

**ANDHRA KESARI UNIVERSITY:ONGOLE**  
Andhra Pradesh  
(A State University, Recognition by UGC)

**REGULATIONS AND SYLLABUS RELATING TO  
BACHELOR DEGREE OF LAW (LL.B)**  
**3yrs LL.B and 5yrs B.A, LL.B courses, Semester pattern**  
*(Effective from the Academic Year 2023-2024)*

# REGULATIONS AND SYLLABUS RELATING TO

## BACHELOR OF LAW (LL.B)

### BACHELOR DEGREE OF LAW COURSES

#### SEMESTER PATTERN

*(Effective from the Academic Year 2023-2024)*

#### **Program Objectives:**

A Bachelor Degree of Law (LL.B) is a graduation course designed to enhance academic legal knowledge, allowing student to focus on legal areas. With the Law degree, one can go for legal practice, legal officer, legal manager or other judicial posts of one's own choice and to customize their studies to suit their preferred areas of practice interest. The bachelor degree is running under Semester system following Choice Based Credit System. The syllabus is designed strictly on the legal education guidelines of Bar Council of India, New Delhi.

**Admission Procedure:** Candidates admitted into 3 years LL.B Course should have;

- i. Passed the Bachelor Degree examination in any discipline of this University or an examination of any other university recognized as equivalent thereto and as per the norms of B.C.I.
  - ii. And candidates admitted into 5 year course (like for B.A,LL.B,B.B.A,LL.B and any other courses offered by B.C.I, should have:  
Passed 2 year Intermediate or equivalent qualification and as per the norms of B.C.I.
  - iii. The candidates should Qualify the AP LAW CET (Entrance Test) conducted in the year for which the candidate seeks admission or any other process/method recognized and accepted by the competent authority concerned.
- **For the award of LL.B. Degree:** A Candidate shall be required to have i) received instructions and training for the prescribed course of study as full-time student for three/five academic years, and ii) qualified in all the examinations prescribed for the award of the three/five Year Law Degree.
  - **Duration:** The Course has to be pursued in six semesters stretching over three academic years for 3yr. degree course and ten semesters for 5Yrs degree course. Each academic year comprises two Semesters. Each Semester shall be the duration of 16 weeks.

- **Medium of instruction:** English language only
- **Attendance:** In order to get eligibility to apply for the examination in any subject, candidate is required to put/secure minimum 70% of attendance in each subject, which includes lectures, tutorials and practical training if any, designed in the course.

If any student, for any unforeseen reason fails to put/secure minimum 70% of attendance of the classes held in any subject, she/he may be condoned for the shortage of attendance by the Principal/ H.O.D provided that, the student concerned attended at least 60% of the classes held in the subject concerned, subject to the payment of the fine prescribed from time to time by the University.

**Course Structure &Content:**LL.B Courses are subject to legal education rules of B.C.I prescribed from time to time.

The course consists of 29/45 theory papers for 3 yr. and 5yr.courses respectively AND Moot court examination in final semester, which is common to both courses as per the syllabus adopted by this university.

### 3yr. LL.Bcourse

SEMESTER	COMPULSORY COURSE PAPERS	OPTIONAL PAPERS	CLINICAL PAPERS	TOTAL PAPERS	TOTAL MARKS
First	5	--	--	5	500
Second	4	1	--	5	500
Third	5	--	--	5	500
Fourth	2	3		5	500
Fifth	3	1	1	5	500
Sixth	2	--	3 Including Moot-Court exercise and internship	5	500
					3000

## 5yrsB.A; LL.Bcourse

SEMESTER	FIRST DEGREE PAPERS (LIBERAL DISCIPLINE)	COMPULSORY LAW COURSE PAPERS	OPTIONAL PAPERS	CLINICAL PAPERS	TOTAL PAPERS	TOTAL MARKS
First	4	--	--	--	4	400
Second	4	--	--	--	4	400
Third	4	--	--	--	4	400
Fourth	2	--	2	--	4	400
Fifth	--	5	--	--	5	500
Sixth	--	4	1	--	5	500
Seventh	--	5	--	--	5	500
Eighth	--	2	3		5	500
Ninth	--	3	1	1	5	500
Tenth	--	2	--	3 Including Moot-Court exercise and internship	5	500
						4600

The Moot - Court examination includes arguments on both Civil & criminal cases, supplied by the institution including the record of court observation prepared by the students.

### **Attendance:**

Candidates shall put in attendance of not less than 75% in aggregate in the prescribed subject in each semester including court observation and other practical work such as advocate's office ect. The condonation of shortage of attendance may be granted by the Principal/ H.O.D of the institution concerned to the candidates, who have put in 60% and above (but less than 75%) attendance on Medical Grounds on production of Medical Certificate from a registered Medical Practitioner and also on payment of prescribed condonation fees.

### **Minimum marks for Pass**

A Candidate should secure a minimum of 40% marks in each semester-end theory paper of University examination (i.e. 28 marks out 70 marks) and a minimum of 40%

of total marks (i.e. 40 marks out of 100 marks) and an aggregate of 40% marks of all the papers of the semester for a pass (i.e semester end examination + internal marks put together). There is no supplementary/subsequent examination for internal assessment. There is no revaluation in internal examination.

- **Marks Distribution for the examinations (subject papers):**

External Theory Paper : 70 Marks in each subject

Internal Assessment : 30 Marks. They are to be distributed as per the following criteria

- Internal Examination in each subject : 15 marks
- Viva-voce in each subject :10 marks
- Attendance : 05 marks

One mark for the attendance shown by the candidate above 75% of attendance and less than 80%, two marks for more than 80% and less than 85%, three marks for above 85% and less than 90%, four marks for above 90% and less than 95%, five marks for above 95% of attendance

**Procedures for awarding of inter assessment / internal component marks:**

Internal Examinations (15 Marks)

The internal examinations for each subject shall be conducted twice in each semester for each subject. One, after covering 40% of the syllabus and second after covering 80% of the syllabus or as per the convenience of the institution. The total marks of 15 are to be awarded on average marks secured by the students in both internal examination and not best of two.

Viva-voce (10 marks)

The board constituted by the Principal/ Head of the Department shall conduct and evaluate the marks of the viva-voce for each subject as per the schedule fixed by the Principal / H.O.D

**Marks Distribution for moot court examination:**

The Moot Court examination is consisting of the oral arguments delivered by each eligible student on both one civil and one criminal case problem, given to them in advance by the institution after attending/observing at least one month court proceedings in the nearest Court (preferably District Court). Each problem consists of

40 marks and twenty marks are to be awarded for the record, prepared and submitted by the student of his/her court observation period.

The board, consisting of three members shall evaluate the oral arguments for 80 marks for each student on average marks awarded by all three examiners. The record marks of twenty shall award by the teacher concerned, who guided the court observation.

The members of the board consisting of (1) Principal/head of the department of the institution (2)The senior faculty member of the institution, appointed by the Principal/H.O.D (3) The subject expert appointed by the University from any other university/with the university, who holds Ph.D in law and at least 8 years of teaching experience. The members of the board will evaluate and award marks to each student individually/Separately for oral arguments of both civil and criminal cases (40+40=80 marks). The final marks are to be calculated on average basis awarded by the board separately all together for the total marks of 80.

The decimal points of marks in final calculation of total marks shall be treated to the next full mark, if the fractional part is more than 0.5 mark and shall be reduced to the previous full mark, if the fractional part is less than or equal to 0.5 mark.

Ex: If a candidate has secured 130.36 marks on average, it shall be considered as 136 marks AND if a candidate has secured 130.56 marks on average, it shall be considered as 137 marks.

### **Question Paper Pattern:**

For each semester end examinations of external written examination in theory, the question paper shall carry 70 marks. The papers will consist of Part -A,Part-B and Part-C. (Except General English - I, Telugu and Hindi papers of 1/5 and 2/5 B.A. LL.B course.) Part-A shall carry 15marks, consisting of short answer questions and there is no choice in this part. The students should answer all questions. Each question carries 1 mark. Part-B shall carry 25 marks consisting of 8 questions, out of which the examinee should write/answer 5 questions. Each question carries 5 marks and Part-C shall carry 30 marks consisting of 5 questions there shall be only one problem type question and remaining questions relating to the essay type questions/legal problems of the subject concerned/case laws of the subject out of which the examinee should write answer to 3 questions. Each one carry 10marks.

**SYLLABI**  
**(3yr LL.B course AND**  
**5yr B.A;LL.B Course)**

# **SYLLABI**

**3yr LL.B course (from II semester to VI semester)**

**5yr B.A;LL.B course (from II semester to X semester)**

## **ANNEXURE(Part-A)**

### **SCHEME FOR 3 Years LL.B DEGREE COURSE (SIX SEMESTERS)**

#### **I SEMESTER**

1.1 LAW OF CONTRACTS-I	100Marks
1.2 FAMILY LAW-I	100Marks
1.3 LAW OF TORTS & CONSUMER PROTECTION LAW	100Marks
1.4 CONSTITUTIONAL LAW -I	100Marks
1.5 ENVIRONMENTAL LAW	100Marks

#### **II SEMESTER**

2.1 LAW OF CONTRACTS-II	100Marks
2.2 FAMILY LAW -II	100Marks
2.3 BHARATIYA NYAYA SANHITA	100Marks
2.4 CONSTITUTIONAL LAW-II	100Marks
2.5 HEALTH LAW	100Marks

#### **III SEMESTER**

3.1 JURISPRUDENCE	100Marks
3.2 PROPERTY LAW	100Marks
3.3 ADMINISTRATIVE LAW	100Marks
3.4 COMPANY LAW	100Marks
3.5 PUBLIC INTERNATIONAL LAW	100Marks

#### **IV SEMESTER**

4.1 LABOUR LAW	100Marks
4.2 INTELECTUAL PROPERTY LAW	100Marks
4.3 INTERPRETATION OF STATUTES	100Marks
4.4 LAND LAWS	100Marks
4.5 LAW OF BANKING	100Marks

#### **V SEMESTER**

5.1 CIVIL PROCEDURE CODE AND LIMITATION ACT	100Marks
5.2 BHARATIYA NAGARIK SURAKSHA SANHITA, JUVENILE JUSTICE ACT AND PROBATION OFFENDERS ACT	100Marks
5.3 BHARATIYA SAKSHYA ADHINIYAM	100Marks
5.4 ARBITRATION, CONCILIATION AND ALTERNATIVE DISPUTE RESOLUTION SYSTEM	100Marks
5.5 LAW OF INSURANCE	100Marks

#### **VI SEMESTER**

6.1 LAW OF TAXATION	100Marks
6.2 MOOT COURT, PRE TRIAL-PARTICIPATION & PARTICIPATION IN TRIAL PROCEEDINGS	100Marks
6.3 DRAFTING, PLEADING AND CONVEYANCING	100Marks
6.4 PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS & BENCH BAR RELATIONS	100Marks
6.5 PUBLIC INTEREST LAWYERING, LEGAL AID & PARA LEGAL SERVICES	100Marks

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Course Structure of 3yrsLL.B (For the students admitted from the academic year 2023-2024 onwards)

**COURSE STRUCTURE & SCHEME OF MARKS WITH CREDITS**

Semester	Components of Study	Course Code	Title of the Course	Hr/Week	Internal Assessments	Semester End Exams	Total	Credits
Semester - I	Compulsory	3LLB101	Law Of Contracts-I	6	30	70	100	6
	Compulsory	3LLB102	Family Law – I	6	30	70	100	6
	Compulsory	3LLB103	Law of Torts & Consumer Protection Law	6	30	70	100	6
	Compulsory	3LLB104	Constitutional Law - I	6	30	70	100	6
	Compulsory	3LLB105	Environmental Law	6	30	70	100	6
			<b>Sub-Total</b>				<b>500</b>	
Semester - II	Compulsory	3LLB201	Law of Contracts –II	6	30	70	100	6
	Compulsory	3LLB202	Family Law –II	6	30	70	100	6
	Compulsory	3LLB203	Bharatiya Nyaya Sanhita	6	30	70	100	6
	Compulsory	3LLB204	Constitutional Law-II	6	30	70	100	6
	Optional	3LLB205	Health Law	6	30	70	100	6
			<b>Sub-Total</b>				<b>500</b>	
Semester - III	Compulsory	3LLB301	Jurisprudence	6	30	70	100	6
	Compulsory	3LLB302	Property law	6	30	70	100	6
	Compulsory	3LLB303	Administrative Law	6	30	70	100	6
	Compulsory	3LLB304	Company Law	6	30	70	100	6
	Compulsory	3LLB305	Public International Law	6	30	70	100	6
			<b>Sub-Total</b>				<b>500</b>	
Semester - IV	Compulsory	3LLB401	Labour Law	6	30	70	100	6
	Optional	3LLB402	Intellectual Property Law	6	30	70	100	6
	Compulsory	3LLB403	Interpretation Of Statutes	6	30	70	100	6
	Optional	3LLB404	Land Law	6	30	70	100	6
	Optional	3LLB405	Law Of Banking	6	30	70	100	6
			<b>Sub-Total</b>				<b>500</b>	
Semester - V	Compulsory	3LLB501	Civil Procedure Code and Limitation Act	6	30	70	100	6
	Compulsory	3LLB502	Bharatiya Nagarik Suraksha Sanhita, Juvenile Justice Act and Probation of Offenders Act	6	30	70	100	6
	Compulsory	3LLB503	Bharatiya Sakshya Adhinyam	6	30	70	100	6
	Clinical	3LLB504	Arbitration, Conciliation and Alternative Dispute Resolution System	6	30	70	100	6
	Optional	3LLB505	Law of Insurance	6	30	70	100	6
			<b>Sub-Total</b>				<b>500</b>	
Semester - VI	Compulsory	3LLB601	Law of Taxation	6	30	70	100	6
	Clinical	3LLB602	Moot Court, Pre Trail-Participation & Participation in Trail Proceedings	6	30	70	100	6
	Clinical	3LLB603	Drafting, Pleading and Conveyancing	6	30	70	100	6
	Clinical	3LLB604	Professional Ethics, Accountancy for Lawyers & Bench Bar Relations	6	30	70	100	6
	Compulsory	3LLB605	Public Interest Lawyering, Legal Aid & Para Legal Services	6	30	70	100	6
			<b>Sub-Total</b>				<b>500</b>	
<b>Grand Total</b>							<b>3000</b>	

**GENERAL PRINCIPLES OF LAW OF CONTRACT:**

**UNIT- 1 :**

- 1.1.1 History and nature of contractual obligations - writs of debt, covenant and account on the case and on assumptionist consideration - moral basis for contractual obligations subjective and objective theories, sanctity of contracts
- 1.1.2 Agreement and contract definitions, elements and different kinds.
- 1.1.3 Proposal and acceptance - their various forms, essential elements, communication and revocation - proposal and invitations for proposal - floating offers - tenders - dumping of goods.
- 1.1.4 Consideration - nudum pactum - its need, meaning, kinds, essential elements - privity of contract and of consideration - its exceptions - adequacy of consideration - present, past and future consideration - unlawful consideration and its effects - views of Law Commission of India on consideration evaluation of the doctrine of consideration.
- 1.1.5 Capacity to contract - meaning - incapacity arising out of status and mental defect - minor's agreements beneficial and detrimental to minor affirmation - restitution in cases of minor's agreements - fraud by a minor - ratification in cases by a person of an agreement made by him while he was minor - agreements and estoppel - evaluation of the law relating to minor's agreements - other illustrations of incapacity to contract.

**UNIT- 2:**

**2.1 Free consent - its need and definition - factors vitiating free consent.:**

- 2.1.1 Coercion - definition - essential elements - duress and coercion - various illustrations of coercion doctrine of economic duress - effect of coercion - evaluation of Sec.15.
- 2.1.2 Undue Influence – definition- essential elements - between which parties can it exist? who is to prove it? Illustrations of undue influence - independent advice - pardahanashin women- unconscionable bargains effect of undue influence.
- 2.1.3 Misrepresentation - definition - misrepresentation of law and of fact - their effects and illustration.
- 2.1.4 Fraud definition - essential elements - suggestion of falsity - suppression of truth - When does silence amount to fraud? Active concealment of truth- importance of intention.

**2.2 Legality of objects**

- 2.2.1 Void agreements - lawful and unlawful considerations, objects - void, voidable, illegal and unlawful agreements their effects.
- 2.2.2 Unlawful consideration and objects.
- 2.2.3 Forbidden by law
- 2.2.4 Defeating the provision of any law
- 2.2.5 Fraudulent
- 2.2.6 Injurious to person or property
- 2.2.7 Immoral
- 2.2.8 Against public policy
- 2.2.9 Void Agreements
- 2.2.10 Agreements without consideration
- 2.2.11 Agreements in restraint of marriage
- 2.2.12 Agreements in restraint of trade its exceptions- sale of good -will, Sec. 11 restrictions, under the Partnership Act, trade combinations exclusive dealing agreements, restraints on employees under agreements of service.
- 2.2.13 Agreements in restraint of legal proceedings its exceptions
- 2.2.14 Uncertain agreements
- 2.2.15 Wagering agreements - its exception

## **UNIT-3**

### **3.1 DISCHARGE OF A CONTRACT AND ITS VARIOUS MODES:**

- 3.1.1 By performance - conditions of valid tender of performance - how? By Whom? Where? When/In what manner? Performance of reciprocal promises - time essence of contract.
- 3.1.2 By breach - anticipatory breach and present breach
- 3.1.3 Impossibility of performance- specific grounds of frustration - application to leases - theories of frustration - effect of frustration - frustration and restitution.
- 3.1.4 By period of limitation
- 3.1.5 By agreement - rescission and alteration - their effect - remission and waiver of performance extension of time - accord and satisfaction.

### **3.2 QUASI-CONTRACTS OR CERTAIN RELATIONS RESEMBLING THOSE CREATED BY CONTRACT**

## **UNIT-4 REMEDIES IN CONTRACTUAL RELATIONS**

- 4.1.1 Damages - kinds - remoteness of damages ascertainment of damages.
- 4.1.2 Injunction – when granted and when refused - Why?
- 4.1.3 Refund and restitution
- 4.1.4 Specific performance - When? Why?

### **4.2 E-Contracts And their Validity**

## **UNIT-5 SPECIFIC RELIEF (SPECIFIC RELIEF, ACT, 1969):**

- 5.1 Definition
- 5.2 Recovering possession of property
- 5.3 Specific performance of contracts
- 5.4 Rectification of instruments
- 5.5 Rescission of contracts
- 5.6 Cancellation of Instruments
- 5.7 Declaratory decrees
- 5.8 Preventive relief

### **Books Recommended**

1. Avtar Singh: Law of Contract, Eastern Book Company, Lucknow
2. V. Kesava Rao, Contracts I- Cases and Materials, Butterworths
3. G.C.V. Subba Rao: Law of Contract, S. Gogia & Co., Hyderabad
4. K. Krishnan Nair: Law of Contract, S. Gogia & Company, Hyderabad
5. Venkatesh Iyer: The Law of Contracts and Tenders. Gogia & Co., Hyderabad
6. Anson's Law of Contract, Oxford University Press, London
7. Cheshire & Fifoot: Law of Contract, Butterworths, London
8. Mulla: The Indian Contract Act, N.M. Tripathi (P) Ltd. Bombay
9. A. Ramaiah's Sale of Goods Act, 4th Edition 1998, The Law Book Co. Allahabad

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## 1.2 FAMILYLAW – I

### UNIT -1

#### 1.1 MARRIAGE AND KINSHIP

- 1.1.1 Evolution of the institution of marriage and family.
- 1.1.2 Role of religion, rituals, and practices in moulding the rules regulating marital relations.
- 1.1.3 Types of family based upon: Lineages –patrilineal/matrilineal: Authority structure - patriarchal and matriarchal; Location patrilocal and matrilocal; and Number of conjugal units nuclear, extended, joint and composite.
- 1.1.4 Applicability of law
- 1.1.5 Who is a Hindu, who is a Muslim, who is a Christian
- 1.1.6 Sources of Hindu law, Muslim law and Christian law.

#### 1.2 MARRIAGE AND KINSHIP

- 1.2.1 Polygamy
- 1.2.2 Concubinage
- 1.2.3 Child marriage
- 1.2.4 Sati
- 1.2.5 Dowry
- 1.2.6 State intervention through various legal measures.

#### 1.3 CONVERSION AND ITS EFFECT ON FAMILY:

- 1.3.1 Marriage
- 1.3.2 Adoption
- 1.3.3 Guardianship
- 1.3.4 Succession

### UNIT-2

#### 2.1 Matrimonial Remedies:

- 2.1.1 Non-Judicial resolution of marital conflict problems
- 2.1.2 (a) Customary dissolution of marriage-unilateral divorce, divorce by mutual consent and other modes of dissolution.
- 2.1.3 (b) Divorce under Muslim Personal law - Talaq and talaq-e-tafweez
- 2.1.4 Judicial resolution of marital conflict problems: a general perspective of matrimonial fault theory and the principle of irretrievable breakdown of marriage.
- 2.1.5 Nullity of marriage
- 2.1.6 Option of puberty
- 2.1.7 Restitution of conjugal rights
- 2.1.8 Judicial separation
- 2.1.9 Desertion: a ground for matrimonial relief
- 2.1.10 Cruelty : a ground for matrimonial relief
- 2.1.11 Adultery : a ground for matrimonial relief
- 2.1.12 Other grounds for matrimonial relief
- 2.1.13 Divorce by mutual consent under Special Marriage Act, 1954
- 2.1.14 Bars to matrimonial relief
- 2.1.15 Doctrine of strict proof
- 2.1.16 Taking advantage of one's own wrong or disability
- 2.1.17 Accessory
- 2.1.18 Connivance
- 2.1.19 Collusion
- 2.1.20 Condonation
- 2.1.21 Improper or unnecessary delay
- 2.1.22 Residuary clause - no other legal ground exist for refusing the matrimonial relief

### **UNIT-3 ALIMONY AND MAINTENANCE:**

- 3.1 Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves under the Code of Criminal Procedure, 1973
- 3.2 Alimony and maintenance as an independent remedy ; a review under different personal laws.
- 3.3 Alimony and maintenance as an ancillary relief Alimony pendente lite and permanent maintenance.
- 3.4 Maintenance of divorced Muslim women under the (Protection of Rights on Divorce Act, 1986) a Critical review .
- 3.5

### **UNIT-4**

#### **4.1 CHILD AND THE FAMILY:**

- 4.1.1 Legitimacy
- 4.1.2 Adoption
- 4.1.3 Custody, maintenance

#### **4.2 FAMILY AND ITS CHANGING PATTERN:**

- 4.2.1 New emerging trends attenuation of family ties r1.2 Working Women and their impact on spousal relationship, composition of family, status, and role of Women, and decision making authority structure.
- 4.2.2 Factors affecting the family: demographic, environmental religious and legislative.
- 4.2.3 Process of social change in India: Sanskritization, Westernization, Secularization, Universalization, parochialization and Modernization including industrialisation and urbanization
- 4.2.4 Guardianship

### **UNIT-5 SECURING OF A UNIFORM CIVIL CODE:**

- 5.1 Religious pluralism and its implications
- 5.2 Connotations of the directive contained in Article 44 of the constitution
- 5.3 Impediments to the formulation of the Uniform Civil Code

#### ***Books Recommended:***

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

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**1.3 TORTS AND CONSUMER PROTECTION LAW**

**UNIT-1**

**1.1 EVOLUTION OF LAW OF TORTS:**

- 1.1.1 1.1 Its development by courts in England
- 1.1.2 1.2 Forms of Action
- 1.1.3 1.3 Emergence of specific remedies from case to case
- 1.1.4 1.4 Reception of Law of Torts in India
- 1.1.5 1.5 Principles of Equity, Justice and good conscience
- 1.1.6 Uncodified character - advantages and disadvantages

**1.2 DEFINITION, NATURE, SCOPE AND OBJECTS:**

- 1.2.1 A Wrongful act violation of a duty (in rem) imposed by law, duty which is owed to people generally,
- 1.2.2 Legal damagedamnum sine injuria and injuria sine damnum.
- 1.2.3 Tort distinguished from, Crime, Breach of Contract etc.
- 1.2.4 The concept of unliquidated damages
- 1.2.5 Changing scope of Law of Torts: Expanding character of duties owed to people generally due to complexities of modern society - scientific and technological progress, industrialisation, urbanization, specialization, occupational hazards.
- 1.2.6 Objects- Prescribing standards of human conduct, redressal of wrongs by payment of compensation prohibiting unlawful conduct by injunctions.

**1.3 PRINCIPLES OF LIABILITY IN TORTS:**

- 2.1.1 Fault
  - 1.3.1.1 Wrongful intent
  - 1.3.1.2 Negligence
- 2.1.2 Liability without fault
- 2.1.3 Violation of Ethical codes
- 2.1.4 Statutory Liability
  - 1.3.4.1 Fatal Accidents Act
  - 1.3.4.2 Railway Act
  - 1.3.4.3 Workmen's compensation Act
  - 1.3.4.4 Motor Vehicles Act
  - 1.3.4.5 Carrier Act
  - 1.3.4.6 Insurance Laws
- 1.3.5 Place of motive in Torts

**UNIT -2**

**2.1 JUSTIFICATION IN TORT:**

- 2.1.1 Volente Non-Fit Injuria - What is free consent? Informed consent mere and knowledge and knowledge coupled with assumption of risk
- 2.1.2 Necessity, Private and public
- 2.1.3 Plaintiff's default
- 2.1.4 Act of God and
- 2.1.5 Inevitable Accident
- 2.1.6 Private defence
- 2.1.7 Statutory authorisation
- 2.1.8 Judicial and Quasi-judicial Acts
- 2.1.9 Parental and quasi parental authority

## **2.2 STANDING AND EXTINGUISHMENT OF (ABILITY IN CERTAIN SITUATIONS):**

- 2.2.1 Who may sue in torts
  - 2.2.1.1 Aggrieved individuals
  - 2.2.1.2 Class Action, O1 R8
  - 2.2.1.3 Social Action Groups
  - 2.2.1.4 Statutes granting standing to certain persons groups
- 2.2.2 Who may not be sued
  - 2.2.2.1 Lunatics
  - 2.2.2.2 Infants
- 2.2.3 Death, Action personalism or ius cum persona. Exceptions, Law Reform (Miscellaneous Provisions) Act. 1934.
- 2.2.4 Waiver and acquiescence
- 2.2.5 Release
- 2.2.6 Accord and satisfaction
- 2.2.7 Limitation

## **UNIT - 3**

### **3.1 DOCTRINE OF SOVEREIGN IMMUNITY LIABILITY:**

- 3.1.1 Liability of State-Sovereign and non-sovereign functions, Crown Proceedings Act of U.K., Federal Tort Claims Act of U.S.A. Constitution of India, Arts 294 and 300
- 3.1.2 Act of State.

### **3.2 VICARIOUS LIABILITY**

- 3.2.1 Basis, Scope and justification
  - 3.2.1.1 Express authorization
  - 3.2.1.2 Ratification
  - 3.2.1.3 Abetment
- 3.2.2 Special Relationship
  - 3.2.2.1 Master and servant - arising out of and in the course of employment who is master? - Control test who is servant? Borrowed servant independent contractor.
  - 3.2.2.2 Corporation and Principal Officer

### **3.3 TORTS AGAINST PERSONS AND PERSONAL RELATIONS:**

- 3.3.1 Assault, Battery, Mayhem
- 3.3.2 False Imprisonment
- 3.3.3 Defamation - Libel, slander including law relating to privileges
- 3.3.4 Marital Relations, domestic Relations, parental Relations Master and Servant relations.
- 3.3.5 Malicious prosecution
- 3.3.6 Shortened Expectation of life
- 3.3.7 Nervous Shock
- 3.3.8 Defences

### **3.4 WRONG AFFECTING PROPERTY:**

- 3.4.1 Trespass to land, Trespass ab initio, Dispossession
- 3.4.2 Movable Property-Trespass to goods Detinue, conversion
- 3.4.3 Torts against Business interest- Injurious falsehood, misstatements, passing off
- 3.4.4 Defences

### **3.5 NEGLIGENCE:**

- 3.5.1 Basic concepts
  - 3.5.1.1 Theories of Negligence
  - 3.5.1.1 Standards of care, Duty to take care, carelessness inadvertence
  - 3.5.1.1 Doctrine of contributive negligence 1
  - 3.5.1.1 Res Ipsa Loquitur and its importance in contemporary
- 3.5.2 Professional liability due to Negligence with special reference to consumer Protection Law

### **3.6 NUISANCE:**

- 3.6.1 Definition, Essentials, Types
- 3.6.2 Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, interference with light and air

## **UNIT- 4**

### **4.1 ABSOLUTE/STRICT LIABILITY AND LEGAL REMEDIES::**

- 4.1.1 The Rule in Ryland vs. Fletcher. Principle for application of these rules.
  - 4.1.1.1 Storing of dangerous things
  - 4.1.1.2 Escape of dangerous things-application of principles in concrete cases of damage arising out of industrial activity. (The Bhopal Disaster. Oleum Gas Escape, Mchua Dam Burst, M.C. Mehta Case, Nuclear Installations and their hazards)
- 4.1.2 Defences
- 4.1.3 Liability under Motor Vehicle Act, Railway Act etc.,

### **4.2 LEGAL REMEDIES:**

- 4.2.1 Legal Remedies
  - 4.2.1.1 Award of damages-simple, special, punitive
  - 4.2.1.2 remoteness of Damages-foreseeability and directness tests
  - 4.2.1.3 Injunction
  - 4.2.1.4 Specific Restitution of Property
- 4.2.2 Extra-Legal Remedies self-help, Reentry in land, Re-capture of goods, distress damage feasant abatement to nuisance.

### **4.3 JUDICIAL PROCESS IN TORT:**

- 4.3.1 Dilatoriness
- 4.3.2 Complicated rules of procedures and evidence
- 4.3.3 Experts trial process, Reports of Testing labs
- 4.3.4 Court fees, Problems of access.

## **UNIT- 5**

### **5.1 TORT AND CONSUMER PROTECTION LAW:**

- 5.1.1 Duty to take care and liability for negligence: Manufacturers and traders and providers of services such as lawyers, doctors and other professional
- 5.1.2 Caveat emptor and caveat venditor
- 5.1.3 Deceit and false advertisement
- 5.1.4 Liability for hazardous and inherently dangerous industrial activity
- 5.1.5 Product liability-EEC directives
- 5.1.6 Right to common property resources-right to pass and repass on pathways.

**Books Recommended:**

1. Achutan Pillai: The Law of Torts, Eastern Book Co., Lucknow 15
2. R.K. Bangia: The Law of Torts, Allahabad Law Agency, Allahabad, 1999
3. J.N. Panday: The Law of Torts, Central Law Publications, Allahabad, 1999
4. Durga Das Basu: The Law of Torts, X Edition Prentice Hall of India, New Delhi
5. Ratna Lal & Dhiraj Lal: The Law of Torts, Wadhwa & Company, Nagpur, 1992
6. Winfield & Jolowicz: Tort, XII Edition, Sweet and Maxwell, London - 1994
7. Salmond and Heuston: Law of Torts, India Reprint Universal Books Traders, New Delhi - 1994.
8. Ramaswamy Iyer: The Law Torts
9. Hepple & Mathews: Tort - cases and materials, Butterworth, London, 1980.
10. Vivienne Harpwood: The Law of Torts, Cavandish Publishing Ltd., London, 1993
11. D.N. Saraf, Law of Consumer Protection in India, MN Tripathi, Bombay.

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## 1.4 CONSTITUTIONAL LAW – I

### Unit -1

#### 1.1 HISTORICAL PERSPECTIVE

- 1.2.1 Constitutional Developments since 1858 to 1947 – Morle-Minto Reforms - Dyarchy - Montague-Chelmsford Reforms. Indian National Congress 1885 -Various Trends of opinion - Social Reform vs. Political Independence. Protest against British Repression. Jalian Wala Bhag - Rowlatt Act - Sedition Trials of Tilak.
- 1.2.2 Making of India's Constitution – Constituent Assembly - Concept of Constitution and Constitutionalism - Salient features – Sovereignty.

#### 1.2. PREAMBLE, THE UNION AND ITS TERRITORY, CITIZENSHIP AND STATE

- 1.2.1 Preamble- status and its goals
- 1.2.2 Power to cede Indian territory to a foreign Nation - Power to create/extinguish a State;
- 1.2.3 Alteration of name, area and boundary of existing States - Procedure (Articles 1-4)
- 1.2.4 Domicile and Citizenship (Articles 5 to 11) - Meaning of Law (Article 13)

#### 1.3 SECULARISM

- 1.3.1 Concept of Secularism - Indian Constitutional Provisions, Historical Perspective of Indian Secularism.
- 1.3.2 Religion and State - State control and non-interference with Religion - Concept of Secularism; American Model - Separation of State-Church - Is it relevant to India; Tradition in India - Equal respect for All Religions
- 1.3.3 Minority Rights – Scope and Meaning of Minority
- 1.3.4 Minority's Right to Educational Institutions.

### UNIT- 2

#### 2.1 EQUALITY AND SOCIAL JUSTICE

- 2.1.1 Equality before the Law and Equal Protection of Laws – Meaning - Constitutional Provisions - - Articles 14,15,16,17, 29 (2),325.
- 2.1.2 Classification for Differential Treatment
- 2.1.3 Gender Justice Arts. 15, 16, 29(2).
- 2.1.4 Administrative Discretion and Equality 4.5 Compensatory Discrimination for Backward Classes/SC&ST

#### 2.2 FREEDOMS AND SOCIAL CONTROL

- 2.2.1 Freedom of Speech and Expression
- 2.2.2 Freedom of the Press
- 2.2.3 Freedom of Speech and Contempt of Court
- 2.2.4 Freedom of Assembly
- 2.2.5 Freedom of Association
- 2.2.6 Freedom of Movement
- 2.2.7 Freedom to Reside and Settle
- 2.2.8 Freedom of Profession/Business etc.,
- 2.2.9 Property and social Control 1950 to 1978 5.10 Property and Social Control After 1978.

### UNIT – 3 PERSONAL LIBERTY

- 3.1 Rights of an accused - Double Jeopardy
- 3.2 Right against self-incrimination
- 3.3 Right against Retroactive Punishment
- 3.4 Right to Life and Personal Liberty-Meaning of - Art.21. Gopalan Case
- 3.5 Personal Liberty'-Meaning of - Maneka Gandhi, Sunil Batra, etc.,
- 3.6 Procedure established by law - Gopalan, Kharak Singh
- 3.7 Procedure established by Law – Due Process - Maneka Gandhi and after.

- 3.8 Preventive Detention - Constitutional Policy Art. 22
- 3.9 Preventive Detention - Safeguards under the Constitution.

#### **UNIT - 4 ENFORCEMENT OF FUNDAMENTAL RIGHTS.**

- 4.1 Prohibition of traffic in human beings
- 4.2 Prohibition of employment of children in factories, etc.
- 4.3 Custodial Deaths
- 4.4 Armed Forces and Fundamental Rights
- 4.5 Cultural and Educational rights of Minorities .
- 4.6 Right to Constitutional Remedies - Enforcement of Fundamental Rights
- 4.7 Curative Petition

#### **UNIT-5 DIRECTIVE PRINCIPLES AND FUNDAMENTAL DUTIES**

- 5.1 Directive Principles - Reasons for incorporation
- 5.2 Directive Principles - Directions of Social Change - A new social order
- 5.3 Fundamental Rights and Directive Principles - Inter-relationship - Judicial balancing
- 5.4 Constitutional Amendments - Arts, 31A, 31-8 and 31-C to strengthen Directive Principles.
- 5.5 Judicial Policy towards Directive Principles from Champakam to Minerva Mills
- 5.6 What is "State"? Art.12 9.7 Naresh vs. State of Maharashtra - Is Judiciary "State"?
- 5.7 Fundamental Duties (Article 51A) - Importance.

#### **Books Recommended:**

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

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## 1.5 ENVIRONMENTAL LAW

(Including Laws for the protection of the wild life and other living creatures including Animal welfare)

### UNIT-1: THE MEANING OF 'ENVIRONMENT' AND 'POLLUTION'

1.1 Definition: As defined in the Environment protection Act, 1986

Section 2(a); "pollution" as defined in the same Act.

Section 2(b)(c)(d)(e); and in the Water (Prevention and Control of Pollution) Act, 1974.

'forests', as defined in the Indian Forest act, 1927. And the Forest (conservation) Act,

1980. The intended meaning of environment in the constitution,

Arts. 15(2)(b) 24, 39(a)(b)(c)(e)(f) 47, 48A, 49.

1.2 Causative factors of Pollution.

### UNIT-2: FUNCTIONS OF ENVIRONMENTAL LAWS:

#### 2.1 Primary protective Laws

2.1.1 For human-beings Laws pertaining to

a) Water b) Air c) Noise d) Nuclear Radiation e) toxic Substances

2.1.2 For non human-beings Laws pertaining to

a) Wild life b) Marine life c) Forests d) Minor forests e) Restrictions on trade

#### 2.2 Primary planning Laws

2.2.1 For production Laws pertaining to

a) land use b) Irrigation c) Industries d) Mining e) Grazing land f) Catchment areas  
g) Wet land h) Estuaries

2.2.2 For production Laws pertaining to

a) land ceiling b) Town Planning/Zoning c) Slums d) Housing e) Recreational  
areas f) Parks g) sanctuaries h) Biospheres

### UNIT-3 SECONDARY LAWS AND TERRITORY LAWS:

#### 3.1 SECONDARY LAWS

3.1.1 Pertaining to the administration and functioning of pollution control Boards; Water Boards; the Factories Acts, Forest Act. Land Reform and Development Acts. Industries Act, etc.

3.1.2 Laws relating to the administration within the Ministry of Environment and forest

3.1.3 Laws relating to the collection, dissemination and publication of data by the Boards or Ministry, concerning. a) hazardous materia b) endangering industries c) levels of pollution, d) types of safety measures available and implemented

3.1.4 Laws relating to the role of the lower courts (including the forest courts)

#### 3.2 TERRITORY LAWS

3.2.1 Constitutional provisions concerning inter-state relations that concern acquisition regulation and distribution of natural resources (Water, Forests, mines, oil). (With special emphasis on Articles 14, 19, 31-A, 31-B, 31-c, 39(b)(c))

Union list; 6, 52, 56, 57.

State List 17, 18, 21, 23.

Concurrent list : 17, 17A, 17 -B, 18, 20 and the Ninth Schedule

3.2.2. Constitutional provisions: The Constitution of India Articles: 14, 15, 2(b) 19(e)

21, 31-C, 32, 38, 39, 42, 47, 48-A, 49, 51, 51-A(g)

### UNIT-4 INTERNATIONAL PARAMETERS OF ENVIRONMENT:

4.1 Stockholm Declaration and its impact

4.2 Rio summit

4.3 United Nations Environmental Programme (UNEP)

4.4 State responsibility for Environmental Pollution

4.5 North-South Perspective

### UNIT-5 LEGAL STRATEGIES REGULATION:

5.1 Deterrence through Criminal Liability, Strict Liability Absolute Liability and Vicarious Liability.

5.2 Principles of calculating penalties and economic sanctions against offenders

5.3 Principles and methods of standardization Environmental impact assessment cost Benefit Analysis

5.4 Managerial

5.4.1 Principles of tortious liability

5.4.2 Estoppel

- 5.4.3 Strategies of incentives, through non-taxation. Deductions, etc.,
- 5.4.4 Methods of recovery through insurances, sureties, bonds, etc.,
- 5.4.5 Creation of EnvironmentalFund
- 5.5 Environmental Courts./Tribunal

**Books Recommended:**

1. S.C.Sastry, Environmental Law
2. Tiwari, Environmental Law
3. S.Shanta Kumar, Environmental Law
4. Armin Rosencranz, Shyam Divan, Martha L. Noble: Environmental Law
5. Leela Krishna, P, The Evolving Environmental Law and Policy in India
6. Leela Krishna, P, Environmental Law
7. Paras Diwan, Environmental Law, Policy, Administration 22
8. Animal Laws of India, Maneka Gandhi, University Law Publishing Co. Pvt. Ltd

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**2ND SEMESTER**

**2.1 CONTRACTS -II**

**(Including Partnership Act, Sale of Goods Act)**

**UNIT-1 INDEMNITY AND GUARANTEE (Sec. 134, 127 of Indian Contract Act, 1872)**

- 1.1 Contract of Indemnity
- 1.2 Definition
- 1.3 Rights of Indemnity holder
- 1.4 Liability of the Indemnifier
- 1.5 Contract of Guarantee
- 1.6 Definition of Guarantee
- 1.7 Essential characteristics of contract of Guarantee
- 1.8 Distinction between contract of indemnity and contract of Guarantee
- 1.9 Kinds of guarantee
- 1.10 Rights and liabilities of surety
- 1.11 Discharge of surety.

**UNIT-2 CONTRACT OF BAILMENT (Sec. 148-181 of Indian Contract act, 1872)**

- 2.1 Definition
- 2.2 Essential requisites of Bailment
- 2.3 Kinds of Bailment
- 2.4 Rights and Duties of Bailor and Bailee
- 2.5 Termination of Bailment
- 2.6 Pledge
- 2.7 Definition
- 2.8 Rights and duties of pawnor and Pawnee
- 2.9 Pledge by Non Owners

**UNIT-3 CONTRACT OF AGENCY (Sec. 182-238 of the Indian Contract Act. 1872)**

- 3.1 Definition of Agency
- 3.2 Creation of Agency
- 3.3 Rights and duties of Agent
- 3.4 Delegation of authority
- 3.5 Personal liability of Agent
- 3.6 Relations of Principal with Third parties
- 3.7 Termination of Agency

**UNIT-4 CONTRACT OF SALE OF GOODS (The Indian Sale of Goods Act, 1930)**

- 4.1 Formation of Contract
- 4.2 Subject-matter of contract of Sale
- 4.3 Conditions and Warranties
- 4.4 Express and implied conditions and warranties
- 4.5 Caveat Emptor
- 4.6 Property, Possession and risk
- 4.7 Passing of Property
- 4.8 Sale by non-owners
- 4.9 Delivery of goods
- 4.10 Rights and duties of Seller and buyer before and after sale
- 4.11 Rights of unpaid seller.

**UNIT-5 CONTRACT OF PARTNERSHIP (The Indian Partnership Act, 1932)**

- 5.1 Definition and nature of Partnership
- 5.2 Formation of Partnership
- 5.3 Test of Partnership
- 5.4 Partnership and other associations
- 5.5 Registration of Firms
- 5.6 Effect of non registration
- 5.7 Relation of Partners

- 5.8 Rights and duties of Partners
- 5.9 Properties of the Firm
- 5.10 Relation of Partners to thirdparties
- 5.11 Implied authority of a partner
- 5.12 Kinds of partners
- 5.13 Minor as a partner
- 5.14 Reconstitutionof a firm
- 5.15 Dissolution of firm

**Books Recommended:**

- 1 . Indian Contract Act, 1872 (Sec. 124-238)
- 2 . The Sale of Goods Act, 1930.
- 3 . The Partnership Act, 1932.
- 4 . Negotiable Instrument Act, 1881.
- 5 . Cheshire and Fifoot-The Law of Contract.
6. . Chitty- on contracts (Specific Contracts) Vol-II
- 7 . Pollock and Mulla-Indian contracts and Specific Relief Act.
8. Pollock and Mulla- Sale of Goods and Partnership Acts.
9. Avtar Singh-Law of Contracts.
- 10 .Khargumwallah-The Negotiable Instruments Act

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## 2.2 FAMILYLAW-II

### UNIT-1:

- 1.1 Mitakshara joint family
- 1.2 Mitakshara Coparcenary - formation and incidents
- 1.3 Property under Mitakshara law separate property and Coparcenary property
- 1.4 Dayabhaga coparcenary - Formation and incidents
- 1.5 Property under Dayabhaga Law
- 1.6 Karta of the joint family his position, powers, privileges and obligations
- 1.7 Alienation of property separate and coparcenary
- 1.8 Debts-doctrine of pious obligation and antecedent debt.
- 1.9 Partition and Re-union
- 1.10 Joint Hindu Family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.

### UNIT-2 INHERITANCE:

- 2.1 Hindus
  - 2.1.1 Historical perspective of traditional Hindu law as a background of the study of Hindu succession Act, 1956.
  - 2.1.2 Succession to property of Hindu male dying intestate under the provisions of Hindu Succession Act, 1956
  - 2.1.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956
  - 2.1.4 Succession to property of Hindu female dying intestate under the Hindu succession Act, 1956
  - 2.1.5 Disqualification relating to succession
  - 2.1.6 General Rules of Succession
  - 2.1.7 Marumakkattayam and aliyasantana laws governing people living in Travancore Cochin and the districts of Malabar and South Kanara.

### UNIT -3 NEW PROPERTY CONCEPTS, SUCH AS SKILL, JOB, ETC., AS NEW FORMS OF PROPERTY

### UNIT-4 MUSLIM LAW OF INHERITANCE AND SUCCESSION:

- 4.1 Rules governing Sunni and Shia Law of inheritance
- 4.2 Differences between Shia and Sunni Law
- 4.3 Administration of Estates
- 4.4 Wills under Muslim Law

### UNIT-5 INDIAN SUCCESSION ACT, 1925.:

- 5.1 Domicile
- 5.2 Intestate Succession
- 5.3 Will-codicil
- 5.4 Interpretation - Revocation of Wills
- 5.5 Bequests-conditional contingent or void bequests
- 5.6 Legacies
- 5.7 Probate and letters of administration
- 5.8 Executor-administrator
- 5.9 Succession certificate

#### Books Recommended:

1. Dr. Punam Pradhan Saxena family law II
2. Dr. Ashok .K. Jain family law II
3. Mayank madhaw family law II
4. Dr. Paras diwan family law II
5. B.M. Gandhi family law II

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## 2.3 BHARATIYA NYAYA SANHITA

### UNIT - 1 CONCEPT, ELEMENTS OF CRIMINAL LIABILITY AND STAGES OF CRIME

- 1.1. Conception of Crime
- 1.2. State's power to determine acts or omissions as crimes
- 1.3. State's responsibility to detect, control and punish crime
- 1.4. Distinction between crime and other wrongs
- 1.5. Criminology, Penology and Victimology
- 1.6. Pre-colonial notion of crime as reflected in Hindu, Muslim and Tribal Laws
- 1.7. Indian Penal Code, 1860 a reflection of different social and moral values
- 1.8. Applicability of *Bharatiya Nyaya Sanhita, 2023* – Territorial and Personal
- 1.9. Salient features of *Bharatiya Nyaya Sanhita, 2023*
- 1.10. Author of crime- Natural person, a fit subject for punishment, Companies and Corporations
- 1.11. Mensrea-Evil intention
- 1.12. Importance of mensrea
- 1.13. Recent trends to fix liability without *mensrea* in certain socio-economic offences
- 1.14. An act in furtherance of guilty intent
- 1.15. An omission as specifically included in the *Sanhita*
- 1.16. Injury to another.
- 1.17. Stringent provision in case of combination of persons attempting to disturb peace
- 1.18. Common intention
- 1.19. Abetment
  - 1.19.1. Instigation aiding and conspiracy
  - 1.19.2. Mere act of abetment punishable
- 1.20. Unlawful Assembly
- 1.21. Criminal conspiracy
- 1.22. Rioting as specific offence
- 1.23. Guilty intention-Mere intention not punishable
- 1.24. Preparation
  - 1.24.1. Preparation not punishable
  - 1.24.2. Exception in respect of certain offences of *grave* nature or of a peculiar kind such as Possession of counterfeit coins, false weights and measures
- 1.25. Attempt
  - 1.25.1. Attempt when punishable specific provisions of *Bharatiya Nyaya Sanhita, 2023*.
  - 1.25.2. Test for determining what constitutes attempt, proximity, equivocality and social danger
  - 1.25.3. Impossible attempt.

### UNIT - 2 FACTORS NEGATING GUILTY INTENTION, TYPES OF PUNISHMENT

- 2.1. Mental incapacity
  - 2.1.1. Minority
  - 2.1.2. Insanity-impairment of *cognitive* facilities, emotional imbalance
  - 2.1.3. Medical and legal insanity
- 2.2. Intoxication-involuntary
- 2.3. Private Defence-justification and limits
  - 2.3.1. When private defence extends to causing of death, protect body and property
- 2.4. Necessity
- 2.5. Mistake of fact
- 2.6. Death
  - 2.6.1. Relevance of capital punishment
  - 2.6.2. Alternatives to capital punishment
- 2.7. Imprisonment for life, with hard labour, simple imprisonment
- 2.8. Forfeiture of property
- 2.9. Fine
- 2.10. Discretion in awarding punishment
  - 2.10.1. Minimum punishment in respect of certain offences

### UNIT - 3 SPECIFIC OFFENCES AGAINST HUMAN BODY AND OFFENCES AGAINST WOMEN

- 3.1. Causing death of human beings
  - 3.1.1. Culpable homicide
  - 3.1.2. Murder
- 3.2. Distinction between culpable homicide and murder
  - 3.2.1. Specific mental element requirement in respect to murder
- 3.3. Situation justifying treating murder as culpable homicide not amounting to murder

- 3.3.1. *Grave* and sudden provocation
- 3.3.2. Exceeding right to private defence
- 3.3.3. Public servant exceeding legitimate use of force
- 3.3.4. Death in sudden fight
- 3.3.5. Death caused by consent of the deceased-Euthanasia
- 3.3.6. Death caused of person other than the person intended
- 3.3.7. Mis-carriage with or without consent
- 3.4. Rash and negligent act causing death
- 3.5. Hurt grievous and simple
- 3.6. Assault and criminal force
- 3.7. Wrongful restraint and wrongful confinement
- 3.8. Kidnapping from lawful guardianship and to outside India
- 3.9. Abduction
- 3.10. Insulting the modesty of woman
- 3.11. Assault or criminal force with intent to outrage the modesty of a woman
- 3.12. Causing miscarriage without woman's consent
- 3.13. Causing death by causing miscarriage without woman's consent
- 3.14. Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse.
- 3.15. Buying a minor for purposes of prostitution
- 3.16. Rape
  - 3.16.1. Custodial rape
  - 3.16.2. Marital rape
- 3.17. Cruelty by husband or relatives of the husband
- 3.18. Common law remedies to protect against obscene /indecent depiction of women.

**UNIT - 4 OFFENCES AGAINST PROPERTY INCLUDING FORGERY, DEFAMATION  
AND OFFENCES AGAINST STATE**

- 4.1. Theft
- 4.2. Cheating
- 4.3. Extortion
  - 4.3.1. Robbery and Dacoity
- 4.4. Mischief
- 4.5. Criminal misappropriation of property and criminal breach of Trust
- 4.6. Receiving stolen property
- 4.7. Fraudulent Deeds
- 4.8. Criminal Trespass
- 4.9. Forgery, Defamation, Criminal intimidation and offences against the state

**UNIT - 5 PREVENTION OF CORRUPTION ACT, 1986**

**Books Recommended:**

1. Bharatiya Nyaya Sanhita, 2023 - by S N Misra
2. Textbook on The Bharatiya Nyaya Sanhita, 2023 by K Swamyraj
3. Bharatiya Nyaya Sanhita, 2023 - by K D Gaur
4. Swamy N.M, Law relating to Criminal Procedure
5. Padala Ramireddy, Criminal Procedure Code
6. A.K.Pillai, Code of Criminal Procedure

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## 2.4 CONSTITUTIONAL LAW - II

### UNIT -1 PARLIAMENTARY GOVERNMENT AND FEDERALISM

#### 1.1 Parliamentary Government

- 1.1.1 Westminster Model - Indian experience before Independence - Choice of Parliamentary Government
- 1.1.2 President of India – Election, Qualifications, Impeachment, Salary, etc.,
- 1.1.3 Council of Ministers - President's Constitutional Position
- 1.1.4 Governor and State Government - President's Constitutional relationship
- 1.1.5 Legislative Process - Privileges, Freedom of Speech - Practice of law-making etc.,
- 1.1.6 Legislative Privileges vs. Fundamental Rights - In re Art 143 of the Constitution of India
- 1.1.7 Prime Minister - Cabinet System - Collective Responsibility - Individual Responsibility - President and Prime Minister Relationship
- 1.1.8 Party System - Anti-Defection law - Freedom of Parliamentarians and Legislators to dissent
- 1.1.9 Attorney General of India
- 1.1.10 Elections – Election Commission.

#### 1.2 Federalism

- 1.2.1 Federalism – Principles - Comparative study of other Federations - Why India has a federal Government?
- 1.2.2 Indian Federalism - President of India - Council of States - Process of Constitutional Amendment - Identification of Federal Features
- 1.2.3 Relations between the Union and the States - Legislative Relations - Administrative Relations Financial Relations – Disputes relating to Waters
- 1.2.4 Governor's position from the perspective of Federalism 1.2.5 Centre's Powers over the States - Art.356
- 1.2.6 J&K - Special Status
- 1.2.7. Critical problems of India Federalism - Sarkaria Commission - Greater Autonomy vs. Central Control - One Party domination - Emergence of Political Federalism - Growth of Regional Parties.

### UNIT- 2 JUDICIAL PROCESS UNDER THE CONSTITUTION AND THE STATES

#### 2.1 Judicial process under the constitution

- 2.1.1 Judicial Review - Arts. 32, 226, 227
- 2.1.2 Nature of Judicial Review
- 2.1.3 Court system in India – Supreme Court and High Courts – Lokpal, Lok Adalat's etc.,
- 2.1.4 Judges, Appointments, Transfers, Conditions of Service etc., - Collegium
- 2.1.5 Subordinate Judiciary
- 2.1.6 Jurisdiction of Supreme Court and High Court
- 2.1.7 Advisory Jurisdiction of the Supreme Court
- 2.1.8 Public Interest Litigation
- 2.1.9 National Judicial Appointments Commission (NJAC)
- 2.1.10 Judicial Activism and Judicial Restraint

#### 2.2 The states

- 2.2.1 The Executive – The Governor – Appointment, Term of Office – Extent of Executive Power of State
- 2.2.2 Council of Ministers – Conduct of Government business
- 2.2.3 Advocate General
- 2.2.4 State Legislature - Officers of State Legislatures – Powers, Privileges and Immunities of State Legislatures and their Members – Disqualification of Members
- 2.2.5 Legislative Procedure – Procedure in Financial Matters

### UNIT- 3 LOCAL BODIES, FINANCES, PROPERTY, CONTRACTS AND SERVICES UNDER THE CONSTITUTION

#### 3.1 Local bodies, finances, property, contracts

- 3.1.1 The Panchayats – Gram Sabha
- 3.1.2 The Municipalities
- 3.1.3 The Co-operative Societies
- 3.1.4 The Scheduled and Tribal Areas
- 3.1.5 Finances – Borrowings
- 3.1.6 Right to Property
- 3.1.7 Contracts
- 3.1.8 Suits and Proceedings

#### 3.2 Services under the constitution

- 3.2.1 Doctrine of Pleasure (Art.310)
- 3.2.2 Protection against Arbitrary Dismissal, Removal or Reduction in Rank (Art.311)

3.2.3 Tulsiram Patel - Exceptions to Art.311

3.2.4 All India Services

3.2.5 Public Service Commissions

#### **UNIT-4 EMERGENCY**

##### **4.1 Emergency and constitutional processes of adaptation**

4.1.1 Emergency, need for such a Provision - Types of Emergencies - Experience in other democracies

4.1.2 Proclamation of Emergency – Conditions - Art. 352 - Effect of Emergency on Centre-State relations

4.1.3 Emergency and suspension of fundamental rights. Arts.358, 359 - Makhan Singh Tarasikha to A.D.M. Jabalpur

4.1.4 Failure of Constitutional Machinery in States – S.R. Bommai case – The Use and Abuse of Art. 356

4.1.5 Financial Emergency

#### **UNIT-5 CONSTITUTIONAL PROCESSES OF ADAPTATION AND ALTERATION**

5.1 Methods of Constitutional Amendment – Written – Unwritten – Rigid - Flexible Constitutions - Provisions which can be amended by ordinary procedure - Special Procedure - Review of Constitutional Amendments

5.2 Limitations upon Constitutional Amendments - Shankari Prasad, Sajjan Singh

5.3 Golak Nath vs. State of Punjab - Why should Fundamental Rights be immune from the process of Constitutional Amendment?

5.4 Basic Structure Doctrine as Limitation – Kesavanand Bharati

5.5 Development of the Basic Structure Doctrine - Constituent power of the Supreme Court – Waman Rao, Minerva Mills, etc.,

5.6 Indira Gandhi vs. Raj Narain - Judicial consensus on Basic Structure

5.7 Legislature and Judicial attempts to bury the Basic Structure Doctrine - Legitimizing the Basic Structure Doctrine - Special Bench to reconsider the Basic Structure issue - Forty-Second Constitutional Amendment - Forty-Fourth Constitutional Amendment

4.2.8 Minerva Mills and subsequent developments of the Basic Structure Doctrine - Responsibility of the Court

##### **Books Recommended:**

**1.Basu.D.D -Commentary on the Constitution of India.**

**2.Hidayatullah.M (Ed) -Constitutional Law of India**

**3.Seervai.H.M -Constitution of India.**

**4.Austin.G -Indian Constitution A cornerstone of a Nation.**

**5.Banerjee.A.C -Constitutional History of India.**

**6.Khanna.H.R -Making of India"s Constitution**

**7. Shiva Rao.B-Framing of India"s Constitution.**

**8.Jain.M.P-Indian Constitutional Law.**

**9. Relevant volumes of the Annual survey published by Indian Institute**

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## 2.5 HEALTH LAW

(CODE: 3LLB205)

### UNIT-1 INTRODUCTION AND GENERAL BACKGROUND:

- 1.1 Concept of Health and Health Care
- 1.2 General Background
- 1.3 Issues involved
- 1.4 Constitutional Perspective
- 1.5 Fundamental right
- 1.6 Directive Principles

### UNIT - 2 JUDICIAL DECISIONS AND REGULATION OF MEDICAL PARAMEDICAL PROFESSION:

#### 2.1 Judicial decisions

- 2.1.1 Right to health during emergency
- 2.1.2 Worker's right to health
- 2.1.3 HIV patients and right to health
- 2.1.4 Children and health
- 2.1.5 Prisoner's right to health
- 2.1.6 Protection of health in various homes/institution of government
- 2.1.7 Environment and health
- 2.1.8 Ban on public smoking

#### 2.2 Regulation of medical paramedical profession:

- 2.2.1 Regulation of medical profession
- 2.2.2 The National Medical Commission Act, 2019
- 2.2.3 Code of Medical Ethics Regulations 2002
- 2.2.4 Rights of patients and Consent

### UNIT - 3 LEGISLATIONS ON HEALTH CARE - I:

- 3.1 The Drugs and Cosmetics Act, 1940
- 3.2 The Drugs and Magic Remedies (objectionable Advertisement) Act, 1954
- 3.3 The Narcotics, Drugs and Psychotropic Substances Act, 1985
- 3.4 The Mental Health Act, 2017
- 3.5 The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995

### UNIT - 4 LEGISLATIONS ON HEALTH CARE - II:

- 4.1 The Food Safety and Standards Act, 2006
- 4.2 The Transplantation of Human Organs & Tissues Act (THOTA) - 1994
- 4.3 The Pre-Conception and Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994
- 4.4 The Medical Termination of Pregnancy Act, 1971

### UNIT - 5 INTERNATIONAL NORMS AND CONTEMPORARY ISSUES:

- 5.1 International Code of Medical Ethics
- 5.2 Health related provisions in various Human Rights conventions, treaties and declarations
- 5.3 World Health Organization and its role
- 5.4 Bio-ethics: issues and challenges
- 5.5 Euthanasia and physician assisted suicide
- 5.6 Artificial insemination
- 5.7 Genetic engineering
- 5.8 Surrogacy
- 5.9 Patenting of Drugs and Health
- 5.10 Contemporary issues on health

#### Books Recommended:

1. Jonathan Montgomery, Health care LAW, Oxford University Press.
2. S.V. Joga Rao, Current Issues in Criminal Justice And Medical Law, Eastern Law House.
3. Garcus Thorman, N.P. Sinha, & Johnson Thorman, AIDS, Social Work and Law, Rawat Publication.
4. Nandita Adlikani, Law and Medicine, Central Law Publication.

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**UNIT-1 NEED TO STUDY JURISPRUDENCE AND CONCEPT OF LAW:**

- 1.1 Its relationship with political and power structures and just society
- 1.2 Concept of law
  - 1.2.1. Concept, ideas and notions
  - 1.2.2 What is a theory - difference between theory, hypothesis, conjecture, opinions.
- 1.3 What is norm?
  - 1.3.1. Differences between maxims, rules, principles and customary rules.
  - 1.3.2. Differences between primary rules and secondary rules.
  - 1.3.3. What is a normative system?
- 1.4 concept of law, its difference with laws of natural sciences, social sciences, statistics, history.:
  - 1.4.1. Laws of obligations.

**UNIT-2 Why laws are obligatory?**

- 2.1. Define and discuss the following legal concepts c Liability, obligation, sanction, coercion, compulsion, duty, estoppel, promise, dharma with case material.
- 2.2. CONTRACTARIAN THEORIES - general -will theories and free-will theories and autonomous theories particularly positivist theories connected (development of Austin onwards: Reference to Dworkin, Rawls and Marxian terms of the doctrine of withering away of State. *Including transcendental theories.*
- 2.3. Whom does the law obligate? Personality: people: State-with particular reference to Directive Principles of State Policy: Locus standi. Randhir. Golak Nath and other relevant cases.

**UNIT-3 Theories of Authority:**

- 3.1 Types of authority - Legislative, judicial and customary - their binding nature.
- 3.2. Bindingness with regard to precedent. Determination of ratio and methods of Wanbaugh, Salmond, Goodhart, Simpson's approach in Jacob's case. Also the studying factors of Lewyn (information to be provided that there is no distinction between making and declaring, basing on Gestalt psychology. (Ref-Peter Brett).

**UNIT-4 LIMITS ON LEGISLATIVE AUTHORITY:**

- 4.1. Positivist view that there is no limits. Discuss with reference to Austin, Kelsen. Golak Nath and D.C. Wadhwa's case.
- 4.2. Natural law view that the limits are defined by principles of morality or natural justice - the legislation, from whatever source, must be in accordance with such principles. Discuss with reference to Aquinas, Finnis.
- 4.3. The Rationalist view that the limits are set by rational principles of justice - Discuss with reference to Kant, Rawls.
- 4.4. The Basic structure Doctrine - that the limits are set by the basic structure of the constitution or the law itself; any legislation contrary to the basic structure is non-law (Ref: Kesavananda Case).
- 4.5. Define and discuss the basic legal concept of reasonableness with reference to Indian cases. State of Madras V. V.G. Row (AIR 1952 SC 196). Dwaraka Prasad Laxmi Narayan V. State of U.P. (AIR 1954 SC 224). Krishan Chandra Arora V. Commissioner of Police (1961 3 SCR 135). Hardhan Shah V. State of West Bengal (1975 3 SCC 198). AIR INDIA V. Nargesh Meerza (AIR 1987 SC 1829). Maneka Gandhi V. Union of India (1978 2 SCR 621).

**UNIT-5 THE FUNCTIONS OF LAW:**

- 5.1. Law as the upholder of the moral order in the society.
- 5.2. Concept of Dharma and connection between law and morality.
- 5.3. Law for bringing efficiency and social stability: the utilitarian views.
- 5.4. The differences between the ends of a legal order, a political order and a religious order. Are they inter changeable? Can one replace another? Issue concerning the dialectics of law.
- 5.5. Law as a means of social control.
- 5.6. Law as Volksgeist.

**Books Recommended:**

1. Bodenheimer Jurisprudence - The philosophy and Method of Law
2. Fitzgerald, Salmond on Jurisprudence
3. W. Friedmann, Legal Theory
4. M.D.A Freeman Lloyd's Introduction to Jurisprudence
5. H.L.A Hart, the Concepts of Law 6. Dias - Jurisprudence

### 3.3 PROPERTY LAW

(Including transfer of property act and easement act)

#### UNIT-1 JURISPRUDENTIAL CONTOURS OF PROPERTY:

- 1.1. Concept and meaning of property - new property -Governmental Largesse.
- 1.2. Kinds of property - movable and immovable property - tangible and intangible property - intellectual property - copyright - patents and designs - trademarks.
- 1.3. Private and public property - natural resources as property - privatization of public property.
- 1.4. Capitalist and Socialist analysis of property - property in means of production.
- 1.5. Possession and ownership as man -property relationship - finder of lost of goods.
- 1.6. Social functions of property.

#### UNIT-2LAW RELATING TO TRANSFER OF PROPERTY:

- 2.1. General principles of Transfer of property.
- 2.2. Specific Transfers:
- 2.3. Sale

#### UNIT-3 MORTGAGES:

- 3.1. Mortgages: Kinds of mortgages, simple mortgage. Mortgage by conditional sale - Distinguished from sale with a condition for repurchase. Usufructuary mortgage, English mortgage - Distinguished from mortgage by conditional sale. Mortgage by deposit of title deeds -when registration is necessary? Anomalous mortgage.
  - 3.1.1. Systematic Constraints:When formalities are required. Formalities - effect of nonregistration - debt may be proved
  - 3.1.2. Rights of Mortgagor. Right to redeem, Distinction between "due" and "Payable". Clog on redemption. Partial redemption. Accessions to mortgaged property and improvements. Mortgagor's power to lease.
  - 3.1.3. Rights and liabilities of Mortgagees. Right to foreclose or sale. Right to sue for Mortgage money. Accession to mortgaged property. Rights of mortgages in possession. Substituted security.
  - 3.1.4. Liabilities of a mortgages in possession
  - 3.1.5. Postponement of prior mortgage.
  - 3.1.6. Marshalling and contribution
  - 3.1.7. Who may sue for redemption
  - 3.1.8. conventional subrogation -Legal subrogation - "Redeem up and foreclose down"
- 3.2. Security Interests immovables
- 3.3. Charges
- 3.4. Leases
- 3.5. Exchange
- 3.6. Gifts
- 3.7. Actionable claims

#### UNIT-4 EASEMENTS:

- 4.1. Creation of easements
- 4.2. Nature and characteristics of easements.
- 4.3. Extinction of easements
- 4.4. Riparian rights
- 4.5. Licenses.

#### UNIT-5 RECORDATION OF PROPERTY RIGHTS:

- 5.1. Law relating to registration of documents affection proper relations - Exemptions of leases and mortgages in favor of Land Development Bank from registration.
- 5.2. Recordation of rights in agricultural land with special reference to property.
- 5.3. Law relating to stamp duties
  - 5.3.1. of the liability of instruments to duty
  - 5.3.2. Duties by whom payable
  - 5.3.3. Effect of not duly stamping instruments: Examination impounding of instruments, Inadmissibility on evidence, Impounding of instruments.

#### Books Recommended:

1. Textbook on Transfer of Property Act, Dr. Avatar Singh
2. Text book on Transfer of Property Act, R.K.Sinha
3. Textbook on Transfer of Property Act, Dr. G.P.Thripathi
4. Textbook on Transfer of Property act, vepa .P. Saradhi

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### 3.3 ADMINISTRATIVE LAW

(CODE: 3LLB303)

#### UNIT - 1 EVOLUTION, NATURE AND SCOPE OF ADMINISTRATIVE LAW AND BUREAUCRACY IN INDIA:

- 1.1. Evolution, nature and scope of administrative law
  - 1.1.1 From laissez faire to social welfare state -State as regulator of private interest-State as provider of services other functions of modern state - relief, welfare
  - 1.1.2. Evolution of administration as the fourth branch of Government - Necessity for delegation of powers of administration.
  - 1.1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration.
    - 1.1.3.1. Regulatory agencies in the United States.
    - 1.1.3.2. Conseil de Etat of France
    - 1.1.3.3. Tribalization in England and India.
  - 1.1.4. Relationship between Constitutional law and administrative law Public Administration.
  - 1.1.5. Separation of powers - to what extent relevant administrative functions.
  - 1.1.6. Rule of law and administrative law
  - 1.1.7. Definitions of Administrative law
  - 1.1.8. Scope of Administrative law
  - 1.1.9. Emerging trends - positive duties of administration under the modern social welfare legislation and compulsions of planning.
- 1.2 Bureaucracy in India
  - 1.2.1. Nature and organization of civil service. Central and State.
  - 1.2.2. Its hierarchical character, accountability and responsiveness.
  - 1.2.3. Powers and functions
  - 1.2.4. Attainment of developmental and social welfare goals through Bureaucracy - Problems and perspectives
  - 1.2.5. Class, character and structure
  - 1.2.6. Administrative deviance - corruption, nepotism, maladministration, Disciplinary proceedings and prosecutions under prevention of Corruption Act.

#### UNIT-2 LEGISLATIVE POWERS OF ADMINISTRATION AND JUDICIAL POWERS OF ADMINISTRATION:

- 3.1 Legislative powers of administration
  - 3.1.1 Necessity for delegation of legislative power
  - 3.1.2. Constitutionality of delegated legislation - power of exclusion and inclusion and power to modify statute
  - 3.1.3. Requirements for the validity of delegated legislation
    - 3.1.3.1. Consultation of affected interests and public participation in decision-making
    - 3.1.3.2. Publication of delegated legislation
  - 3.1.4. Administrative directions, circulars and policy statements.
  - 3.1.5. Legislative control of delegated legislation
    - 3.1.5.1. Laying procedures and their efficacy.
    - 3.1.5.2. Committees on delegated legislation - their constitution, function and effectiveness.
    - 3.1.5.3. Hearings before legislative committees
  - 3.1.6. Judicial control of delegated legislation - Doctrine of Ultra vires.
  - 3.1.7. Sub-delegation of legislative powers.
- 3.2 Judicial powers of administration:
  - 3.2.1 Need for devolution of adjudicatory authority on administration
  - 3.2.2. Administrative tribunals and other adjudicating authorities their ad-hoc characters- Compare administration of Justice in Courts with that of Tribunals (Ref. Robson)
  - 3.2.3. Nature of tribunals - Constitution, procedure, rules of evidence etc., with special reference to the following
    - 3.2.3.1. Central Board of Customs and Excise
    - 3.2.3.2. MRTP Commission
    - 3.2.3.3. ESI Courts
    - 3.2.3.4. Service Tribunals.
  - 3.2.4. Jurisdiction of administrative tribunals and other authorities: Distinction between quasi-judicial and administrative functions and relevance of this distinction in the light of recent decisions of the Supreme Court
  - 3.2.5. The right to hearing - Essentials of Hearing process, bias (No one can be a judge in his own cause) oral hearing etc.,
  - 3.2.6. Rules of evidence - no evidence, some evidence and substantial evidence rules.
  - 3.2.7 Requirements regarding reasoned decisions
  - 3.2.8. The right to counsel

- 3.2.9. Institutional decisions
- 3.2.10. Administrative Appeals
- 3.2.11. Council on Tribunals and Inquiries in England
- 3.2.12. U.S. Regulatory Agencies and Administrative procedures Act, 1946
- 3.2.13. Emerging Trends of Tribunalisation in India as means to relieve congestion in the courts and utilization of administrative expertise

### **UNIT-3 JUDICIAL CONTROL OF ADMINISTRATIVE ACTION:**

#### 3.1. Preliminary

- 3.1.1. Courts as the final authority to determine legality of administrative action-problems and perspectives.
- 3.1.2. Exhaustion of administrative remedies
- 3.1.3. - Standing. Standing for social action litigation
- 3.1.4. Laches
- 3.1.5. Res Judicata

#### 3.2. Trends of Judicial Review: Scope of Judicial review

- 3.2.1. Jurisdictional errors/ultra vires
- 3.2.2. Abuse and non-exercise of Jurisdiction
- 3.2.3. Error apparent on the face of the record
- 3.2.4. Violation of principles of natural justice
- 3.2.5. Violation of public policy
- 3.2.6. Primary jurisdiction
- 3.2.7. Absence of ripeness
- 3.2.8. Political questions
- 3.2.9. Doctrine of legitimate expectation

#### 3.3. Methods of Judicial Review:

- 3.3.1. Statutory appeals
- 3.3.2. Certiorari
- 3.3.3. Mandamus
- 3.3.4. Prohibition
- 3.3.5. Quo-warranto
- 3.3.6. Habeas Corpus
- 3.3.8. Specific performance and civil suits for compensation
- 3.3.9. Fact-finding commissions.

### **Unit 4:**

#### **4.1 ADMINISTRATIVE DISCRETION:**

- 4.1.1. Need for administrative discretion
- 4.1.2. Administrative discretion and rule of law
- 4.1.3. Mala fide exercise of discretion
- 4.1.4. Constitutional imperatives and use of discretionary authority
- 4.1.5. Irrelevant considerations
- 4.1.6. Non-exercise of discretionary power
- 4.1.7. Discretion to prosecute or to withdraw prosecution
- 4.1.8. Limiting, confining and structuring discretion - General discretion, technical discretion.

#### **4.2 LIABILITY FOR WRONGS (TORTIOUS AND CONTRACTUAL):**

- 4.2.1. Tortious liability: sovereign and non-sovereign functions
- 4.2.2. Crown proceedings Act of U.K. and Torts claims of U.S.
- 4.2.3. Statutory immunity
- 4.2.4. Act of State
- 4.2.5. Contractual liability of government
- 4.2.6. Government privilege in legal proceedings – State secrets, public interest, etc.,
- 4.2.7. Right to information and open Government
- 4.2.8. Estoppel and Waiver

#### **4.3 CORPORATIONS AND PUBLIC UNDERTAKINGS:**

- 4.3.1. State Monopoly-Remedies against arbitrary action or for acting against public policy
- 4.3.2. Liability of public and private corporations of Departmental undertakings
- 4.3.3. Legal remedies
- 4.3.4. Accountability -Committee on public undertakings, Estimates Committee, etc.,

#### **4.4 INFORMAL METHODS OF SETTLEMENT OF DISPUTES AND GRIEVANCE REDRESSAL PROCEDURES:**

- 4.4.1. Conciliation and mediation through social action groups
- 4.4.2. Use of Media, lobbying and public participation in policy making

- 4.4.3. Public inquiries and commissions of inquiry
- 4.4.4. Ombudsman,Parliamentary Commissioner
- 4.4.5.Lok pal, Lok Ayukta
- 4.4.6.Vigilance Commission
- 4.4.7. congressionalparliamentary committees.

**UNIT 5: RIGHT TO INFORMATION ACT**

**Books Recommended:**

1. D.D.Basu,Comparative Administrative Law (1998).
2. Wade,Administrative Law (Seventh Ed, Indian print 1997), Universal ,Delhi
3. J.C.Garner, Administrative Law(1989)
4. M.P.Jain, Cases and Materials on Indian Administrative Law, Vol.I and II (1996)Universal,Delhi.
5. Jain & Jain, Principles of Administrative Law (1997),Universal Delhi.
6. P.Sathe,Administrative Law (1998) Butterwroths-India,Delhi.

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### 3.2 COMPANY LAW

(CODE: 3LLB304)

#### Unit 1: MEANING OF COMPANY- VARIOUS THEORIES OF CORPORATE PERSONALITY AND FORMATION:

- 1.1 Meaning of company-creation and extinction of company:
- 1.2 :Forms of corporate and non-corporate organisations:
  - 1.2.1. Corporation,partnerships and other association of persons, state corporations, government companies, public sector;small scale, co-operative, corporate and joint sectors; foreign collaboration; their role. functions andaccountability - companies and the rule of law, their civil and criminal liability; their essentialcharacteristics.
- 1.3: Formation of a company:
  - 1.3.1 Law relating to companies - Companies Act, 1956
    - 1.3.1.2. Need of company for development.Formation of a company, registration and incorporation.
  - 1.3.2. Memorandum of association- various clauses- alteration therein - binding force - its relation with articles of association- doctrine of constructive noticeand indoor management - exceptions. 3.4. Prospectus-issue -contents - liability for misstatements -statement in lieu of prospectus 3.5. Promoters position - duties and liabilities.

#### UNIT 2: SHAREHOLDERS AND DIRECTORS:

- 2.1 Shares - general principles of allotment its objects and effects - transfer of shares - restrictions on transfer - procedure for transfer refusal of transfer - role of public financial institutions relationship between transferor and transferee - issue of shares at premium and discount.
- 2.2. 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 rights and liabilities of a shareholder.
- 2.3. Share capital - kinds - alteration and reduction of share capital - further issue of capital - conversion of loans and debentures into capital, duties of court to protect the interests of creditors and shareholders.
- 2.4. Directors - position - appointment - qualifications, vacation of office - removal, resignation powers and duties of directors - meeting, registers, loans - remuneration of directors - role of nominee directors' compensation for loss of office - managing directors and other managerial personnel.

#### UNIT 3: DIVIDENDS, DEBENTURES, BORROWING POWERS:

- 3.1. Meetings - kinds - procedure - voting.
- 3.2. Dividends - payment - capitalization of bonus shares -
- 3.3. Audit and accounts –
- 3.4. Borrowing - powers - effects of unauthorized borrowing - charges andmortgages loans to other companies - contracts by companies.
- 3.5. Debentures - meaning – floatingcharge - kinds of debentures - share holder and debenture holder - remedies of debenture holders
- 3.6.Protection of minority rights
- 3.7. Prevention of oppression and who can apply - when he applies powers ofthe court and of the Central Government.

#### Unit 4: OTHER ALLIED ASPECTS AND WINDING UP:

- 4.1 Other allied aspects:
  - 4.1.1 Private Companies - nature - advantages - conversion into public company – foreign companies -Government companies, holding and subsidiary companies.
  - 4.1.2. Investigations - powers.
  - 4.1.3. Reconstruction and amalgamation.
  - 4.1.4. Defunct companies.
- 4.2: Winding up:- Winding up - types - by court - grounds - who can apply - procedure - powers of liquidatorpowers of Court - consequences of winding up order voluntary winding up by members and creditors -winding up subject to supervision of court - liability of past members - payment of liabilities – preferentialpayments - unclaimed dividends - winding up of unregistered company.

#### UNIT 5: LAW AND MULTINATIONAL COMPANIES:

- 5.1. Collaboration agreements for technology transfer.
- 5.2.Control and regulation of foreign companies, taxation of foreign companies. share capital in such companies.

#### Books Recommended:

1. Avatar Singh: Company Law, Eastern Book company, Lucknow
2. Anantha Raman, lectures on company Law, Wadhwa Co
3. KailashRai, Company Law , Allahabad Law Agency,
4. Majumdar, Company Law, Taxman Publications
- 5 . Tandon M.P. ,Company Law,
6. Palmer, Company Law
7. Gover, Company Law
8. Ramaih, A Guide toCompanieis Act, Wadhwa Co

**Unit 1: STATES AS SUBJECTS OF INTERNATIONAL LAW:**

- 1.1. Nature of International law.
- 1.2. Evolution of Nature of 'State' as a subject of international law.
- 1.3. Criteria of Statehood.
- 1.4. Distinction between State and Government.
- 1.5. Recognition of 'States' and 'Governments'.
- 1.6. The notion of 'State succession'.

**Unit 2: STATES AS MAKERS OF INTERNATIONAL LAW:**

- 2.1. Custom-creation through state practice.
  - 2.1.1. Concept of "State Practices" creative of "Custom".
  - 2.1.2. Types of 'Custom'
  - 2.1.3. Proof of 'custom'.
  - 2.1.4. Place of customary international law in the evolution, and for the future of international law.
- 2.2. Treaties.
  - 2.2.1. Concept of Treaties
  - 2.2.2. Types of Treaties. (Bilateral/regional/multilateral: dispositive/non-dispositive: law-creating)
  - 2.2.3. Authority to enter into treaties with special reference to India.
  - 2.2.4. Essentials of a Valid Interpretation.
  - 2.2.5. International Adjudication, General Principles of 'Civilized Nations' and Juristic writing (publicists) as Acknowledged Subsidiary International Law Creating Acts.
- 2.4. The Resolutions of the General Assembly as Law Creating Acts.
- 2.5. The Status of Specialized United Nations Agencies.
- 2.6. The Role of International NGOs in International Law Creation.

**Unit 3: INDIVIDUALS, NON-STATE COMMUNITIES AND PEOPLES IN INTERNATIONAL LAW:**

- 3.1. The Traditional Discourse Concerning Individual as a Subject and Object of International law.
- 3.2. The Basic Modification. Post charter, in the position of the Individual.

**Unit 4: EQUITABLE RESOURCE UTILIZATION AND JUST WORLD ORDER:**

- 4.1. The Traditional Concepts of State Jurisdiction.
- 4.2. The Reformulation of the Law of the Common Heritage of Mankind.
  - 4.2.2. Territorial Waters.
  - 4.2.3. Continental Shelf
  - 4.2.4. Sea-bed and Ocean Floor.
  - 4.2.5. Special problems of Antarctica.
- 4.3. The Law of Outer Space (The Moon Treaty, Geostationary objects in outer space, problems of Liability in the case of Hazards. The emerging law concerning Transboundary pollution accidents (Chernobyl, Bhopal and Bhopal)).

**Unit 5: INTERNATIONAL ECONOMIC LAW:**

- 5.1. The IBRD, the IMF
- 5.2. The GATT
- 5.3. The UNCTAD/WTO

**Books Recommended:**

1. International law and Human Rights by S.K. Kapoor
2. Public International law, Dr. Gurupreet Singh
3. Public International Law, B.k. Ahuja
4. Public International Law, Sanganiya

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## 4.1 LABOUR LAW

**Unit 1: HISTORICAL PERSPECTIVES ON LABOUR:**

- 1.1. labor through the ages - Slave labor– Guildsystem - division on case basis - labour during feudal days.
- 1.2. Colonial labour law and policy.
- 1.3. Labor - capital conflicts: Exploitation of labour, profit, motive, poor bargaining power, poor working conditions unorganized labour, surplus labour, division of labour and super-specialization, lack of alternative employment.
- 1.4. International Labour Standards and their implementation.
- 1.5. From *Laissezfaire* to Welfare State: transition from exploitation to protection and from contract to Statue.

**Unit 2: TRADE UNIONISM AND COLLECTIVE BARGAINING:**

- 2.1 Trade unionism
  - 2.1.1 Labour Movement as a counter measure to exploitation - History of trade union movement in India.
  - 2.1.2. Right to trade union as part of human right freedom of association, amalgamation, rights and liabilities dissolution.
  - 2.1.3. Legal control and protection of trade union: registration, amalgamation, rights and liabilities, dissolution.
  - 2.1.4. Problems: multiplicity of Unions, overpoliticization - intra-union and inter-union rivalry, outside leadership, closed shop and union-shop, recognition of unions.
- 2.2. Collective bargaining:
  - 2.2.1. Concept of collective bargaining.
  - 2.2.2. international norms conditions precedent - merits and demerits.
  - 2.2.3. Bargaining' process.
    - 2.2.3.1. Negotiation
    - 2.2.3.2. Pressurization: Strike and lockout, go slow, work to rule, gherao.
  - 2.2.4. Structure of bargaining: Plant, industry and national levels.
  - 2.2.5. Duration and enforcement of bipartite agreement.
  - 2.2.6. Reforms in law.

**Unit 3: REGULATION OF INDUSTRIAL RELATIONS AND INDUSTRIAL DISCIPLINE:**

- 3.1: State regulation of industrial relations:
  - 3.1.1 Theoretical foundations: Social Justice, labour welfare, public interest productivity, productivity, industrial peace and development, price control.
  - 3.1.2. Recognition of mutual arrangements.
    - 3.1.2.1. Assistance to bipartite settlement: Conciliation, voluntary arbitration, formulation of standing orders.
    - 3.1.2.2. State prescription of machinery: reference for adjudication (the political overtones), the adjudicatory mechanisms (How do they differ from courts? Award and its binding nature, judicial review of awards.
    - 3.1.2.3. State prescription of standards in layoff, strike, lockout, retrenchment, closure and transfer of undertakings.
  - 3.1.3. The conceptional conundrum: industry, industrial disputes, workmen.
  - 3.1.4. unfair labour practices.
- 3.2: Discipline in industry: restraints on managerial prerogatives:
  - 3.2.1. Doctrine of hire and fire history of management's prerogative.
  - 3.2.2. Fairness in disciplinary process:
    - 3.2.2.1. Punishment for misconduct meaning of misconduct.
    - 3.2.2.2. the right to know: the charge sheet.
    - 3.2.2.3. the right to defend: domestic enquiry, notice, evidence, cross-examination, representation, unbiased inquiry officer and reasoned decision.
    - 3.2.2.4. Prenatal (permission) and post nata! Approval) control during dependency of proceedings (5.33 of the I.D.Act).

**Unit 4: REMUNERATION FOR LABOUR:**

- 4.1. Theories of wages: Marginal productivity, subsistence, wages fund, supply and demand, residual claimant, standard of living.
- 4.2. Concepts of Wages (minimum wages, fair wages, living wages, need-based minimum wages).
- 4.3. Components of wages: dearness allowance, principle of fixation.
- 4.4. Disparity in wages indifferent sectors - Need for rationalization and national approach.

- 4.5. Wage determining process – modes and modalities
  - 4.5.1. unilateral fixation by employer.
  - 4.5.2. Bilateral fixation
  - 4.5.3. Conciliation, arbitration and adjudication.
  - 4.5.4. Wage Board and Pay Commission.
  - 4.5.5. principles of Wage fixation.
- 4.6. Concept of bonus - Computation of bonus
- 4.7. Protection of Wages: Non-payment, delayed payment, unauthorised deductions remedial measures

#### **Unit 5: LABOUR WELFARE INCLUDING HEALTH AND SAFETY:**

- 5.1 Labour welfare :
  - 5.1.1. Welfare provided by the employers and through bipartite agreements and by statutory prescription.
  - 5.1.2. Provident Fund and family pension.
  - 5.1.3. Gratuity.
  - 5.1.4. Inter-state migrant workmen - regulation of employment and conditions of service.
  - 5.1.5. Regulation of working hours: Statutory controls.
  - 5.1.6. Women and labour force.
    - 5.1.6.1. Equal Remuneration law, maternity benefits, protective provisions for women under factories, plantations and Mines laws.
  - 5.1.7. Employment of young persons - prohibition of employment of children, regulation of employment of young persons.
- 5.2 Health and safety:
  - 5.2.1. Obligations for health and safety of workmen- Legislative controls: Factory, mines, and plantations.
  - 5.2.2. Employer's liability
    - 5.2.2.1. Workmen's compensation.
    - 5.2.2.2. Employees' State Insurance
    - 5.2.2.3. Liability for hazardous and inherently dangerous industries – Environmental protection.
- 5.3 :Protection of the weaker sections of labour:
  - 5.3.1. Tribal labour: Need for regulation.
  - 5.3.2. Beedi workers
  - 5.3.3. Unorganised labour like domestic servants Problems and perspectives.
  - 5.3.4. Bonded Labour: Socioeconomic programmes for rehabilitation.
  - 5.3.5. Contract labour - regulation.
  - 5.3.6. Constitutional dimensions of labour standards. "

#### **Books Recommended:**

1. R.F. Rustomji : The law of Industrial Disputes in India
2. J.N. Malik : Trade Union Law
3. Bagri : Law of Industrial Disputes, Kamal Law House, 2001.
4. Srivastava : Law of Trade Unions, Eastern Book Company, 4th Edition, 2002
5. Khan & Khan : Labour Law, Asia Law House, Hyderabad

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## 4.2 INTELLECTUAL PROPERTY LAW

(CODE: 3LLB402)

### Unit 1: INTRODUCTORY:

- 1.1. The Meaning of Intellectual Property.
- 1.2. Competing rationales of the legal regime for the protection of intellectual property.
- 1.3. The main forms of intellectual property – Copyright - Trademarks, Patents, Designs - Geographical indications, Merchandise, Franchise and forms of unfair competition.
- 1.4. The competing rationalizes for protection of rights
  - 1.4.1. Copy right
  - 1.4.2. trademarks
  - 1.4.3. Patents
  - 1.4.4. designs.
- 1.5. introduction to the leading international instruments concerning intellectual property rights: the Berna convention. Universal Copy right convention, the Paris union, the world Intellectual property rights organization (WIPO) and the UNESCO, TRIPS, TRIMS, WTO.

### Unit 2: SELECT ASPECTS OF THE LAW OF COPYRIGHT IN INDIA:

- 2.1. Historical evolution of the law.
- 2.2. Meaning of copyright.
- 2.3. Copyright in literary, dramatic and musical works.
- 2.4. Copy right in Musical works and cinematograph films.
- 2.5. Ownership of Copyright.
- 2.6. Assignment of Copyright.
- 2.7. Author's special Rights.
- 2.8. Notion of Infringement.
- 2.9. Criteria of Infringement.
- 2.10. infringement of copyright by films of literary and dramatic works.
- 2.11. importation of Infringement.
- 2.12. Fair use provisions.
- 2.12. Video piracy.
- 2.14. Aspects of Copyright Justice.
- 2.15. Remedies, especially the possibility of Anton Pillar Injunctive relief in India.

### Unit 3: INTELLECTUAL PROPERTY IN TRADEMARKS:

- 3.1. The rationale of protection of trade marks as (a) and aspect of commercial and (b) of consumer rights.
- 3.2. Definition Conception of Trade Marks.
- 3.3. Registration.
- 3.4. Distinction between Trade Mark and Property Mark.
- 3.5. The Doctrine of Honest Concurrent user
- 3.6. The Doctrine of Deceptive Similarity.
- 3.7. Passing off and Infringement, Criteria of Infringement
- 3.8. Standards of proof in passing off action.
- 3.9. Remedies

### Unit 4: THE LAW OF INTELLECTUAL PROPERTY:

- 4.1. Conception of patent.
- 4.2. Historical overview of the patents law in India.
- 4.3. Patentable Inventions with special reference to Biotechnology products entailing creation of new forms of life.
- 4.4. Process of obtaining a patent: Application, examination, opposition, and sealing of patents: general introduction.
  - 4.4.1. The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters.
  - 4.4.2. Wrongfully obtaining the invention.
  - 4.4.3. prior publication or Anticipation.
  - 4.4.4. Obviousness and the lack of Inventive Step
  - 4.4.5. Insufficient description.
- 4.5. Rights and obligations of a patentee
  - 4.5.1. Patents as chose in action.
  - 4.5.2. Duration of patent: Law and Policy consideration.
  - 4.5.3. Use and exercise rights. 4.5.4. Right to secrecy.
  - 4.5.5. The notion of "abuse" of patent rights.
  - 4.5.6. Compulsory Licenses.
- 4.6. Special Categories.

- 4.6.1. Employee Invention: Law and Policy Consideration.
- 4.6.2. Combination and selection patents
- 4.6.3. International patents, Transfer of Technology, know-how and problems of self-reliant development.
- 4.6.4. Biotechnology patents. (New varieties of plant breeds and medical plants)
- 4.6.5. Patents in Nuclear power.
- 4.7. Infringement.
  - 4.7.1. Criteria of Infringement:
  - 4.7.2. Onus of proof
  - 4.7.3. Modes of Infringement : The Doctrine of colourable variation.
  - 4.7.4. Defences in suits of infringement.
  - 4.7.5. Injunctions and related remedies

#### **UNIT-5 INTELLECTUAL PROPERTY AND OTHER REMEDIES UNDER CRIMINAL LAW.**

- 5.1. Intellectual property and other remedies under Criminal Law.
- 5.2. Consideration of some aspects of reform in the law of intellectual property.
  - 5.2.1. Information technology and exclusive marketing rights.

#### **Books Recommended:**

1. Bainbridge David I- Intellectual Property Law
2. Cornish W.R.- Intellectual Property Law
3. Ganguli Prabhudda- Intellectual Property Law
4. Kamath Nanda- Law relating to computers, Internet & E- commerce
5. Narayanan P - Intellectual Property Law

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## 4.3 INTERPRETATION OF STATUTES

### Unit 1 INTRODUCTION, APPROACHES, PRESUMPTIONS REGARDING JURISDICTION:

- 1.1. Difference between Construction and interpretation.
  - 1.1.2. Concept and power interpretation.
    - 1.1.2.1. Literal Construction.
    - 1.1.2.2. Other principles of interpretation.
  - 1.1.3. General principles of interpretation:
    - 1.1.3.1. The Primary rule: Literal construction.
    - 1.1.3.2. The other main principles of interpretation.
    - 1.1.3.3. Reading words in their context the external aspect.
    - 1.1.3.4. Reading words in context: the statutory aspect.
- 1.2 Theoretical or ideological approaches to interpretation:
  - 1.2.1. Judicial Restraint.
  - 1.2.2. Judicial activism
  - 1.2.3. Juristic restrained
  - 1.2.4. Juristic activism.
- 1.3 Presumptions regarding jurisdiction:
  - 1.3.1. Presumptions against ousting established jurisdictions.
  - 1.3.2. Presumptions against creating new and enlarging established jurisdictions
  - 1.3.3. How for statutes affect the crown.
  - 1.3.4. Further presumptions regarding jurisdiction:
    - 1.3.4.1. Territorial extent of British legislation.
    - 1.3.4.2. How for statutes conferring rights affect Foreigners.
    - 1.3.4.3. Presumption against violation of International law.

### Unit 2 CONSTRUCTION AND SUBORDINATE PRINCIPLES:

- 2.1 Beneficial construction and restrictive:
  - 2.1.1 Consequences to be considered.
  - 2.1.2. Presumption against change in the common law
  - 2.1.3. Mens rea in statutory offences
- 2.2 Construction to avoid collusion with other provisions, construction most agreeable to justice and reason:
  - 2.2.1. Presumption against intending what is inconvenient or unreasonable.
  - 2.2.2. Presumption against intending injustices or absurdity.
  - 2.2.3. Presumption against impairing obligations, permitting advantage from one's own wrong.
  - 2.2.4 Retrospective operation of statutes.
- 2.3 Exceptional construction:
  - 2.3.1. Modification of the Language to meet the intention.
  - 2.3.2. Equitable construction.
  - 2.3.3. Strict Construction of penal Laws.
  - 2.3.4. Statutes encroaching on rights or imposing burdens.
  - 2.3.5. Construction to prevent evasion.
  - 2.3.6. Construction to prevent abuse of powers.
- 2.4 Subordinate principles:
  - 2.4.1. Usage and contemporaneous exposition
  - 2.4.2. Construction imposed by statute.
  - 2.4.3. Construction of words in bonam pattern.
  - 2.4.4. Change of Language.
  - 2.4.5. Understanding associate words in a common sense, and the expression unique.
  - 2.4.6. General words following more specific.
  - 2.4.7. Meaning of some particular expressions.

### Unit 3: INTENTIONS ATTRIBUTED TO THE LEGISLATURE WHEN IT EXPRESSES NONE:

- 3.1. Imperative and directory and enhancements.
- 3.2. Absolute and qualified duties.
- 3.3. Impossibility of compliance.
- 3.4. Waiver.
- 3.5. Public and private remedies.

#### **Unit 4 : STARE DECISIS:**

- 4.1. The doctrine has inherited by us.
- 4.2. Techniques of innovation (subversion) of stare decises.
- 4.3. Supreme Court's authority to over rule its own decisions (Eg. Antulay Case).
- 4.4. Advisory jurisdiction and its import on precedent.
- 4.5. Prospective overruling in India.
- 4.6. Objections to judicial review as antimajoritarian.

#### **Unit 5: STATUTORY INTERPRETATION AS ASPECTS OF JUDICIAL PROCESS AND CONSTRUCTIONAL INTERPRETATION:**

- 5.1 Statutory interpretation as aspects of judicial process
  - 5.1.1. Rules of statutory interpretation and their judge made character.
  - 5.1.2. Legalism and rule of literal interpretation.
  - 5.1.3. Creativity: Mischief and Golden Rule.
  - 5.1.4. Self Discipline: Rule of construction in Fiscal and Criminal Statutes.
  - 5.1.5. Technicality: Rules as to necessary and implied repeal: Rules for interpretation of codifying, consolidating and amending statute.
  - 5.1.6 Values and interpretation.
- 5.2. Constructional interpretation:
  - 5.2.1. Differentiation from statutory' interpretation Rex VS. Burah asexample.
  - 5.2.2. Laetrile interpretations.
  - 5.2.3. Harmonies construction.
  - 5.2.4. Reference to Constituent assembly debates.
  - 5.2.5. Pith and substance
  - 5.2.6. Occupied field.
  - 5.2.7. Residuary power
  - 5.2.8. Repugnancy
  - 5.2.9. Amending power
  - 5.2.10. Directive Principles as source of constitutional interpretation.

#### **Books Recommended:**

1. Ajit Prakashan, Interpretation of Statutes
2. Dr. M.P. Tondan, Interpretation of Statutes
3. Interpretation of Statutes, Dr. Ashok. K. Jain
4. Interpretation of Statutes, P. Krishna swamy
5. Prof. T. Battacharya, Interpretation of Statutes
6. D.S. Chopra, Interpretation of Statutes

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## 4.4 LAND LAWS

(CODE: 3LLB404)

(Including Land ceiling and other local laws)

### **Unit 1 Introduction of ownership of land - Doctrine of eminent Domain – Doctrine of escheat and Movement of law reforms:**

- 1.1 Introduction of ownership of land - Doctrine of eminent Domain – Doctrine of escheat
  - 1.1.1. Introduction of ownership of land
  - 1.1.2. Doctrine of eminent Domain
  - 1.1.3. Doctrine of escheat
- 1.2. Movement of law reforms:
  - 1.2.1. Pre-Independence position - zamindari settlement -Ryotwari Settlement - Mahalwari system - Intermediaries - Absentee Landlordism - Large holdings.
  - 1.2.2. Post-independence Reforms:
    - 1.2.2.1. Abolition of zamindaries.
    - 1.2.2.2. Laws relating to Abolition of Intermediaries.

### **Unit 2: ACQUISITION OF PROPERTY, GOVERNMENTAL CONTROL AND CEILING ON LAND HOLDINGS:**

- 2.1 Laws relating to acquisition of property and governmental control of property
- 2.2 Laws relating to ceiling on land holdings:
  - 2.2.1. Urban land ceiling.
  - 2.2.2. Agricultural land ceiling.
- 2.3 Laws relating to tenancy reforms:
  - 2.3.1. Land to the Tillar
  - 2.3.2. Rent control and protection against eviction.

### **Unit 3: LAWS RELATING TO ALIENATION/ASSIGNMENT IN SCHEDULED AREAS.**

### **Unit 4: LAWS RELATING TO GRABBING**

### **Unit 5: FOREST LAWS - CONSERVATION OF FOREST ACT.**

#### **Books Recommended:**

- 1. Dr. G.B. Reddy, Land laws
- 2. Justice, K. Ramaswamy, New Law on Land Acquisition in Andhra Pradesh and Telangana
- 3. Anita. B. Gogia's Laws relating to Land Grabbing in Andhra Pradesh.

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#### 4.5 LAW OF BANKING (Including N.I Act)

##### **Unit 1. THE NATURE AND DEVELOPMENT OF BANKING AND RELATIONSHIP OF BANKER AND CUSTOMER**

- 1.1. The nature and development of banking
  - 1.1.1 History of Banking in India - Evolution.
  - 1.1.2. Constitutional perspectives - Union List, entries 36,37,38 43, 44, 45 and 46 - State List, entry 30 of
- 1.2. Relationship of banker and customer
  - 1.2.1. Banker, banking business, Meaning of Customer, Types of Customers, Types of Accounts.
  - 1.2.2. Contract between Banker and Customer; General relation, Legal relation - Their rights and duties.
  - 1.2.3. Banker's lien
  - 1.2.4. Banking instruments: Bank Notes, Bankers Drafts, Deposit receipts, Letter of Credit, Indemnities, Traveler's cheques, Postal orders, Dividend Warrants, Bonds.

##### **Unit 2. LAW RELATING TO BANKING COMPANIES IN INDIA:**

- 2.1. The Banking Companies Act, 1949, Extent and application, Business of Banking Companies: Control and Management by Reserve Bank of India : Suspension of Business and winding up of Banking Companies: Special provisions for speedy disposal of winding up proceedings.
- 2.2. The Banking Regulation Act, 1948: Extent and application Business of Banking companies, Provisions for winding up.
- 2.3. Reserve Bank of India Act, 1934, Characteristics and Functions, Objectives, Legal status and organizational structure functions such as: Banking, Currency, Banker to Government, Exchange Control over non-banking companies and supervision of other Banks (See Sections 17, 18 and 42).
- 2.4. Cooperative Banking law: Banking Regulation (Cooperative Societies) Rules, 1966 - Cooperative Credit Society Act, 1904 and 1925.

##### **Unit 3. NATIONALISATION OF BANKS: BANKING COMPANIES (ACQUISITION AND TRANSFER OF UNDERTAKING) ACT, 1969 AND 1970.**

- 3.1. Legislative competence for Nationalisation : Entries 43, 44 and 45 of List I, Entry 42 of List III, Entry 7 and 52 of List I, Entries 24, 26, 27 of List II, 33 of List III, Entries 54, 56 of List I, Articles 19(1) (f), 19(5), 31, 31(1).
- 3.2. Banks before and after Nationalisation : Growth, assets and Dis-abilities, efficiency and profitability, Recovery, Frauds in Banks, Bank Robberies.

##### **Unit 4. FOREIGN EXCHANGE CONTROL AND BANKING FOR NON-RESIDENT INDIANS.**

- 5.1. FERA, 1974, Authorised Dealers in Foreign Exchange:  
Restrictions on dealing on payment (Sections 3 to 10, 13 to 17, 19, 22, 27)

**Unit 5. Law Relating to Negotiable Instruments:** Negotiable Instruments Act, 1881; Meaning; Kinds of Negotiable Instruments - Promissory Notes, Bill of Exchange, Holder - Holder in due course, parties, Negotiation, Presentment, Discharge from liability, Dishonour Noting and payment for honour of cheques, Crossing of Cheques, Pledge of stocks, shares, life policies, documents of title to goods Guarantee and hypothecation.

##### **BOOKS RECOMMENDED FOR STUDY:**

1. Sheldon - Law of Banking
2. Gulati - Banking Companies Act
3. Maheswari - Banking Law and Practice
4. Ravi R. Mehta - Fundamentals of Banking
5. Promod Kumar Mukargee - Modern Banking Theory
6. B.G. Papapolkar - Banking in India.
7. Paget - Law of Banking

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## FIFTH SEMESTER

(CODE: 3LLB501)

### 5.1 CIVIL PROCEDURE CODE AND LIMITATION ACT

#### Unit 1. INTRODUCTION:

- 1.1 Conceptions of Civil Procedure in India before the advent of the British Rule
- 1.2 Evolution of Civil Procedure from 1712 to 1901,
- 1.3 Principal features of the Civil Procedure Code
- 1.4 Importance of State Amendments
- 1.5 Types of Procedures - Inquisitorial & Adversary - Importance of observance of Procedures.

#### Unit 2. SUITS, PLEADINGS, APPEARANCE AND EXAMINATION OF PARTIES:

##### 2.1 Suits:

- 2.1.1 Concept of Law Suit .
- 2.1.2 Order I, Parties to Suit
- 2.1.3 Order II, Frame of Suit
- 2.1.4 Order, IV, Institution of Suits
- 2.1.5 Bars & Suit: Doctrines of Res Sub Judice & Res Judicata
- 2.1.6 Place of Suing (Section 15,20) - Territorial Jurisdiction.
- 2.1.7 "Cause of Action" and Jurisdictional Bars
- 2.1.8 Summons (Sections 27,28,31, orders V, VI, IX)
- 2.1.9 Service of Foreign Summons (Section 29)
- 2.1.10 Power for order (Section 30, Order XI)

##### 2.2. Pleadings: (order vi)

- 2.2.1 Material Facts
- 2.2.2 Forms of Pleading
- 2.2.3 Condition Precedent
- 2.2.4 Presumptions of Law
- 2.2.5 Striking Out / Amendment

##### 2.3. Plaintiff: (order vii)

- 2.3.1 Particulars (esp. in money suits / suits for immovable property)
- 2.3.2 Showing of defendant's interest and liability
- 2.3.3 Ground of Limitation
- 2.3.4 Return of Plaintiff
- 2.3.5 Rejection of Plaintiff
- 2.3.6 Production and listing of Documents
- 2.3.7 Written Statement
- 2.3.8 Counter-Claim
- 2.3.9 Set-off
- 2.3.10. Framing of issues

##### 2.4 Appearance and examinations:

- 2.4.1 Appearance
- 2.4.2 Ex parte procedure
- 2.4.3 Default of Parties
- 2.4.4 summoning and attendance of witnesses
- 2.4.5 Examination
- 2.4.6 Admissions
- 2.5.7 Production, Impounding and Return of Documents
- 2.5.8 Hearing
- 2.5.9 Affidavit.

#### Unit 3 ADJOURNMENTS, JUDGEMENT AND DECREE AND EXECUTION: (ORDER. XXI):

##### 3.1. Adjournments

- 3.1.1. Order XVII'
- 3.1.2. Adjournment, Judicial Discretion and Problems of arrears

##### 3.2 Judgement and decree:

- 3.2.1 Concepts of Judgment, Decree and Interim Orders and stay
- 3.2.2 Injunctions
- 3.2.3 Appointment of Receivers

### 3.2.4. Costs

### 3.3 Execution: (order. xxi)

- 3.3.1 Concept of "Execution"
- 3.3.2 General Principles of Execution
- 3.3.3 Power of Execution of Decrees Rules (38-46)
- 3.3.4 Procedure for Execution Rules(51-54)
- 3.3.5 Enforcement: Arrest and Detention (Section 55-59)
- 3.3.6 Attachment (Rules 60-64)
- 3.3.7 Sale (Rules 65-67)

## **Unit 4. SUITS, APPEALS, COMMISSIONS:**

### 4.1 Suits

- 4.1.1 Suits by or against Government (Section 79-82)
- 4.1.2 Suits by Aliens and by or against Foreign Rulers, Ambassadors (Section 91 - 93)
- 4.1.3 Suits relating to public matters.
- 4.1.4 Incidental and supplementary Proceedings (Section 75-78, 94-95)
- 4.1.5 Suits against Minors, persons with unsound mind, indigent persons etc.,
- 4.1.6 Interpleader suits.

### 4.2. Appeals:

- 4.2.1 Appeals from original Decrees (section 96-99-A and Order XLI)
- 4.2.2 Appeals from Appellate Decrees (Section s100-1 01)
- 4.2.3 Appeals from Orders (Sections 104-106) (Or XLIII)
- 4.2.4 General Provisions Relating to Appeals (Section 107-108)
- 4.2.5 Appeals to the Supreme Court (Section 108)

### 4.3 Commissions:

- 4.3.1 The Rationale of Commissions
- 4.3.2 Order XXVI
- 4.3.3 Socio-Legal Commissions of Inquiry in "Social Action" or "Public Interest" litigation

## **Unit 5. LIMITATION**

- 5.1 Concept of Limitation - Why Limitation?
- 5.2 General Principles of Limitation
- 5.3 Extension -sufficient cause acknowledgement
- 5.4 Legal disability - Condonation - Which comes to an end?
- 5.5 Limitation Act, 1963 (Excluding Schedules).

## **BOOKS RECOMMENDED FOR STUDY:**

1. Mayank madhaw, Civil Procedure Code
2. Dr. Avtarsingh, Code of Civil Procedure
3. D.N. Mathur, Code of Civil Procedure
4. C.K. Thakker, Code of Civil Procedure
5. Code of Civil Procedure, Dr. Promodhkumarsingh
6. Code of Civil Procedure, Dr. Medhakolhatkar

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## **5.2 BHARATIYA NAGARIK SURAKSHA SANHITA, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT**

### **UNIT - 1 INTRODUCTORY:**

- 1.1. The rationale of Criminal Procedure – the importance of Fair Trial
- 1.2. Constitutional Perspectives - Articles 14, 20 & 21
- 1.3. The variety of Criminal Procedures
- 1.4. The organization of police, prosecutor, defence counsel and prison authorities their duties, functions and powers
- 1.5. Types of Procedures-Inquisitorial & Adversary – Importance of Procedure.

### **UNIT - 2 PRE- TRIAL PROCESS: ARREST, SEARCH & SEIZURE, FRI**

- 2.1. The distinction between "Cognizable" and "non-cognizable" offences - relevance and adequacy problems.
- 2.2. Steps to ensure accused's presence at trial - warrant and Summons cases.
- 2.3. Arrest with and without Warrant (sections 72, 75 and 35)
- 2.4. The absconder status (section 84, 85, 87 and 88)
- 2.5. Rights of the arrested
  - 2.5.1. Right to be informed of Grounds of arrest (Sections 61, 55, 77)
- 2.6. Right to be taken to magistrate without Delay (Sections 57, 58)
- 2.7. Right of not being detained for more than twenty-four hours (Section 58), Articles 22(2) of the Constitution of India
- 2.8. Right to consult legal practitioner and legal aid
- 2.9. Right to be...examined by a medical practitioner (section 53)
- 2.10. Search Warrant (Sections 96, 97, 100, 101) and Searches without Warrant (Section 108)
- 2.11. Police search during investigation (Sections 185 and 186)
- 2.12. General Principles of Search
- 2.13. Seizure (Section 106)
- 2.14. Constitutional aspects of validity of Search and Seizure proceedings.
- 2.15. F.I.R. (Section 173)
- 2.16. Evidentiary value. of F.I.R. under *Bharatiya Sakshya Adhiniyam, 2023*
- 2.17. Magisterial Powers to take cognizance

### **UNIT - 3 TRIAL PROCESS: (FAIR TRIAL, CHARGE, PLEAS, TRIAL BEFORE COURT OF SESSIONS)**

- 3.1. Commencement of Proceedings (Sections 223, 224, 225)
- 3.2. Dismissal of Complaints (Sections 226, 227)
- 3.3. Bail
  - 3.3.1. "Bailable" and "Non- Bailable" offences (Sections 478, 480, 483)
  - 3.3.2. Cancellation of Bails
  - 3.3.3. Anticipatory bail (Section 482)
  - 3.3.4. Appellate bail Powers-suspension of sentence
  - 3.3.5. General Principles concerning Bond (Sections 485-496)
  - 3.3.6. Constitutional Principles regarding Bail.
- 3.4. Concept of Fair Trial
- 3.5. Presumption of innocence
- 3.6. Venue of trial (Sections 197-209)- Jurisdiction of Criminal Courts.
- 3.7. Right of Accused to know the Accusation
- 3.8. The trial must generally be held in accused's presence (Sections 228, 308, 355)
- 3.9. Right to Cross examine and to offer evidence in defence.
- 3.10. Constitutional interpretation of Article 21 as a right to speedy trial.
- 3.11. Form and Content of Charge (Sections 234, 235 and 239)
- 3.12. Separate charges for distinct offences (Sections 241, 242, 243, 244 and 246)
- 3.13. Jurisdiction (Sections 21, 197-208, 507, 508 and 81)
- 3.14. Time Limitations: Rationale and Scope (Sections 514- 519)
- 3.15. Pleas of *Autrefois Acquit and Autrefois Convict* (Sections 337, Article 20(2) of the Constitution of India)
- 3.16. Procedural steps and substantive rights under Sections 249-259

## **UNIT - 4 JUDGEMENT, APPEALS & REVISION, PROBATION, PAROLE**

- 4.1. Form and Content (Section 393)
- 4.2. Summary trial (Section 389)
- 4.3. Post - Conviction orders in lieu of punishment - Emerging penal policy (Sections 401, 402 and 25)
- 4.4. Compensation and Cost (Sections 395 and 399)
- 4.5. Modes of providing judgment (Sections 392, 403 and 404)
- 4.6. No appeal in certain cases (Sections 413, 416 and 417)
- 4.7. The rationale of Appeals Review, Revisions.
- 4.8. The multiple range of appellate remedies:
  - 4.8.1. Supreme Court of India (Sections 415 and 420, Articles 132, 134 of Constitution of India)
  - 4.8.2. High Court (Section 415)
  - 4.8.3. Sessions Court (Section 415)
  - 4.8.4. Special right to Appeal (Section 421)
  - 4.8.5. Governmental Appeal against Sentencing (Sections 418 and 419)
  - 4.8.6. Judicial Powers in disposal of Appeals
  - 4.8.7. Legal Aid in Appeals.
- 4.9.1. Problems and principles in Probation
- 4.9.2. Suspension of sentence in Probation
- 4.10.1. Meaning of Parole
- 4.10.2. Authority granting Parole
- 4.10.3. Supervision of Parole
- 4.10.4. Conditional release on Parole

## **UNIT - 5 PROCEDURES UNDER PROBATION OF OFFENDERS ACT, 1958 AND JUVENILE JUSTICE ACT**

- 5.1. Procedures under Juvenile Justice Act.
- 5.2. Juvenile Justice System
- 5.3. Treatment and rehabilitation of Juveniles
- 5.4. Juvenile- adult crimes
- 5.5. Protection of Juvenile offenders –Legislative and Judicial role
- 5.6. Concept of Juvenile Delinquency

### **Books Recommended :**

1. Textbook on The Bharatiya Nagarik Suraksha Sanhita, 2023 by K. Swamyraj
2. The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 by Universal
3. R.N.Choudhary, Law relating to Juvenile Justice
4. Dipanshu Chakrobarty, Atrocities on Women
5. Indira Jaisingh, Prenatal and Diagnostics Act
6. AS.R.Myneni, Women and Law 57
7. Mamata Rao, Law relating to Women and Children

## 5.3 BHARATIYA SAKSHYA ADHINIYAM

### UNIT – 1 INTRODUCTION:

- 1.1. Conceptions of Evidence in classical Hindu and Islamic Jurisprudence
- 1.2. Evidence in Customary Law Systems (non-State law)
- 1.3. The Introduction of the British "Principles" of Evidence.
- 1.4. The Main Features of the *Bharatiya Sakshya Adhinyam*, 2023
- 1.5. Other Acts which deal with Evidence (Special reference to C.P.C., Cr.P.C, Central Acts such as Banker's Book Evidence Act ,Commercial Documents Evidence Act, Fiscal and Revenue Laws etc.)
- 1.6. Problem of Applicability of *Bharatiya Sakshya Adhinyam*, 2023
  - 1.6.1. Administrative Courts
  - 1.6.2. Administrative Tribunals
  - 1.6.3. Industrial Tribunals
  - 1.6.4. Commissions of Enquiry
  - 1.6.5. Court-martial
  - 1.6.6. Need for Industrial Tribunals, Commissions of enquiry, court-martial, unfair means at examinations, Arbitration, Disciplinary Proceedings.

### UNIT - 2 CONCEPTIONS IN LAW OF EVIDENCE, RELEVANCY, ADMISSIONS AND CONFESSIONS, RELEVANCY OF JUDGEMENTS

- 2.1. Fact - Definition in Section 2 ( f ) & distinction (relevant facts/f acts in issue)
- 2.2. Evidence: Oral and Documentary (is "real" or "Material" Evidence, covered by this)
  - Primary and secondary evidence
- 2.3. Circumstantial Evidence and Direct Evidence-Hearsay Evidence
- 2.4. Presumption (Section 2)
- 2.5. "Proving" and "Disproving"
- 2.6. Witness
- 2.7. Appreciation of Evidence
- 2.8. The Doctrine of *Res Gestae* (Sections 4, 5, 6)
- 2.9. Evidence of Common intention (Section 8 )
- 2.10. The problems of relevancy of "Otherwise"-Irrelevant Facts (Section 9 )
- 2.11. Relevant Facts of or Proof of Custom (Section 11)
- 2.12. Facts concerning bodies & mental state (Sections 12 and 13)
- 2.13. General Principles concerning Admissions (Sections 15-21)
- 2.14. Differences between "Admission" and "Confession"
- 2.15. The problems of non-admissibility of confessions caused by " Any inducement, threat or promises"(Section 22)
- 2.16. Inadmissibility of Confession made before a Police Officer (Section 23)
- 2.17. Admissibility of "Custodial" Confessions
- 2.18. Admissibility of "information" received from an accused person in custody; with special reference to the problem of discovery based on " joint statement"
- 2.19. Confession by co - accused (Section 24 )
- 2.20. The problems with the judicial action based on a "retracted confession"
- 2.21. The justification for relevance on dying declarations (Section 26 )
- 2.22. The judicial standards for appreciation of evidentiary value/of dying declarations.
- 2.23. Other statements by persons who cannot be called as witness
- 2.24. General principles.
- 2.25. Special Problems concerning violation of women's right in marriage in the Law of Evidence:

### UNIT - 3 RELEVANCE OF JUDGEMENTS, EXPERT TESTIMONY, KINDS OF EVIDENCE

- 3.1. General Principles (Sections 34-38)
- 3.2. Admissibility of Judgments in Civil and Criminal matters (Section 37)
- 3.3. "Fraud" and "collusion" (Section 38)
- 3.4. General Principles (Sections 39-44)
- 3.5. Who is an expert? Types of Expert Evidence
- 3.6. Opinion on Relationship especially proof of marriage (Section 44)
- 3.7. The problems of judicial defence to expert testimony.

#### **UNIT - 4 ORAL AND DOCUMENTARY EVIDENCE AND KINDS OF EXAMINATIONS**

- 4.1. General Principles Concerning Oral Evidence (Sections54-55)
- 4.2. General Principles concerning Documentary Evidence (Sections65-92)
- 4.3. General Principles Regarding Exclusion of Oral Evidence by Documentary Evidence
- 4.4. Special Problems regarding Hearsay Evidence
- 4.5. Estoppel in relation to oral and documentary evidence
- 4.6. Competency to Testify (Section124)
- 4.7. State Privilege (Section129)
- 4.8. Professional privilege (Sections132 and 133)
- 4.9. Approver Testimony (Section 138)
- 4.10. General Principles of Examination (Sections140-168)
- 4.11. Leading Questions (Section146)
- 4.12. Lawful Questions in Cross-Examination (Section 149)
- 4.13. Compulsion to answer questions put to witness (Sections150,156)
- 4.14. Hostile witness (Section157)
- 4.15. Impeaching of the standing or credit of witness (Section 158)

#### **UNIT - 5 BURDEN OF PROOF AND ESTOPPEL**

- 5.1. The general conception of *onus probandi* (Section104)
- 5.2. General and Special Exceptions *to Onus Probandi*
- 5.3. The justification of presumptions and of the doctrine of judicial notice
- 5.4. Justification as to presumption as to certain offences (Section113A)
- 5.5. Presumption as to Dowry Death (Section118)
- 5.6. The Scope of the Doctrine of Judicial Notice (Section119)
- 5.7. What is Estoppel ? Introduction as to the rationale (Section121)
- 5.8. Estoppel, Res Judicata and Waiver; and Presumption
- 5.9. Estoppel as a matter of Defence
- 5.10. Estoppel by Deed
- 5.11. Estoppel in fair
- 5.12. Equitable and promissory estoppels.
- 5.13. Questions of corroboration (Sections159-160)
- 5.14. Improper admission and of witness in civil and criminal cases.

#### **Books Recommended :**

1. Textbook on The Bharatiya Sakshya Adhinyam, 2023- by M Monir
2. Textbook on The Bharatiya Sakshya Adhinyam, 2023 by K. Swamyraj
3. Padala Rami Reddy, Law of Evidence, 1872
4. The Law of EVIDENCE by Batuk Lal
5. Princpls of The Law of Evidence, Dr. Avathar Singh.

## **5.4 ARBITRATION, CONCILIATION AND ALTERNATIVE DISPUTE RESOLUTION SYSTEM**

### **Unit 1: JUDICIAL DISPUTE RESOLUTIONS, ALTERNATE DISPUTE RESOLUTION AND DISTINCTION :**

#### **1.1 Judicial dispute resolutions:**

##### 1.1.1 Characteristics

##### 1.1.2 Operating Principles

##### 1.1.2.1 Party participation and Control

##### 1.1.2.2 Short focus on issues

##### 1.1.2.3 Reasoned Decision

##### 1.1.2.4 Finality

##### 1.1.3 Adversary Process

##### 1.1.4 What courts do and do not do effectively?

#### **1.2 Advantages and Disadvantages of such resolution**

##### 1.2.1. Alternate dispute resolution.

##### 1.2.2. Alternate to formal adjudication - Techniques processes

##### 1.2.2.1 Unilateral - Bilateral - triadic (Thirdparty) Intervention

##### 1.2.3 Advantages - Limitations

##### 1.2.4 Negotiations 2.4 Conciliation

##### 1.2.5 Distinction between arbitration - conciliation and negotiation

#### **1.3. Distinction between judicial settlement and alternate dispute resolution.**

### **Unit 2. THE ARBITRATION AND CONCILIATION ACT, 1996**

#### **2.1 Background of the Act**

#### **2.2 Efforts of United Nations commission on International Trade Law**

#### **2.3 Model Arbitration Law**

#### **2.4 Recommendations of Law Commissions of India**

### **Unit 3. ARBITRATION**

#### **3.1. Arbitration**

##### 3.1.1 Definitions of "Arbitrary", "Arbitrator", "Arbitration Agreement"

##### 3.1.2 Appointment of "Arbitrator"

##### 3.1.3 Grounds for changing the arbitrator

##### 3.1.4 Termination of Arbitrator

#### **3.2. Proceedings in arbitral tribunals:**

##### 3.2.1. Arbitral Award

##### 3.2.2 Termination of Proceedings

##### 3.2.3 Setting aside of arbitral award

##### 3.2.4 Finality and Enforcement

##### 3.2.5 Appeals

##### 3.2.6 Power of the High Court to make rules

#### **3.3. Enforcement of foreign awards:**

##### 3.3.1 New York and Geneva Convention Awards

### **Unit 4. CONCILIATION:**

#### **4.1. Meaning and Definition**

#### **4.2. Appointment of conciliators**

#### **4.3. Powers and functions of conciliators**

#### **4.4. Conciliation agreements**

#### **4.5. Conciliation Proceedings**

#### **4.6. Enforceability**

### **Unit 5. ALTERNATE MODES OF DISPUTE RESOLUTIONS, LEGAL SERVICES AUTHORITY, ROLE OF N.G.O'S IN DISPUTE RESOLUTIONS:**

#### **5.1. ALTERNATE MODES OF DISPUTE RESOLUTIONS**

##### 5.1.1 Role of Panchayat

##### 5.1.2 Role of Grama Sabhas

##### 5.1.3 Lokpal Lokayukta

##### 5.1.4 Lok Adalat's

##### 5.1.5 Family Court-Counselling centers

##### 5.1.6 Tribunals

5.2 Legal services authority

5.3. Role of N.G.O's in dispute resolutions

**Books Recommended:**

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

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## 5.5 LAW OF INSURANCE

### Unit 1. **INSURANCE**

- 1.1 Definition and meaning of the term
- 1.2 Insurance Distinguished from wager and conditional contracts
- 1.3 History of Insurance in England and India in brief-out line

### Unit 2. **KINDS OF INSURANCE**

- 2.1 Kinds of Insurance: Life, Fire and Marine, Accident, Burglary and other
- 2.2 Insurance Construction of Insurance Policies
- 2.3 Subject matter of Insurance
- 2.4 The Risk
- 2.5 The Premium Double Insurance
- 2.6 Reinsurance
- 2.7 Conditions in Insurance
- 2.8 Non- Disclosure, Misrepresentation, Waiver and Estoppel
- 2.9 Contribution Subrogation

### Unit 3. **LIFE INSURANCE**

- 3.1 Basis of the contract
- 3.2 Event insured against circumstances affecting the risk
- 3.3 Assignment of life policies
- 3.4 Payment under life policies

### Unit 4. **FIRE INSURANCE**

- 4.1 Perils insured against
- 4.2 Proximate cause
- 4.3 Interest in particular cases
- 4.4 Assignment of Interest
- 4.5 Reinstatement
- 4.6 Salvage

### Unit 5. **MARINE INSURANCE**

- 5.1 Peril insured against
- 5.2 Assignment of policy Avoidance of policy
- 5.3 General average
- 5.4 Measures of loss for which insurers are liable
- 5.5 Total loss
- 5.6 Redemption

### **BOOKS FOR STUDY:**

- 1. K.S.N. MURTHY: MODERN LAW OF INSURANCE IN INDIA
- 2. E.W. PATTERSON: ELEMENTS OF INSURANCE LAW
- 3. MAC GILLIVARY: INSURANCE LAW
- 4. Mc ARNOLD: LAW OF MARINE INSURANCE

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**SIXTH SEMESTER**  
**6.1 LAW OF TAXATION**

**(CODE: 3LLB601)**

**UNIT – 1 : Introduction:**

- 1.1. Income Tax Law
- 1.2. Basic Concepts:
  - 1.2.1. Income
  - 1.2.2. Person
  - 1.2.3. Assesse.
  - 1.2.4. Assessment year
  - 1.2.5. Agricultural income
  - 1.2.6. Capital and revenue
- 1.3. Incomes exempt from tax
  - 1.3.1. Residential status (theory only)
  - 1.3.2. Incidence of Tax (including problems)

**UNIT- 2 'Salaries' :**

- 2.1 Income chargeable under the Head 'Salaries'
- 2.2 Perquisites and method of valuing perquisites such as
  - a. Rent-free residential accommodation
  - b. Accommodation provided at concessional rates
  - c. Free gas, electricity or water
  - d. Free educational facilities
  - e. Free Transport provided by employer.

**UNIT – 3 Income from House Property & Capital Gains:**

- 3.1. Income acquired from
  - 3.1.1. Annual value
  - 3.1.2. Let-out
  - 3.1.3. Self occupied
  - 3.1.4. Deemed to be let-out house
  - 3.1.5. Deductions from annual value
- 3.2 Computation of income from house property (including problems)
- 3.3 Income from other sources (from individual point of view)
- 3.4 Chargeability and assessment (including problems).

**UNIT – 4 Profits and Gains of Business & Other Sources:**

- 4.1 Basis of Charge
- 4.2 Important rules regarding assessment of PGBP
- 4.3 Computation of Profits of Business or Profession
- 4.4 Deductions expressly allowed
- 4.5 Expenses expressly disallowed
- 4.6 Computation of Total Income (Simple problems).

**UNIT – 5 Introduction to GST :**

- 5.1 Basics relating to
  - 5.1.1 VAT
  - 5.1.2 Sales Tax -
- 5.2 Overview of GST
  - 5.2.1 Concepts
  - 5.2.2 Taxes Subsumed under GST
  - 5.2.3 Components of GST- GST Council
  - 5.2.4 Advantages of GST
  - 5.2.5 GST Registration
  - 5.2.5 Time of Supply of Goods & Services
  - 5.2.6 Value of Supply
  - 5.2.7 Input Tax Credit
  - 5.2.8 Distribution of Credit
  - 5.2.9 Matching of Input Tax Credit
  - 5.2.10 Availability of Credit in Special Circumstances
  - 5.2.11 Cross utilization of ITC between the Central GST and the State GST

**BOOKS FOR STUDY:**

1. KANGA AND PALKHIVALA: INCOME TAX
2. BATT ACHARY A, S: LAW AND PRACTICE OF WEALTH TAX
3. THE A.P. GENERAL SALES TAX ACT.
4. THE CENTRAL SALES TAX ACT
5. T. S. REDDY AND DR. Y. HARI PRASAD REDDY, BUSINESS TAXATION (GOODS AND SERVICES TAXES), MARGHAM PUBLICATIONS.
6. TAXMANN'S BASICS OF GST.
7. TAXMANN'S GST: A PRACTICAL APPROACH

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**6.2 MOOTCOURT, PRE -TRAIL PARTICIPATION AND PRATICIPATION IN TRAIL PROCEEDINGS**

**A) Moot Court (80 Marks):**

Every student shall attend two moot courts. The Moot Court work will be on assigned problems one civil and one criminal. It will be evaluated for 40 marks for each by the Moot Court Committee.

**B) OBSERVANCE OF TRIAL IN TWO CASES, ONE CIVIL AND ONE CRIMINAL (20 Marks).**

Students will attend two trials in the course of the last two semesters of 3- and 5-year law studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 20 marks.

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**6.3 DRAFTING, PLEADING AND CONVEYANCING**

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

**UNIT 1- DRAFTING:**

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

**UNIT 2 - PLEADINGS:**

- 2.1. Civil:
- (i) Plaint
  - (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.

**UNIT 3 - Criminal:**

- (i) Complaints
- (ii) Criminal Miscellaneous Petition
- (iii) Bail Application and
- (iv) Memorandum of Appeal and Revision

**UNIT 4 – CONVEYANCING - I:**

- (i) Sale Deed
- (ii) Mortgage Deeds
- (iii) Lease Deed

**UNIT 5 – CONVEYANCING - II:**

- (i) Gift Deed
- (ii) Promissory Note
- (iii) Power of Attorney
- (iv) Will

**There shall be a university written examination of this paper for 80 marks and internal assignment carrying 20 marks. The candidate shall get a minimum 1/3 rd of marks allocated for each component and 40% aggregate of the total.**

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## 6.4 PROFESSIONAL ETHICS, ACCOUNTANCY FOR LAWYERS AND BENCH BAR RELATIONS

### Unit - I

1.1. Law and Legal profession - Development of Legal profession in India. 1.2 Right to practice - a right or privilege? Constitutional guarantee under article 19(9) and its scope.

### Unit - II

2.1 Regulation governing enrolment and practice. 2.2 Practice of Law - Whether a business? 2.2 Solicitors firm - Whether an Industry 2.3 Elements of Advocacy

### Unit - III Ethics

3.1 Seven lamps of advocacy 3.2 Advocates duties towards Public, Clients, Court, towards other advocates and Legal Aid. 3.3 Bar Council Code of Ethics

### Unit -IV Disciplinary proceedings

4.1 Professional misconduct - disqualifications 4.2 Functions of Bar Council of India/State Bar Councils in dealing with the Disciplinary proceedings. 4.3 Disciplinary Committee 4.4 Disqualifications and removal from rolls. \*50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the subject to be covered.

### Unit - V - Bar - Bench relations

### Unit - VI: Accountancy of Lawyers

Nature and functions of accounting. 6.2 Important branches of accounting 6.3 Accounting and Law 6.4 Use of knowledge of accountancy in Legal Disputes especially arising out of Law of Contracts, Tax Law, etc. 6.5 Accountancy in Lawyers office/firm. 6.5.1 Basic financial statements. - Income & Loss account - Balance sheet - Interpretation thereof - Feature of Balance sheet 6.5.2 Standard Costing.

❖ There shall be a University written examination on this paper for 80 marks and Viva-voce examination carrying 20 marks. The Viva-voce board shall be as mentioned under Practical Training paper – II. The candidate shall get a minimum 1/3rd of marks allocated for each component and 40% on the aggregate.

❖ 50 selected opinions of Disciplinary Committee of Bar Council and 10 major judgments of Supreme Court on the subject.

### Reference books:

1. Mr. Krishnamurthy Iyer's book on Advocacy,
2. The contempt of law and practice.
3. Bar Council code of Ethics.

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(CODE: 3LLB605)

**6.5 PUBLIC INTEREST LAWYERING, LEGAL AID AND PARA LEGAL SERVICES**

**PUBLIC INTEREST LAWYERING LEGAL AID AND PARA LEGAL SERVICES**

**I. Classroom instructions shall be imparted on the following topics:**

**UNIT -1: USE OF COMPUTERS IN LEGAL WORK**

**UNIT-2: LEGAL REFRESHING IN SUPPORT OF PIL**

**UNIT - 3: CASE COMMENTS**

**UNIT- 4: EDITING OF LAW JOURNAL AND WRITING AN ARTICLE ON THE TOPICS OF LAW:**

4.1. Editing of Law Journal.

4.2. Writing an article on the topics of Law

**UNIT - 5: LAW OFFICE MANAGEMENT**

A University examination for 80 marks shall be conducted on the above topics at the end of the academic year

The following extension work shall be under taken by the students and the college / Department concerned shall facilitate the same

1. Lok Adalat
2. Legal Aid Camp
3. Legal Literacy
4. Para legal training, and,
5. Negotiation and the counseling.

These extension works shall be recorded and these records shall be evaluated by the teacher concerned. 20 marks are allocated for the same.

*The candidate shall get a minimum of 1/3 rd of marks allocated for each component and 40% on the aggregate in order to qualify and pass in the above paper. The above record shall be submitted to the University which may cause verification if necessary.*

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## **ANNEXURE(Part-B)**

### **SCHEMEFOR**

### **5YEARS B.A. LL. B,DEGREECOURSE (TENSEMESTERS)**

#### **I SEMESTER**

1.1: GENERAL ENGLISH-I	100Marks
1.2: POLITICAL SCIENCE-I	100Marks
1.3: SOCIOLOGY-I	100Marks
1.4: TELUGU / HINDI	100Marks

#### **II SEMESTER**

2.1: GENERAL ENGLISH-II	100Marks
2.2: ECONOMICS-I	100Marks
2.3: SOCIOLOGY-II	100Marks
2.4: POLITICAL SCIENCE-II	100Marks

#### **III SEMESTER**

3.1: POLITICAL SCIENCE-III	100Marks
3.2: HISTORY	100Marks
3.3: ECONOMICS-II	100Marks
3.4: GENDER JUSTICE AND FEMINIST JURISPRUDENCE	100Marks

#### **IV SEMESTER**

4.1: LAW OF HUMAN RIGHTS	100Marks
4.2: ECONOMICS - III	100Marks
4.3: INFORMATION TECHNOLOGY LAW	100Marks
4.4: HISTORY OF COURTS AND LEGISLATURE	100Marks

#### **V SEMESTER**

5.1: LAW OF CONTRACTS - I	100Marks
5.2: FAMILY LAW-I	100Marks
5.3: LAW OF TORTS & CONSUMER PROTECTION LAW	100Marks
5.4: CONSTITUTIONAL LAW - I	100Marks
5.5: ENVIRONMENTAL LAW	100Marks

#### **VI SEMESTER**

6.1: LAW OF CONTRACTS-II	100Marks
6.2: FAMILY LAW - II	100Marks
6.3: BHARATIYA NYAYA SANHITA	100Marks
6.4: CONSTITUTIONAL LAW - II	100Marks
6.5: HEALTH LAW	100Mark