Environmental Protection Act 1986
 - 11) Bio Medical waste
 - 12) Hazardous waste
 - 13) Environment impact assessment
 - 14) Coastal zone management
 - 15) Environmental audit and eco mark
 - 16) Disaster emergency preparedness
 - 17) Town and country planning
 - 18) Forest
 - (i) Greenery conservation laws
 - (ii) Forest conservation
 - (iii) Conservation agencies
 - 19) Wild life Protection Act 1972
 - (i) Sanctuaries and national parks
 - (ii) Licensing of zoos and parks
 - (iii) State monopoly in the sale of wild life and wild life
 - (iv) Offences against wild life
 - 20) International Regime
 - (i) Stockholm conference
 - (ii) Green house effect and ozone depletion
 - (iii) Rio conference
 - (iv) U.N. declaration on right to development

Recommended Readings:

Aarmin Rosencranz, et al., (eds.,) Environmental Law and Policy in India, (2000), Oxford
 R.B.Singh and Suresh Misra, Environmental Law in India (1996), Concept Publishing Co.,
 New Delhi Kailash Thakur, Environmental Protection Law and policy in India (1997), Deep
 and Deep publications, New Delhi.

Richard L. Riversz, et.al (eds.) Environmental Law, the Economy and Sustainable
 Development, (2000), Cambridge.

Christopher D. Stone Should Trees Have Standing and other Essays on Law,

Mora

Is and the Environment (1996), Oceana,

Leelakrishnan, P. et.al. (eds.), Law and Environment (1990), Easter, Lucknow.

Leelakrishnan, P. et.al. (eds.), The Environment Law in India (1999),

Butterworths India.

Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)

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

Centre for Science and Environment, The State of India's Environment 1982,

The State of India's Environment 1984-85 and The State of India Environment 1999-2000. World Commission on Environment and Development, Our Common Future (1987), Oxford.

Practical Training – I

- (i) Professional Ethics
- (ii) Advocacy for Lawyers
- (iii) Bar Bench relations.
- (iv) The Contempt Law and Practice
- (v) Selected opinions of the Disciplinary Committee of Bar Councils and Major Judgement of the Supreme Court on the subject.

Recommended Readings:

Mr. Krishnamurthy Iyer's book on "Advocacy"

**Fourth year B.L.S./ LL.B. degree course
(Sem.VII)**

ADMINISTRATI VE LAW

1. Evolutions, Nature and Scope of Administrative Law

- 1.1. From Laissez-faire to a social welfare state
 - 1.1.1. State as regulator of private interest
 - 1.1.2. State as provider of services
 - 1.1.3. Other functions of modern state: relief, welfare
- 1.2. Evolution of administration as the fourth branch of government necessity for delegation of powers on administration.
- 1.3. Evolution of agencies and procedures for settlement of disputers between individual and administration.
 - 1.3.1. Regulatory agencies in the United States
 - 1.3.2. Conseil d'Etat
 - 1.3.3. Tribunalization in England and India
- 1.4. Definition and scope of administrative law
- 1.5. Relationship between constitutional law and administrative law
- 1.6. Separation of powers
- 1.7. Rule of law

2. Civil Service in India

- 2.1. Nature and organization of civil service: from colonial relics to democratic aspiration
- 2.2. Powers and functions
- 2.3. Accountability and responsiveness: problems and perspectives
- 2.4. Administrative deviance – corruption, nepotism, mal-administration.

3. Legislative Powers of Administration

- 3.1. Necessity for delegation of legislative power
- 3.2. Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.
- 3.3. Requirements for the validity of delegated legislation.
 - 3.3.1. Consultation of affected interests and public participation in rule-making.
 - 3.3.2. Publication of delegated legislation.
- 3.4. Administrative directions, circulars and policy statements.
- 3.5. Legislative control of delegated legislation.
 - 3.5.1. Laying procedures and their efficacy.
 - 3.5.2. Committees on delegated legislation – their constitution, function and effectiveness.
 - 3.5.3. Hearings before legislative committees.
- 3.6. Judicial control of delegated legislation.

3.7. Sub-delegation of legislative powers.

4. Judicial Powers of Administration

- 4.1. Need for devolution of adjudicator authority on administration.
- 4.2. Administrative tribunals and other adjudicating authorities: their ad-hoc character.
- 4.3. Tribunals – need, nature, constitution, jurisdiction and procedure
- 4.4. Jurisdiction of administrative tribunals and other authorities
- 4.5. Distinction between quasi-judicial and administrative functions.
- 4.6. The right to hearing – essentials of hearing process
 - 4.6.1 No man shall be judge in his own cause
 - 4.6.2 No man shall be condemned unheard
- 4.7 Rule of evidence – no evidence, some evidence and substantial evidence rules.
- 4.8 Reasoned decisions.
- 4.9 The right to counsel.
- 4.10 Institutional decisions
- 4.11 Administrative appeals

5. Judicial Control of Administrative Action

- 5.1 Exhaustion of administrative remedies
- 5.2. Standing: standing for Public interest litigation (social action litigation) collusion, bias.
- 5.3. Laches
- 5.4. Res judicata
- 5.5. Grounds
 - 5.5.1. Jurisdictional error/ultra vires
 - 5.5.2. Abuse and non exercise of jurisdiction
 - 5.5.3. Error apparent on the face of the record
 - 5.5.4. Violation of principles of natural justice.
 - 5.5.5. Violation of public policy
 - 5.5.6. Unreasonableness
 - 5.5.7. Legitimate expectation.
- 5.6. Remedies in judicial Review:
 - 5.6.1. Statutory appeals
 - 5.6.2. Mandamus
 - 5.6.3. Certiorari
 - 5.6.4. Prohibition
 - 5.6.5. Quo-Warrantor
 - 5.6.6. Habeas Corpus
 - 5.6.7. Declaratory judgments and injunctions
 - 5.6.8. Specific performance and civil suits for compensation.

6. Administrative discretion

- 6.1. Need for administrative discretion
- 6.2. Administrative discretion and rule of law
- 6.3 . Limitations on exercise of discretion
 - 6.3.1. Malafide exercise of discretion
 - 6.3.2. Constitutional imperative and use of discretionary authority
 - 6.3.3. Irrelevant considerations
 - 6.3.4. Non-exercise of discretionary power

7. Liability for Wrongs (Tortious and Contractual)

- 7.1. Tortious liability : sovereign and non-sovereign functions.
- 7.2. Statutory immunity
- 7.3. Act of state
- 7.4. Contractual liability of government.
- 7.5. Government privilege in legal proceedings – state secrets, public interest
- 7.6. Transparency and right to information
- 7.7. Estoppels and waiver

8. Corporations and Public Undertakings

- 8.1. State monopoly-remedies against arbitrary action or for acting against public policy
- 8.2. Liability of public and private corporations – departmental undertakings
- 8.2. Legislative and governmental control.

- 8.3. Legal remedies
- 8.4. Accountability – Committee on Public Undertaking, Estimates Committee etc.

9. Informal Methods of Settlement of Disputes and Grievance Redressal Procedures

- 9.1 Conciliation and mediation through social action groups
- 9.2 Use of media, lobbying and public participation
- 9.3 Public inquiries and commissions of inquiry
- 9.4 Ombudsman : Lok Pal, Lok Ayukta
- 9.5 Vigilance Commission
- 9.6 Congressional and Parliamentary Committees

Recommended Readings:

- C.K, Allen, Law and Orders (1985)
 D.D. Basu, Comparative Administrative Law (1998)
 M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000) Butterworths – India.
 Franks, Report of the Committee on Administrative Tribunals and Inquiries, HMSO, 1959.
 Peter Cane, An Introduction to Administrative Law (1996) Oxford
 Wade, Administrative Law (Seventh Edition, Indian print 1977), Universal Delhi.
 J.C. Garner, Administrative Law (1989), Butterworths (ed. B.L.Jones)
 M.P.Jain, Cases and Materials on Indian Administrative Law, Vol. I and II (1996), Universal, Delhi
 Jain & Jain, Principles of Administrative Law (1997), Universal Delhi.
 S.P.Sathe, Administrative Law (1998) Butterworths – India, Delhi.
 De Smith, Judicial Review of Administrative Action (1995) Sweet and Maxwell with Supplement.
 B.Schwartz, An Introduction to American Administrative Law
 Indian Law Institute, Cases and Materials on Administrative Law in India. Vol. I (1996), Delhi.

FAMILY LAW - II

1. Marriage and Kinship

- 1.1. Evolution of the institution of marriage and family.
- 1.2. Role of religious rituals and practices in moulding the rules regulating to marital relations.
- 1.3. Types of family based upon.
 - 1.3.1. Lineage – patrilineal, matrilineal
 - 1.3.2. Authority structure patriarchal and matriarchal
 - 1.3.3. Location- patrilocal and matrilocal
 - 1.3.4. Number of conjugal units-nuclear, extended, joint and composite.
- 1.4. Emerging concepts : maitri sambandh and divided home.

2. Customary practices and State regulation

- 2.1. Polygamy
- 2.2. Concubinage
- 2.3. Child marriage
- 2.4. Sati
- 2.5. Dowry

2. Conversion and its effect on family

- 3.1. Marriage
- 3.2. Adoption
- 3.3. Guardianship
- 3.4. Succession

4. Joint Family

- 4.1. Mitakshara joint family
- 4.2. Mitakshara coparcenary-formation and incidents
- 4.3. Property under Mitakshara law-separate property and coparcenary property.
- 4.4. Dayabhaga coparcenary-formation and incidents
- 4.5. Property under Dayabhaga law.
- 4.6. Karta of the joint family-his position, powers, privileges and obligations.
- 4.7. Alienation of property-separate and coparcenary
- 4.8. Debta-doctrines of pious obligations and antecedent debt.
- 4.9. Partition and re-union.
- 4.10. Joint hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.
- 4.11. Matrilineal joint family.

5. Inheritance

5.1. Hindus

- 5.1.1. Historical perspective of traditional Hindu law as a background to the study of Hindu succession Act 1956.
- 5.1.2. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act 1956.
- 5.1.3. Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956.
- 5.1.4. Succession to property of Hindu female dying intestate under the Hindu Succession Act 1956.
- 5.1.5. Disqualification relating to succession
- 5.1.6. General rules of succession
- 5.1.7. Marumakkattayam and Aliyasantana laws governing people living in Thiruvananthapuram, Cochin and other districts of Malabar and South Kanara.
- 5.2. General rules of succession and exclusion from succession.
- 5.2.1. Classification of heirs under Hanafi and Ithna Ashria schools and their shares and distribution of property.”
- 5.3. Christians, Parsis and Jews

6. Matrimonial Remedies

- 6.1. Non-judicial resolution of marital conflicts.
 - a. Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution,
- 6.2. Judicial resolution of marital conflicts: the family court
- 6.3. Nullity of marriage
- 6.4. Option of puberty – Condition of Valid Marriage – Section 5 of Hindu Marriage Act wherein conditions of valid marriage are given.
- 6.5. Restitution of conjugal rights
- 6.6. Judicial separation
- 6.7. Desertion a ground for matrimonial relief
- 6.8. Cruelty: a ground for matrimonial relief
- 6.9. Adultery: a ground for matrimonial relief
- 6.10. Other grounds for matrimonial relief
- 6.11. Bar to matrimonial relief:
 - 6.11.1. Doctrine of strict proof
 - 6.11.2. Taking advantage of one’s own wrong or disability
 - 6.11.3. Accessory
 - 6.11.4. Connivance
 - 6.11.5. Collusion
 - 6.11.6. Condonation
 - 6.11.7. Improper or unnecessary delay
 - 6.11.8. Residuary clause-no other legal ground exists for refusing the matrimonial relief.

7. Alimony and maintenance

- 7.1.1. Alimony and maintenance as an independent remedy: a review under different personal laws – need for reforming the law.
- 7.1.2. Alimony and maintenance as an ancillary relief.

8. Child and the Family

- 8.1. Legitimacy
- 8.2. Adoption
- 8.3. Custody, maintenance and education
- 8.4. Guardianship and parental rights –welfare of the child principle.

9 Family and its changing pattern–(looked from Socio-Economic view Point)

- 9.1. New emerging trends:
 - 9.1.1. Attenuation of family ties
 - 9.1.2. Working women and their impact on spousal relationship: composition of family, status and role of women.
 - 9.1.3. New property concepts, such as skill and job as new forms of property.
- 9.2. Factors affecting the family: demographic, environmental, religious and legislative.
- 9.3. Processes of social change in India: sanskritization, westernization, secularization, universalization, parochialization, modernization, industrialization and urbanization.

10. Settlement of spousal property

- 10.1. Need for development of law

11. Establishment of family Courts

- 11.1. Constitution, power and functions
- 11.2. Administration of gender justice

12 Uniform Civil Code

- 12.1 Religious pluralism and its implications.
- 12.2 Connotations of the directive contained in Article 44 of the Constitution.
- 12.3 Impediments to the formulation of the Uniform Civil Code
- 12.4 The idea of Optional Uniform Civil Code.

Recommended Readings:

Paras Diwan, Law of Intestate and Testamentary Succession (1998), Universal
Basu, N.D., Law of Succession (2000), Universal
Kusum, Marriage and Divorce Law Manual (2000) universal
Machanda S.C, Law and Practice of Divorce in India (2000) Universal
P.V. Kane, History of Dharmasastras Vol.2 pt.1 624-632 (1974)
A. Kuppaswami (ed.) Mayne's Hindu Law and Usage Ch. 4 (1986)
B.Sivaramayys, Inequalities and the Law, (1985)
K.C.Daiya, "Population control through family planning in India, "Indian Journal of Legal Studies, 85 (1979)
J.D.M. Derrett, Hindu Law: Past and Present
J.D.M. Derrett, Death of Marriage Law
A.A.A. Fyzee, Outline of Muhammadan Law, (1998)
Alladi Kuppaswami, (ed.) Mayne's Hindu Law and Usage, 1986)
J.D.M. Derrett, A Critique of Modern Hindu Law, (1970)
ParasDiwan, Hindu Law (1985)
S.T. Desai (ed.) Mulla's Principles of Hindu Law, (1998) – Butterworth's – India. Paras
Diwan, Family Law: Law of Marriage and Divorce in India, (1984)
A.M.Bhattachargee, Muslim Law and Constitution (1994) Eastern Law House, Calcutta.
A.M.Bhattachargee, Hindu Law and Constitution (1994) Eastern Law House, Calcutta.
Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal.

TRANSFER OF PROPERTY ACT AND EASEMENT ACT

- | | |
|----------------------------------------------------------------------------------------------|--------------|
| 1. Jurisprudential Controls of Property and
Law relating to Transfer of Property Act 1882 | ... 85 Marks |
| 2. Easement Act 1882 | ... 15 Marks |

Syllabus

1. Jurisprudential Concept of Property

- 1.1. Concept and meaning of property.
- 1.2. Kinds of property – movable and immovable property – tangible and intangible property – intellectual property – copyright-patents and designs- trademarks– geographical indications.

2. Law Relating to Transfer of Property Act.

- 2.1 General principles of transfer of property
- 2.2. Specific transfers
 - 2.2.1 Sales
 - 2.2.2. Mortgages
- 2.3. Charges
- 2.4. Leases
- 2.5. Exchange
- 2.6. Gifts
- 2.7. Actionable claims

3. Easement Act.

- 4.1. Nature, characteristics and extinction
- 4.2. Creation of easements
- 4.3. Riparian rights
- 4.4. Licenses

Recommended Readings:

Mulla, Transfer of Property Act, (1999) Universal, Delhi
Subbarao, Transfer of Property Act (1994), C.Subbiah Cheety, Madras
V.P. Sarathy, Transfer of Property (1995), Eastern, Lucknow.

COMPANY LAW

The Companies act, 2013

1. Meaning of Corporation

- 1.1 Theories of corporate personality.
- 1.2 Creation and extinction of corporations.

2. Forms of Corporate and Non-Corporate Organisation

- 2.1 Corporations, partnerships and other associations of persons, state corporations, Small scale, co-operative, corporate and joint sectors.
- 2.2 Kinds of Companies - Public Companies – Private Companies-nature and advantages – Government Companies Holding and Subsidiary Companies.

3. Law relating to companies- public and private-companies (Company Act 1956)

- 3.1 Need of company for development – formation of company-registration and incorporation.
- 3.2 Memorandum of association – various clauses-alteration therein-doctrine of ultra vires.
- 3.3 Articles of association – binding force – alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions.
 - 3.3.1 Prospectus – issue – contents – liability for misstatements – statement in lieu of prospectus – self prospectus.
- 3.4 Promoters – position – duties and liabilities
 - 3.4.1 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 transferee – issue of shares at premium and discount – depository receipts – dematerialized shares (DEMAT) – Buy-back shares.
 - 3.4.2 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.
 - 3.4.3 Share capital – kinds – alteration and reduction of share capital – further issue of capital – conversion of loans and debentures into capital- duties of courts to protect the interests of creditors and share holders
- 3.5 Directors – position – appointment – qualifications- vacation of office – removal – resignation – powers and duties of directors- loans – remuneration of directors- role of nominee directors – managing directors – other managerial personnel – compensation for loss of office.
 - 3.5.1. Meetings – kinds – procedure – voting
 - 3.5.2. Dividends - Meaning – payment – capitalization – profit
- 3.6 Audit and accounts
- 3.7 Borrowing powers – effect of unauthorised borrowing – charges and mortgages -loans to other companies- investments- contracts by companies

- 3.8 Debentures – meaning – fixed and floating charge-kinds of debentures-share-holder and debenture holder- remedies of debenture holders
- 3.9 Majority powers – Protection of minority rights
- 3.10 Prevention of oppression and mismanagement - who can apply ? – Powers of the company, the court and the central government
- 3.11 Investigation – powers
- 3.12 Reconstruction and amalgamation
- 3.13 Winding up – types – by court – reasons – grounds – who can apply – procedure- powers of liquidator-powers of court - liability of past members-payment of liabilities – preferential payment, unclaimed dividends – winding up of unregistered company, Defunct Company. – Consequences of winding up order – voluntary winding up by members and creditors – winding up subject to supervision of courts.

4. Law and Multinational Companies

- 4.1 International norms for control.
- 4.2 National law FEMA (Foreign Exchange Management Act, 1999) controls joint – ventures – investment in India – repatriation of project.
- 4.3 Collaboration agreements for technology transfer.

5. Corporate Liability

- 5.1 Legal liability of companies – civil and criminal
- 5.2 Remedies against companies – civil, criminal and tortious – Specific Relief Act, writs, liability under special statutes.
All Latest Amendments at the commencement of academic year must be taught.

Recommended Readings:

Avtar Singh, Indian Company Law, Eastern, Lucknow.
 L.C.B. Gower. Principles of Modern Company Law Sweet and Maxwell, London
 Palmer, Palmer's Company Law, Stevens, London.
 R.R. Pennington, Company Law, Butterworths
 A. Ramaiya, Guide to the Companies Act, Wadhwa

JURISPRUDENCE

1. Introduction

- 1.1 Meaning of the term jurisprudence
- 1.2 Norma and the normative system
 - 1.2.1. Different types of normative system such as of games, languages, religious orders, unions, clubs and customary practice.
 - 1.2.2 Legal system as a normative order similarities and differences of the legal system with order normative system.
- 1.3. Nature and definition of law

2. Schools of Jurisprudence

- 2.1 Analytical positivism
- 2.2 Natural law
- 2.3 Historical school
- 2.4 Sociological school
- 2.5 Economic interpretation of law
- 2.6 The Modern PIL, social justice, compensatory jurisprudence
- 2.7 The Bharat jurisprudence
- 2.8 The Ancient : the concept of ‘Dharma’

3. Purpose of Law

- 3.1 Justice
 - 3.1.1 Meaning and kinds
 - 3.1.2 Justice and law approaches of different schools
 - 3.1.3 Power of the Supreme Court of India to do complete justice in a case. Article 147.
 - 3.1.4 Critical studies
 - 3.1.5 Feminist jurisprudence

4. Sources of Law

- 4.1. Legislation
- 4.2 Precedents: concept of stare decisis
- 4.3 Customs
- 4.4 juristic writings

5. Legal Rights: the concept

- 5.1 Rights kinds
- 5.2 Right duty correlation

6. Persons

- 6.1 Nature of personality
- 6.2 Status of the unborn, minor, lunatic drunk and deal persons
- 6.3 Corporate personality
- 6.4 Dimensions of the modern legal personality Legal personality of non- human

7. Possession: the concept

- 7.1 kinds of possession

8. Ownership: the concept

- 8.1 kinds of ownership
- 8.2 Difference between possession and ownership

9. Title

10. Property :

the concept

Recommended

Readings:

Bodenheimer Jurisprudence – The Philosophy and Method of Law (1996), Universal Delhi. Fitzgerald (ed). Salmond on Jurisprudence (1999) Tripathi,

Bombay

W. Friedmann, Legal Theory (1999) Universal, Delhi

V.D.Mahajan Jurisprudence and Legal theory (1996 re- print) Eastern, Lucknow.

M.D.A. Freeman (ed.) Lloyd's Introduction to Jurisprudence, (1994), Sweet and Maxwell Paton G.W. Jurisprudence (1972) Oxford, ELBS

Roscoe Pond. Introduction to the Philosophy of Law

(1998 reprint) Das. Jurisprudence (1994 First Indian re-

print). Adithya Books Dhyani S.N. Jurisprudence A

study of Indian Legal Theory (1985)

CONTRACT – II

Indian Contract Act (section 124 to section 238)
Sale of Goods Act 1930

(40 Marks) Indian Partnership Act 1932
(30 Marks)

(30 Marks)

Recommended Readings:

R.K.Abichandani (ed) – Pollock and Mulla on the Indian Contract and Specific Relief Act (1999) Tripathi, Bombay

Avtar Singh – Contract Act (2000)

Eastern Lucknow Krishnan Nair Law of

Contract (1999) Orient

Avtar Singh, Principles of the Law of Sale of Goods and Hire Purchase (1998), Eastern

Lucknow. J.P.Verma (ed), Singh and Gupta. The Law of Partnership in India (1999),

Orient Law House, New Delhi.

A.G.Guest (ed) Benjamin's Sale of Goods (1992), Oxford,

London. Saharay h.k. Indian Partnership and Sale of Goods

Act (2000), Universal Ramnainga. The Sales of Goods Act

(1998), Universal.

Nilima Chandiramani – Law of Contract: - An outline, (2003), Avinash Publication, Mumbai.

Nilima Chandiramani – Law of Sale of Goods and Partnership, (2000) Shroff Publication and Distributors, Mumbai.

LAND LAWS

(Central Legislation on Land Laws will be allocated 20 Marks, whereas State Legislation allocated 80 marks.).

- (i) **Central Legislation**, inter alia to include:
- (ii) The Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation, and resettlement Act, 2013
- (iii) Indian Registration Act, 1908
- (iv) Environment Protection Act, 1986.

1. State Legislation, inter alia to include:

- (i) Maharashtra Land Revenue Code 1966.
- (ii) Bombay Tenancy & Agricultural Lands Act, 1948
- (iii) Maharashtra Regional Down Planning Act, 1969.s
- (iv) Maharashtra Housing Area Development Authority Act, 1976.
- (v) Development Control Regulations, 1991 for Mumbai.
- (vi) Maharashtra Agricultural Land Ceiling Act, 1961.
- (vii) Bombay Stamp Act.

Indian Registration Act.

- | | | |
|-----------------------------------------------------------------|---|-------|
| (i) Compulsory Regn. Of Documents | - | S/17 |
| (ii) Optional Regn. Of Documents | - | S/18 |
| (iii) Time for Regn. Of Documents | - | S/23 |
| (iv) Delay in Regn. Of Documents | - | S/25 |
| (v) Time from which Regd. Document operates | - | S/47 |
| (vi) Effect of Non-Regn. Of documents required to be registered | - | S/49. |

Environment Protection Act, 1986

- (i) S/3 – and concept of CRZ – Coastal Regulation Zone.

Maharashtra Land Revenue Code, 1966.

- (i) Use of Land – S/41 to 54A,
(ii) Record of Rights S/147 to 167.
(iii) Appeals, Revision & Review – S/246 – 259,
(iv) Special Provisions for Land Revenue in the City of Bombay – S/260 to 307.

Bombay Tenancy & Agricultural Lands Act, 1948

- (i) Definitions
(ii) Restriction on Transfer of Agricultural Lands – S/63 to 66.

Maharashtra Regional & Town Planning Act, 1909.

- (i) Definitions
(ii) Control of Development - S/43 to 51
(iii) Unauthorised Development - S/52 to 58
(iv) Land Acquisition - S/125 to 129

Maharashtra Housing & Area Development Act, 1976.

Definitions
Repairs & Reconstruction of Dilapidated buildings –
S/74 to 103. Acquisition of Cessed Properties –
Chapter VIII A

Development Control Regulations, 1991 (Mumbai)

- (ii) Concept F.S.I. (Floor Space Index)
(iii) Concept of T.D.R. (Transfer of Development Rights)

Recommended Readings:

- i) Registration Act - Sanjeev Row
ii) Environment Protection Act - M.C. Mehta (Editor)
iii) MLR Code - Gupte & Tighe
iv) B.I.A. Lands Act - Gupte
v) MRTP Act - Gupte & Dighe
vi) MHADA - Bare Act
x) DC Regulations - Shruti A. Desai

Optional Papers

1 Criminology and Correctional Administration

1. Dimensions of Crime in India

- 1.1 Nature and orient of crime in India
1.2 General approaches to crime control
1.3. Crimes of the powerful
1.3.1. Organised of the smuggling traffic in narcotics
1.3.2. White collar crime : corruption in public life
1.3.3. Socio-Economic crime adulteration of foods and drugs: fraudulent trade practice
1.3.4. Crimes in the profession – medical, legal, engineering.
1.3.5. Commonality by agencies of the state
1.4. Perpetrators of ordinary crime
1.4.1. The situations criminal
1.4.2. The chronic offender
1.4.3. Criminality of women
1.4.4. Young offenders
1.4.5. Criminal gangs
1.4.6. Cyber Crimes

2. Causes of Criminal Behavior

- 2.1 Nature of the problem : some unscientific theories
- 2.2 The constitutional School of Criminology-Lombroso and others (heredity and mental retardation as causes of crime)
- 2.3 Sociological theories Anomies
- 2.4 Modern sociological theories – Sutherland’s differential association theory. Reckless social vulnerable theory
- 2.5 Economic theories and their relevance
- 2.6 Environment home and community influences, urban and rural crimes.
- 2.7 The ghetto, broken homes, the effect of motion picture T.V. and video, press narcotics and alcohol.
- 2.8 Caste and community tensions caste wars and communal riots – their causes demoralising effects, atrocities against scheduled cadres.
- 2.9 Emotional disturbance and other psychological factors
- 2.10 Multiple causation approach to crime

3. Police and the Criminal Justice

- 3.1 The police system
- 3.2 Structural organization of police at the centre and the states
- 3.3 Mode of recruitment and training
- 3.4 Powers and duties of police under the police Acts, Criminal Procedure Code and other laws.
- 3.5 Arrest, search and seizure and constitutional imperatives
- 3.6 Methods of police investigation
- 3.7 Third degree methods
- 3.8 Corruption in police
- 3.9 Relationship between police and prosecution
- 3.10 Liability of police for custodial violence
- 3.11 Police public relations
- 3.12 Select aspects of National Police Commission report

4. Punishment of Offenders

- 4.1. Some discarded modes of punishment
 - 4.1.1. Corporal punishment: whipping and flogging: mutilation and branding
 - 4.1.2 Transportation
 - 4.1.3 Public execution
- 4.2 Punishments under the Indian criminal law
 - 4.2.1. Capital Punishment
 - 4.2.2. Imprisonment
 - 4.2.3. Fine
 - 4.2.4 Cancellation or withdrawal of licences
- 4.3 The prison system
 - 4.3.1 Administrative organization of prisons
 - 4.3.2 Mode of recruitment and training
 - 4.3.3 The Jail Manual
 - 4.3.4. Powers of prison officials
- 4.3.5 Prisoners classification – male, female : juvenile and adult : undertrial and convicted prisoners
- 4.3.6 Constitutional imperatives and prison reforms
- 4.3.7 Prison management: prisoner’s right and security compulsions.
- 4.3.8 Open prisons
- 4.3.9 Prison labour
- 4.3.10 Violation of prison code and its consequences.
- 4.4. Appraisal of imprisonment as a mode of punishment

5. Victimology

- 5.1 Demographic characteristics of the victims
- 5.2 Compensation to the victims
- 5.3 Rehabilitation

6. Treatment or Correction of Offenders

- 6.1 The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment.
- 6.2 Classification of offenders through modern diagnostic techniques

- 6.3 The role of psychoanalysts and social workers in the prison
- 6.4 Vocational and religious education and apprenticeship programmes for the offenders.
- 6.5 Group counseling and re-socialisation programmes
- 6.6 Prisoners organizations for self-government.
- 6.7 Participation of inmates in community services
- 6.8 An appraisal of reformatory techniques
- 6.9 Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

7. Re-socialisation processes

- 7.1 Parole
 - 7.1.1 Nature of parole
 - 7.1.2. Authority for granting parole
 - 7.1.3. Supervision of parolees
 - 7.1.4. Parole and conditional release
- 7.2 Release of the offender
 - 7.2.1 Problems of the released offender
 - 7.2.2 Attitudes of the community towards released offender
 - 7.2.3. Prisoner and societies and other voluntary organizations
 - 7.2.4 Governmental action
 - 7.2.5 An appraisal

Recommended Readings:

Katherine S. Williams. Text Book on Criminology (1997),
 Blackstone, London Loveland, The Frontiers of Criminality (1995)
 Sweet and Maxwell
 Matrin Wasik, Emmins on Sentencing (1980), Blackstone,
 London Hall, J. Law, Social Science and Criminal Theory
 (1982) Manheim, H. Comparative Criminology: A Text
 Book (1965) Ross, H. (Lawrence Ed.) Law and Deviance
 (1981)
 Sutherland, E. and Cressy, Principles of Criminology
 (1978) Walker, N. Crime and Criminology: A Critical
 Introduction (1987)
 S. Rao, Crime in Our Society (1983)
 J.M.Sethna, Society and the Criminal (1980)
 A.Siddique, Criminology: Problems and Perspectives (1997)
 E.Sutherland, White Collar Crime (1949)
 S.Kaldate, Society, Delinquent and Juvenile Courts (1982)
 W.C. Reckless, The Prevention of Juvenile Delinquency (1972)
 D.C. Pandey, Habitual Offenders and the Law (1983)
 D. Abrahansen, David: Crime and the Human Mind (1979)
 Conrad John P. Crime and its Correction: An international survey of Attitudes and Practices.
 Krishna Iyer Report on Female Prisoners (1986)
 Suen Titus Raid : Criminology
 Mulla Committee Report (1983)
 P. Rajgopal, Violence and Response: A Critique of Indian Criminal Justice System (1988)

2. TAXATION LAW

Taxation Law

- | | |
|----------------------------|----------|
| (i) Income Tax Act 1961 | 55 marks |
| (ii) Wealth Tax Act. 1957 | 15 marks |
| (iii) MVAT Act | 15 marks |
| (iv) Central Sales Tax Act | 15 marks |

Recommended Readings:

Income Tax – Kanga and Palkhivala – Volume I
 Chaturvedi and Pithisaria – Volumes I – VII
 Wealth Tax – Chaturvedi and Pithisaria – Volume VIII

3. BANKRUPTCY LAWS

1. Introductory

- 1.1. The concept : inability to pay debt
- 1.2. Comparative perspectives
 - 1.2.1. England : Insolvency Act, Bankruptcy Act
 - 1.2.2. United States of America
- 1.3. India : concurrent jurisdiction the central and state legislation.

2 Insolvency jurisdiction

- 2.1 Courts
- 2.2 Powers of court

3 Acts of Insolvency

- 3.1 Transfer of property to a third person for benefit of creditors generally
- 3.2 Transfer with intent to defeat creditors
- 3.3 Fraudulent preferences in transfer of property
- 3.4 Absconding with intent to defeat the creditors
- 3.5 Sale of property in execution of decree of court
- 3.6 Adjudication of insolvent
- 3.7 Notice to creditors about suspension of payment of debt.
- 3.8 Imprisonment in execution of a decree of a court
- 3.9 Notice by creditor.

4 Insolvency petition

- 4.1 By creditor
- 4.2 By debtor
- 4.3 Contents of the petition
- 4.4 Admission
- 4.5 Procedure

5 Appointment of interim receiver

6 Interim proceedings against the debtor

7 Duties of Debtors

8 Release of debtor

9 Procedure at hearing

10 Dismissal of petition filed by a creditor

11 Order of adjudication

- 11.1 Effect
- 11.2 Publication of order

12 Proceedings, consequent on order of adjudication

- 12.1 Protection order from arrest or detention
- 12.2 Power to arrest after adjudication per attempt abscond
- 12.3 Schedule of creditors
- 12.4 Burden of creditors to prove the debt.

13. Annulment of adjudication

- 13.1. Power annul
- 13.2. Effect
- 13.3. Failure to apply for discharge

14. Post adjudicatory scheme for satisfaction of the debt

15. Discharge of debtor

16. Effect of insolvency on antecedent transaction

- 16.1. On rights of creditor under execution
- 16.2. Duties of court executing decree on the property taken in execution
- 16.3. Avoidance of voluntary transfer
- 16.4. Avoidance of preference

17. Realization of property

- 17.1. Appointment of receiver
 - 17.1.1. Duties and powers
 - 17.1.2. Appeal against receiver

18. Distribution of property

- 18.1. Priority of debts
- 18.2. Dividends

19. Offences by debtors

20. Disqualification of insolvent

21. Appeal

22. Indigent persons

22.1 Suit by indigent persons

23. Chapter XI (Bankruptcy Law of USA)

Recommended Readings:

The Provincial Insolvency Act 1920.

Insolvency Acts of various States

Halsbury's Laws of England, Vol. 3(2) on Bankruptcy and Insolvency (1989)

Henry R. Cheesman, Business Laws Ch. 28(1998), Prentice Hall, New Jersey

C.K.Thakker, Code of Civil Procedure (2000) Eastern, Lucknow

Aryar S.K. Law of Bankruptcy (1998), Universal, Delhi.

5. PRACTICAL TRAINING – II

- i) Public Interest Litigation
- ii) Legal Services Authorities Act 1987
- iii) Legal Aid Services
- iv) Para Legal Training and Legal Literacy
- v) Visit to Law Journal Office and Solicitor's firm
- vi) Case Comment

This course carrying 100 marks will have to be designed and evaluated according to local conditions by the Colleges in consultation with the Universities and State Bar Councils. It can be taught partly through class room instructions including simulation exercises and partly through extension programmes like Lok Adalat, Legal Aid Camp, Legal Literacy and Para Legal Training. The course should also contain lessons on Negotiations and Counselling, use of computer in legal work, legal research in support of Public Interest Litigation, writing of case comments, editing of Law Journals and Law office management. The marks may be appropriately divided to the different programmes that each University might evolve for introduction in the colleges under its control.

Fifth Year B.L.S.,LL.B (Sem. IX)

CIVIL PROCEDURE CODE AND LIMITATION ACT

Civil Procedure Code	(85 Marks)
Indian Limitation Act	(15 Marks)

Recommended Readings:

Mulla,..... Code of Civil Procedure.
C.K. Thacker,..... Code of Civil Procedure
M.R. Malick (ed) B.B. Mitra of Limitation Act 1998
Majumdar P.K. and Kataria R.P. (Commentary on C.P.C)
Shah A.N. C.P.C. (2000)
Sarkar's Law of Civil procedure (2000)

CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT

Criminal Procedure Code 1973	(70 Marks)
Juvenile Justice (care and protection of children)Act 2000	(15 Marks)
Probation of Offenders Act 1958	(15 Marks)

Recommended Readings:

Ratanlal DhirajlalCriminal Procedure Code
Chandrashekhar Pillai Kelkar lectures on Criminal procedure
Woodrofee- Commentaries on Code of Criminal procedures

INTERPRETATION OF STATUTES

- I.** 1) Meaning of the term Statute.
2) Commencement, operation and repeal of statutes.
3) Purpose of interpretation of statutes.

II. Aids to interpretation (Internal Aids).

- 1) Title
- 2) Preamble
- 3) Headings and marginal notes.
- 4) Sections and sub sections.
- 5) Punctuation marks.
- 6) Illustrations, exceptions, provisos and saving clauses.
- 7) Schedules.
- 8) Non obstante Clause.

External Aids :

- 1) Dictionaries
- 2) Translations
- 3) Travaux Preparatoires
- 4) Statutes in pari materia
- 5) Contemporanea exposito
- 6) Debates, inquiry commission reports and law commission reports.

III. Rules of Statutory Interpretation:

- 1) Primary rules.
- 2) Literal rule
- 3) Golden rule.
- 4) Mischief rule.
- 5) Rule of harmonious construction.
- 6) Secondary rule.
- 7) Noscitur a Sociis.
- 8) Ejusdem Generis
- 9) Reddendo Singula Singulis

IV. Presumptions in Statutory interpretation:

Statutes are valid.

Statutes are territorial in operation.

Presumption as to jurisdiction.

Presumption as to what is inconvenient or absurd

Presumption against intending injustice

Presumption against impairing obligation

of permitting advantage from one's own wrong.

Prospective operation of statutes.

V. Maxims of statutory interpretation

Delegatus non-potest delegare.

Expressio Unius, Est Exclusio Alterius.

In pari delicto potior est conditio possidentis.

Uterque valet potior quam pareat

Expressum facit cessare tacitum.

Generalia Specialibus Non Derogant .

In bonam partem.

VI. Interpretation with reference to the subject matter and the purpose.

- 1) Restrictive and beneficial construction.
- 2) Taxing structures.
- 3) Penal statutes.
- 4) Welfare legislation.
- 5) Interpretation of directory and mandatory provisions
- 6) Interpretation of substantive and adjunctive statutes.
- 7) Interpretation of enabling statutes.
- 8) Interpretation of statutes conferring rights
- 9) Interpretation of statutes conferring powers.

VII. Principles of constitutional interpretation:

- 1) Harmonious construction.
- 2) Doctrine of pith and substance.
- 3) Colourable legislation.
- 4) Ancillary Powers.
- 5) Occupied field.
- 6) Residuary power.
- 7) Doctrine of prospective overruling.
- 8) Doctrine of repugnancy.
- 9) Doctrine of eclipse.

VIII. General clauses Act:

Recommended Readings:

G.P.Singh.....Principles of Statutory interpretation

Maxwell on Interpretation of Statutes.

K.Shanmukham, N.S. Bindra's Interpretation of Statutes.

V. Sarthy, Interpretation of Statutes.

M.P.Jain, Constitutional law of India.

V.N. Shukla's Constitution of India.

Avatar Singh Interpretation of Statutes.

PUBLIC INTERNATIONAL LAW AND HUMAN RIGHTS

This paper is divided into three sections.

1. Human Rights.....30 marks
2. Public International Law..... 30 marks
3. Human Rights in International Law.....40 marks.

Human Rights:

National view on the basis of the Indian constitution and judicial expositions.

Human Rights and Child Abuse

Human Rights and Women

Human Rights and Workers
Human Rights and Accused, Convicts and Prisoners.
Human Rights and Environment

Public International Law:

- 1) Introduction
- 2) Custom
- 3) Treaties
- 4) State territories
- 5) Recognition of states and government.
- 6) Law and practice of treaties.
- 7) The law of Sea.

Human Rights in International Law:

Theoretical Foundation, human rights and International law.

Basic principles

Sovereign equality of states, non intervention, non use of force,
Peaceful settlement of dispute
Individuals as subjects of international law.
Treatment of aliens.

Historical development of human rights

Human rights in Indian tradition and Western tradition
U.N. and human rights.
Covenant on Political and Civil Rights (1948)
Covenant on Economic, Social, and Cultural Rights.
ILO and other conventions and protocols dealing with human rights.
International H R Commission.
Mandates to States
Right to development.

Role of regional organizations:

- European convention on human rights
- American convention of human rights.

Protection agencies and mechanism:

- 1) International commission of human rights.
- 2) Amnesty international
- 3) NGO s in India
- 4) European commission of human rights,
- 5) U.N. declaration of human rights
- 6) International labour organization.
- 7) UNESCO.
- 8) UNISEF.

Impact and implementation of international human rights norms in India.

Human rights norms reflected in fundamental rights in the constitution.
Directive principles, Legislative and administrative implementation of
International human rights.
Implementation of human rights norms through judicial process.

Enforcement of human rights:

Role of courts; the Supreme Court, the high court and the other courts. Statutory
Commission- Human rights, Women's, Minority and Backward Class.

Recommended Readings:

S.K. Avasthi and R.P. Kothari ...Law relating to human rights
S.K.Verma Public International Law
Peter J Van Krieken – The Exclusion of clauses.Human Rights and Global Diversity
Nirmal C.J.- Human Rights in India
Nirmal B.C. – The right to self –determination in International law
P.R. Gandhi – International human rights documents

Fifth Year B.L.S., LL.B. (Sem. X)

ALTERNATE DISPUTE RESOLUTION SYSTEM

Arbitration: meaning, scope and types

- Distinctions
- 1940 law and 1996 law: UNICITRAL model law
- Arbitration and Conciliation
- Arbitration and expert determination
- Extent of judicial intervention
- International commercial arbitration Arbitration

agreement

- Essentials
- Kinds
- Who can enter into arbitration agreement
- Validity
- Reference to arbitration
- Interim measures by court Arbitration

Tribunal

- Appointment
- Challenge
- Jurisdiction of arbitral tribunal
- Powers
- Grounds of challenge
- Procedure
- Court assistance

Award

- Rules of guidance
- Form and content
- Correction and interpretation
- Grounds of setting aside an award
- Can misconduct be a ground?
- Incapacity of a party, invalidity of arbitration agreement
- Want of proper notice and hearing
- Beyond the scope of reference
- Contravention of composition and procedure
- Breach of confidentiality
- Impartiality of the arbitrator
- Bar of limitation, res judicata
- Consent of parties
- Enforcement Appeal and

revision

Enforcement of foreign awards

- New York convention awards
- Geneva Convention awards

Conciliation

- Distinction between 'Conciliation', 'Negotiation', 'mediation' and 'arbitration'
- Appointment
- Statements to conciliator
- Interaction between conciliator and parties
- Communication
- Duty of parties to cooperate
- Suggestions by parties
- Confidentiality
- Resort to judicial proceedings
- Costs

Rule-making power

- High Court
- Central Government
- Legal Service Authorities Act; Scope Lok

Recommended Readings:

B.P.Saraf and Jhunjhunwala – Law of Arbitration and Conciliation
G.K. Kwatra – The Arbitration and Conciliation, Law of India Johari –
Commentary on Arbitration and Conciliation Act 1996 Markanda P.C. –
Law relating to arbitration and conciliation
G. K. Kwatra – Arbitration and Alternate Dispute Resolution
ITC/UNCTAD/WTO/ ICA, New Delhi, 2004.
Reports and Journals of Indian Council of Arbitration, New Delhi.

LAW OF EVIDENCE

Indian Evidence Act 1872

Recommended Readings:

Sarkar and Manohar _ Sarkar on Evidence Ratanlal,
Dhirajlal – Law of Evidence
Avtar Singh – Principles of the Law of Evidence

Optional papers

1) BANKING LAWS AND NEGOTIABLE INSTRUMENTS ACT

Reserve Bank of India Act 1934)
Banking Regulation Act 1944) (50 Marks) Bankers'
Book of Evidence Act 1891)

- Recovery of Debts Due to Banks and Financial Institutions Act, 1993
- Establishment of debt recovery tribunals – constitution and functioning
- Role of SEBI in Controlling Financial Institutions

Negotiable Instruments Act 1881 (50 Marks)

Recommended Readings:

Parthasarathy M.S. (Ed.) – Kherganvala on the Negotiable Instrument Act Tannen
M.L. – Tannen’s Banking Law and Practice in India
Mukerjee T.K. – Banking Law and Practice
Avtar Singh – Negotiable Instrument Act
Dr. Nilima Chandiramani – Law of Negotiable Instrument: Basic Concepts

2) LAW OF INSURANCE

Introduction

- Definition, nature and history of insurance
- Concept of Insurance and law of contract and law of torts; future of insurance in globalized economy
- History and development of insurance in India
- Insurance Regulatory Authority – role and functions

General principles of law of insurance

- Contract of insurance – classification of contract of insurance, nature of various insurance contracts, parties thereto
- Principle of good faith-non-disclosure-misrepresentation in insurance contract
- Insurable interest
- The risk
- The policy – classification of policies-its form and contents, its commencement, duration, cancellation, alteration, rectification, renewal, assignment, construction

- Conditions of the policy
- Alteration of the risk
- Assignment of the subject matter

Life Insurance

- Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance contract
- Event insured against life insurance contract
- Circumstances affecting the risk
- Amounts recoverable under life policy
- Persons entitled to payment
- Settlement of claim and payment of money

Marine Insurance

- Nature and scope
- Classification of marine policies
- The Marine Insurance Act 1963
- Insurable interest, insurable value
- Marine insurance policy – conditions – express warranties construction of terms of policy
- Voyage – deviation
- Perils of the sea
- Partial loss of ship and of freight, salvage general average, particular charges
- Measure of indemnity, total valuation, liability to third parties

Fire insurance

Insurance against Third Party Risks

- The Motor Vehicles Act, 1988 (Chapter VIII)
- Nature and scope, persons governed, definitions of ‘use’, ‘drives’, ‘motor vehicle’, requirements of policy, statutory contract between insurer and drive rights of third parties, limitations of third party’s rights, duty to inform third party
- Claims tribunal, constitution, functions, application for compensation – who can apply? – Procedure and powers of claims tribunal-its award

Social Insurance in India

- Important elements in social insurance, its need
- Commercial insurance and social insurance
- Sickness insurance, Adarkar scheme, Stack and Rao scheme for wage earners and others, risks covered, maturity and other benefits
- Old age, premature death and invalidity insurance or pension insurance, public provident fund, Jeevandhara policy
- Unemployment insurance
- Social insurance for people like seamen, circus workers and agricultural workers

Public Liability Insurance

- The scheme
- Authorities

The emerging legislative trends

Recommended Readings:

Sreenivasan M.N, - Principles of Insurance Law
Singh Bridge Anand – New Insurance Law

3) **INTELLECTUAL PROPERTY LAW**

4)

Introductory

- The meaning of Intellectual property
- Competing rationales of the legal regimes for the protection of intellectual property
- The main forms of intellectual property: copyright, trademarks, patents, designs
- The competing rationales for protection of rights
 - in: Copyright
 - Trademarks
 - Patents
 - Designs
 - Trade secrets
 - Other new forms such as plant varieties and geographical indications
- Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Rome Convention Universal Copyright Convention, TRIPs Paris Convention
- International Organization relating to IPRS – WIPO, WTO

Select aspects of the law of Copyright in India

- Historical evolution of the Copyright Act 1957
- Meaning of Copyright
- Copyright in literary, dramatic and musical works
- Copyright in sound records and cinematographic films
- Copyright in computer programmes
- Ownership of copyright
- Assignment of copyright
- Author's special rights
- Notion of infringement
- Criteria of infringement
- Infringement of copyright by films of literary and dramatic works
- Importation and infringement
- Fair use provisions
- Piracy in internet
- Aspects of copyright justice
- Remedies, especially, the possibility of Anton pillar injunctive relief in India

Intellectual Property in Trade Marks

- The rationale of protection of Trade marks as (a) an aspect of commercial and (b) of consumer rights
- Definition and concept of Trade marks
- Registration
- Distinction between Trade mark and property mark
- The doctrine of honest Current User
- The doctrine of deceptive similarity
- Protection of well-known marks
- Passing off and infringement
- Criteria of infringement
- Standards of proof in passing off action
- Remedies

Patents

- Patent Act 1970
- Concept of Patent
- Historical view of patents law in India
- Patentable inventions with special reference to biotechnology products entailing creation of new forms of life
- Patent protection for computer programmes
- Process of obtaining a patent: application, examination, opposition and sealing of patents: general introduction
- Procedure for filing patents: Patent Co-operation Treaty
- Some grounds for Opposition
- The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters
- Wrongfully obtaining the invention
- Prior publication or anticipation
- Obviousness and the lack of inventive step
- Insufficient description
- Rights and obligations of a patentee
- Patents as chose in action

- Duration of patents ; law and policy considerations
- Use and exercise rights
- Right to secrecy
- The notion of 'abuse' of patent rights
- Compulsory license
- Remedies
- Infringement
- Criteria of infringement
- onus of proof
- Modes of Infringement; the Doctrine of Colourable Variation
- Defenses in suits of Infringement
- Injunctions and related remedies

Recommended Readings:

Cornish W.R. – Intellectual Property Patents, Trade Marks, Copyrights and Allied Rights
 P. Narayanan – Intellectual Property
 Law Wadhwa – Intellectual Property
 Law

4) CONFLICT OF LAWS

Introductory

- What and why of conflict of laws: its function, bases like comity, convenience and justice
- Difference between Public and Private International law
- Development and history- England and India – a comparative sketch with reference to USA and other countries
- Modern theories:
 Statutory, territorial, international, local law and justice
- State in a Private International law case
- Choice of Jurisdiction
- Choice of law (lex causae)
- Recognition and enforcement of foreign judgments / awards

Choice of Jurisdiction (First stage)

- Meaning, bases of jurisdiction, limitations like effectiveness principles – Relevant C.P.C. provisions regarding jurisdiction – Ss 15-20, 83, 84, and 86
- Kinds of jurisdiction
- Actions in personam –contract and tort
- Actions in rem – such as matrimonial causes and probate
- Admiralty action – S VI the Admiralty Courts Act
- Actions under assumed discretionary jurisdiction (inherent jurisdiction) (Indian Context: Ss. 10 and 151 of C.P.C.

Choice of Law-Lex Causae (Second Stage)

- Classification / characterization / categorization – allocation of juridical category to the foreign element case
- Necessity for classification – different legal concepts with different content – matters like domicile, talaq and dower in different legal systems
- Various theories – leading cases
- Connecting factor – what is connection factor : lex fori to determine Selection of lex causae through connecting factor
- Application of lex causae – three meanings of Lex Causae – Renvoi: partial and total (Foreign court theory) – critical analysis of Renvoi – Indian position

Limitations on application or exclusion of foreign law

- When foreign law is excluded: grounds – Public Policy, Revenue Laws and Penal Law Concept of Domicile
- General principles / fundamental Principles
- Elements – intention and residence

- Kinds
- Domicile of Origin
- Domicile of Choice
- Domicile of dependence: married women's position in English and Indian laws
- Domicile of corporation

Status

- What is Status?
- Incidents
- What law governs status
- Universality of status

Marriage

- Marriage as a contract and also status how different from other contracts (social personal contract)
- Kinds of Marriage
- How in India, marriage as a concept moved from partially polygamous towards monogamous type and total sacrament to secularization to some extent
- Questions of format and essential validity
- Formal validity by lex loci celebrations
- Essential / material / intrinsic validity
- Capacity to marriage
- Consent
- Not within prohibited degrees
- Not previously married
- Physical incapacity
- Of proper age
- Essential validity usually governed by lex domicili
- English cases
- Indian position clarified in

cases Matrimonial Causes

- Concept of matrimonial cause (Relief) – English and Indian positions
- Available Reliefs
- Divorce, Nullity, judicial separation
- Restitution of Conjugal Rights (in English law)
- Restitution of Conjugal Rights has no place now
- Choice of Jurisdiction and Choice of Law to be examined

Legitimacy and Legitimation

- What is legitimacy
- What law governs legitimacy
- Validity of marriage
- Legitimation
- What it is
- How affected
- Legitimation and Succession

Adoption

- Purpose of adoption
- Common law
- Indian law
- Hindu law
- Recognition of foreign adoption

Custody and Guardianship

- Purpose
- Adoption and succession

Contracts

- Contract – a leading relationship in private international law system
- Validity of contracts
- Capacity to contract – Main four theories Lex Loci, Lex Domicilii, Lex situs and proper law
- Formal validity – lex loci contractus governs
- Essential validity – proper law is usually accepted as governing
- Discharge of contract – Lex loci solutions governing
- Doctrine of “proper law” of contract subjective and objective Theories

Torts

- Traditional theories
- Ideas of tort of recent importance in private International Law such as drugs, environments, transport and satellite communication

Recognition and Enforcement of Foreign Judgments

- Need recognizing foreign judgments
- Limitations in recognising and enforcement
- Section 13,14 and 444 of C.P.C. and S. 41 of the Indian Evidence Act

Recommended Readings:

Paras Diwan – Private International Law

Cheshire – Private International Law

Dicey A.V. – Conflict of Laws

5) LAW RELATING TO WOMEN & CHILDREN

International concerns and conventions

- specify conventions

Women in India

- Pre-Independence period
- Social and legal inequality
- Social Reform Movement in India
- Karachi Congress – Fundamental Rights Resolution, Equality of Sexes

Women in post-Independence India

- Preamble of the Constitution: equality provisions in Fundamental Rights and Directive Principles of State Policy
- Personal laws – unequal position of women
- Uniform Civil Code towards gender justice

Sex Inequality in Inheritance Rights

- Feudal institution of joint family – women’s inheritance position
- Hindu Law
- Muslim Law
- Matrimonial property
- Movement towards Uniform Civil Code

Guardianship

- Right of women to adopt a child
- Problems of women guardianing

Divorce

- Indian Divorce Act
- Christian Law
- Muslim Law
-

Criminal Law

- Adultery
- Rape

Social Legislation

- Laws relating to Dowry, A moral traffic, Female Foeticide, Sati, A moral representation etc.

Women and Employment

- Labour force
- Protective Laws
- Exploitation and harassment in workplaces

Protection and enforcement agencies

- Courts
- Family Courts
- Commission for women

- NGOs

Social Constitutional and International Legal Status of Child

- Magnitude of the problem
- Special status of child – national policies
- Constitutional concern – Article 15(3), Article 24 and Article 45
- International concern and Endeavour for the welfare of the children
- Minimum Age conventions
- Child rights conventions
- U.N. Declaration of the rights of the child, 1924, 1959

Problems of conception, birth and nourishment and health of the child

- Legal status of child in work
- Tortious liability against injuries to unborn children
- Coparcenary and property rights of the unborn children
- Law relating to maternity benefit and relief
- Lack of legal protection of children of impoverished parentage

State responsibility for the education of children

- Evaluation of the efforts of the State towards the provision of education to children
- Pre-primary and nursery education – elementary education
- Contributions by International Organizations for elementary education – UNESCO, UNICEF

Legal Control of Child Labour

- Regulation of the employment ; protection of the health and well-being
- International conventions and recommendations of the ILO
- Recommendations of the National Commission of Labour
- Legislation relating to factories, plantation labour, mines, merchant shipping, motor-transport workers, apprentices, shop & establishments and child labour

Family Relations and Child

- The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody
- Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian Evidence Act 1872

Child and Contractual Liability

- Minors Agreements
- Testimony of children
- Suits by and against minors

Child and Criminal Liability

- Crimes committed by child; crimes committed by others in relation to children
- Implementation of social policy through criminal sanctions in relation to child
- Variation of procedure in case of child offender
- Judicial proceedings in criminal cases relating to children
- Statutory provisions – Sections 82, 83, 299 Exp. 3, 363A, 372 and 376 of IPC – Suppression of Immoral Traffic Act 1956 (SITA) – penal provisions contained in Child Marriage Restraint Act 1929 as amended in 1978 – Young Persons Harmful Publications Act 1956 – The Children Act 1960 – Section 27 of the Cr.P.C. – Reformatory Schools Act 1897 – Juvenile Delinquency Act

Law and Offences against Child

- Protection of neglected children
- Institutions for the protection of neglected children
- Juvenile Justice Act 2000
- Juvenile delinquency; law and offences against child
- Contribution by parents; licensing
- Protection of girls from immoral traffic
- Prevention of vagrancy and beggary

Discrimination Against Female Children

- Amniocentesis
- Deferred infanticide through based nutritional discrimination
- Termination of pregnancy

Recommended Readings:

Flavia Agnes – Law and Gender inequality
S.N.Jain (Ed) – Child and the Law (ILI)
Ajit Ray – Widows are not for burning
A.S.Altekar – Position of Women in Hindu Civilization
Flavee Agnes – State, Gender and Rhetorics of Law of Reforms
Towards Equality, Report of Committee on the status of women
Ratan Kapur and Bredra Crossman, Women, Equality, and the Constitution
Engendering Law, Lectures in Honor of Lotika Sarkar
Shobha Saxena, Crimes Against Women and Protective Laws.
Asha Bajpai – Child Rights in India : Law, Policy and Practice.Oxford 2003 New Delhi.
Encyclopedia of Laws of the Child in India. S.P.Shaw. Alia Law Agency.

6) LAW AND MEDICINE

- Right to Health under the Constitution of India
- The varieties of Medical Professions in India
- Self-Regulation through Codes of Conduct
- The Doctrine of “Informed Consent”
- Experimentation on Foetuses and Children
- Experimentation on People in Custody, including Psychiatric Custody
- The Doctors – Patient Relationship
- Confidentiality and Privilege
- Patient’s right of full disclosure of course of therapy including side effects of drugs
- Medical Malpractice
- Medical Profession and the Consumer Protection Act.
- Law Relating to Medico-Legal Cases, with special reference to:
 - Road Accidents
 - Sexual Assaults and
 - Mass Disaster (e.g. Bhopal)
 - Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 (section 1 to 6 only)
 - The Transplantation of Human Organs Act, 1994 (Section 1 to 12 only)
 - The Prenatal Diagnostic Techniques (Regulations and Prevention of Misuse) Act, 1954 (Section 1 to 6 only)

Recommended Readings:

R.K.Bag: Law of Medical Negligence and Compensation.

PRACTICAL TRAINING - III

Drafting, Pleading and Conveyancing

This course will be taught through class instructions and simulation exercises, preferably with assistance of practicing lawyers/retired judges. Apart from teaching the relevant provisions of law, the course will include 15 exercises in Drafting carrying a total of 45 marks and 15 exercises in conveyancing carrying another 45 marks. (3 marks for each exercise).

NOTE:

a) Drafting:

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

b) Pleading:

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

2. Criminal: i) Complaints, ii) Criminal Miscellaneous Petition, iii) Bail Application and iv) Memorandum of Appeal and Revision.

c) Conveyancing

(i) Sale Deed (ii) Mortgage Deeds (iii) Lease Deed
(iv) Gift Deed (v) Promissory Note (vi) Power of Attorney

(vii) Will

PRACTICAL TRAINING - IV

MOOT COURT, PRE TRIAL PREPARATION AND PARTICIPATION IN TRIAL PROCEDURES

This paper will have three components of 30 marks each and a viva of 10 marks.

- a) Moot Court **(30 marks)**
Every student will do at least three moot court in a year with 10 marks for each. The moot court work will be on assigned problems and it will be evaluated for 5 marks for written submission and 5 marks for oral advocacy.

- b) Observance of Trial in two cases, one civil and one criminal **(30 marks)**
Students will attend two trials. They will maintain a record and enter in various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

- c) Interviewing techniques and Pre trial preparations **(30 marks)**
Each student will observe two interviewing sessions of clients at the Lawyers office/Legal Aid office and record the Proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the advocate and procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

- d) The fourth component of this paper will be viva voce examination on all the above three aspects. This will carry 10 marks.