



BHARATI VIDYAPEETH'S
YASHWANTRAO CHAVAN LAW COLLEGE, KARAD
(Affiliated to Shivaji University, Kolhapur)



2.6: Student Performance and Learning Outcomes

2.6.1: The institution has stated learning outcomes (Program and Course outcomes)/graduate attributes which are integrated into the assessment process and widely publicized through the website and other documents and the attainment of the same are evaluated by the institution.

Course Learning Outcomes

Sample copy

Shivaji University, Kolhapur



Faculty of Humanities

(LL.B. - Three Year)

Bachelor of Laws Degree Program

Choice Based Credit System (CBCS)

(To be implemented from Academic Year 2019-20)

w.e.f July, 2019

(As Amended in March 2020)

NOTE :- In pursuance of our discussion in BOS Meeting changes have been made. Some rules or points are inserted which are shown in BOLD and UNDERLINE style.

Shivaji University, Kolhapur
Regulations and Guidelines
Under Choice Based Credit System (CBCS)
Bachelor of Laws (LL.B.) Three Year Degree Program
 (To be implemented from Academic Year 2019-20)
(As Amended in March 2020)

1. **LL.B. Rule 1: Implementation of Regulations & guidelines** - The Regulations and guidelines shall be implemented as mentioned below-

LL.B. Part – I, Sem I&II from Academic year 2019-20

LL.B. Part – II, Sem III &IV from Academic year 2020-21

LL.B. Part – III, Sem V &VI from Academic year 2021- 22

The Course and Duration:

- a) LL.B. degree course constitutes Bachelor's Degree Course in Law.
- b) The duration of the LL.B. Course shall be 3 academic years consisting of 6 semesters.
- c) Each academic year shall be divided into two semesters:

Course	July to November / December	December to April / May
3 Year First LL.B.	Semester I	Semester II
3 Year Second LL.B.	Semester III	Semester IV
3 Year Third LL.B.	Semester V	Semester VI

- d) Each Semester shall consist of 15 weeks with not less than 30 class hours per week.
- e) The papers and the syllabus shall be as given in the Scheduled –A appended to these regulations.

2. **LL.B. Rule 2: Eligibility Criteria:**

- a) Admission into 3 Year LL.B. Course is subject to MH-CET, Government of Maharashtra and Shivaji University Rules and Regulations.
- b) An applicant who has graduated in any discipline of knowledge from a University established by an Act of Parliament or by a State Legislature or an equivalent national institution recognized as a Deemed University or Foreign University recognized as equivalent to the status of an Indian University by an authority competent to declare equivalence, may apply for a three years programme leading to conferment of LL.B. degree on successful completion of the regular programme conducted by a University whose degree in law is recognized by the Bar Council of India for the purpose of enrolment.

Provided that applicants who have obtained +2 Higher Secondary Pass Certificate or First Degree Certificate after prosecuting studies in distance or correspondence method shall also be considered as eligible for admission in the three years LL.B. programme.

Explanation: The applicants who have obtained 10+2 or graduation / post - graduation through open Universities system directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law course.

3. LL.B. Rule 3: Minimum percentage of Qualifying Examination:

Bar Council of India may from time to time, stipulate the minimum percentage of marks not below 45% of the total marks in case of general category applicants, 42% of the total marks in case of OBC category and 40% of the total marks in case of SC and ST applicants, to be obtained for the qualifying examination, such as +2 Examination in case of Integrated Five Years' course or Degree course in any discipline for Three years' LL.B. course, for the purpose of applying for and getting admitted into a Law Degree Program of any recognized University in either of the streams.

Provided that such a minimum qualifying marks shall not automatically entitle a person to get admission into an institution but only shall entitle the person concerned to fulfill other institutional criteria notified by the institution concerned or by the government concerned (including LAW CET), from time to time to apply for admission.

4. LL.B. Rule 4: Admission Procedure: As per MH-CET admission procedure prescribed by Government of Maharashtra.

5. LL.B. Rule 5: Attendance: No student of any of the degree program shall be allowed to take the end semester test in a subject if the student concerned has not attended minimum of 70% of the classes held in the subject concerned as also the moot court room exercises, tutorials and practical training conducted in the subject taken together.

Provided that if a student for any exceptional reasons fail to attend 70% of the classes held in any subject, the Dean of the University or the Principal of the Centre of Legal Education, as the case may be, may allow the student to take the test if the student concerned attended at least 65% of the classes held in the subject concerned and attended 70% of classes in all the subjects taken together. The similar power shall rest with the Vice Chancellor or Director of a National Law University, or his authorized representative in the absence of the Dean of Law.

Provided further that a list of such students allowed to take the test with reasons recorded be forwarded to the Bar Council of India.

6. LL.B. Rule 6: Prohibition against lateral entry and exit:

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

However, a University may permit any person to audit any subject or number of subjects by attending classes regularly and taking the test for obtaining a Certificate of participation from the University/ Faculty according to the rules prescribed by the University from time to time and gives a Certificate therefore.

7. LL.B. Rule 7: Pattern of CBCS :

a) The CBCS System: All programmes shall be run credit-based semester system. It is an instructional package developed to suit the needs of the students to keep pace with the developments in higher education and the quality assurance expected of it in the light of liberalisation and globalisation in the higher education.

b) Credit: The term credit refers to the weightage given to the course, usually in the relation to the instructional hours assigned to it. For instance, four hour theory course and one hour practical work for week is given five credits. However, in no instance the credits of a course can be greater than the hours allotted to it.

a) Three Year LL.B. Programme comprising of 6 semesters shall be of total 36 courses of minimum 192 credits which include 30 Compulsory Core Courses (Discipline Specific Core Courses i.e DSC) and 6 Ability Enhancement Compulsory Courses (AECC). **It is applicable to only those students, who are writing University theory examination in ENGLISH.**

b) Three Year LL.B. Programme comprising of 6 semesters shall be of total 37 courses of minimum 198 credits which include 31 Compulsory Core Courses (Discipline Specific Core Courses i.e DSC) and 6 Ability Enhancement Compulsory Courses (AECC). **It is applicable to students who are writing University theory examination in MARATHI.**

(From Academic Year 2019-2020 as per BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write University examination in MARATHI. It means there will be total 31 Discipline Specific Compulsory Courses.)

c) All compulsory Core Courses shall be of 70:30 pattern except 2 clinical papers in the final Year, namely 1) Drafting, Pleading and Conveyancing and 2) Moot Court and Internship.

d) Skill enhancement courses shall be of 50 marks internal; written examination at the college level. For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective types of questions of 2 marks each. The minimum passing criteria shall be 20 marks.

e) **Inclusion of mandatory subjects – Democracy, Election and Good Governance (Semester I)** as per the recommendations of Government of Maharashtra and Shivaji University, Kolhapur. Every student is required to obtain minimum passing grade in this course as per the Shivaji University norms for the award of degree.

8. **LL.B. Rule 8: Minimum Period of Internship:**

a) Each registered student shall have completed minimum of 12 weeks internship for Three Year Course stream and 20 weeks in case of Five Year Course stream during the entire period of legal studies under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies as the University shall stipulate, where law is practiced either in action or in dispute resolution or in management.

Provided that internship in any year cannot be for a continuous period of more than Four Weeks and all students shall at least gone through once in the entire academic period with Trial and Appellate Advocates.

b) Each student shall keep Internship diary in such form as may be stipulated by the University concerned and the same shall be evaluated by the Guide in Internship and also a Core Faculty member of the staff each time. The total mark shall be assessed in the Final Semester of the course in the 4th Clinical course as stipulated under the Rules in Schedule II.

9. **LL.B. Rule 9: Formal Dress Code during internship:**

Students placed under internship or in moot court exercise shall have formal dress of legal professional in pupillage as follows: (For all) White/Black trouser, white shirt, black tie, black coat, black shoe and black socks. When students have problems of getting the entire formal dress for any reason, they have to have a white trouser, full sleeve shirt to be tucked in and covered shoe.

(Optional for Girl students) Black printed saree, with white full sleeve blouse and covered black shoe or Lawyer's Suit with black covered shoe.

The Organization or Advocate under whom the internee is placed is required to follow suitable dress code.

10. LL.B. Rule 10: Examinations and Assessment:

The pattern of CBCS for Semester examinations shall be as mentioned below:

- a) **LL.B. Part – I, Sem I & II:-**70 marks University Semester Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
- b) **LL.B. Part – II, Sem III & IV:-**70 marks University Semester Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
- c) **LL.B. Part – III, Sem V & VI:-**70 marks University Semester Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.

11. **LL.B. Rule 11: Weightage:** There shall be 3300 marks for 3 years having 6 Semesters LL.B. CBCS Program with 192Credits. **It is applicable to students who are writing University theory examination in ENGLISH.**

12. **LL.B. Rule 12: Weightage:** There shall be 3400 marks for 3 years having 6 Semesters LL.B. CBCS Program with 198 Credits. **It is applicable to only those students who are writing University theory examination in MARATHI.**

a) **LL.B. Part – I (Sem I & II):**

For LL.B. Part I total 10+2=12 papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester. **It is applicable to those students who are writing University theory examination in ENGLISH.**

- I. There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Legal Research) and Paper 2 for Sem II (Public Interest Lawyering) each of 50 marks, as compulsory course.
- II. There shall be five Discipline Specific Compulsory (DSC) papers per semester.

- For LL.B. Part I total 5+6+2=13 papers with 5 and 6 papers of Ist and IInd semester respectively and total Credits shall be 70 with 32 and 38 Credits for Ist and IInd Semester respectively. **It is applicable to those students who are writing University theory examination in MARATHI.**

III. In Semester II there shall be SIX Discipline Specific Compulsory (DSC) papers. It is applicable to only those students who are writing University theory examination in MARATHI.

IV. DSC courses shall be assessed with 70 marks for end-semester theory examinations at University Level and 30 marks for internal assessment at College Level.

b) **LL.B. Part –II (Sem III & IV)–**

For LL.B. Part I total 10+2=12 papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester. **It is applicable to those students who are writing University theory examination in ENGLISH.**

- I. There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Fundamentals of Cyber Law) and Paper 2 for Sem II (Law and Entrepreneur Skills) each of 50 marks, as compulsory course.
- II. There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- III. DSC courses shall be assessed with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.

c) **LL.B. Part –III (Sem V & VI)–**

For LL.B. Part I total 10+2=12 papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester. **It is applicable to those students who are writing University theory examination in ENGLISH.**

- I. There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Advocacy Skills) and Paper 2 for Sem II (Criminal Law Investigation and Forensic Science) each of 50 marks, as compulsory course.
- II. There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- III. DSC courses (Except Practical Training Papers) shall be with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.

For Practical Training Papers of 1) drafting, Pleading and Conveyancing and 2) Moot Court and Internship, there will be Practical work at College Level, as per BCI norms for 90 marks and 10 marks will be for VIVA to be conducted by External Examiners appointed by the University.

d) **Credit distribution chart for LL.B. Program with Course Code:**

(It is applicable to students who are writing university theory examination in ENGLISH.)

Course Name	Total Courses(Papers)	Total Credits	% in total course
DSC : Discipline Specific Core Course	30	180	93.75
AECC : Ability Enhancement Compulsory Courses	6	12	6.25
TOTAL	36	192	100%

e) **Credit distribution chart for LL.B. Program with Course Code:**

(It is applicable to students who are writing university theory examination in MARATHI.)

Course Name	Total Courses(Papers)	Total Credits	% in total course
<u>DSC : Discipline Specific Core Course</u>	<u>31</u>	<u>186</u>	<u>93.93</u>

<u>AECC : Ability Enhancement Compulsory Courses</u>	<u>6</u>	<u>12</u>	<u>6.07</u>
<u>TOTAL</u>	<u>37</u>	<u>198</u>	<u>100%</u>

(From Academic Year 2019-2020 as per BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write University examination in MARATHI. It means for them, there will be total 31 Discipline Specific Compulsory Courses.)

13. LL.B. Rule 12: Scheme of Examinations:

Following is the Scheme of Examination:

- i) Each DSC course of 6 credits will be assessed on basis of 100 marks. The marks will be divided under two heads, internal assessment 30 marks and End- Semester University Examination 70 marks. Each DSC Course shall have continuous internal assessment of 30 marks. The student shall have to secure minimum 10 marks to pass in the internal assessment of the respective DSC course. For each DSC Course End Semester University Examination of 70 marks, the student shall have to secure minimum 25 marks to pass in the End-Semester University Examination. The minimum passing in each DSC Course shall be 35 marks (10+25) and the average passing percentage for every semester shall be 40 percent.

The weightage of internal assessment shall be based on the following.

Internal Assessment:

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

	: 30 Marks

- ii) Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks. This paper shall be in self instructional mode under the guidance of Class Mentors or Class Teacher. The assessment of the Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment - For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

- iii) The student failing in internal assessment of any course will be deemed to have failed in the End - Semester University Examination of the respective course. Such student shall be allowed to reappear for the internal assessment only in the next semester.
- iv) Appearing in Internal Written Test of all DSC Courses and Skill Enhancement Courses is strictly compulsory.
- v) The internal assessment marks for each semester for all DSC Courses, AECC along with requisite Credits earned by the student for the Compulsory Foundation Course shall have to be sent to the University, prior to the commencement of the respective End - Semester University Examination.
- vi) A student who has passed in the internal assessment but has failed in the End -

Semester University Examination, his / her internal marks and credits earned for respective course/paper will be carried forward till the validity of his / her respective semester.

- vii) A student who has failed in the End- Semester theory examinations but passed in internal assessment can reappear for theory paper and his marks of internal assessment will be carried forward.

14.LL.B. Rule 13: Practical Training Papers:

- a) **Practical Training Paper I: Professional Ethics and Professional Accountancy for Lawyers and Bar-Bench Relations.** The theory End-Semester University Examination shall be 70 marks and internal assessment of 30 marks at college level.
- b) **Practical Training Paper II: Alternative Disputes Resolution (ADR):** The theory End-Semester University Examination shall be 70 marks and internal assessment only of 30 marks at college level.
- c) **Practical Training Paper III: Drafting, Pleading and Conveyance (DPC):** The course will be taught class instructions and simulation exercises. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in Drafting of pleadings carrying the total of 45 marks (3 marks for each) and 15 exercises in Drafting of Conveyancing, carrying another 45 marks (3 marks for each). Remaining 10 marks will be given for viva voce. **The Standard of passing shall be minimum 35 in practical training Course both internal (32 marks) + viva voce (03 marks) and average passing shall be 40 percent.**
- d) **Practical Training Paper IV: Moot Court Exercise and Internship:** This paper may have 3 components of 30 marks each and a viva of 10 marks (Moot Court 30 Marks, Observance of Trial in Two Cases 30 Marks, Interviewing Techniques and Pre-Trial Preparation and Internship Diary 30 Marks). **The Standard of passing shall be minimum 35 in practical training Course both internal (32 marks) + viva voce (03 marks) and average passing shall be 40 percent.**
- e) **Duration of Semester Examination for each theory paper -** The duration of Semester Examination for each theory paper of 70 marks shall be of three hours.
- f) **Standard of passing-** The Standard of passing shall be minimum 35 in each DSC Course both theory (25 marks) + internal assessment (10 marks) and average passing for every semester shall be 40 percentages.
- g) **A student who intends to or opt for writing university End-semester examination in MARATHI has to pass in ENGLISH paper by time of completion of course.**
- h) **ATKT rules shall be applicable to Theory Paper only as per University norms.**

A student who intends to or opt for writing university End-Semester examination in MARATHI, fails or passes in ENGLISH subject, that shall not be considered for ATKT.

15. LL.B. Rule 14: Passing and Carrying Forward the Semester:

- 1) For grant of respective academic year, the student must have kept two terms with requisite attendance, must have appeared in the internal written test of each course / paper and has secured minimum passing marks in internal assessment of each course / paper shall be eligible.
- (2) The student who has passed all the papers of Semester I and II will be promoted to Semester III (Second year). The students who have passed minimum 7 papers out of 10 core papers will be allowed to keep terms (ATKT). **A student who intends to or opt for writing university End-Semester examination in MARATHI, though passes in ENGLISH subject, it shall not be considered for ATKT.**
- (3) The student who has passed all the paper of First Year and passed all the papers of Second Year i.e. Semester I, II, III and IV will be promoted to Semester V (Third year). The students who have passed minimum 7 papers out of 10 core papers of Semester III and IV (Second year) will be allowed to keep terms (ATKT).
- (4) ***The student who has passed Semester I, II, III, IV shall be awarded with a LL.B. General Degree (Completion of Two Years).***
- (5) ***The student who has passed Semester I, II, III, IV, V & VI shall be awarded with LL.B. Special Degree (Completion of Three Years). (However, the student who has opted to write Theory examination/papers in Marathi language, must have cleared the Paper of Advanced English which is pre-requisite of completion of the Degree.)***

16. LL.B. Rule 15: Gradation Chart:

Marks Obtained	Numerical Grade (Grade Point)	CGPA	Letter Grade
Absent	0 (zero)	-	-
0 – 34	0 to 4	0.0 – 4.99	F (Fail)
35 – 44	5	5.00 – 5.49	C
45 – 54	6	5.50 – 6.49	B
55 – 64	7	6.50 – 7.49	B+
65 – 74	8	7.50 – 8.49	A
75 – 84	9	8.50 – 9.49	A+
85 – 100	10	9.50 – 10.0	O (Outstanding)

Note:

1. Marks obtained ≥ 0.5 shall be rounded off to next higher digit.
2. The SGPA & CGPA shall be rounded off to 2 decimal points.
3. Marks obtained in 50 marks or 200 marks paper shall be converted to 100 marks.

Calculation of SGPA & CGPA

1. Semester Grade Point Average (SGPA)

$$\text{GPA} = \frac{\sum(\text{Course credits} \times \text{Grade points obtained}) \text{ of a semester }^S}{\sum(\text{Course credits}) \text{ of respective semester}}$$

2. Cumulative Grade Point Average (CGPA)

$$\text{CGPA} = \frac{\sum(\text{Total credits of a semester} \times \text{SGPA of respective semester}) \text{ of all semesters}}{\sum(\text{Total course credits}) \text{ of all semesters}}$$

17. **LL.B. Rule 16: Result** - The result of each Semester shall be declared as Pass or Fail or Allowed to Keep Terms (A.T.K.T. for Semester II & IV) with grade/ grade points and Credits gained.

Revised Rules - These revised rules will be implemented with effect from the academic year 2019-20 onwards for LL.B. degree program. However the existing (i.e. pre-revised) rules shall remain in force for the students of old semester pattern during the transition period.

18. **LL.B. Rule 17: Question Paper Model:**

The Question Paper of Three Year LL.B. 70 marks shall consists of total seven questions carrying 15 marks each, out of which a student can opt any four. The question number eighth shall be mandatory consisting of four short notes out of which the students have to opt any two of 5 marks each.

Practical Training Paper I – Professional Ethics and Professional Accounting System and Practical Training Paper II – Alternative Disputes Resolution (ADR), the examination pattern is 70:30. For 70 marks University Written Examination will be conducted and for 30 marks internal assessment will be conducted at college level.

- i) Regarding practical training paper – III: Drafting, Pleading and Conveyance (DPC) and Practical Training Paper – IV: Moot Court Exercise and Internship, there shall be no theory examination. Viva Voce Examinations for 10 marks each will be conducted in presence of External Examiners appointed by the University. 90 marks will be allotted for both the papers as per BCI norms.

The Standard of passing shall be minimum 35 in practical training Courses both internal (32 marks) + viva voce (03 marks) and average passing shall be 40 percent.

Model Question Paper Format:

**First year of Three Year LL.B., (Semester I) CBCS
Examination, October, 2019
Law of Contract – I (Paper – I)
Subject Code: _____**

Day & Date: _____
Time: _____

Total Marks: 70

Instructions:

1. Attempt any four questions from Q. No. 1 to 7.
2. Q. No. 8 is compulsory.
3. Figures to the right indicate full marks.

-
- Q.1. _____ (15)
Q.2. _____ (15)
Q.3. _____ (15)
Q.4. _____ (15)
Q.5. _____ (15)
Q.6. _____ (15)
Q.7. _____ (15)
Q.8. Write short notes (Any Two): 2 x 5 (10)
 a) _____
 b) _____
 c) _____
 d) _____

SCHEDULE –A

CBCS - LL.B. 3 Year : Structure: LL.B. Part –I

Semester I								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-101	Law of Contract (General Principles of Contract and Specific Relief Act)	70	4.2	30	1.8	100	06	06
DSC-102	Constitutional Law -I	70	4.2	30	1.8	100	06	06
DSC-103	Law of Torts and Consumer Protection Act	70	4.2	30	1.8	100	06	06
DSC-104	Law of Crimes-I (Indian Penal Code)	70	4.2	30	1.8	100	06	06
DSC-105	Family Law-I	70	4.2	30	1.8	100	06	06
AECC-106	Legal Research	-	-	50	02	50	02	02
	Total	350	21.00	200	11.0	550	32	32

(It is applicable to students who are writing university theory examination in ENGLISH.)

Semester II								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-201	Special Contract	70	4.2	30	1.8	100	06	06
DSC-202	Constitutional Law – II	70	4.2	30	1.8	100	06	06
DSC-203	Family Law - II	70	4.2	30	1.8	100	06	06
DSC-204	Environmental Law	70	4.2	30	1.8	100	06	06
DSC-205	Professional Ethics	70	4.2	30	1.8	100	06	06
AECC-206	Public Interest Lawyering	-	-	50	02	50	02	02
	Total	350	21.00	200	11.0	550	32	32

(It is applicable to students who are writing university theory examination in MARATHI.)

Semester II								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-201	Special Contract	70	4.2	30	1.8	100	06	06
DSC-202	Constitutional Law – II	70	4.2	30	1.8	100	06	06
DSC-203	Family Law - II	70	4.2	30	1.8	100	06	06
DSC-204	Environmental Law	70	4.2	30	1.8	100	06	06
DSC-205	Professional Ethics	70	4.2	30	1.8	100	06	06
DSC-207	Advanced English	70	4.2	30	1.8	100	06	06
AECC-206	Public Interest Lawyering	-	-	50	02	50	02	02
	Total	420	25.2	230	12.8	650	38	38

From Academic Year 2019-2020 as per norms of BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write university examination in MARATHI.

CBCS - LL.B. 3 Year : Structure: LL.B. Part –II

Semester III								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-301	Jurisprudence	70	4.2	30	1.8	100	06	06
DSC-302	Property Law	70	4.2	30	1.8	100	06	06
DSC-303	Company Law	70	4.2	30	1.8	100	06	06
DSC-304	Public International Law	70	4.2	30	1.8	100	06	06
DSC-305	Criminology	70	4.2	30	1.8	100	06	06
AECC-306	Fundamentals of Cyber Law	-	-	50	02	50	02	02
	Total	350	21.00	200	11.0	550	32	32

Semester IV								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-401	Interpretation of Statutes	70	4.2	30	1.8	100	06	06
DSC-402	International Human Rights	70	4.2	30	1.8	100	06	06
DSC-403	Administrative Law	70	4.2	30	1.8	100	06	06
DSC-404	Banking and Insurance	70	4.2	30	1.8	100	06	06
DSC-405	Alternative Disputes Resolution (ADR)	70	4.2	30	1.8	100	06	06
AECC-406	Law and Entrepreneur Skills	-	-	50	02	50	02	02
	Total	350	21.00	200	11.0	550	32	32

CBCS - LL.B. 3 Year : Structure: LL.B. Part –III

Semester V								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Exam Shivaji Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-501	Civil Procedure Code & Limitation Act	70	4.2	30	1.8	100	06	06
DSC-502	Law of Evidence	70	4.2	30	1.8	100	06	06
DSC-503	Labour Law-I (Industrial Laws)	70	4.2	30	1.8	100	06	06
DSC-504	Land Laws	70	4.2	30	1.8	100	06	06
DSC-505	Drafting, Pleading and Conveyancing	No Theory Exam	4.2	45 + 45 = 90 Viva = 10	1.8	100	06	06
AECC-506	Advocacy Skills	-	-	50	02	50	02	02
	Total	280	21.0	270	11.0	550	32	32

Semester VI								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Exam Shivaji Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-601	Law of Crimes-II (Criminal Procedure Code)	70	4.2	30	1.8	100	06	06
DSC-602	Intellectual Property	70	4.2	30	1.8	100	06	06
DSC-603	Labour Law –II (Social Securities Laws)	70	4.2	30	1.8	100	06	06
DSC-604	Principles of Taxation	70	4.2	30	1.8	100	06	06
DSC-605	Moot Court, Pre-Trial Preparation & Participation in Trial Proceedings	No Theory Exam	4.2	30+30+30 = 90 Viva = 10	1.8	100	06	06
AECC-606	Criminal Law Investigation & Forensic Science	-	-	50	02	50	02	02
	Total	280	21.0	270	11.0	550	32	32

DSE: Discipline Specific Elective Courses (Compulsory) Total = 6 semesters x 5 papers = 30 papers. Each paper 6 credits x 30 paper = 180 Credits.

AECC : Ability Enhancement Core Course (Compulsory) Total = 6 semesters x 1 paper = 6 papers of 2 credits each = 12 Credits

From Academic Year 2019-2020 as per norms of BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write University examination in MARATHI.

(Following allotment of credits is applicable to students who are writing University theory examination in MARATHI.)

DSE: Discipline Specific Elective Courses (Compulsory) Total = 6 semesters x 5 papers = 30+ 1= 31 papers. Each paper 6 credits x 31 paper = 186 Credits.

AECC : Ability Enhancement Core Course (Compulsory) Total = 6 semesters x 1 paper = 6 papers of 2 credits each = 12 Credits

Three Year LL.B. Semester I

DSC-101: LAW OF CONTRACT (GENERAL PRICIPLES OF CONTRACT AND SPECIFIC RELIEF) (Paper – I)

Object:

Law of contract being the pillar of the legal structure of a society, the fundamental goal of study is to critically evaluate principles underlying the legal postulates and propositions. This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations. Specific enforcement of contract is an important aspect of the law of contracts.

Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

Methods of teaching-learning: Lecture and Case-study method shall be the main method of learning to be followed. Dialectic method of mootings and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning device.

Evaluation methods : Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT I: INTRODUCTION

- 1.1 Historical Background of Indian Contract Laws
- 1.2 Contract: Meaning, Definition, Importance, Nature and Scope
- 1.3 Essentials of Contract
- 1.4 Indian Contract- Latest developments (e-Contracts)

UNIT II: PROPOSAL AND ACCEPTANCE- AGREEMENT(S. 2-10)

- 2.1 Formation of an Agreement, It's Kinds – Valid, Void, Voidable, Unlawful, illegal
- 2.2 Intention to Create Legal Relationship
- 2.3 Proposal and Acceptance- Their various forms, Essential Elements
- 2.4 Communication and Revocation of Offer and Acceptance
- 2.5 What agreements are Contracts?

UNIT III: CAPACITY TO CONTRACT AND FREE CONSENT (S. 11 - 22)

- 3.1 Legal Disability to Enter into Contract
- 3.2 Minors - Effects of Minors Agreement, Persons of Unsound Mind, Persons disqualified by Law
- 3.3 Consent and Free Consent – Definition
- 3.4 Vitiating Elements of Free Consent –
 - 3.4.1 Coercion, Doctrine of Duress
 - 3.4.2 Undue Influence
 - 3.4.3 Fraud
 - 3.4.4 Misrepresentation
 - 3.4.5 Mistake
- 3.5 Effect on Contracts influenced by any factor Vitiating Free Consent

UNIT IV: CONSIDERATION AND OBJECT (S. 23 - 25)

- 4.1 Meaning and Nature of Consideration and Object
- 4.2 Consideration- Its Exceptions
- 4.3 Legality of Consideration and Object
- 4.4 Doctrine of Privity of Contract

UNIT V: LIMITATIONS ON FREEDOM OF CONTRACT (S. 23, 26 – 31)

- 5.1 Void Agreements
 - 5.1.1 Agreements in Restraint of Marriage
 - 5.1.2 Agreements in Restraint of Trade

- 5.1.3 Agreements in Restraint of Legal Proceedings
- 5.1.4 Ambiguous and Uncertain Agreement
- 5.1.5 Wagering Agreements – Its exceptions
- 5.1.6 Agreements with Unlawful Consideration
- 5.1.7 Agreements without Consideration
- 5.1.8 Agreements against Public Policy
- 5.2 Contingent Contracts

UNIT VI: DISCHARGE AND REMEDIES FOR BREACH OF CONTRACT (S. 37 – 67)

- 6.1 Meaning and Nature - Discharge of Contract
- 6.2 Different Modes -
 - 6.2.1 By Performance
 - 6.2.2 By Agreement – Novation, Alteration, Rescission, Remission, Waiver, Accord and Satisfaction
 - 6.2.3 By Operation of Law – Insolvency, Merger, Alteration without consent, Death
 - 6.2.4 By Breach- Anticipatory Breach - Actual breach
 - 6.2.5 By Impossibility of Performance – Destruction of Subject Matter, Death or Personal Incapacity, Change of Law, non-existence or non-occurrence of particular state of thing, declaration of war – Doctrine of Frustration
 - 6.2.6 By Lapse of Time

UNIT VII: CERTAIN RELATION RESEMBLING THOSE CREATED BY CONTRACT (QUASI CONTRACT) (S. 68 -72)

- 7.1 Concept and Classification of Quasi-Contract
- 7.2 Standard form of Contract
- 7.3 Government as a Contracting Party

UNIT VIII: REMEDIES FOR BREACH OF CONTRACT

- 8.1 Remedies under Indian Contract Act (S.73 - 75)
 - 8.1.1 Cancellation or Rescission
 - 8.1.2 Restitution
 - 8.1.3 Quantum Merit
 - 8.1.4 Damages – Types of Damages – General or ordinary, Special, Vindictive or exemplary, nominal – Remoteness and Ascertainment of Damages
- 8.2 Remedies under Specific Relief Act, 1963 (S.5 – 43)
 - 8.2.1 Recovering possession of property
 - 8.2.2 Specific Performance
 - 8.2.3 Declaratory Decrees
 - 8.2.4 Injunctions
 - 8.2.5 Preventive Relief

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3. Powell v. Lee, (1908) 99 LT 284.;
4. Entores v. Miles Far East Corporation, (1955) 2 All ER 493;
5. Bank of India Ltd v. Swarubar, AIR 2003 SC 858.;
6. Hervey v. Facie, (1893) AC 552.
7. Lalman Shukla v. Gauri Dutta, II ALJ 489;
8. Felth House v. Bindley (1862) 11, CB (NS) 86;
9. Mohri Bibee v. Dharmodass Ghosh, (1903) 30 IA 114.
10. Derry v. Peek, (1889) 14 AC 337.
11. Mithoo Lal Nayak v. LIC of India,
12. AIR 1962 SC 814; Subhas Chandra Das
13. Mushib v. Ganga Prasad Das Mushib and others AIR 1967 SC 878;
14. Central Inland Water Transport Corporation v. B.K Ganguly, AIR 1986 SC 157;
15. Kalyanpur Lime Works Ltd. v. State of Bihar and another AIR 1954 SC 165;
16. Gujarat Bottling Co. Ltd. v. Coca Cola Co. (1995) 5 SCC 545 ;
17. National Insurance Co Ltd v. S. G Nayak & co AIR 1997 SC 2049.
18. Satyabrata Ghose v. Mugneeram Bangur AIR 1954 SC 44;
19. State of Bihar v. Majeed AIR 1954 SC 786.
20. Bashir Ahmad and others v. Govt. of AP AIR 1970 SC 1089;
21. Mugniram Bangur & Co.(P) Ltd. v. Gurbachan Singh AIR 1965 SC 1523;
22. Taylor v. Cadwell (1863) 3 B&S 826.
23. Krell v. Henry (1903) 2 KB 740.
24. Hadley v. Baxendale (1854) 9 Exch 341
25. Dunlop Pneumatic Tyre Co v. New Garage & Motor Co Ltd (1915) A.C 79 :(1914
26. All ER 739; Oil and Natural Gas Corp. Ltd. SAW Pipes Ltd. AIR 2003 SC 2629

DSC – 102: CONSTITUTIONAL LAW-I
(Fundamental Rights & Directive Principles of State Policy)
(Paper – II)

Object:

India is a democracy and her Constitution embodies the Principles of the democratic government. A good understanding of the Constitution and the constitutional amendments, judicial decisions, constitutional practice and conventions, is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features of the Constitution and be-aware of the social, political and economic influence on it. A student must learn how various interpretations of the constitution are possible and how do they influence the growth of constitutional law. Judicial review is an important aspect of constitutional law. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law.

Methods of teaching-learning:

Lecture and Case-study method shall be the main method of learning to be followed. Dialectic system of learning would provide better appreciation of the constitutional governance in India through class room debate and moot court exercise after the basic issues are identified by lecture and discussion. Research of issue based conflict of interest through court cases may be an added advantage.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS:

UNIT I: MAKING OF CONSTITUTION AND FEATURES

- 1.1 Making of Indian Constitution
- 1.2 Nature of constitution
- 1.3 Salient Features of the Indian Constitution
- 1.4 Citizenship-under constitution and Citizenship Act 1955
- 1.5 Preamble

UNIT II: FUNDAMENTAL RIGHTS- JUSTICIABILITY- STATE OBLIGATION- ART 12-13

- 2.1 Fundamental Rights – meaning and scope of
- 2.2 Definition of ‘State’ for enforcement of fundamental rights
- 2.3 Justiciability of fundamental rights
- 2.4 Definition of law for constitutional law purpose
- 2.5 Doctrine of eclipse, severability, waiver.

UNIT III: RIGHT TO EQUALITY (ART 14-18)

- 3.1 Equality before law and equal protection of law
- 3.2 Classification for differential treatment- Constitutional validity
- 3.3 Protective measures –gender discrimination
- 3.4 Protective discrimination in favor of certain sections of the society
- 3.5 Untouchability and abolition of titles

UNIT IV: FREEDOMS AND SOCIAL CONTROL UNITS (ART 19-22)

- 4.1 Freedoms and restrictions under (Art.19)
- 4.2 Protection in respect of conviction for offences (Art.20)
- 4.3 Right to life and personal liberty (Art.21)
- 4.4 Right to education (Art. 21 A)
- 4.5 Protection against arrest and Preventive Detention (Art.22)

UNIT V: RIGHT AGAINST EXPLOITATION (ART 22-23)

- 5.1 Prohibition of traffic in human beings,
- 5.2 Forced labours – bonded labour
- 5.3 Trafficking of women and children
- 5.4 Prohibition of employment of children
- 5.5 Right of children a free and compulsory education

UNIT VI:RIGHT TO RELIGION AND MINORITY RIGHTS

- 6.1 Concept of Secularism- Historical perspective.
- 6.2 Freedom of Religion-nature, scope and limitations.
- 6.3 Right to Freedom of Religion- use and misuse- Indian scenario.
- 6.4 Minority Rights
- 6.5 Relationship between Religion and minority

UNIT VII: CONSTITUTIONAL AND LEGAL REMEDIES (ART 32)

- 7.1 Writ of Habeas Corpus
- 7.2 Writ of Mandamus
- 7.3 Writ of Certiorari
- 7.4 Writ of Prohibition
- 7.5 Writ of Quo-warranto

UNIT VIII: DIRECTIVE PRINCIPLES, FUNDAMENTAL DUTIES AND SOCIAL JUSTICE (ART 35-51A)

- 8.1 Underlying object and significance of Directive Principles.
- 8.2 Classification of Directives.
- 8.3 Fundamental Right and Directive principles- Interrelationship and Judicial balancing.
- 8.4 Fundamental Duties--- Need, Source and enforcement of fundamental duties.
- 8.5 Relation of Fundamental Duties with Directive Principles and Fundamental Right

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28. PaschimBangalKhetMazdoor Society v. State of West Bengal, AIR 1996 SC 2426
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30. Maneka Gandhi v. Union Of India AIR 1978 SC 597,
31. Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 186,
32. People's Union of Civil Liberty v. Union of India AIR 1997 SC 568,
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**DSC – 103: LAW OF TORT & CONSUMER PROTECTION LAW
(Paper – III)**

Object :

Independent of criminal or contract law, Tort law provides individuals and groups with redress for injury to every dimension of life from physical injury, to property damage, to personal insult. Over past decades no area of law within the civil justice system has experienced greater ferment than the law of Tort and this has resulted in vital changes the thinking of the tortuous liability. The object of the course is to familiarize the students with the nature and extent of liability of the private enterprises, multinationals and the government authorities for the wrongs committed against the individual and their property, and to develop sound knowledge, skills and disposition amongst students of law on some of the contemporary issues of Specific Torts, Cyber Tort, Family Tort, and Economic Tort, Product Liability etc.

Presently the emphasis is on extending the principles not only to harmful acts but also to failure to comply with standards that are continuously changing due to advancement in science and technology. In the modern era of consumer, concern of goods and services, the law of torts has added significance in consumer protection. Taking this into consideration, a topic on Motor Vehicle Accident claims has been added. It emphasizes liability, Insurance and working of claim Tribunals.

Methods of teaching-learning: Lecture method shall be the main method of learning to be followed. Dialectic method of case study, mooting and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS:

UNIT I: CONCEPT OF TORT, NATURE AND SCOPE

- 1.1 History, Definition and Scope of Tort
- 1.2 Nature of tort-Distinction between tort and crime
- 1.3 Essential elements of law of tort
 - 1.3.1 Wrongful act
 - 1.3.2 Legal damage-a) Damnum Sine injuria b) Injuria sine damnum
 - 1.3.3 Legal remedy
- 1.4 Relevance of law of tort - Intention, Motive, Malice, Knowledge, Negligence
- 1.5 Who May Sue and who may not be sued?

UNIT: II GENERAL DEFENSES IN TORT-

- 2.1 Volenti non fit injuria
- 2.2 Necessity & Act of God
- 2.3 Inevitable accident & Private defense
- 2.4 Statutory Authority
- 2.5 Judicial and Quasi-Judicial Acts

UNIT III: DISCHARGE OF TORTUOUS LIABILITY-

- 3.1 By death of parties- action personal is monitor cum persona exceptions
- 3.2 Waiver and acquiescence
- 3.3 Release
- 3.4 Accord & satisfaction
- 3.5 Limitation

UNIT IV: TORTIOUS LIABILITY-

- 4.1 The concept of liability
- 4.2 Basis and Scope of liability
- 4.3 Modes of creation of vicarious liability
 - 4.3.1 Express authorization
 - 4.3.2 Ratification
 - 4.3.3 Abetment
- 4.4 Liability-Special Relationship
 - 4.4.1 Master & Servant
 - 4.4.2 Independent Contractor & Servant
- 4.5 Strict Liability and Absolute Liability
 - 4.2.1 Ryland Vs Fletcher
 - 4.2.2 UCC V. Union of India
 - 4.2.3 Application of the rule in India

UNIT V: NEGLIGENCE AND NUISANCE

- 5.1 Definition and concept of Negligence
- 5.2 Essentials of Negligence - Standard of care
- 5.3 Doctrine of contributory negligence - *Res ipsalooquitur* and its importance in compensatory laws.
- 5.4 Definition and concept of Nuisance
- 5.5 Essential of Nuisance – Defenses - Remedy

UNIT VI: REMEDIES FOR TORT

- 6.1 Judicial Remedies
- 6.2 Extra Judicial Remedies

UNIT VII: DEFAMATION

- 7.1 Definition and concept
- 7.2 Essentials of defamation
- 7.3 Libel, slander and Innuendo
- 7.4 Defenses and remedies

UNIT VIII: THE CONSUMER PROTECTION ACT, 1986

- 8.1 Meaning, Definitions, Importance, Nature & Scope
- 8.2 Rights of Consumer
- 8.3 Redressal Mechanism
- 8.4 Filing complaint, Appeal and enforcement

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- 13.D.D. Basu- The Law of Torts (1982), Kamal, Kalkatta
- 14.Dr.Avtar Sing- The Law of Consumer Protection : Prpinciples and practice (2004), Eastern Book Company, Lucknow
- 15.Saraf D.N.- The Law of Consumer Protection in India, Tripathi, Bombay

References –

- Ratanlal&Dhirajlal on Law of Torts
- Salmond’s Law of Torts
- RamaswamyIyer – Law of Tort
- Bangia’s Law of Torts
- Avtar Singh – Law of Consumer Protection
- Saraf D.N. the Law of Consumer Protection in India
- Law of Torts and C.P. Law by Dr. N.V. Paranjape

DSC – 104: LAW OF CRIMES I- (Indian Penal Code)

(Paper – IV)

Object:

Crime and Punishment has been the one of the most important task of rule of law of the State. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law. So proper understanding of these offences & criminal behaviors, methods of controlling them has now become extremely important in the larger context of Indians development & to build a just and humane society. The curriculum outlined here attempts to seek these objectives.

Methods of teaching-learning: Lecture method shall be the main method of learning to be followed. Dialectic method of mooting and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Case comment can also be a method of research writing in this paper.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT I: CONCEPT OF CRIME (Sec. 1 – 75)

- 1.1 Nature and Concept of crime & distinction between Crime, Ethical wrongs.
- 1.2 Definitions – General Explanations (Sec. 6-52A)
- 1.3 Stages and Elements of Crimes
- 1.4 Group Liability in Crimes – Common Intention and Common Object
- 1.5 Off Punishments (Sec. 53 to 75)

UNIT II: GENERAL EXCEPTIONS UNDER IPC (Sec. 76 – 106).

- 2.1 Mistake of facts mistake of law
- 2.2 Necessity, Defense of Juvenile
- 2.3 Unsound mind and intoxication
- 2.4 Act in good faith and consent
- 2.5 Right of private defense of body and property

UNIT III: INCHOATE OFFENCES (Sec. 107 – 120 B and Sec. 141 – 160)

- 3.1 Meaning, Nature and importance of inchoate offences
- 3.2 Attempt and abatement
- 3.3 Criminal Conspiracy
- 3.4 Unlawful Assembly
- 3.5 Rioting

UNIT IV: OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS (Sec 268-294A)

- 4.1 Offences affecting the Public Health (Section 268-278)

- 4.1.1 Public Nuisance (S.268)
- 4.1.2 Acts likely to spread infection (section 269-271)
- 4.1.3 Pollution of food or drink (section 272-273)
- 4.1.4 Adulteration of drugs (section 274-276)
- 4.1.5 Fouling water and relating atmosphere (section 277-278)
- 4.2 Offences affecting the public safety and Convenience (Section 277-278)
 - 4.2.1 Rash Driving or riding on a public way. (Section 279)
 - 4.2.2 Rash or negligent navigation. (Section 280)
 - 4.2.3 Exposing false light, mark or being mislead navigator
 - 4.2.4 Conveying any person for hire by water in an unsafe and overloaded waste Vessel(Section 282)
 - 4.2.5 Causing danger or obstruction to any person in public way. (Section283)
 - 4.2.6 Negligent conduct with respect to poisonous substance.(Section 284)
 - 4.2.7 Negligent conduct with respect to fire, combustible substances. (section 285-289)
 - 4.2.8 Continuance of Nuisance. (Section 291)
- 4.3 Public Decency and Morals (ss 292-294A)
 - 4.3.1 Prevention of obscenely (ss 292-294)
 - 4.3.2 Keeping Lottery Office (S 294A)
 - 4.3.3 Cases related to spreading of infectious diseases

UNIT- V: OFFENCES AFFECTING THE HUMAN BODY (Sec. 299 – 377)

- 5.1 Culpable homicide. Murder
- 5.2 Hurt & Grievous Hurt.
- 5.3 Wrongful Restraint & wrongful Confinement.
- 5.4 Criminal force & assault.
- 5.5 Kidnapping & Abduction.

UNIT- VI: OFFENCES AGAINST PROPERTY (Sec. 378 – 462)

- 6.1 Theft and Extortion.
- 6.2 Robbery & Dacoity.
- 6.3 Criminal misappropriation of property and Criminal Breach of Trust.
- 6.4 Receiving stolen property and Cheating, Mischief.
- 6.5 Criminal Trespass, House Trespass, House Breaking

UNIT-VII: OFFENCES OF FALSE EVIDENCE & OFFENCES RELATING TO DOCUMENTS AND PROPERTY (Sec. 191 – 229A, 463-489E)

- 7.1 Giving false evidence & fabricating false evidence.(sec.493)
- 7.2Fraudulent claim to property
- 7.3 Forgery and making false documents
- 7.4 Forged documents

UNIT-VIII: OFFENSES RELATING TO SEXUAL, MARRIAGE (Sec. 375 – 377, 493-498A)

- 8.1 Rape
- 8.2 Unnatural Offenses
- 8.3 Bigamy
- 8.4 Adultery
- 8.5 Cruelty by husband and relatives

Reference Books:

Williams Glanville- The Text Book of Criminal Law

Jerom Hall – Studies in Jurisprudence and Criminal Theory Jw Cecil Turner

(edt.) – Kenny’s Outlines of Criminal Law Jw Cecil Turner - Russel on Crime
 Smith and Hogan – Criminal Law
 A.P. Simester& G.R. Sullivan – Criminal Law Theory and Doctrine
 R. C. Nigam – Principles of Criminal Law Asia Publishing House, Lucknow. Prof. K.N.
 Chndranshekharpillai – Essay’s on Indian Penal Code
 R. C. Srivastava – Law Relating to Crima Punishment Andrew Ashworth –
 Principles of Criminal Law
 P.S/Achuthunpillai, Criminal Law (1995) Eastern, Lucknow.
 Prof K.D Gaur - Criminal Law Cases and Material(1991), Butterworths India. Dr. Hari Singh Gaur
 – Penal Law of India (4 volumes)
 R. A Nelson – Indian Penal Code
 Prof. K.N. Chandranshekharpillai – Essay’s on Indian Penal Code RatanLal and
 DhirajLal – Indian Penal Code
 Prof. Raghavan – Indian Penal Code
 B.M.Gandhi, Indian Penal Code (1996), Eastern, Nagpur
 K.D.Gaur, a Text Book on the Indian Penal Code (1998), Universal Delhi

DSC – 105: FAMILY LAW – I (Paper – V)

Object :

The course structure is designed mainly with three objectives in view. One is to provide adequate sociology perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

To evaluate the strength of family system in India and the extent of legal support provided to the same and also to examine when and how and to what extent a Uniform Civil Code to regulate a religious part of family life, if any, may emerge!

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks
 Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS

UNIT I : FAMILY RELATIONS- HINDUS, MUSLIMS, CHRISTAINS AND PARSIS

- 1.1 Natural and sources of Hindu Law
- 1.2 Schools of Hindu Law
- 1.3 Nature and sources of Muslim Law
- 1.4 Schools of Muslim Law

UNIT II: MARRIAGE AND KINSHIP

- 2.1 Evolution of the institution of marriage and Family
- 2.2 Role of Religious rituals and practices in molding the rules regulating to marital relations
- 2.3 Types of family based upon
 - 2.3.1 Lineage – patrilineal, matrilineal
 - 2.3.2 Authority structure –patriachcal; matriarchal
 - 2.3.3. Location patrilocal, matrilocal
 - 2.3.4 Number of conjugal units – nuclear, extended, joint and composite
- 2.4 Emerging concepts – maître – sambhand and divided homes.

UNIT III: MATRIMONIAL REMEDIES

- 3.1 Marital conflicts
 - 3.1.1 Non- judicial resolution of marital conflicts
 - 3.1.2 Customary dissolution of marriage – unilateral divorce, divorce by mutual consent and other modes of dissolution
 - 3.1.3 Divorce under Muslim personal law – talaq and talaq-e-tafweez
- 3.2 Judicial resolution of marital conflicts : the family court
- 3.3 Nullity of marriage
- 3.4 Option of puberty
- 3.5 Restitution of conjugal rights
- 3.6 Judicial separation
- 3.7 Desertion : a ground for matrimonial relief
- 3.8 Cruelty: a ground for matrimonial relief
- 3.9 Adultery : a ground for matrimonial relief
- 3.10 Other grounds for matrimonial relief
- 3.11 Divorce by mutual consent under :
 - 3.11.1 Special Marriage Act 1954
 - 3.11.2 Hindu Marriage Act 1955
 - 3.11.3 Muslim law (Khula and Mubaraat)

UNIT IV : BAR TO MATRIMONIAL RELIEF

- 4.1 Doctrine of strict proof
 - 4.1.1 Taking advantage of one's own wrong or disability
- 4.2 Accessory
- 4.3 Connivance
- 4.4 Collusion
- 4.5 Condonation
- 4.6 Improper or unnecessary delay
- 4.7 Residuary clause – no other legal ground exists for refusing the matrimonial relief.

UNIT V: LAW OF MAINTENANCE (HINDU AND MUSLIM LAW)

- 5.1 Claim of spouses
- 5.2 Claim of parents and children
- 5.3 Alimony (pendent and permanent)

UNIT VI MINORITY AND ADOPTION

- 6.1 Adoption under the Hindu Law
- 6.2 Acknowledgement under the Muslim law
- 6.3 Minority and Guardianship

UNIT VII : CONVERSION AND ITS EFFECT ON FAMILY

- 7.1 Marriage
- 7.2 Adoption
- 7.3 Guardianship
- 7.4 Succession

(In view of the conflict of inter-personal laws, conversion is causing problems. How conversion affects the family and whether it is compatible with the concept of secularism and to what extent such problems would stand resolved with the enactment of a uniform civil code needs to be examined.)

UNIT VIII : CUSTOMARY PRACTICES AND STATE REGULATION

- 8.1 Polygamy
- 8.2 Concubine
- 8.3 Child Marriage
- 8.4 Sati
- 8.5 Dowry

References :

- 1) ParasDiwan, Hindu Law
- 2) S.T. Desai (ed) Mulla's Principles of Hindu Law, (1998) Bitterorths , India
- 3) ParasDiwan, Family law : Law of Marriage and Divorce in India, (1984)
- 4) A. M. Bhattachargee, Muslim Law and Constitution(1994(Eastern Law House, Calcutta
- 5) A. M. Bhattachargee, Hindu Law and Constitution(1994(Eastern Law House, Calcutta
- 6) ParasDiwan, Law of Adoption, Minority, Guardianship and Custody (2000), Universal
- 7) A.A.A. Fyzee, Outline of Muhammadam law, (1986)
- 8) J.D.M. Derrett, Hindu Law : Past and present
- 9) J.D.M. Derrett, Death of Marriage Law
- 10) J.D.M. Derrett, a critique of modern Hindu law

Suggested Books:

- 1)ParasDiwan, Law of Intestate and Testamentary Succession (1998), Universal
- 2)Basu, N. D. Law of Succession (2000), Universal
- 3)Kusem, Marriage and Divorce Law Manual (2000), Universal
- 4)Malchandu, S.C. Law and Practice of Divorce in India (2000), Universal
- 5)P.V. Kane, History of Dharmasastras Vol. 2 pt. 1 at 624-632 (1974)
- 6)A. Kuppaswami (ed.) Mayne's Hindu Law and Usage ch. 4 (1986)
- 7)B. Sivaramayys, Inequalities and the Law, (1985)
- 8)K.C. Daiya, "Population control through family planning in India," Indian Journal of Legal studies, 85(1979)
- 9)J.D.M. Derrett, Hindu Law, : Past and Present
- 10) J.D.M. Derrett, Death of Marriage Law
- 11) A.A.A. Fyzee, Outline of Muhammadan Law, (1986)

- 12) J.D.M. Derrett, A Critique of Modern Hindu Law (1970)
- 13) ParasDiwan, Hindu Law (1985)
- 14) S.T. Desai (ed.) Mulla's Principles of Hindu Law, (1998)- Butterorths-India
- 15) ParasDiwan, Family Law : Law of marriage and Divorce in India, (1984)
- 16) A. M. Bhattachargee, Muslim Law and the Constitution (1994) Eastern Law House, Calcutta
- 17) A. M. Bhattachargee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta
- 18) Paras Diwan, Law of Adoption, Ministry, Guardianship and Custody (2000), Universal

AECC – 106: FUNDAMENTALS OF RESEARCH

Research in common parlance refers to a search for knowledge. It is a scientific and systematic search for pertinent information on a specific topic. In fact, research is an art of scientific investigation. It is the pursuit of truth with the help of study, observation, comparison and experiment. Significance of Research is increasing in all discipline as it reflects social values, attitudes and behavior. As we know law is a dynamic and not static, therefore law student should inevitably understand the basics of research. After gone through the syllabus of

'Fundamentals of Research' the law students are came to know-

1. The Basics of the Research with the conceptual foundation
2. The stages of the Research involved and
3. The ethics for Research and its principle.

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT – I - CONCEPTUAL FOUNDATION OF RESEARCH

- 1.1.1 Introduction : Historical perspective and importance of Research
- 1.1.2 Meaning and Definitions of Research
- 1.1.3 Objectives of Research
- 1.1.4 Types of Research
- 1.1.5 Concept of Legal Research
- 1.1.5 Research Methodology

UNIT – II - MAJOR STAGES OF RESEARCH

- 2.1.1 Identification and formulation of problem
- 2.1.2 Review of Literature and Formulation of Hypothesis
- 2.1.3 Research Design

- 2.1.4 Collection of data and its various modes
- 2.1.5 Analysis and interpretation of data
- 2.1.6 Findings, Suggestions and Conclusion

UNIT – III - TOOLS AND TECHNIQUES OF DATA COLLECTION

- 3.1.1 Questionnaire
- 3.1.2 Survey
- 3.1.3 Interview
- 3.1.4 Sampling
- 3.1.5 Observations
- 3.1.6 Schedule

UNIT – IV - RESEARCH ETHICS

- 4.1.1 Moral Principles and Social Values in Research
- 4.1.2 Research Ethical Committee in Higher Education
- 4.1.3 Legal aspects – Copyright, Plagiarism, etc

Reference/ Suggested Books

- 1 C.R.Kothari, Gaurav Garg (2018), Research Methodology : Methods And Techniques, New Age International Publishers Ltd.-New Delhi
- 2 Dr.S.R.Myneni (2017), Legal Research Methodology, Allahabad Law Agency, Allahabad
- 3 [R. Panneerselvam](#) (2nd Edition), Research Methodology, Kindle Edition (e-Book)
- 4 Yogesh Kumar Singh, Fundamentals of Research Methodology and Statistics, New Age International Publishers Ltd.-New Delhi
- 5 Dr. H. N. Tewari.(2016), *Legal Research Methodology.*, Allahabad Law Agency, Allahabad
- 6 Goode, W.J. and Hatt, P. K. (1952), Methods in social research. New York, McGraw-Hill Book Comp, New York
- 7 Dr.Mona Purohit (2016), Legal Education and Research Methodology, Central Law Publications, Allahabad
- 8 Dr.G.P.Tripathi (2015), Legal Research and Research Methodology, Central Law Publications, Allahabad

Three Year LL.B. Semester II

DSC – 201: SPECIAL CONTRACT (Paper – I)

Object :

The course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contract should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

We are witnessing a paradigm shift in every walk of life, especially commercial sector, due to computer technology. Internet has transformed traditional markets into global markets by facilitating online execution of commercial transactions including electronic transfer of goods and services through online advertising, online ordering, publishing, banking, investment, auction, travel, entertainment and professional and financial services.

Existing legal provisions have to be re-interpreted and applied to provide solutions to issues generated by new technology till the new legal provisions arrive. Students are expected to study the provisions that govern E-Contract including relevant provisions from Indian Contract act, Information technology Act and relevant amendments to Indian Penal code, Indian Evidence act, Negotiable Instruments act etc.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level :10 Marks

30 Marks

SYLLABUS

UNIT I – INDEMNITY

- 12.3 The Concept
- .2 Need for indemnity to facilitate commercial transactions.
- 1.3 Methods of creating indemnity obligations
- 1.4 Definition of Indemnity
- 1.5 Nature and extent of liability of the indemnifier
- 1.6 Commencement of liability of the indemnifier
- 1.7 Situations of various types of indemnity creations.
- 1.8 Documents / agreements of indemnity

UNIT II – GUARANTEE

- 2.1 The Concept
- 2.2 Definition of guarantee
- 2.3 Basic essentials for a valid guarantee contract
- 2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
- 2.5 Position of a minor and validity of guarantee when minor is the principal debtor, creditor or surety.
- 2.6 Distinguished from Indemnity
- 2.7 Continuing guarantee
 - 2.7.1 Nature of surety's liability
 - 2.7.2 Duration and terminations of such liability
 - 2.7.3 Illustrative situations of existence of continuing guarantee.
 - 2.7.4 Creations and identifications of continuing guarantees.
- 2.8 Rights of surety
 - 2.8.1 Position of surety in the eye of law
 - 2.8.2 Various judicial interpretations to protect the surety.
- 2.9 Co-surety and manner of sharing liabilities and rights.
- 2.10 Extent of surety's liability
- 2.11 Discharge of surety's liability

UNIT – III BAILMENT

- 3.1 The concept
- 3.2 Definition of Bailment
- 3.3 Identification of bailment contracts in day today life and Manner of creation of such contracts.
- 3.4 Commercial utility of bailment contracts
- 3.5 Kinds of bailees
- 3.6 Duties of bailor and bailee
- 3.7 Rights of bailor and bailee

UNIT – IV PLEDGE

- 4.1 The Concept
- 4.2 Commercial utility of pledge transactions
- 4.3 Definition of pledge under the Indian Contract Act
- 4.4 Comparison with bailment
- 4.5 Rights of the pawner and pawnee
- 4.6 Pawnee's right of sale as compared to that of an ordinary bailee
- 4.7 Pledge by certain specified persons mentioned in the Indian Contract Act.

UNIT – V AGENCY

- 5.1 The Concept – Agent & Principal
- 5.2 Kinds of agents
- 5.3 Essentials of an agency transaction
- 5.4 Various methods of creation of agency
- 5.5 Duties and rights of agents
- 5.6 Scope and extent of Agent's authority
- 5.7 Liability of the principal for acts of the agents
- 5.8 Liability of the agent towards the principal
- 5.9 Personal liability towards the parties
- 5.10 Methods of termination of agency contract

UNIT – VI SALE OF GOODS

- 6.1 Concept of sale as a contract
- 6.2 Essentials of a contract of sale
- 6.3 Essential conditions in every contract of sale
- 6.4 Implied terms in contract of sale
- 6.5 The rule of caveat emptor and the exceptions
- 6.6 Effect and meaning of implied warranties in a sale.
- 6.7 Transfer of title and passing of risk.
- 6.8 Delivery of goods : various rules regarding delivery of goods
- 6.9 Unpaid seller and his rights
- 6.10 Remedies for breach of contract

UNIT – VII PARTNERSHIP

- 7.1 Nature of partnership : Definition
- 7.2 Mutual relationship between partners
- 7.3 Incoming partner
- 7.4 Outgoing partner
- 7.5 Registration of Partnership
- 7.6 Dissolution of Partnership

UNIT – VIII E- CONTRACTS

- 8.1 The concept – Certifying Authority, digital signature, electronic record, cyber Appellate tribunal
- 8.2 Validity of Electronics Transactions

- 8.2.1 Authentication of Electronic Records
- 8.2.2 Legal recognition of Electronic records & digital signature
- 8.2.3 Retention of electronic records
- 8.3 Communication & Revocation of offer
- 8.3.1 Attribution of electronic records
- 8.3.2 Acknowledgement of receipt
- 8.3.3 Time & Place of dispatch and receipt of electronic records.

References :

1. Pollock & Mulla on Contracts
2. Avtar Singh – Contract Act
3. Krishnan Nair, Law of Contract
4. Saharay H.K., Indian Partnership Act & Sale of Goods Act
5. Ramnainga, The sale of Goods Act
6. V.K. Rao, Contract II
7. The Information Technology Act, 2000 Asia Law House

Books :

- 1) R.K. Abhichandani (ed.), Pollock and Mulla on Contracts and Specific Relief Act (1999) Tripathi, Bombay.
- 2) Avtar Singh, Contract Act (2000), Eastern, Lucknow.
- 3) Krishnan Nair, Law of Contract (1999) Orient
- 4) Avtar Singh, Principles of the Law of the Sale of Goods and Hire Purchase (1998) Eastern, Lucknow.
- 5) J.R. Verma (ed.), Singh and Gupta, The law of partnership in India (1999), Orient Law House New Delhi.
- 6) A.Q. Guest (ed.) Benjamin's Sale of Goods (1992), Sweet & Maxwell.
- 7) Bhashyam and Adiga. The Negotiable Instruments Act (1995), Bharath Allahabad.
- 8) MS. Parthasarathi (ed.) J.S. Khergamvala. The Negotiable Instruments Act.
- 9) Beatson (ed.), Anson's Law of Contract, (1998), Oxford, London.
- 10) Saharay, H.K., Indian Partnership and Sale of Goods Act (2000), Universal.
- 11) Ramnainga, The Sales of Goods Act (1998), Universal.
- 12) Information Technology Law and Practice, Cyber Law & E-Commerce by Vakul Sharma, 2005, Universal Law Publishing Co Pvt Ltd.
- 13) Cyber Law in India by Dr. Farooq Ahmad, 2005, Pioneer Books, New Era Law Publication Delhi.

Reference Books

1. Chitty, Contracts, Vol. 11, 29th Ed., Sweet & Maxwell, 2004.
2. V.K. Rao, Contract II – Cases and Materials, Butterworths, 2004.
3. M. Krishnan Nair, Law of Contracts, 1998.
4. Dutt on Contract, H.K. Saharay, Universal, 2000.
5. Mulla, Indian Contract Act and Specific Relief Acts, Lexis Nexis 13th Ed. 2006.
6. Avtar Singh, Law of Partnership
7. Piyush Joshi, Law relating to Infrastructure Projects, Butterworths
8. Agarwal, Government Contracts, Law and Procedures, Eastern Book Corporation
9. Fird, The Law of Agency, Butterworth
10. Iyer Sale of Goods and Partnership Acts, Asia Law House
11. Reynolds & Davenport, Bowstead on Agency, Sweet & Maxwell

12. Mulla, Negotiable Instrument Act, Tripathy

Case Law (by way of illustration)

1. AmritlalGoverdhanLal v. State Bank of Travancore AIR 1968 SC 1432
2. Morvi Mercantile Bank v. Union of India AIR 1965 SC 1954
3. VasireddiSeetharamaiah v. Srirama Motor Finance Corporation 1977 AP 164
4. Wheels India Ltd., Mount Road v Khem Chand Raj Kumar 1970 MLJ 648
201
5. Maganbhai v Union of India AIR 1969 SC 785Madhav Rao v. Union of India AIR 1971
SC 530
6. Delhi Science Forum & Others v. Union of India JT 1996 (2) SC 295
7. Canara Bank v Canara Sales Corporation & Others AIR 1987 SC 1603
8. Indian Airlines Corporation v MadhuriChoudhury AIR 1965 Cal 252
9. Gatewhite Ltd & Another v. Iberia Lineas de Espana SA (1989) 1 All E.R. 944

DSC-202: CONSTITUTIONAL LAW – II (Paper – II)

Object :

To understand the political, social and economic value structure of the Constitution of India and the protection of human rights of individuals and balancing with the positive responsibility of the state to establish a economy of growth, social justice and political aspiration of all sections of the Indian Society through constitutional governance.

Method of study: Lecture method and interactive sessions of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks
Viva Voce College Level :10 Marks

30 Marks

SYLLABUS

UNIT I. PARLIAMENT

1. Composition, Election, qualifications, disqualifications and tenure of members.
2. Functions of Parliament.
3. Privileges of Members, Parliamentary Privileges and fundamental rights
4. Relationship between Lok Sabha and Rajya Sabha
5. Officers of the parliament – Speaker, Chairperson, powers and functions

UNIT II. PARLIAMENTARY GOVERNMENT AND UNION EXECUTIVE

1. Westminster Model- Choice of Parliamentary Form-Council of Minister and Prime Minister, Cabinet system, collective responsibility- individual responsibility.
2. Co-alition Government
3. President of India- Election, qualification and Impeachment

4. powers (specially the ordinance making power) privileges and constitutional position
5. Governor of the State- Appointment, tenure etc., position and status of Governor.

UNIT III. RELATIONSHIP BETWEEN UNION AND STATES

I- LEGISLATIVE RELATIONS

1. Legislative powers of the union- extent and width- seventh schedule
2. Provision as to introduction and passing of ordinary bills
3. Joint sitting of both the houses
4. Parliament's power to legislate on State subjects
5. Principles of interpretation of Lists

UNIT IV -- RELATIONSHIP BETWEEN UNION AND STATES

II- ADMINISTRATIVE AND FINANCIAL

1. Administrative relationship
 - a) Co-extensive powers of administrative organ- Art 73
 - b) Obligation of states- assistance and coordination
 - c) Inter state council
 - d) All India Services
 - e) Grants in aid.
2. Financial Relations---
 - a) Distribution of Revenue between Centre and State.
 - b) Money Bill- finance bills
 - c) Finance Commission

UNIT V.- FREEDOM TRADE-COMMERCE AND SERVICES UNDER THE STATE

1. Freedom Trade-extent and relationship with fundamental rights
2. Restrictions on Trade and Commerce
3. Doctrine of Pleasure
4. Constitutional safeguards to Civil Servants
5. Public Service Commission

UNIT VI. - EMERGENCY PROVISIONS

1. National emergency- imposition and implications
2. Constitutional amendments relating to national emergency
3. Failure of constitutional emergency in the state- grounds
4. Misuse of state emergency -safeguards by judicial pronouncements
5. Financial emergency – grounds and implications

UNIT VII. - JUDICIARY UNDER CONSTITUTION

1. Supreme Court- composition, Appointment procedure- collegium system- removal
2. Jurisdiction of supreme court- original, appellate, advisory and curative
3. High Court-Composition, Appointment, jurisdiction etc.
4. Independence of Judiciary
5. Doctrine of Judicial Review- Nature and scope

UNIT VIII. - CONSTITUTIONAL PROCESS OF ADAPTATION AND ALTERATION

1. Amendment- meaning and Methods of Constitutional amendment
2. constitutional Limitations upon constituent power
3. Doctrine of Basic Structure- emergence and expansion
4. Amendment of fundamental rights

5. Content and controversy of basic structure theory

Reference Books:

- 1) T.K. Tope: Constitutional of India.
- 2) G.Austin, History Democratic Constitution: The Indian Experience (2000) Oxford.
- 3) D.D. Basu : Shorter Constitution of India (1996) Prentice Hall of India, Delhi.
- 4) Constituent Assembly Debates Vol. 1 to 12 (1989)
- 5) H.M. Seervai: Constitution of India Vol. 1-3 (1992), Tripathi, Bombay.
- 6) M.P.Singh (ed) V.N. Shukul : Constitutional Law of India (2000) Oxford.
- 7) G.Austin : Indian Constitution : Cornerstone of a Nation (1972)
- 8) M.Glanter : Competing Equalities- Law and the Backward Classes in India (1984)
- 9) B.Sivaramayya : Inequalities and Law (1984) Eastern Lucknow.
- 10) S.C.Kashyap : Human Rights and Parliament (1978) Metropolitan.
- 11) Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.

DSC – 203: FAMILY LAW – II (Paper – III)

Object:

Succession is one every important way of transfer of property, of course after the life of the owner of the property. The study shall not only examine the law as it is and is interpreted by Courts in fact situation, it also shall aim at understanding the differences in the law of succession, both testamentary and intestate, amongst various religious groups.

Methodology of teaching-learning: Lecture method, Case study and presentation shall be dominant method. But research and paper-writing is also important. There shall be comparative studies in all presentations and lectures. Discussion and issue-based round table shall be emphasized instead of issue-based lecture.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS:

UNIT I : JOINT FAMILY

- 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 Partition and reunion
- 1.9 Joint Hindu Family as a social security institution and impact of Hindu gains of Learning act and various tax laws on it

1.10 Matrilineal joint family

UNIT II : INHERITANCE – HINDUS

- 2.1 Historical perspectives of traditional Hindu law as a background to the study of Hindu Succession act 1956
- 2.2 Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession act 1956
- 2.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession act 1956
- 2.4 Succession to property of a Hindu female dying intestate under the provisions of Hindu Succession act 1956
- 2.5 Disqualification relating to succession
- 2.6 General rules of succession
- 2.7 Marumakkattayam and Aliyasantana laws governing people living in Travancore – Cochin and the districts of Malabar and South Kanara.

UNIT III : INHERITANCE – MUSLIMS

- 3.1 General rules of succession and exclusion from succession
- 3.2 Classification of heirs under Hanafi and IthnaAshria schools and their shares and distribution of property
- 3.3 Christians, Parsis and Jews
- 3.3.1 Heirs and their shares and distribution of property under the Indian Succession Act 1925

UNIT IV : WOMEN'S PROPERTY

- 4.1 Stridhan – concepts and characteristics, sources
- 4.2 Principles of succession
- 4.3 Comparative analysis of right to property of women under different religious and statutory law

UNIT V : TESTAMENTARY SUCCESSION

- 5.1 Power of testamentary succession under various religious and statutory law under Hindu, Islamic, Christian and Parsi Law
- 5.2 Competence of the testator, limitation to testamentation
- 5.3 Abetment of legacy, Will and administration of will – Probate, Codicil, execution of Privileged and unprivileged will
- 5.4 Attestation, alteration and revival of will

UNIT VI : RIGHT OF PRE-EMPTION:

- 6.1 Pre-emption, meaning, nature, constitutionality, classification
- 6.2 Who can claim the right, formalities and legal effect
- 6.3 legal devices of evading right of pre-emption, when is the right lost

UNIT VII : GIFT UNDER THE ISLAMIC LAW

- 7.1 Hiba – nature and characteristics, kinds of hiba
- 7.2 Conditional and future gift, types of Hiba, Death-bed gift
- 7.3 Revocation of gift

UNIT VIII : RELIGIOUS ENDOWMENTS

- 8.1 Wakf
- 8.1.1 Meaning, character, formalities for creation
- 8.1.2 Administration, power of Mutawali, Muslim Religious Institutions and offices
- 8.2 Hindu Religious Endowment

- 8.2.1 Traditional religious principles of creation, administration and offices
- 8.2.2 Statutory methods of creation of trust
- 8.2.3 Powers and functions of the trustees

References:

- 1) Mulla, Hindu Law, Vol I and II, Butterworth
- 2) Mayne, Hindu Law and Usage, Bharat
- 3) Diwan, Modern Hindu law, Universal
- 4) Tyabji, Muslim Law, Tripathy
- 5) Mulla, Principles of Mohammedan Law, Tripathy
- 6) Amer Ali, Mohammedan Law, Vol I andII, EBS
- 7) TahirMohammad, Family Law reforms in Muslim world, tripathy
- 8) TahirMohammad, Islamic Law in Modern india, Tripathy
- 9) Derret Hindu Law, Past and Present, Universal
- 10) Derret, Introduction to modern Hindu Law, Universal
- 11) Ghosh, the law of endowments, S.C. Sarkar
- 12) Row, Sanjiva, The Indian Succession Act, Law book Co
- 13) Basu, Indian Succession Act, eastern
- 14) Gaur, hindu code Vol i and II, Law Publisher
- 15) Diwan, law of Intested and testamentary Succession, wadhwa
- 16) Mukherjee, Hindu law of religious and charitable trust, eastern
- 17) Desai Kumud, Law of Marriages and Divorce
- 18) Mayne's Hindu law and usage
- 19) Parasdiwan, Family law
- 20) Dr. T. V. Subbaroa Familt law in India
- 21) Mulla, principles of Mahommedan law

DSC – 204: ENVIRONMENTAL LAW (Paper – IV)

Object:

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution. All these issues related to problematic about construction of a just, humane and healthy society.

Secondly environmental law necessarily demands an inter – disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology – related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environments law is essential.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS

UNIT I - CONCEPT OF ENVIRONMENTAL AND POLLUTION

- 1.1 Meaning and definition of environment and pollution under different Acts
- 1.2 Kinds of pollution
- 1.3 Effects of pollution

UNIT II -- HISTORICAL PERSPECTIVES OF ENVIRONMENT AND POLLUTION

- 2.1 Indian tradition : Dharma of environment
- 2.2 British Raj – Industrial development and exploitation of nature
Nuisance : penal code and procedural codes
- 2.3 Free India – continuance of British influence

UNIT III -- CONSTITUTIONAL PERSPECTIVES

- 3.1 Constitution making – development and property oriented approach
- 3.2 Directive principles
 - 3.2.1 Judicial approach
- 3.3 Fundamental rights - Right to clean and healthy environment, Pollution Free Atmosphere etc.
- 3.4 Environments v. Development
- 3.5 Enforcing agencies and remedies
- 3.6 Emerging Principles
 - 3.6.1 Polluter pays and Precautionary Principle : Public Liability Insurance
 - 3.6.2 Public Trust Doctrine
 - 3.6.3 Sustainable Development

UNIT IV -- WATER AND AIR POLLUTION

- 4.1 Water and Air Pollution - Meaning and standards
- 4.2 Culprits and victims
- 4.3 Offences and penalties
- 4.4 Judicial approach
- 4.5- Noise Pollution and Control
 - 4.5.1 Legal control
 - 4.5.2 Courts of balancing : permissible and impermissible noise

UNIT V -- ENVIRONMENT PROTECTION

- 6.1 Protection means
- 6.2 Protection agencies : Power and functions
- 6.3 Emerging protection through delegated legislation
 - 6.3.1 Hazardous waste
 - 6.3.2 Bio – medical waste
 - 6.3.3 Genetic engineering
 - 6.3.4 Disaster emergency preparedness
 - 6.3.5 Coastal zone management
- 6.4 Judiciary : complex problems in administration of environmental justice

UNIT VI -- FOREST AND GREENERY

- 7.1 Greenery conservation laws
 - 7.1.1 Forest Conservation Act
 - 7.1.2 Symbiotic relationship and tribal people
 - 7.1.5 Denudation of forest : judicial approach
- 7.2 Wild life Protection Act

UNIT VII - - INTERNATIONAL REGIME

- 8.1 Stockholm conference
- 8.2 Green house effect and ozone depletion
- 8.3 Rio Conference
- 8.4 Bio – Diversity
- 8.5 U. N. Declaration on right to Development

UNIT VIII -- PREVENTION OF CRUELTY TO ANIMALS

- 9.1 Animal welfare Board
- 9.2 Cruelty to Animals Generally
- 9.3 Experimentation on Animals
- 9.4 Performing animals

Reference Books

1. Ball and Bell, Environmental Law
2. ShyamDivan : Armin Rosencranz Environmental Laws and Policy in India - Cases, Materials and Statutes
3. BaxiUpendra, The Bhopal Case
4. Aggarwal Anil, The State of India's Environment
5. Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
6. Pal Chandra, Environmental Pollution and Development, ed 1999
7. Iyer V R Krishna, Environment Pollution and the Law
8. Malaviya, Environment Pollution and its Control under International Law
9. Leelakrishnan, Environmental Law in India 1986
10. The Environment (Protection) Act 1986 and Rules 1986

Select Bibliography :

- 1) AarminRosencranz, et al, (eds.), Environmental Law and Policy in Indian, (2000), Oxford
- 2) R. B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing, New Delhi.
- 3) Kailash Thakur, Environment Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.
- 4) Richard L. Riversz, et.al. (eds.), Environment Law, the economy and other Sustainable Development (2000), Cambridge
- 5) Christopher D. Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana
- 6) Leelakrishnan, P et. al. (eds.), Law and Environment (1990), Eastern, Lucknow
- 7) Leelakrishnan, P, The Environmental Law in India (1999), Butterworths – India
- 8) Department of Science and Technology, Government of India Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental protection (1980) (Tiwari Committee Report).
- 9) Indian Journal of Public Administration, Special Number on Environment and Administration, July – September 1988, Vol. XXXV, No. 3, pp. 353 - 801

- 10) Center for Science and Environment, The State of Indian's Environment 1982, The State of India's Environment 1984 – 1985 and The State of Indian Environment 1999 – 2000
- 11) World Commission on Environment and Development, Our Common Future (1987), Oxford.
- 12) Maneka Gandhi et. all Animal Laws of India (2001)
- 13) Iyer V R Krishna, Environment Pollution and the Law
- 14) Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
- 15) Pal Chandra, Environmental Pollution and Development, ed 1999
- 16) Malaviya, Environment Pollution and its Control under International Law
- 17) The Environment (Protection) Act 1986 and Rules 1986

**DSC – 205: PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM
(Paper – V)**

Object:

Advocates have the dual responsibility of upholding the interests of the client fearlessly while conducting themselves as officers of the court. Accordingly, they are expected to adhere to the highest standards of probity and honour. An advocate's conduct should reflect their privileged position in society which derives from the nobility of this profession. The service of an advocate to the common man should be compassionate, moral and lawful. Indian Legal System can write up the next big success story in professional legal education and consequently higher efficiency in Justice Delivery System if it succeeds in facilitating high professional skills, building up of human resource with proper integration of knowledge to match the growing world standard.

Method of study: Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks
Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS

UNIT I -- PROFESSIONAL ETHICS

- 1.1 Development of Legal Profession in India.
- 1.2 Concept, need and importance of Professional Ethics.
- 1.3 Bar Council of India Rules on Standards of professional Conduct and Etiquettes, seven lamps of advocacy
- 1.4 Duties and Obligations of Advocate (Norms of Professional Ethics)
 - Section I -Duty to the Court.
 - Section II -Duty to Client.
 - Section II -Duty to Opponent.
 - Section IV -Duty to Colleagues
 - Duty to Profession

-Duty to Render Legal Aid.

1.5 Restrictions on other employments.

1.6 Senior Advocates and Restrictions on Senior Advocates.

1.7 Form of Dresses or Robes to be worn by Advocate.

1.8 Vakalatnama.

UNIT II -- ADVOCATES ACT, 1961 :

2.1 Chapter I (Sections 1 and 2) Definitions-Advocate, Legal Practitioner, Law Graduate.

2.2 Chapter II (Sections 3 to 15) -Bar Councils Functions.

2.3 Chapter III (Sections 16 to 28) -Admission and Enrolment of Advocates.

2.4 Chapter IV (Sections 29 to 34) -Right to Practice.

2.5 Chapter V (Sections 35 to 44) -Conduct of Advocates. Punishment of Advocates for misconduct.

2.6 Chapter VI (Sections 45 -Miscellaneous.)

UNIT III -- BAR-BENCH RELATIONS AND CONTEMPT OF COURT.

3.1 Concept and Role of Bar-Bench Relation with reference to administration of Justice.

3.2 The Contempt of Courts Act, 1971 Sections 1 to 24.

UNIT IV -- ACCOUNTANCY FOR LAWYERS.

4.1 Definition, object, Importance and Utility of Book Keeping.

4.2 Principles of Book-keeping and Accountancy, Accounting concepts and Accounting conventions.

4.3 Meaning and Advantages of Double Entry Bookkeeping.

4.4 Classification of accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books.

4.5 Types of Cash Book.

(a) Simple Cash Book.

(b) Cash Book with Cash and Discount columns.

(c) Cash Book with Cash, Bank and discount columns.

4.6 Bank Reconciliation statement.

4.7 Rectification of Errors.

4.8 Preparation of Trial Balance.

4.9 Preparation of Trading, Profit and Loss Account and Balance Sheet.

4.10 Preparation of Income and Expenditure Account.

4.11 Assessment of income and expenditure and payment of taxes by Advocates.

UNIT V -- CASES & SELECTED OPINIONS PRESCRIBED FOR STUDY.

5.1 Major Judgements of Supreme Court on the subject :

- 1) Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997, SC, 1338
- 2) Hikmat Ali Khan V/s IshwarPrasd, AIR, 1997, SC 864.
- 3) V. P. Kumarvelu V/s B.C.L., AIR, 1997, SC 1014
- 4) P.D. Gupta V/s Ram Murty, AIR, 1988, SC 283.
- 5) In Re. V.C. Mishra, AIR, 1995, SC 2348.
- 6) Supreme Court Bar Association V/s Union Bank of India, AIR, 1988, SC 1895.
- 7) U.P. Sales Tax Service Association V/s Taxation bar Association, Agara AIR, 1996, SC 98.
- 8) John D' Souza V/s Edward Ani, AIR, 1994, SC 975.
- 9) Dalal, D.S. V/s State Bank of India, AIR, 1993, CRLJ 1478.
- 10) Mr. Roma Baneriji V/s UshapatiBanerji, AIR, 1958, CRLJ 1478.

5.2 Selected Opinions Of The Disciplinary Committee Of Bar Council Of India

- 1) B.C.I. TR Case No. 27/1988, Vol. 16(3&4) 1989, I.B.R. Y.V.R. (Complainant) V/s M.K.N. (Respondent).
- 2) B.C.I. TR Case No. 24/1986, Vol. 16(3&4) 1989, I.B.R.C.L. (Complainant) V/s N.T.S. (Respondent).
- 3) D.C. Appeal No. 6/1988, Vol. 16(3&4) 1989, I.B.R.J.E. (Appellant) V/s Smt. A (Respondent).
- 4) D.C. Appeal No. 28/1986, Vol. 15(3&4) 1988, I.B.R.J. (Appellant) V/s Smt. A (Respondent).
- 5) D.C. Appeal No. 35/1987, Vol. 16(3&4) 1989, I.B.R.N.M. (Appellant) V/s V. D. (Respondent).
- 6) D.C. Appeal No. 131975 (Mah.) Vol. 5 (1-3) 1976, Journal of Bar 35 Council of India, A. (Appellant) V/s Bar Council of Maharashtra, (Respondent)
- 7) B.C.I. , TR. Case No. 17/86. Vol. 15(3&4), 1988, I.B.R. M. (petitioner/complainant) V/s Bar Council of Maharashtra, (Respondent)
- 8) B.C.I. , TR. Case No. 63/1983. Vol. 15(3&4), 1988, I.B.R. B. (Complainant) V/s R. (Respondent)
- 9) D.C. Appeal No. 21 of 1985. Vol. 15(3 and 4), 1988, I.B.R.G. (Applicant) V/s T. (Respondent)
- 10) B.C.I. , TR. Case No. 61/1983. Vol. 14(2), 1987, I.B.R. D. (Complainant) V/s B. (Respondent)

Recommended Books

1. Sanjiva Row's Advocates Act, 1961.
2. Iyer's Law of Contempt of Courts.
3. Bar Council of India Trust Selected Judgments on Professional Ethics.
4. Bar Council of India Rules on Standards of Professional conduct and Etiquette.
5. Dr. Kailash Rai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
6. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
7. M. G. Patkar-Book Keeping and Accountancy.
8. Mrs. Jayashree Kotibhaskar-Book Keeping and Accountancy.
9. Krishnamurti Iyer-Advocacy.
10. Shukla and Grewal-Advance Accountancy.
11. R. L. Gupta-Advanced Accountancy.
12. S. N. Maheshwari-Introduction to Accountancy.
13. Indian Bar Review-Journal.
14. M. P. Jain-Outline Indian Legal History-Chapter Development of Legal Profession.
15. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
16. M. R. Mallick-Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
17. P. L. Mehta, Sushma Gupta-Legal Education and Legal Professional in India.
18. Law Reporters-A.I.R., S.C.C. (Relevant cases).
19. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
20. Agarwal A. N.-Practical Aspects of Higher Accountancy.
21. Anand-Professional Ethics of Bar.
22. Jha Shriram Chandra-Selected Judgments on Professional Ethics.
23. Mynen S. R.-Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.

24. Reddy G. B.-Practical Advocacy for Lawyers.

AECC – 206 PUBLIC INTEREST LAWYERING AND PARA LEGAL SERVICES

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT – I- PUBLIC INTEREST LITIGATION

- 1.1 Meaning and object
- 1.2 Locus Standy
- 1.3 Merits and demerits of Public Interest Lawyering
- 1.4 Public Interest Litigation and Writ Jurisdiction
- 1.5 Social Revolution Through P.I.L. with Cases

UNIT – II LEGAL – AID AND LEGAL LITERACY PROGRAMME

- 2.1 Meaning, Object and Importance
- 2.2 Constitutional Provisions
- 2.3 Legal Services Authorities Act, 1987
- 2.4 Legal – Aid and Legal Profession

UNIT – III LOKADALAT

- 3.1 Meaning of LokAdalat
- 3.2 Organisation of LokAdalat
- 3.3 Permanent LokAdalat
- 3.4 Compostion of LokAdalat
- 3.5 Functioning of LokAdalats

UNIT – IV - PARA-LEGAL TRAINING AND IMPORTANCE

- 4.1 Meaning, Objects and Importance
- 4.2 Role of DALSA, TALSA
- 4.3 Legal Literacy Campus
- 4.4 Negotiation
- 4.5 Counselling

UNIT – V - LOKNAYALAYA AND GRAM NYAYALAYA

- 5.1 Meaning, Objects and Importance
- 5.2 Features of the Gram Nayalaya Act, 2008
- 5.3 Jurisdiction of Gram Nyayalaya
- 5.4 Appellate Provisions
- 5.5 Mobile Court

Books Recommended

- 1) Public Interest Lawyering, Legal-Aid and Para Legal Services by Prof. KailashRai
- 2) Public Interest Litigation by J. Gulab Gupta

3) Legal – Aid to the poor by S.S.Sharma.

From Academic Year 2019-2020 as per norms of BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write university examination in MARATHI.

(It is applicable to students who are writing university theory examination in MARATHI.)

DSC – 207 - ADVANCED ENGLISH (Paper – VI)

Object :

As Indian legal system is heavily imbedded in English language, the first skill that an Indian lawyer has to learn is to acquire strong grounding in English language and literature. Accordingly, English is introduced as a compulsory course in law study as per BCI Rule – IV of part – IV on Standards of Legal Education. While insisting on ‘Proficiency in English’ the Bar Council of India expects the law graduates to have the minimum linguistic skills necessary for effective legal practice in the trial and appellate Court. The skills contemplated as essential to a lawyer are communication skills (both written and oral) well as skills of comprehension (learning by reading and listening). There can be many methods and diverse materials in imparting those skills. The minimum expected by the courses is to give a functional knowledge of the language for the purpose of communication and comprehension in legal business. This would require obviously emphasis on both General English as well as English for legal purpose. The main focus, however, is on the use of English language as the means and methods of effective communication, reading, writing and speaking, for the purpose of understanding and transaction of legal business.

Methodology of teaching-learning:

The effective method of teaching-learning and developing language skill is to read more and more English literature especially literatures created by Judges and Jurists in the name of Autobiography or biography or in special lecture-series. Listen, speak and write– are three straight ways of teaching-learning language. The analytical skill is developed with critical interpretations and explanation. So the best way to learn language is to work in tutorials and group participation, Class activities and lectures.

Evaluation methods : Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS :

UNIT – I - INTRODUCTION TO LEGAL LANGUAGE

- 1.1 Importance of Legal Language
- 1.2 Characteristics of Legal Language
- 1.3 History of Legal Language

UNIT –II - WHAT IS WORD ?

- 2.1. Types of Words.

2.2 Types of Adverbs

UNIT – III - SYNTHESIS AND ANALYSIS OF SENTENCE

3.1 Sentence structures

3.2 Laws of the sequence of tenses

3.3 Conditionals

3.4 Analysis of Simple, Compound and Complex sentences

UNIT – IV- COMMON ERRORS

4.1 Parts of Speech

4.2 Articles

4.3 Tenses

UNIT – V - PHONETICS THEORY AND PRACTICE

5.1 Importance of Correct Pronunciation and Accent

5.2 Transcription of Words / Sentence

5.3 Strong Forms ,Weak Forms and Contractions

5.4 Intonation

5.5 Conversational passages for practice

5.6 The problems of Accent and Dialects

UNIT – VI - COMPOSITION SKILLS

7.1 Use of Cohesive Devices in Legal Drafting

7.2 Case Writing

7.3 Essay Writing on topics of Legal Interest

UNIT – VII - TRANSLATION OF LEGAL TEXT FROM ENGLISH TO MARATHI OR HINDI

UNIT – VIII - BOOK REVIEW....

9.1 Federalism in India : Theory and Practice - S. C. Gangal

9.2 The five functions of the Lawyer : Arthur T. Vanderbilt

SECOND YEAR OF THREE YEAR LAW COURSE (SEMESTER – III)

DSC-301 - JURISPRUDENCE (Paper I)

Objective:

Jurisprudence implies the study and systematic arrangement of the general principles of law. Jurisprudence course can impart knowledge of doctrines about law and justice, developed over the years, in various nations and historical situations. A course in jurisprudence should, primarily, introduce the students about questions concerning nature and concepts of law so that he will be able to understand the complexities of Law and develop critical thinking about the law, legal system and legal processes. The undergraduate course should impart the analytical skills and equip the student with the basic problems concerning nature of law and the types of solutions sought. It should also help students to appreciate how diverse approaches to law influence decision-

making in judicial process. Since a basic idea in the designing of this course is to bring jurisprudence closer to our reality, in the selection of cases and reading materials the teacher should try to make use of the Indian material as far as possible.

The main objectives of the course is-

- To equip students of Jurisprudence to understand, analyze, explain and classify the law.
- To reveal the conceptual and theoretical part of various theories of jurisprudence.
- To compare and contrast law with other fields of knowledge such as literature, religion and social sciences.
- To understand the abstract nature of jurisprudence and complexities of law.

Teaching Learning Method:

Lectures, including special lectures by experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation these are the good forms of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS: -

UNIT- I: JURISPRUDENCE- ITS MEANING, NATURE AND SCOPE:

- 1.1 Evolution of Jurisprudence
- 1.2 Nature, scope and utility of jurisprudence.
- 1.3 Relation of Jurisprudence with other Social Sciences.
- 1.4 Definition of Law- Natural Law School
- 1.5 The Bharat Jurisprudence, the Concept of ‘Dharma’

UNIT-II: SCHOOLS OF JURISPRUDENCE:

- 2.1 Analytical school
- 2.2 Historical School
- 2.3 Sociological School
- 2.4 American Realism

UNIT – III: LAW AND ADMINISTRATION OF JUSTICE:

- 3.1 Kinds of Law
- 3.2 Sources of law - *Custom, Legislation, Judicial Precedent, Conventional law*
- 3.3 Law and Morality
- 3.4 Law and Administration of Justice

3.5 Social Justice - Compensatory Jurisprudence

UNIT – IV: THE CONCEPT OF LEGAL RIGHTS AND DUTIES:

4.1 Meaning of Legal Rights, Duties

4.2 Classification of Legal Rights and Duties

4.3 Correlation of Rights and Duties – *Hohfield's Analysis*

UNIT – V: LEGAL STATUS OF PERSONS:

5.1 Definition and Nature of Personality

5.2 Legal Status of Unborn Children, Minor, Lunatic, Drunken and Dead Persons

5.3 Legal Status of Animals

5.4 Legal Personality of State and non-state entity

UNIT – VI: THE CONCEPT OF POSSESSION AND OWNERSHIP:

6.1 Concept of Possession

6.2 Elements of Possession

6.3 Kinds of Possession

6.4 Modes of Acquiring Possession

6.5 Concept of Ownership

6.6 Kinds of Ownership

6.7 Modes of Acquiring Ownership

UNIT – VII: LIABILITY:

7.1 The Definition and Nature of Liability.

7.2 Kinds of Liability

7.3 General Conditions of Civil and Criminal Liability

UNIT – VIII: THE LAW OF OBLIGATIONS:

8.1 Definition and Nature of Obligation.

8.2 Sources of Obligation.

8.3 Kinds of Obligation

Recommended Reading:-

1. Bodenheimer Jurisprudence – The philosophy and Methods of Law (1996), Universal Publication, Delhi.
2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999).
3. Tripathi, Bombay W. Friedman, Legal Theory (1999) Universal Pub., Delhi.

4. V. D. Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern Books, Lucknow.
5. M.D.A. Freeman (ed.), Lloyd's Introduction to Jurisprudence, (1994), Sweet and Maxwell.
6. Paton G. W. Jurisprudence (1972), Oxford, ELBS.
7. H.L.A. Hart, The Concept of Law (1970), Oxford, ELBS.
8. Roscoe Pound, Introduction to the Philosophy of Law (1998 Re-print), Universal Pub., Delhi.
9. Dias, Jurisprudence (1994), Adithya Books, New Delhi.
10. Dhyani S. N. Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.
11. M.P. Tondon, Jurisprudence Legal Theory, Allahabad Law Agency.
12. Dr. Vijay Ghormade, Jurisprudence and Legal Theory, Hind Law House.
13. N.V. Pranjape, Studies in Jurisprudence and legal theory, Central Law Agency.
14. N.V. Jayakumar, Lectures in Jurisprudence, 2nd Ed., Lexis-Nexis.
15. Dr. B.N. Mani Tripathi, Jurisprudence Legal Theory, Allahabad Law Agency.
16. P.S. Atchthen Pillai, Jurisprudence and Legal Theory, Eastern Book Company.
17. Prof. G.C. Venkata Subba Rao, Jurisprudence and Legal Theory, Eastern Book Comp.

DSC-302 - PROPERTY LAW (Paper - II)

Objectives:

The course on Property Law primarily deals with the Transfer of Property Act, 1882, including specific modes of transfer of property, especially immovable property transferred by act of parties. It also covers rules relating to Easement and License for better enjoyment of property rights.

Growing urbanization, industrialization and technological advancements have made far reaching changes in the field in property laws. Due to scarcity of land in urban areas, peoples may not afford houses on individual basis. This led to growing tendency to construct multi-storied buildings, apartments on ownership basis. Therefore, The Maharashtra Apartment Ownership Act, 1970 has been passed by the state of Maharashtra to constitute each apartment, a heritable and transferable immovable property for all purposes.

Further, to avoid malpractices in construction industry, to protect interest of consumers and to provide speedy and effective dispute redressal mechanism The Real Estate (Regulation and Development) Act 2016 is passed by the Central Govt.

Learning Outcomes:

1. Understanding various principles of Transfer of Property Act 1882
2. Understanding fundamental concepts and essential rules of Easement and License.
3. Acquisition of knowledge of the basic concepts of The Maharashtra Apartment Ownership Act, 1970
4. Understanding the mechanism of The Real Estate (Regulation and Development) Act 2016

Teaching Learning Methods: - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, assignments, field visits, project and research paper presentation-

these are the good forms of teaching and learning.

Evaluation methods:

Theory Examination –	70 Marks
Internal Assessment:	
Assignment / Project Work / Presentation:	20 Marks
Viva Voce College Level:	10 Marks

	30 Marks

SYLLABUS:-

UNIT – I: THE TRANSFER OF PROPERTY ACT, 1882:

- 1.1 Concept and Kinds of Property
- 1.2 Concept of Immovable Property under T.P. Act, General Clauses Act, and Registration Act.
- 1.3 Definition of Transfer of Property (sec. 5)
- 1.4 Test of Transfer- Whether family settlement, compromise, partition, surrender, release, relinquishment and charge amount to transfer.
- 1.5 Definition of Actionable Claims

UNIT – II: GENERAL PRINCIPLES OF TRANSFER OF PROPERTY:

- 2.1 General rules of Transferability of Property (Sec. 6)
- 2.2 Competency of Parties to transfer and Effect of transfer (Sec. 7-8)
- 2.3 Restrictive Conditions about the alienation of Property (Sec. 10-12)
- 2.4 Transfer for the benefit of Unborn Person and Rule against Perpetuity (Sec. 13-14)
- 2.5 Directions for Accumulation (Sec. 17)

UNIT – III : EQUITABLE PRINCIPLES OF TRANSFER OF PROPERTY:

- 3.1 Kinds of Interest – Vested Interest and Contingent Interest (Sec.19-21)
- 3.2 Conditional Transfer (Sec.25- 29)
- 3.3 Doctrine of Election (Sec.35)
- 3.4 Doctrine of Lis Pendense (Sec.52)
- 3.5 Doctrine of Part-Performance (Sec.53A)
- 3.6 Transfer by Ostensible Owner and Fraudulent Transfers (Sec.41 and 53)

UNIT – IV: MODES OF TRANSFER OF OWNERSHIP:

- 4.1 Definition and Essentials of Valid Sale (Sec.54)
Rights and liabilities of buyer and seller (Sec.55).
- 4.2 Exchange of property (Sec.118)
- 4.3 Definition and essentials of Gift (Sec.122)
Revocation of gift (Sec.126)
Onerous gift (Sec.127) and Universal Donee (Sec.128)

UNIT – V: MODES OF TRANSFER OF POSSESSION:

- 5.1 Definition and Kinds of Mortgage (Sec.58)
- 5.2 Rights and Liabilities of Mortgagor and Mortgagee (Sec. 60-77)
Doctrine of Redemption (Sec.91)
- 5.3 Definition and Essentials of Lease (Sec.105)

- Rights and Liabilities of Lessor and Lessee (Sec.108)
- Determination of Lease (Sec.111)
- 5.4 Transfer of Actionable Claim (Sec.130- 132)

UNIT – VI: EASEMENT AND LICENSE:

- 6.1 Concept, Definition and Classification of Easements (Sec. 4-7)
- 6.2 Imposition and Acquisition of Easement (Sec.8-18)
- 6.3 Extinction of Easement (Sec.37-48)
- 6.4 Definition and Characteristics of License (Sec. 52)
- 6.5 Revocation and deemed revocation of License (Sec.60 to 62)

UNIT – VII: THE MAHARASHTRA OWNERSHIP OF APARTMENT ACT, 1970:

- 7.1 Applicability of the Act.
- 7.2 Definition, Status and Ownership of Apartment (Sec.3-5)
 - 7.3 Definition and Status of Common Areas and Facilities (Sec.3 and 6)
- 7.4 Contents of Deed of Apartment and Deed or Declaration (Sec.11 and 13)
- 7.5 Bye-Laws and its content (Sec.16)

UNIT – VIII: THE REAL ESTATE (REGULATION AND DEVELOPMENT) ACT 2016:

- 8.1 Provisions about registration of Real Estate Project (Sec. 3-7)
- 8.2 Functions and Duties of Promoter (Sec. 11-18)
- 8.3 Composition, Powers and Functions Real Estate Regulatory Authority (Sec. 20-21, 34-38)
- 8.4 Composition and powers of the Appellate Tribunal (Sec. 43, 45, 53-54)
- 8.5 Offences, Penalties (Sec. 59-68)

Books Recommended:

- 1) Mulla, Transfer of property Act, (1999) Universal, Delhi Subbarao, Transfer of Property Act, (1994), C. Subbiah chetty, Madars.
- 2) Sivaramayya, The equalities and the Law, (1997) Eastern Book Co., Lucknow.
- 3) P. C. Sen, The General Principles of Hindu Jurisprudence (1984 reprint) Allahabad Law Agency.
- 4) V. P. Sarathy, Transfer of Property (1995), Eastern Lucknow.
- 5) S. D. Dighe, Law and Practice of Ownership Flats and Apartments in Maharashtra (1995), Hindu Law Publication, Pune.
- 6) Amin, B. K. and Shashtri C. J. V. M. Shukla, The Law of Easements, Eastern Book Company, Lucknow.
- 7) C. B. Upadhyaya, Law of Easements, Malhotra publishing House Allahabad.
- 8) The Real Estate (Regulation and Development) Act 2016 Bare Act.
- 9) S.N. Shukla, Transfer of Property Act, Allahabad Law Agency.
- 10) R.K. Agarawal, Indian Easement Act, Pioneer Printers, Agra.
- 11) The Maharashtra Ownership of Apartment Act, 1970, Bare Act
- 12) H.N. Tiwari, Transfer of Property Act, Allahabad Law Agency
- 13) Avtar Singh, Text Book on Transfer of Property Act, Universal Lexis Nexis.

DSC-303 - COMPANY LAW (Paper - III)

Objective :

In view of the important developments that have taken place in the corporate sector, important regulations pertaining to the issue of shares and the capital raising have come into force. This course aims to impart the knowledge relating to corporate management, control, possible abuse, the remedies and government regulation of corporate business and winding up of companies.

Method of Teaching:

Lecture method and interactive sessions of learning is the best method. Practicing Company Secretaries and other stakeholders may be invited to impart practical knowledge to the students on relevant topics. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation Methods:-

Theory Examination: 70 Marks

Internal Assessment: Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS

Unit I: FORMATION OF A COMPANY

- 1.1 Meaning , features of company and Kinds of companies
- 1.2 Lifting of Corporate Veil
- 1.3 Legal Position of Promoters and status of Pre-incorporation contracts.
- 1.4 Procedure for Registration and Incorporation of Company
- 1.5 Legal effect of Certificate of Incorporation & Commencement of Business.

Unit II: MEMORANDUM AND ARTICLES OF ASSOCIATION

- 2.1 Memorandum of Association: Contents and procedure for alteration
- 2.2 Articles of Association: Contents and procedure for alteration
- 2.3 Doctrine of *Ultra Vires*: Meaning , Object , Consequences of ultra vires transactions,
- 2.4 Doctrine of Constructive Notice
- 2.5 Doctrine of Indoor Management and its exceptions.

Unit III: PROSPECTUS

- 3.1 Meaning and Definition of Prospectus
- 3.2 Contents of Prospectus
- 3.3 Golden Rule / Golden Legacy for issue of Prospectus
- 3.4 Remedies for misrepresentation
- 3.5 Liability for misstatement in Prospectus- Civil and criminal

UNIT IV: SHARES AND DEBENTURES

- 4.1 Shares, Types of Shares, General Principles of Allotment, Share Certificates and Share Warrants, Transfer and Transmission of Shares, Demat transfers
- 4.2 Modes of becoming Member- Collective membership rights
- 4.3 Share Capital, Kinds of Share Capital, Alteration and Reduction of Share Capital
- 4.4 Dividend, Kinds of Dividend, Declaration of Dividends – Statutory Requirement
- 4.5 Debentures – Kinds of Debentures, Types of Charge, Crystallization of Charge

UNIT V: DIRECTORS

- 5.1 Appointment of Directors, Types of Directors, Qualifications and Disqualifications.
- 5.2 Legal Position of Directors: Agents, Trustees, Organs
- 5.3 Powers, Functions and Duties of Directors.
- 5.4 Liabilities of Directors
- 5.5 Removal, Resignation and Vacation of the office of Director

UNIT VI: ACCOUNTS, AUDIT AND MEETINGS

- 6.1 Books of Accounts, Right to inspection of Books of Accounts
- 6.2 Appointment, Removal and resignation of Auditor
- 6.3 Legal position, Powers and Duties of Auditor
- 6.4 Types of Shareholders Meetings
- 6.5 Procedure and Requisites of Valid Meeting

UNIT VII: MINORITY RIGHTS AND WINDING UP OF COMPANY

- 7.1 Majority Powers and Minority Rights- Rule in *Foss vs. Harbottle*
- 7.2 Compromise, Arrangement and Amalgamation
- 7.3 Modes of Winding up of Company
- 7.4 Consequences of Winding Up
- 7.5 Role of Official Liquidator and National Company Law Tribunal

UNIT VIII: CORPORATE GOVERNANCE

- 8.1 Meaning and significance of Corporate Governance
- 8.2 Inspection, Inquiry and Investigation
- 8.3 Corporate Social Responsibility
- 8.4 Resolution of Corporate Insolvency under Insolvency & Bankruptcy Code 2016
- 8.5 Revival and Rehabilitation of Sick Companies.

Recommended Books :

1. Dr. Avtar Singh, Company Law, Eastern Book Company, Lucknow
2. Ramaiya, Guide to the Companies Act, Wadhwa Book Company, Nagpur
3. K.R. Chandratre, Company Directors, Bharat Law House, New Delhi
4. Dr.N.V.Paranjape , Company Law, Central Law Agency, Prayag Raj, UP
5. N.D.Kapoor , Elements of Company Law, S. Chand & Sons
6. Agarwal and Beby , SEBI Act, Taxmann
7. Kailash Rai, Company Law, Allahabad Law agency, Faridabad, Haryana
8. B.K.Goyal, Company Law, Singhal Law Publication, New Delhi

DSC – 304 - PUBLIC INTERNATIONAL LAW – (PAPER – IV)

Objectives:

The course includes the study of general principles of international law including law of peace. Third world concerns in respect of security and development and the role of U.N. and International Agencies in structuring solutions in the context of changing balance of power are also to be appreciated.

The subject covers various aspects associated with International recognition of law. The Students have able to understand wide spread mechanism of International law. Students have to learn UNO and its Agencies, their operations with different legal perspectives. They have to learn recent trends in International Law. Moreover, they have to understand significance and applicability of International Law into domestic law.

Learning Outcomes:

1. To become well-acquainted with the historical and modern basic concepts & principles of International Law
2. To learn organizational structure, powers and functions of the UN system and its various Organs and Agencies.
3. To study relationship between International Law and Municipal Law with reference to diplomatic relations, peace and security, respect for human rights, socio-economic issues, etc.

Teaching Learning Methods:

Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, and research paper presentation-theses are the good forms of teaching and learning.

Evaluation methods:

Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS

UNIT-I: THE CONCEPT, NATURE, AND HISTORY OF INTERNATIONAL LAW

- 1.1 Definitions
- 1.2 Nature of International Law
- 1.3 Historical Development of International Law
- 1.4 Basis of International Law
- 1.5 Relationship between International Law and Municipal Law.

UNIT – II: MODERN SUBJECTS OF INTERNATIONAL LAW

- 2.1 International Legal Personality and Concept of Subject
- 2.2 Theories as to Subjects of International Law
– Realist, Fictional and Functional Theory
- 2.3 Types of Subjects
- State as the basic Subject of International Law
- Individual as a Subject of International Law
- Non-State Entities
- 2.4 The United Nations and its Principal Organs

UNIT – III: SOURCES OF INTERNATIONAL LAW:

- 3.1 Customs and Usages
- 3.2 Treaties – In general
- 3.3 Judicial Decisions
- 3.4 Other Sources – Writings of Jurists, Equity, Resolutions of General Assembly, etc.
- 3.5 Law of the Treaties
 - 3.5.1 Formation of Treaties
 - 3.5.2 Termination of Treaties
 - 3.5.3 Reservation of Treaties

UNIT – IV: STATES – TERRITORY, RECOGNITION AND SUCCESSION

- 4.1 Concept of State
- 4.2 Attributes of Statehood – Territory, Population, Government and Capacity to enter into relation with other states
- 4.3 State Territory – Land, National Waters and Air Space
- 4.4 The Recognition of States- Theories, Forms, Modes & Consequences
- 4.5 State Succession – Definition, Kinds, Theories & Consequences

UNIT – V: PURPOSES AND PRINCIPLES OF INTERNATIONAL LAW:

- 5.1 Preamble and Purposes of United Nations – Art.1 of UN Charter
- 5.2 The Principles of United Nations – Art. 2 of UN Charter
- 5.3 The Principles of State Jurisdiction on Terrorism, Hijacking, Narcotics, War Crimes and Crimes against Peace.
- 5.4 State Responsibility – Concept, Kinds, etc.

UNIT – VI: INTERNATIONAL MARITIME, AIR AND SPACE LAW:

- 6.1 Concept of Maritime, Air and Space Laws
- 6.2 The Basic Principles of Maritime Law
- 6.3 The Basic Principles of Air Law
- 6.4 The Basic Principles of Outer Space Law
- 6.5 Principle of Co-operations in International Space Law

UNIT – VII: INDIVIDUAL AND STATE

- 6.1 Nationality - Acquisition & Termination of Nationality
- 6.2 Aliens
- 6.3 Extradition
- 6.4 Asylum

UNIT – VIII: ROLE OF INTERNATIONAL ORGANISATIONS IN RESOLVING CONFLICTS:

- 8.1 War
- 8.2 Armed Conflicts
- 8.3 Aggression
- 8.4 Intervention
- 8.5 Self Defense

Recommended Books:-

- 1) International Law and Human Rights – By H. O. Agarwal: Central Law Agency, Allahabad.
- 2) Public International Law – By S. K. Kapoor: Central Law Agency, Allahabad.
- 3) International Law – By Dr. S. K. Kapoor.
- 4) Public International Law - By Bhattacharya, K. K.
- 5) Public International Law – By M. P. Tondon.
- 6) Public International Law (1998), - By S. K. Varma: Prentice-Hall Pub., New Delhi.

- 7) Introduction to International Law (1989), - By J. G. Starke: Aditya Books, 10th Ed.
- 8) The Law of Nations – By J. B. Brierly: Oxford Publications, London.
- 9) Principles of Public International Law – By Ian Brownlie: Oxford Publications, London.
- 10) World Trade Organization – By Bhagirathlal Das.

DCS 305 - CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY
(PAPER – V)

Objective :

The course is designed to acquaint students with advances made by sociology and psychiatry in understanding human behaviors particularly deviant behavior and also with a view to develop among students a greater understanding of social cost of crime and the effective ways of lessening them. Penology offers a specialist understanding of criminal policies including focus on theories of punishment, prison reforms and the focus on alternatives to existing punishments. The victim has traditionally been ignored as component of the crime. The development of Victimology as separate discipline will provide the student with insights into not only how important the victim is to an investigation, but why they are important in the overall scheme of the Criminal Justice System, which will shift the study from accused centric approach to much needed victim centric approach.

Teaching Learning Method: - Lectures, Seminars, Debates, Case Study, Project Method, including field visits and lectures of experts may be good processes of learning.

Evaluation methods:

Theory Examination –	70 Marks
Internal Assessment:	
Assignment / Project Work / Presentation:	20 Marks
Viva Voce College Level:	10 Marks

	30 Marks

SYLLABUS

UNIT – I: INTRODUCTION

- 1.1 Concept of Crime, Criminology
- 1.2 Nature, Scope and Significance of Criminology.
- 1.3 Theories and Schools of Criminology.
 - 1.3.1 Pre, Classical and Neo-Classical School
 - 1.3.2 Positive School – Lombroso, Enrico Ferri, Raffaele Garofello.
 - 1.3.3 Sociological School – Social disorganization, Differential Association and Anomie Theories.

UNIT – II: SPECIFIC CRIMES- NATURE, CAUSES AND MEASURES TO CONTROL IN INDIA

- 2.1 White collar Crime
- 2.2 Organized Crime
- 2.3 Juvenile delinquency
- 2.4 Cyber Crime
- 2.5 Immoral Trafficking

UNIT – III: THEORIES AND FORMS OF PUNISHMENT

- 3.1 Penology – Meaning, Nature and Scope
- 3.2 Punishment – Definitions, Forms and Theories.
- 3.3 Penal Policy in India
- 3.4 Sentencing policy and process

UNIT – IV: PRISON SYSTEM AND ADMINISTRATION

- 4.1 Imprisonment- Meaning, types and Significance.
- 4.2 Administrative Organization of Prisons
- 4.3 Problems of Prison Administration
- 4.4 Prisons Reforms
- 4.5 Overview of Model Prison Manual 2016

UNIT – V: PROBATION, PAROLE AND FURLOUGH

- 5.1 Concept, Definition and Legislative Framework of Probation
- 5.2 Parole – Concept, Objectives and procedure for granting Parole
- 5.3 Problems of the Released Offenders and attitude of community towards them
- 5.4 Furlough – Conditions and Rules of Granting

UNIT – VI: NON-INSTITUTIONAL CORRECTIONAL METHODS

- 6.1 Grant of Pardon
- 6.2 Commutation of sentence
- 6.3 Reprieves and suspension of sentence
- 6.4 Remission of sentence.

UNIT – VII: VICTIMOLOGY- NATURE AND SCOPE

- 7.1 History, Philosophy, Definition and Scope of Victimology
- 7.2 Definitions and Characteristics of Victim
- 7.3 Compensatory relief and rights of Victims
- 7.4 Specific Victimization in Indian scenario- Child Victim, Women Victim and victimization of under privileged class.(SC, ST)

UNIT – VIII: CRIME VICTIMS AND ROLE OF INSTITUTIONS

- 8.1 Legal Framework
- 8.2 Role of Judiciary
- 8.3 Role of NHRC
- 8.4 Victims Assistance Programmes and Services
- 8.5 Witness Protection Schemes

Recommended Books:-

- 1) Edwin H. Sutherland – Criminology
- 2) Ahmad Siddique – Criminology, Penology and Victimology.
- 3) V. N. Rajan – Victimology in India.
- 4) Prof. N. V. Paranjape – Criminology and Penology, Central Law Agency, Allhabad.21
- 5) Penology, Victimology and correctional Administration in India – Dr. Krishna Pal Malik.
- 6) Criminology and Criminal Justice System – Dr. N. MaheshwaraSwamy.

Reference Books:-

- 1) Krishna Pal Malik – Penology-Sentencing process and treatment of offenders.
- 2) Rohinton Mehta – Crime and Penology

- 3) R. Taft, Donald – Criminology
- 4) S. Rao – Crime in our Society
- 5) J. M. Sethana – Society and Criminal
- 6) HLA Hart – Punishment and Responsibility.
- 7) S. Chabra – Quantum of Punishment in Criminal Law.
- 8) Herbert L. Packer – The Limits of Criminal Sanctions.
- 10) Iyer – Prospective in Criminology, Law and Social Change.

AECC-306 -- FUNDAMENTALS OF CYBER LAWS

Objectives:

Change is the law of nature. The cave age to information age man has travelled a long journey. In last few decades the technological advancements have brought this generation to a situation where everything is moving at a fast pace. Computer and internet have converted the entire world in to a global village what we call as cyberspace. Though a common heritage of mankind few people misuse it and many users who are unaware about what a computer crime means are exploited. People with intelligence have been grossly misusing this aspect of internet to perpetuate illegal acts in cyberspace. The changing goals of legal education always focus on the recent issues and concerns which touches the life of common man. The fundamentals of cyber law also take in to consideration to make aware the students about the basics of this branch of legal education.

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT I - CYBER LAWS IN INDIA

- a) Introduction and need of cyber law
- b) Cyber Law and Cyber Crimes
- c) Salient features of Information Technology Act, 2000 and constitutional perspective
- d) Fundamental Concepts- Access, Computer, Cyber Security, Data, Network, IP Address

UNIT II - OFFENCES AND PENALTIES UNDER I T ACT, 2000

- a) Penalties and Compensation for damage to computer and computer system S. 43, Failure to protect Data 43 A
- b) Other offences and Punishments S 65 to S 74
- c) Abetment and attempt of offences
- d) Power to Investigate

UNIT III - E- COMMERCE & INTELLECTUAL PROPERTY ISSUES

- a) Electronic/Digital Signature, Certifying Authority
- b) Electronic Contracts
- c) Copyright and Trademark Issue

d) Computer Software License

UNIT IV - CYBER APPELLATE TRIBUNAL & OTHER PROVISIONS UNDER IT ACT

- a) Establishment and Composition of tribunal
- b) Procedure and Power of Tribunal
- c) Powers to Enter and search by police or other officer
- d) Cyber Crime and Cyber Forensic
- e) Other related Rules and relevant case laws

REFERENCES:

Vakul Sharma: (Fifth Edition) Information Technology Laws and Practice, Universal Publication

Pavan Duggal: Textbook on Cyber Law, Universal Publication

Anirudh Rastogi: Cyber Law- Law of Information Technology and Internet, Lexis Nexis

Aparna Vishwanathan: Cyber Law – Indian and International Perspective, Lexis Nexis

Justice Yatindra Singh: Cyber Laws, Universal Publication

M.P. Jain: Indian Constitutional Law, Universal Publication

Information Technology Act, 2000

LL. B. Three Years Law (SEMESTER – IV)

DSC 401 - INTERPRETATION OF STATUTES (PAPER – I)

Objectives :

Legislation is one of the sources of law. Draftsmen are experts in grammar, language skills and rules of drafting. They also foresee and try to avoid any possible absurdity, hardship, misinterpretation of codified statute. However, there are legislative gaps and ambiguities existing in statutory provisions by the reason of rapidly changing circumstances, arising complexities etc that need to be resolved. Therefore, Interpretation of statutory provisions and other instruments is a primary duty assigned to judiciary.

In this background, Subject of Interpretation of Statute is significant and guiding source not only for law students, but also for judges and law professionals. Syllabus of this paper incorporates primary and secondary principles of Interpretation and construction. It covers various aids to interpretation, presumptions and considerations to be taken into account while interpreting statutory provisions. Further, it also deals with principles of constitutional interpretation.

Learning Outcome:

- i. Acquisition of knowledge of rules of interpretation
- ii. Develops of legal reasoning
- iii. Inculcates skills and techniques for interpreting and constructing statutory provisions

Teaching and Learning Methods:

Classroom teachings with the help of lecture and Discussion method, Case study methods, assignments, Tutorials, Papers writing etc are several methods to be adopted by faculties. Use of ICT, reference of study

material relating to case laws etc is also beneficial for learners.

Evaluation methods:

Theory Examination –	70 Marks
Internal Assessment:	
Assignment / Project Work / Presentation:	20 Marks
Viva Voce College Level:	10 Marks

	30 Marks

SYLLABUS

UNIT – I: Process of Law, Legislation and its interpretation:

- 1.1. Concept of Law, Legislation and Statutes
- 1.2. Legislative powers and process
- 1.3. Judicial Law Making – Judicial Activism and Judicial Restraint
- 1.2. Interpretation – Meaning, Purpose and Importance
- 1.3. Interpretation and Construction

UNIT –II: RULES OF STATUTORY INTERPRETATION:

- 2.1. Primary Rules of Interpretation
 - Grammatical rule of interpretation
 - Golden rule of interpretation
 - Mischief rule of interpretation
- 2.2. Secondary Rules of Interpretation
 - Nosctiur a sociis
 - Ejusdem generis
 - Reddindo singula singulis
 - Law to be read as a whole
 - Predominance of Legislative intent

UNIT –III: AIDS TO INTERPRETATION OF STATUTES:

- 3.1. Internal aids to interpretation of Statutes
 - Title
 - Preamble
 - Statement of Object and Reasons
 - Headings and marginal notes
 - Sections and Sub-sections
 - Punctuation marks
 - Illustrations, Exceptions, Provisos and Saving clauses
 - Schedules

- Non-obstinate clause
- 3.2. External aids to interpretation of Statutes
 - Dictionaries
 - Translations
 - Debates, Inquiry Commission Reports and Law Commission Reports
 - Travaux Preparatoires
 - Statutes in pari materia- Meaning, importance and interpretation
 - Contemporanea exposito

UNIT –IV: PRESUMPTIONS IN STATUTORY INTERPRETATION:

- 4.1. Presumptions as to validity of Statutes
- 4.2. Presumptions as to territorial nexus of statutes
- 4.3. Presumption that statutes are consistent with International Law
- 4.4. Presumption as to prospective operation of Statutes
- 4.5. Presumption that Legislature knows Law and Judicial decisions
- 4.6. Legislature does not intend what is inconvenient and unreasonable

UNIT –V: CONSIDERATIONS IN STATUTORY INTERPRETATION:

- 5.1. Considerations of Absurdity and Futility
- 5.2. Considerations of Reasonableness
- 5.3. Considerations of Injustice and Hardship
- 5.4. Considerations of Inconvenience
- 5.5. Considerations of consequences

UNIT –VI: MAXIMS OF STATUTORY INTERPRETATION:

- 6.1. Delegatus non potest delegare
- 6.2. Expressio unis exclusion ulterius
- 6.3. Generalia specialibus non derogant
- 6.4. Utres valet portiur quam pareat
- 6.5. Expressum facit cessare tacitum

UNIT –VII: INTERPRETATION OF CONSTITUTIONAL PRINCIPLES:

- 7.1. Doctrine of Harmonious Construction
- 7.2. Doctrine of Pith and Substance
- 7.3. Doctrine of Colourable Legislation
- 7.4. Doctrine of Repugnancy
- 7.5. Doctrine of Ancillary Powers
- 7.6. Doctrine of Occupied Field
- 7.7. Doctrine of Residuary Powers

UNIT –VIII - INTERPRETATION WITH REFERENCE TO SUBJECT MATTER AND PURPOSE:

8.1. With reference to Subject Matter –

- Penal Statutes
- Taxing Statutes
- Welfare Legislations

8.2. With reference to Purpose –

- Substantive and Procedural Laws
- Directory and Mandatory Provisions
- Codifying and Consolidating Statutes
- Enabling Statutes - Conferring Rights
 - Conferring Powers

Reference Books:

G.P. Sing, “Principles of Statutory Interpretation”, Wadhava & Co., Nagpur

P.St. Langan (Ed), Maxwell on the Interpretation of Statutes, N.M.Tripathy, Mumbai.

N.S.Bindra’s Interpretation of Statutes, M.N.Rao & Amita Dhanda(Ed), ButterworthWadhawa, Nagpur

V.P.Sarathy,”Interpretation of Statutes”, Eastern Book Co., Lucknow

Dr. M.P.Tondon, “Interpretation of Statutes”, Allahabad Law Agency, Faridabad.

D.N. Mathur, Interpretation of Statutes”, Central Law Publication, Allahabad

Prof. T. Bhattacharya, Interpretation of Statutes”, Central Law Agency, Allahabad

M.P.Jain, “Constitutional Law of India”, Wadhava & Co., Nagpur

M.P.Sing, (Ed), V.N.Shukla’s Constitution of India, Eastern Book Co., Lucknow

U.Baxi, “Introduction to justice K.K. Mathew’s Democracy, Equality and Freedom, Eastern Book Co., Lucknow

DSC 402 - INTERNATIONAL HUMAN RIGHTS – (PAPER –II)

Objectives :

The Concept of Human Rights has become a thought provoking challenge all over the world. The study of Human Rights is contemporary relevant. The main thrust of this course is to explore human rights law, Policy & Practice. This course will examine Human Rights Law at International, Regional & National levels. An attempt is made to introduce important norms of Human Rights at International Level Such as Civil, Political & Economic, Social & Cultural Rights, Protection Mechanism of Human Rights, Regional contribution for protection of Human Rights, Role of Specialized agencies of U.N. & NGO’S an attempt is also made to introduce rights of vulnerable groups.

This course is to be confirmed to deliberation of international law, to the growth of Human Rights law & how international norms & dissections are applied in municipal law of the country.

Learning Outcomes:

- To know the concepts of Human Rights Jurisprudence

- To Study International, Regional and National Perspectives of Human Rights.
- To learn Human Rights Promotion and Protection Mechanism

Teaching Learning Methods: - Lectures, including special lectures of experts may be a good process of learning. Interactive – sessions, tutorials, project and research paper presentation-these are the good forms of teaching and learning.

Evaluation methods:

Theory Examination –	70 Marks
Internal Assessment:	
Assignment / Project Work / Presentation:	20 Marks
Viva Voce College Level:	10 Marks

	30 Marks

SYLLABUS

UNIT – I: CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS:

- 1.1 Meaning, Definition, Importance and Scope of Human Rights
- 1.2 Kinds and Sources of Human Rights
- 1.3 Theories of Human Rights
- 1.4 Evolution of the Concept of Human Rights- Ancient Times [5th Century B.C., Ancient Greece] Middle Ages [12th Century to 19th Century] Modern Ages - 20th Century
- 1.5 Historical development of Human Rights in India (Ancient, Medieval & Modern)

UNIT – II: ROLE OF INTERNATIONAL INSTITUTIONS ON HUMAN RIGHTS:

- 2.1 First World War and Second World War - Consequences and Human Rights
- 2.2 Role of League of Nations
- 2.3 United Nations Charter and Human Rights
- 2.4 Role of Principal Organs of United Nations Organization on Human Rights
- 2.5 Role of UN Specialized Agencies

UNIT - III: INTERNATIONAL BILL OF RIGHTS:

- 3.1 Universal Declaration of Human Rights, 1948
- 3.2 The International Covenant on Civil and Political Rights, 1966
- 3.3 Optional protocols to the Covenant on Civil and Political Rights
- 3.4 The International Covenant on Economic, Social and Cultural Rights, 1966
- 3.5 Optional protocols to the covenant on International Covenant on Economic, Social and Cultural Rights

UNIT – IV: INTERNATIONAL CONVENTIONS ON INHUMAN ACTS:

- 4.1 Genocide, Apartheid and Racial Discrimination
- 4.2 Torture and other Cruel, Inhuman or Degrading Treatment or Punishment
- 4.3 Slavery and Slave Trade, Forced or Compulsory Labour
- 4.4 Traffic in Persons and Prostitutions
- 4.5 International Humanitarian Law

UNIT – V: HUMAN RIGHTS AT REGIONAL PERSPECTIVES:

- 5.1 Role and Importance of Regional Organisations
- 5.2 European Convention on Human Rights
- 5.3 American Convention on Human Rights
- 5.4 African Charter on Human and People's Rights
- 5.5 Human Rights in South Asia – SAARC

UNIT – VI: HUMAN RIGHTS AND VULNERABLE GROUPS:

- 6.1 Women and Human Rights
- 6.2 Children and Human Rights
- 6.3 Aged Persons and Human Rights
- 6.4 Disabled Persons and Human Rights
- 6.5 Refugees and Human Rights

UNIT – VII: HUMAN RIGHTS PROTECTION MECHANISM AT INTERNATIONAL LEVEL:

- 7.1 Role of Human Rights Commission
- 7.2 Role of Human Rights Council
- 7.3 Role of International Court of Justice (ICJ)
- 7.4 Role of International Criminal Court (ICC)
- 7.5 Role of International NGO's – Amnesty International, etc.

UNIT – VIII: HUMAN RIGHTS PROTECTION IN INDIA:

- 8.1 The Protection of Human Rights Act, 1993
- 8.2 Role of Judiciary
- 8.3 Role of Non Governmental Organisations (NGO's)
- 8.4 National Commission on Women
- 8.5 National Commission for Minorities and Backward Classes.

Recommended Reading:

1. K. C. Joshi, International Law & Human Rights, Eastern Book Company.
2. Dr. V. K. Anand, Human Rights, Allahabad Law Publication.
3. Dr. H. O. Agarwal – Human Rights, Central Law Publication.
4. Human Rights & Humanitarian Law, Developments in India & International Law, South Asia Human Rights documentation centre (Oxford)
5. Dr. U. Chandra Human Rights All Law Agency.

Reference books:-

1. N. K. Jaykumar, International Law & Human Rights, Lexis Nexis.
2. Paras Diwan, Human Rights & the law, Universal & India, Deep & Deep Publications.
3. M. P. Tondon, International Law & Human Rights.
4. S. K. Kapoor, International Law & Human Rights (Nutshell) 15th Ed.
5. Human Rights in Int. Law, Collected Texts – 2nd ed Universal Law Publication
6. Human Rights in the world, An introduction to the study of the International
7. Protection of Human Rights – 4th ed. A. H. Robertson & J. G. Merrills.
8. Ross Mallick, Development, Ethnicity & Human Rights in South Asia.

DSC- 403 – ADMINISTRATIVE LAW – (PAPER - III)

Objective :

To understand the evolution, nature and scope of Administrative Law and its relation with Constitutional Law. To study different Constitutional principles, powers of administration, the control mechanism etc. Further to assess the liability of the government in torts and contract. In addition to aforesaid, to study the informal methods of settlement of disputes and grievance redressal procedures. Lastly, to trace out, understand the importance of Right to Information in administration in the present context. There is lot of scope of innovation and new interpretation. The main objectives of the course is-

- To equip students to understand, analyze, explain and classify the Administrative law.
- To unfold the conceptual and theoretical part of various Doctrines and Principles.
- To understand the abstract nature of jurisprudence and complexities of law.

Teaching Learning Method : -

Lectures, including special lectures by experts may be a good method of learning. Interactive – sessions, tutorials, project and research paper presentation these are the good forms of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level: 10 Marks

30 Marks

SYLLABUS

UNIT – I: EVOLUTION, NATURE AND SCOPE OF ADMINISTRATIVE LAW:

- 1.1 Evolution, Definitions and scope of Administrative Law
- 1.2 Role of Modern Welfare State – From Laissez faire to welfare State
- 1.3 Relationship between Constitutional Law and Administrative Law
- 1.4 Reasons for growth of Administrative Law
- 1.5 Doctrine of Separation of Powers
- 1.6 Doctrine of Rule of Law

UNIT – II: LEGISLATIVE POWERS OF ADMINISTRATION:

- 2.1 Meaning of and Necessity for Delegated Legislation
- 2.2 Functions which may be delegated (Permissible Delegation)
- 2.3 Functions which may not be delegated (Impermissible Delegation)
- 2.4 Legislative control of delegated legislation
- 2.5 Judicial control of delegated legislation

UNIT – III: JUDICIAL POWERS OF ADMINISTRATION

- 3.1 Need for devolution of adjudicatory authority on Administration
- 3.2 Tribunals – Meaning, Nature, Constitution, Jurisdiction and Procedure
- 3.3 Natural Justice – Meaning, Nature, content etc.
 - Rule Against Bias – Types of Bias

- Right of Fair Hearing- Components of Fair Hearing
- 3.4 Exceptions to natural justice
- 3.5 Effect of violation of natural justice

UNIT – IV: JUDICIAL CONTROL OF ADMINISTRATIVE ACTION

- 4.1. Administrative actions- meaning and classification
- 4.2. Public law review- Prerogative writs – remedies
- 4.3. Grounds of Writ jurisdiction and judicial review
- Illegality
 - Irrationality
 - Procedural impropriety
 - Unreasonableness
- 4.4. Conditions for exercising writ jurisdiction
- Exhaustion of administrative remedies
 - Alternative remedy
 - Laches
 - Res Judicata
- 4.5 Private law review-remedies
- Injunction
 - Declaration
 - Suit for damages
 - Specific performance and Civil Suits for compensation
 - Statutory appeals
- 4.6. Public interest litigations for enforcement of public duty

UNIT – V: JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION

- 5.1 Meaning and Need for administrative discretion
- 5.2 Judicial Control of administrative discretion
- Failure to exercise discretion
 - Abuse of discretion
- 5.3. Doctrine of Proportionality
- 5.4. Doctrine of Legitimate Expectation
- 5.5. Exclusion of Judicial Review

UNIT – VI: LIABILITY OF THE STATE

- 6.1 Sovereign and Non-Sovereign Function
- 6.2 Liability of government in Contracts
- 6.3 Liability of State in Torts
- 6.4 Doctrine of Estoppel and Waiver
- 6.5 Doctrine of Public Accountability
- 6.6 Government’s privileges in legal proceedings

UNIT – VII: SETTLEMENT OF DISPUTES AND GRIEVANCE REDRESSAL PROCEDURES:

- 7.1 Informal methods of settlement of disputes- Conciliation and mediation etc
- 7.2 Commission of Enquiry- The Commissions of Inquiry Act, 1952
- 7.3 Ombudsman in India - The Lokpal And Lokayuktas Act, 2013
- 7.4 Central Vigilance Commission- Central Vigilance Commission Act 2003

7.5 The Whistle Blowers Protection Act, 2014

UNIT – VIII: RIGHT TO INFORMATION:

- 8.1 Official secrets Act- 1923
- 8.2 Right to Information Act, 2005-Salient features of the Act
- 8.3 Citizen charter - obligations of Public Authorities
- 8.4 Hurdles in the implementation of the Act

Recommended Books:-

- 1) C. K. Allen, Law and Orders (1985).
- 2) D.D. Basu, Comparative Administrative Law (1998).
- 3) M.A. Fazal, Judicial Control of Administrative Action in India, Pakistan and Bangladesh (2000), Butterworth – India.
- 4) Franks, Report of the Committee on Administrative Tribunals and Inquiries HMSO, 1959.
- 5) Peter Cane, an Introduction of Administrative Law (1996) Oxford.
- 6) Wade, Administrative Law (Seventh Edition, Indian Print 1997), Universal, Delhi.
- 7) J. C. Garner, Administrative Law (1998) Butterworth (ed.B.L. Jones).
- 8) M. P. Jain Cases and Materials on Indian Administrative Law Vol. I and II (1996), Universal, Delhi.
- 9) Jain and Jain, Principles of Administrative Law (1997), Universal Delhi.
- 10) S. P. Sathe, Administrative Law (1998), Butterworth – India, Delhi.
- 11) De Smith, Judicial Review of Administrative Action (1995), Swest and Maxwell with supplement.
- 12) Indian Law Institute, Cases and Materials on Administrative Law in India Vol I (1996), Delhi.
- 13) C. K. Takwani, Lectures on Administrative Law, Eastern Law Pub. Co. Luuknow.
- 14) N. K. Archarya, Commentry on Right to Information Act 2005, Asia Law House, Hydrabad.
- 15) P. K. Das, Universal's Handbook on The Right to Information Act, 2005, Universal Law Publishing Co. Pvt. Ltd., New Delhi.

DSC- 404 – BANKING AND INSURANCE LAW (PAPER – IV)

Objectives:

Banking Institutions have become important players in the present day economy. Several policy initiatives and legislative amendments have changed the role of Banks from being mere economic institutions into the agents of social change. Appreciating the importance, the Government has enacted several legislations to direct, regulate and control the banks and banking operations, through Reserve Bank of India and Ministry of Finance. The Course is designed to primarily acquaint the students with operational parameters of banking law, and to teach the general principles of banking law and to develop appreciative faculties of the students.

The insurance contract is subject to all the judicial interpretative techniques and has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters, of insurance law.

Method of Teaching:

Lecture method and interactive sessions of learning is the best method. Practicing Advocates, Bank, Insurance officials and other stakeholders may be invited to impart practical knowledge to the

students on relevant topics. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods :

Theory Examination – 70 Marks

Internal Assessment: Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT – I: INTRODUCTION TO BANKING

- 1.1 Nature of Indian Banking Business
- 1.2 Banker and Customer Relationship
- 1.3 Banker’s duty of secrecy
- 1.4 Banker’s duty to honour cheques,
- 1.5 Banker’s lien, and banker’s right to set off

UNIT – II: LAW RELATING TO NEGOTIABLE INSTRUMENTS:

- 2.1 Negotiable Instruments, 1881 Act R/w amended Act of 2002 – Salient features
- 2.2 Negotiable Instruments – Kinds
- 2.3 Sec.138 of Negotiable Instruments Act – procedure of filling complaint, Defenses and Punishment
- 2.4 Penal provisions under Negotiable Instruments Act 1881.

UNIT – III: BANKING REGULATION:

- 3.1 RBI – Constitution, Management and Functions
- 3.2 Banking Regulation Act, 1949 – Salient features.
- 3.3 Information Technology and E- Banking -
- 3.4 Bankers Book Evidence Act,

UNIT – IV: GRIEVANCE REDRESSAL AND DEBT RECOVERY

- 4.1 RBI – Grievance Redressal Agency
- 4.2 Banking ombudsman, Powers & functions.
- 4.3 Role of Consumer Forums
- 4.4 Debt Recovery Tribunal

UNIT – V: INTRODUCTION TO INSURANCE LAW:

- 5.1 Nature of Contract of Insurance
- 5.2 Principle of Insurable Interest
- 5.3 Principles of good faith

5. 4 Effect of Misrepresentation in Insurance Contract

UNIT – VI: LIFE INSURANCE CONTRACTS:

- 6.1 Risk and circumstance affecting the risk
- 6.2 Amount recoverable under the Life Policy
- 6.3 Persons entitled to payment
- 6.4 Settlement of claim and payment of money

UNIT – VII: GENERAL INSURANCE CONTRACTS:

- 7.1 The Motor Vehicles Act, 1988 – Sec. (140-176)
- 7.2 Absolute or no fault liability.
- 7.3 Third party or compulsory insurance of motors vehicles
- 7.4 Claims Tribunal – Public Liability Insurance
- 7.5 Own Damages Claims
- 7.6 Third Party Liability Claims

UNIT – VIII: REGULATION OF INSURANCE BUSINESS:

- 8.1 Life Insurance Act, 1956 – Salient features
- 8.2 General Insurance Act, 1972 – Salient features
- 8.3 Insurance Regulatory & Development Authority Act 1999-Salient features
- 8.4 Insurance Ombudsman-Powers & functions.

Prescribed Books:

1. M. L. Tannan – Law of Banking.
2. M. S. Parthasarathy (Ed.) Khergamvala-Negotiable Instruments Act.
3. Avtar Singh – Negotiable Instruments Act.
4. Basu – Review of Current Banking: Theory and Practice.
5. L. C. Goyle – The Law of Banking and Bankers.
6. K.S.N. Murthy and K.V.S. Sharma – Modern Law of Insurance in India.
7. M. H. Srinivasan – Principles of Insurance Law.
8. E. R. Hardy Ivamy – General Principles of Insurance Law,
9. The Life Insurance Corporation Act, 1956.
10. Motor Vehicle Act, 1988.
11. Recovery of debts due to Banks & Financial Institutions Act 1993.

DSC 405- ALTERNATE DISPUTE RESOLUTION (PAPER – V)

Objectives:

The major concern of law is conflict resolution. Familiarization with modalities and techniques of resolution of conflict is a necessary component in the endeavors of developing expertise in juridical exercise. The traditional justice delivery system through adjudicatory by courts had already given way to a large extent to many an alternative mode of dispute resolution in the common law countries. The advent of globalization has enthused this

transformation everywhere. The study of ADR is highly significant in molding the students of law to act as soldiers of justice in the ever changing socio-economic scenario.

With the introduction of Section 89 in Civil Procedure Code 1908; Section 320 in Criminal Procedure Code, 1973 and amendments in the Arbitration and Conciliation Act 1996 in 2015 and 2019, alternative dispute resolution methods have been given a primary role in reducing arrears and promoting fast and affordable settlement of disputes. This course has two primary objectives. First, is to provide the students with the theoretical understanding of the concepts and the legal provisions relating to ADR. Secondly, the course is geared to train the students in the practical skills required to effectively participate in the ADR processes.

Teaching Learning Methods:

The teaching methods to be employed by teachers include lectures, simulation exercises,/role plays/ field visits/ seminar/debate and other Clinical Legal Education methods.

Evaluation methods :

Theory Examination – 70 Marks

Internal Assessment: Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT-I INTRODUCTION

- 1.1 Adjudication Methods of Dispute Resolution (Adversarial & Inquisitorial) and Alternative Dispute Resolution System
- 1.2 Reasons for need of Alternatives to the Formal Legal System
- 1.3 Advantages and Disadvantages of Alternative Dispute Resolution System
- 1.4 Methods of ADR: Arbitration, Conciliation, Mediation, Negotiation, Lok-Adalat, Nyaya Panchayat
- 1.5 Suitability of ADRs to particular types of disputes.
- 1.6 International Commitments

UNIT-II ARBITRATION

- 2.1 Arbitration Meaning, Definitions and different kinds
- 2.2 Overview of Arbitration and Conciliation Act, 1996-
- 2.3 Qualities and Qualifications of an Arbitrator
- 2.4 Arbitration Agreement
- 2.5 Arbitral award -Appeal and Revision-Enforcement of foreign awards
- 2.6 Overview of International Rules: UNCITRAL Model Law

UNIT-III CONCILIATION

- 3.1 Conciliation Meaning and different kinds
- 3.2 Role, Qualities and Duties of Conciliator
- 3.3 Stages of Conciliation and its Process
- 3.4 Statutory provisions for Conciliation-
 - 3.4.1. Arbitration and Conciliation Act, 1996.

- 3.4.2. Industrial Disputes Act, 1947;
- 3.4.3. Family Courts Act, 1984;
- 3.4.4. Hindu Marriage Act, 1955;

UNIT-IV MEDIATION:

- 4.1 Mediation Meaning, Kinds, Role and Skills of Mediator
- 4.2 Stages of Mediation
- 4.3 Code of Conduct for Mediator
- 4.4 ADR & Mediation Rules, 2006

UNIT-V NEGOTIATION

- 5.1 Meaning of Negotiation
- 5.2 Seven Elements of Negotiation
- 5.3 Different styles and strategies of Negotiation
- 5.4 Phases of Negotiation

UNIT-VI - ADR IN ADMINISTRATION OF CIVIL JUSTICE

- 6.1 129th Report of the Law Commission of India as well as Justice Malimath Committee Report
- 6.2. Law Commission 222nd Report of India on Need for Justice-Dispensation through ADR
- 6.3 Overview Arbitration and Conciliation Act, 1996 as amended in 2015 (Arbitration Council of India) and 2019 (amendments in Schedules)
- 6.4 Sec. 89 and Order X 1 A,B,C of Civil Procedure Code, 1908

UNIT-VII - ADR IN CRIMINAL JUSTICE SYSTEM

- 7.1 Sec. 320 of Criminal Procedure Code, 1973 - compoundable offences
- 7.2 Plea Bargaining – 154th Report of Law Commission of India – Overview
- 7.3 Plea Bargaining – Ch. XXI A of Criminal Procedure Code
- 7.4 Critical analysis of Plea Bargaining in India

UNIT VIII - NEW DIMENSIONS OF ADR

- 8.1 Lok-Adalat, Nyaya Panchayat
- 8.2 Co-operative matters
- 8.3 Consumer matters
- 8.4 Accidental claims
- 8.5 Banking matters

Reference Books

1. P.C. Markanda: Law Relating To Arbitration and Conciliation, LexisNexis Publication
2. Sridhar Madabhushi: Alternative Dispute Resolution. LexisNexis Student edition
3. Rajan R. D.: A Primer on Alternative Dispute Resolution, Bharati Law Publication, Tirunelveli
4. S. C. Tripathi: Arbitration and Conciliation Act, 1996, Central Law Publication
5. Dr. Anupam Kurlwal: An Introduction to Alternative Dispute Resolution (ADR), Central Law Publication
6. B.P. Saraf and M. Jhunjhunwala, Law of Arbitration and Conciliation, Snow White, Mumbai.
7. A.K. Bansal, Law of International Commercial Arbitration (1999), Universal, Delhi.
8. P.C. Rao & William Sheffield, Alternative Disputes Resolution-what it is and How it Works, Universal Law Publication, Delhi.
9. G.K. Kwatra, The Arbitration and Conciliation Law of India, Universal Law Publication, Delhi.
10. Basu N.D. Law of Arbitration and Conciliation, Universal Law Publication, Delhi.
11. Johari, Commentary on Arbitration and Conciliation Act 1996, Universal Law Publication, Delhi

AECC 406 - LAW AND ENTREPRENEUR SKILL

Objectives:

The main object of the course is to provide a basic knowledge of entrepreneurship and a legal perspective prevailing in India through which after successfully completed course student shall be able to:

- Analyse and critically evaluate the special conditions for companies, industries MSM (Micro, Small, Medium) entrepreneurship and other establishments.
- Account for and problematize the pros and cons of the working in local networks on authorities, enterprises and such establishments.
- Account for basic legal foundations and contractual constructions for business incorporations and activities in such establishments.
- Explain basically how to handle accounting and financial management in transactions.

Teaching Learning Methods:

Lecture method including special lectures of experts may be good process of learning. Projects, Research Paper Presentation, conduction internal examination and taking the students for visit of relevant Govt. offices of such establishment are the good form of teaching and learning.

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT I - ENTREPRENEUR AND ENTREPRENEURSHIP: AN INTRODUCTION

- 1.1 A Philosophy of Entrepreneur and Characteristics of Entrepreneurship
- 1.2 History and Development of Entrepreneurship in India
- 1.3 Entrepreneurship: Social, Commercial it's Meaning & Concept
- 1.4 Basic Skills and Functions of Entrepreneurship

UNIT II - Entrepreneurship: Laws for Incorporation in India

- 2.1 Statutory Companies- its Incorporation Process
- 2.2 Incorporation of Companies - Public, Private and One Person Company (OPC) - It's MOA, AOA & Alteration Process - Companies Act, 2013
- 2.3 Partnership Firm - Registration Process, Grounds for Dissolution - Indian Partnership Act, 1932
- 2.4 Limited Liability Partnership (LLP) – Registration Process, Grounds for Dissolution LLP Act, 2008
- 2.5 Sole Proprietorship- Registration Process
 - 2.5.1 Shop & Establishment Act

- 2.5.2 Ministry of MSME
- 2.5.3 GST Registration

UNIT III - Entrepreneurship: Contracting & Accounting

- 3.1 Definitions- 'Proposal', 'Acceptance', 'Agreement', 'Contract', 'Consideration' and 3.2 Essentials of Valid Contract – Indian Contract Act, 1872
- 3.3 Discharge of Contract and Remedies for Breach of Contract
- 3.4 Book Keeping – Meaning, Types and Balance Sheet
- 3.5 Income Tax Act, 1961- Object and Scope, Certain Basic Concepts- ITR, TDS, Set-Off, Counterclaim, Exemption etc.

UNIT IV - Entrepreneurship: Concern Laws for Good Administration

- 4.1 Industrial Dispute Act, 1947- Object & Scope, Settlement Mechanism
- 4.2 Employee's Compensation Act, Employee's State Insurance Act, Employee's Provident Fund & Miscellaneous Provisions Act – Objects and Benefits ensured
- 4.3 Payment of Wages Act- Permissible Deductions, Minimum Wages Act- Object & Scope, Factories Act- Salient Features
- 4.4 Intellectual Properties: It's Kinds and Protecting Laws
- 4.5 Startup India Scheme, 2016

Reference/ Suggested Books

1. Abha Mathur, *Fundamentals of Entrepreneurship*, Taxmann Publication
2. Rosedar S.R.A. *Company Law*, LexisNexis Publication.
3. Dr. N.V. Paranjape, *The New Company Law*, Central Law Agency, Allahabad.
4. R.C. Chawla, K.S. Garg, V.K. Sareen, *Merchantile Law*, Kalyani Publication.
5. Avtar Singh, *Law of Contract and Specific Relief*, LexisNexis Publication
6. Avtar Singh & Harpreet Kaur, *introduction to Labour and Industrial Laws*, LexisNexis Publication.
7. S.N. Mishra, *Labour & Industrial Laws*, Central Law Publication, Allahabad.
8. V K Ahuja, *Law Relating to Intellectual Property Rights*, LexisNexis Publication.
9. Dr. J.P. Mishra, *Introduction To Intellectual Property Rights*, Central Law Publication, Allahabad.

Shivaji University, Kolhapur



Faculty of Humanities

(LL. B. – Five Years) Degree Programme

Choice Based Credit System (CBCS)

(To be implemented from Academic Year 2019-20)

w.e.f. July, 2019

(as Amended in March 2020)

NOTE :- In pursuance of our discussion in BOS Meeting changes have been made. Some rules or points are inserted which are shown in BOLD and UNDERLINE style.

Shivaji University, Kolhapur
Regulations and Guidelines
Under Choice Based Credit System (CBCS)
Five Years LL. B. Degree Programme
 (To be implemented from Academic Year 2019-20)
 (as Amended in March 2020)

1. FIVE YEARS LL. B. Rule.1: Implementation of Regulations & guidelines - The Regulations and guidelines shall be implemented as mentioned below-

- 5 Years LL. B. Part I, Sem I&II from Academic year 2019-20
- 5 Years LL. B. Part II, Sem III &IV from Academic year 2020- 21
- 5 Years LL. B. Part III, Sem V &VI from Academic year 2021- 22
- 5 Years LL. B. Part IV, Sem VII & VIII from Academic year 2022- 23
- 5 Years LL. B. Part V, Sem IX & X from Academic year 2023-24

The Course and Duration:

- a) Five Years LL.B. Degree programme combines Bachelor's Degree Course in Arts together with Bachelor's Degree Course in Law.
- b) The duration of the Five Years LL.B. Course shall be 5 academic years consisting of 10 semesters.
- c) **Each academic year shall be divided into two semesters:**

Course	July to November / December	December to April / May
First Pre-Law	Semester I	Semester II
Second Pre-Law	Semester III	Semester IV
Third New Law Course	Semester V	Semester VI
Fourth New Law Course	Semester VII	Semester VIII
Fifth New Law Course	Semester IX	Semester X

- d) Each Semester shall consist of 15 weeks with not less than 30 class hours per week.
- e) The papers and the syllabus shall be as given in the Scheduled –A appended to these regulations.

2. FIVE YEARS LL. B. Rule.2: Eligibility Criteria for Admission to Five Years LL.B.:

- a) Admission into Five Years LL.B. Five Year course is subject to MH-CET Government of Maharashtra with vide **G.R. No.201512041219497408, Dated: 4-12-2015** and Shivaji University, Bar Council of India (BCI) Rules and Regulations.
- b) An applicant who has completed 10+2 in any discipline of knowledge from any recognised board of Examination established by an Act of Parliament or by a State Legislature or an equivalent national institution recognized by an authority competent to declare equivalence, may apply for a Five Years programme leading to conferment of LL.B. degree on successful completion of the 10 + 2 programme.

Explanation: The applicants who have obtained 10+2 directly without having any basic qualification for prosecuting such studies are not eligible for admission in the law course.

3. FIVE YEARS LL. B. Rule.3: Minimum marks in qualifying examination:

As per the rules stipulated from time to time by the Bar Council of India, the minimum percentage of marks shall be not below 45% of the total marks in case of general category of applicants, 42% for OBC category and 40% of the total marks in case of Scheduled Caste (SC) and Scheduled Tribe (ST) applicants

to be obtained for the qualifying examination i.e. 12th examination in any discipline for Five Years LL.B. Programme, for the purpose of applying for and getting admitted in a Law Degree Programme of this University.

Provided that such a minimum qualifying marks shall not automatically entitle the applicant to get admission into an affiliated law college but admission shall be subject to rules made by MH-CET Cell (Government of Maharashtra) from time to time.

4. **FIVE YEARS LL. B. Rule. 4: Admission Procedure:** As per MH-CET admission procedure prescribed by Government of Maharashtra and BCI.

5. **FIVE YEARS LL. B. Rule. 5: Medium of Instruction:**

English shall be the medium of instruction in the LL.B. Programme. However, the students may maintain internship record either in English or regional language.

6. **FIVE YEARS LL. B. Rule. 6: Attendance:**

No student shall be permitted to appear for the end-of-semester examination in a given course unless he/she has, to the satisfaction of the course teacher, fulfilled the course requirements and has put in not less than 70% of the attendance in the course concerned.

Provided, that a student who has attended not less than 65% of the classes in each of the subjects prescribed may be permitted to keep the term for reasons to be recorded in writing and to the satisfaction of the Principal of the college or the Dean of the faculty as the case may be. The similar power is rest with the Vice-Chancellor or his authorized representative in the absence of the Dean Faculty of Law.

7. **FIVE YEARS LL. B. Rule.7: Prohibition to register for two regular courses of study:**

No law student shall be allowed to simultaneously register for a law degree programme with any other graduate or post – graduate degree run by this University or any other University or an Institute for academic or professional learning.

8. **FIVE YEARS LL. B. Rule.8: Courses in the Programme:**

a) **Five Years LL.B. First Year and Second Year Discipline Specific Compulsory Course (DSC):** There shall be 14 Discipline Specific Compulsory Course (DSC) which include, General English, Sociology, Economics, History and Political Science as stipulated by BCI.

b) **Five Years LL.B. Third, Fourth, Fifth Years Discipline Specific Compulsory Course (DSC)::** There shall be 30 Discipline Specific Compulsory Course which shall include all compulsory subjects as stipulated under the rules of Legal Education, 2008, prescribed by BCI. **It is applicable to students who are writing university theory examination in ENGLISH.**

c) **Five Years LL.B. Third, Fourth, Fifth Years Discipline Specific Compulsory Course (DSC)::** There shall be **31** Discipline Specific Compulsory Course which shall include all compulsory subjects as stipulated under the rules of Legal Education, 2008, prescribed by BCI. **(From Academic Year 2019-2020 as per BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write university examination in MARATHI. It means there will be total 31 Discipline Specific Compulsory Course.)**

- d) **Five Years LL.B. Clinical Courses:** There shall be 4 Discipline Specific Compulsory Course which shall include Practical Training subjects stipulated by BCI.
- f) **Ability Enhancement Compulsory Courses (AECC):** There shall be 10 **Ability Enhancement Compulsory** Courses. It aims to impart general proficiency and skill enhancement in law discipline.
- g) Each course of Five Year LL.B. may be designed to include Lectures, Tutorials, Field Work, Project Work, Seminars, Practical Training, Assignments, Article / Paper Writing and Report Writing, etc. depending upon the contents and the nature of course. Each AECC subject per semester will be in self-instruction mode under the guidance of class mentor / class teacher and end-semester examinations shall be conducted by the college and marks obtained out of 50 per paper shall be communicated to the University along with internal marks of all subjects.

9. **FIVE YEARS LL. B. Rule. 9: The CBCS System:** All programmes shall be run credit-based semester system. It is an instructional package developed to suit the needs of the students to keep pace with the developments in higher education and the quality assurance expected of it in the light of liberalisation and globalisation in the higher education.

a) **Credit:** The term credit refers to the weightage given to the course, usually in the relation to the instructional hours assigned to it. For instance, four clock hours theory course and one hour practical work for week is given five credits. However, in no instance the credits of a course can be greater than the hours allotted to it.

b) Five Year LL.B. Programme comprising of 10 semesters shall be of total 54 courses of minimum 284 credits which include 44 DSC Courses and 10 AECC Courses. (This is applicable to the students who intend/opt to write University examination in ENGLISH).

c) Five Year LL.B. Programme comprising of 10 semesters shall be of total 55 courses of minimum 290 credits which include 45 DSC Courses and 10 AECC Courses. (This is applicable to only those students who intend to write University examination in MARATHI).

d) All DSC Courses shall be of 70:30 pattern except 2 clinical papers in the final Year, namely 1) Drafting, Pleading and Conveyancing and 2) Moot Court and Internship. Whereas, skill enhancement courses shall be of 50 marks internal written examination at the college level. For passing this examinations 2 credits will be assigned to the students. 50 marks examinations includes 25 objective type questions with 2 marks each. The minimum passing criteria shall be 20 marks.

10. **FIVE YEARS LL. B. Rule. 10: Inclusion of Mandatory Subjects:**

a) **Democracy, Election and Good Governance (for Semester – I):** As per the recommendations of Government of Maharashtra and the Shivaji University, Kolhapur included in Five Year Law course. Every student is required to obtain minimum passing grade in this course as per the University norms for award of degree.

b) **Environmental Studies:** The subject of environmental studies shall be mandatory for II year of Five Year Law course (Semester IV). The examination pattern for this paper shall be as per existing norms of Shivaji University.

c) From Academic Year 2019-2020 as per norms of BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write University examination in MARATHI.

11. **FIVE YEARS LL. B. Rule. 11: Minimum Period of Internship:**

a) Each registered student shall have to complete the minimum of 20 weeks internship for Five Year Course stream during the entire period of legal studies under NGO, Trial and

Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, Other Legal Functionaries, Market Institutions, Law Firms, Companies, Local Self Government and other such bodies as the University shall stipulate, where law is practiced either in action or in dispute resolution or in management.

Provided that internship in any year cannot be for a continuous period of more than Four Weeks and all students shall at least gone through once in the entire academic period with Trial and Appellate Advocates. Each student shall keep Internship diary in such form as may be stipulated by the University concerned and the same shall be evaluated by the Guide in Internship and also a Core Faculty member of the staff each time. The total mark shall be assessed in the Final Semester of the course in the four Clinical courses as stipulated under the Rules in Schedule II. The students may maintain internship record either in English or regional language.

b) Formal Dress Code during internship:

1. Students placed under internship or in moot court exercise shall have formal dress of legal professional in pupillage as follows: (For all) White/Black trouser, white shirt, black tie, black coat, black shoe and black socks. When students have problems of getting the entire formal dress for any reason, they have to have a white trouser, full sleeve shirt to be tucked in and covered shoe.
2. (Optional for Girl students) Black printed saree, with white full sleeve blouse and covered black shoe or Lawyer's Suit with black covered shoe.
3. The Organization or Advocate under whom the internee is placed is required to follow suitable dress code.

12. FIVE YEARS LL. B. Rule. 12: Examinations and Assessment:

The pattern of CBCS for Semester examinations shall be as mentioned below:

- a) FIVE YEARS LL. B. Part I, Sem I & II: 70 marks University Semester End Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
- b) FIVE YEARS LL. B. Part II, Sem III & IV: 70 marks University Semester End Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
- c) FIVE YEARS LL. B. Part III, Sem V & VI: 70 marks University Semester End Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
- d) FIVE YEARS LL. B. Part IV, Sem VII & VIII: 70 marks University Semester End Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level.
- e) FIVE YEARS LL. B. Part V, Sem IX & X: **For all papers except 2 Practical Training papers, there will be 70 marks University Semester End Examination for each theory paper in each Semester and 30 Marks for Internal Assessment at College Level. For 1) Drafting, Pleading and Conveyancing and 2) Moot Court and Internship, there will be 90 marks internal Practical work as per guidelines of BCI at College level, to be verified by External Examiner of University, and 10 marks VIVA to be conducted by External Examiners appointed by the University.**

- 13. FIVE YEARS LL. B. Rule 13: Weightage:** There shall be 4900 marks for 5 years having 10 Semesters Five Years LL.B. CBCS Program with 284 Credits. (This is applicable to the students who intend/opt to write University examination in ENGLISH).

There shall be 5000 marks for 5 years having 10 Semesters Five Years LL.B. CBCS Program with 290 Credits. (This is applicable to the students who intend/opt to write university examination in ENGLISH).

a) FIVE YEARS LL. B. Part – I (Sem I & II):

For FIVE YEARS LL. B. Part I total 3+4 = 7 papers with 42 Credits.

- There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem I (Personality Development and Communication Skills) and Paper 2 for Sem II (Legal Language) each of 50 marks, as compulsory course.
- There shall be seven DSC papers with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.

b) Five Years LL.B. Part – II (Sem III & IV):

For Five Years LL.B. Part II total 4+3 = 7 papers with 42 Credits.

- There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem III (Information and Communication Technology Law) and Paper 2 for Sem IV (Use of Law Journals, Law Reports) each of 50 marks, as compulsory course.
- There shall be seven DSC papers with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.

c) Five Years LL.B. Part – III (Sem V & VI) : (This is applicable for students who are writing University theory examination in ENGLISH)

For Five Years LL.B. Part III total 10+2=12 papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester.

- There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem V (Legal Research) and Paper 2 for Sem VI (Public Interest Lawyering) each of 50 marks, as compulsory course.
- There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- There shall be five DSC papers with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.

d) Five Years LL.B. Part – III (Sem V & VI) : There shall be SIX DSC papers in Semester VI with 70 marks for theory examination at University Level and 30 marks for internal assessment at college Level. (This is applicable to only those students who are writing university theory examination in MARATHI)

For Five Years LL.B. Part III total 11+2=13 papers with (6+7) papers for semester V and VI respectively and total Credits shall be 70 with 30 +2 and 36+2 Credits for each Semester.

- There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem V (Legal Research) and Paper 2 for Sem VI (Public Interest Lawyering) each of 50 marks, as compulsory course.
- There shall be five Discipline Specific Compulsory (DSC) papers for Semester V and six papers for semester VI. (This is applicable for students who are writing University theory examination in MARATHI)
- There shall be six DSC papers with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level. (This is applicable for students who are writing University theory examination in MARATHI .)

e) Five Years LL.B. Part –IV (Sem VII & VIII)–

For Five Years LL.B. Part IV total 10+2=12 papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester.

- There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for SemVII (Fundamentals of Cyber Law) and Paper 2 for SemVIII (Law and Entrepreneur Skills) each of 50 marks, as compulsory course.
- There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- There shall be five DSC papers with 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level.

f) Five Years LL.B. Part –V (Sem IX & X)–

For Five Years LL.B. Part V total 10+2=12 papers with 6 papers of each semester and total Credits shall be 64 with 32 Credits for each Semester.

- There shall be Ability Enhancement Compulsory Courses (subjects) (hereafter termed as AECC) with Paper 1 for Sem IX (Advocacy Skills) and Paper 2 for SemX (Criminal Law Investigation and Forensic Science) each of 50 marks, as compulsory course.
- There shall be five Discipline Specific Compulsory (DSC) papers per semester.
- **For all papers except 2 Practical Training papers, there shall be 70 marks for theory examinations at University Level and 30 marks for internal assessment at College Level. For 1) Drafting, Pleading and Conveyancing and 2) Moot Court and Internship, there will be 90 marks internal Practical work per paper, as per guidelines of BCI at College level, to be verified by External Examiner of University, and 10 marks VIVA to be conducted by External Examiners appointed by the University.**

There shall be no Theory Exam for 1) Drafting, Pleading and Conveyancing and 2) Moot Court and Internship

Credit distribution chart for LL.B. Program with Course Code:

(This is applicable for students who are writing university theory examination in ENGLISH.)

Course Name	Total Courses (Papers)	Total Credits	% in total course
DSC : Discipline Specific Core Course	44	264	92.96
AECC : Ability Enhancement Compulsory Courses	10	20	7.04
TOTAL	54	284	100%

- **Credit distribution chart for LL.B. Program with Course Code:**

(This is applicable for only those students who are writing University theory examination in MARATHI .

Course Name	Total Courses (Papers)	Total Credits	% in total course
DSC : Discipline Specific Core Course	45	270	93.10
AECC : Ability Enhancement Compulsory Courses	10	20	6.90
TOTAL	55	290	100%

14.FIVE YEARS LL. B. Rule 14: Scheme of Examinations:

Following is the Scheme of Examination:

- a) Each DSC course of 6 credits will be assessed on basis of 100 marks. The marks will be divided under two heads, internal assessment 30 marks and End- Semester University Examination 70 marks. The student shall have to secure minimum 10 marks to pass in the internal assessment of the respective DSC course. For each DSC Course End Semester University Examination of 70 marks, the student shall have to secure minimum 25 marks to pass in the End-Semester University Examination. The minimum passing in each DSC Course shall be 35 marks (10+25) and the average passing percentage for every semester shall be 40 percent.

The weightage of internal assessment shall be based on the following.

Internal Assessment:

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

	: 30 Marks

- b) Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks. This paper shall be in self-instructional mode under the guidance of class mentor or class teacher. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment: For passing this examinations 2 credits will be assigned to the students. 50 marks examinations include 25 objective type questions with 2 marks each. The minimum passing criteria shall be 20 marks.

- c) The student failing in internal assessment of any course will be deemed to have failed in the End - Semester University Examination of the respective course. Such student shall be allowed to reappear for the internal assessment only in the next semester.
- d) Appearing in Internal Written Test of all DSC Courses and Skill Enhancement Courses is strictly compulsory.
- e) The internal assessment marks for each semester for all DSC Courses, AECC along with

requisite Credits earned by the student for the Compulsory Foundation Course shall have to be sent to the University, prior to the commencement of the respective End - Semester University Examination.

- f) A student who has passed in the internal assessment but has failed in the End - Semester University Examination, his / her internal marks and credits earned for respective course/paper will be carried forward till the validity of his / her respective semester.
- g) A student who has failed in the End- Semester theory examinations but passed in internal assessment can reappear for theory paper and his marks of internal assessment will be carried forward.
- h) **A student who opts for writing University End-semester examination in MARATHI has to pass in Advanced ENGLISH paper by time of completion of course. Failing which No Degree shall be awarded.**

15. FIVE YEARS LL. B. Rule. 15: Practical Training Papers:

- a) **Practical Training Paper I: Professional Ethics and Professional Accountancy for Lawyers and Bar-Bench Relations.** The theory End-Semester University Examination shall be 70 marks and internal assessment only 30 marks, **at College Level.**
- b) **Practical Training Paper II: Alternative Disputes Resolution (ADR):** The theory End-Semester University Examination shall be 70 marks and internal assessment only 30 marks, **at College Level.**
- c) **Practical Training Paper III: Drafting, Pleading and Conveyance (DPC):** The course will be taught with class instructions and simulation exercises. Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in Drafting of pleadings carrying the total of 45 marks (3 marks for each) and 15 exercises in Drafting of Conveyancing, carrying another 45 marks (3 marks for each). Remaining 10 marks will be given for viva voce. **The Standard of passing shall be minimum 35 in practical training Course both internal (32 marks) + viva voce (03 marks) and average passing shall be 40 percent.**
- d) **Practical Training Paper IV: Moot Court Exercise and Internship:** This paper may have 3 components of 30 marks each and a viva of 10 marks (Moot Court 30 Marks, Observance of Trial in Two Cases 30 Marks, Interviewing Techniques and Pre-Trial Preparation and Internship Diary 30 Marks). **The Standard of passing shall be minimum 35 in practical training Course both internal (32 marks) + viva voce (03 marks) and average passing shall be 40 percent.**
- e) **Duration of Semester Examination for each theory paper -** The duration of Semester Examination for each theory paper of 70 marks shall be of three hours.
- f) **Standard of passing-** The Standard of passing shall be minimum 35 in each DSC Course both theory **(25 marks)** + internal assessment **(10 marks)** and average passing for every semester shall be 40 percent.
- g) **However ATKT rules shall be applicable to Theory Paper only as per University norms. A student who opts for writing University End-Semester examination in MARATHI, fails or pass in ENGLISH subject, shall not be considered for ATKT.**

16. FIVE YEARS LL. B. Rule. 16: Passing and Carrying Forward the Semester:

- 1) For grant of respective academic year, the student must have kept two terms with requisite attendance, must have appeared in the internal written test of each course /

paper and has secured minimum passing marks in internal assessment of each course / paper shall be eligible.

- (2) The student who has passed all the papers of Semester I and II will be promoted to Semester III (Second year). The students who have passed minimum 5 papers out of 7 core papers will be allowed to keep terms (ATKT).
- (3) The student who has passed all the papers of Semester III and IV will be promoted to Semester V (Third Year). The students who have passed minimum 5 papers out of 7 core papers will be allowed to keep terms (ATKT).
- (4) The student who has passed all the papers of Semester V and VI will be promoted to Semester VII (Fourth year). The students who have passed minimum 7 papers out of 10 core papers will be allowed to keep terms (ATKT).
- (5) The student who has passed all the papers of Semester VII and VIII will be promoted to Semester IX (Fifth year). The students who have passed minimum 7 papers out of 10 core papers will be allowed to keep terms (ATKT).
- (6) *The student at the time of promotion to Third Year of Five Years LL.B. Course, must have completed First Year of Five Years LL.B. Pre-Law Course both Semesters I & II.*
- (7) *The student at the time of promotion to Fourth Year of Five Years LL.B. Course, must have completed First Year and Second Year of Five Years LL.B. Pre-Law Course both Semesters I,II,III,& IV.*
- (8) *The student at the time of promotion to Fifth Year of Five Years LL.B. Course, must have completed Third Year Five Years of LL.B. Course (Semesters I, II, III, IV, V & VI).*
- (9) **Award of Degree:**
The student who has passed Semester I, II, III, IV, V, VI, VII & VIII shall be awarded with a LL.B. General Degree (Completion of Four Years).
- (10) *The student who has passed Semester I, II, III, IV, V, VI, VII, VIII, IX & X shall be awarded with FIVE YEARS LL. B. Special Degree (Completion of Five Years). (However, the student who has opted to write Theory examination/papers in Marathi language, must have cleared the Paper of Advanced English which is pre-requisite of completion of the Degree.)*

17. FIVE YEARS LL. B. Rule. 17: Gradation Chart:

Marks Obtained	Numerical Grade (Grade Point)	CGPA	Letter Grade
Absent	0 (zero)	-	-
0 – 34	0 to 4	0.0 – 4.99	F (Fail)
35 – 44	5	5.00 – 5.49	C
45 – 54	6	5.50 – 6.49	B
55 – 64	7	6.50 – 7.49	B+
65 – 74	8	7.50 – 8.49	A
75 – 84	9	8.50 – 9.49	A+
85 – 100	10	9.50 – 10.0	O (Outstanding)

Note:

- i) Marks obtained ≥ 0.5 shall be rounded off to next higher digit.
- ii) The SGPA & CGPA shall be rounded off to 2 decimal points.
- iii) Marks obtained in 50 marks or 200 marks paper shall be converted to 100marks.

Calculation of SGPA & CGPA

1. Semester Grade Point Average (SGPA)

$$\text{SGPA} = \frac{\sum(\text{Course credits} \times \text{Grade points obtained}) \text{ of a semester}}{\sum(\text{Course credits}) \text{ of respective semester}}$$

2. Cumulative Grade Point Average (CGPA)

$$\text{CGPA} = \frac{\sum(\text{Total credits of a semester} \times \text{SGPA of respective semester}) \text{ of all semesters}}{\sum(\text{Total course credits}) \text{ of all semesters}}$$

18. **FIVE YEARS LL. B. Rule. 18: Result** - The result of each Semester shall be declared as Pass or Fail or Allowed to Keep Terms (A.T.K.T. for Sem II & IV) with grade/ grade points and Credits gained.

Revised Rules - These revised rules will be implemented with effect from the academic year 2019-20 onwards for LL.B. degree program. However the existing (i.e. pre-revised) rules shall remain in force for the students of old semester pattern during the transition period.

19. FIVE YEARS LL. B. Rule. 19: Question Paper Model:

The Question Paper of Three Year LL.B. 70 marks shall consists of total seven questions carrying 15 marks each, out of which a student can opt any four. The eighth question shall be mandatory consisting of four short notes out of which the students have to opt any two of 5 marks each.

Practical Training Paper I – Professional Ethics and Professional Accounting System and Practical Training Paper II – Alternative Disputes Resolution (ADR), the examination pattern is 70:30. For 70 marks University Written Examination will be conducted and for 30 marks internal assessment will be conducted at college level.

- a) Regarding practical training paper – III: Drafting, Pleading and Conveyance (DPC) and Practical Training Paper – IV: Moot Court Exercise and Internship, there shall be no theory examination. Viva Voce Examinations for 10 marks each will be conducted in presence of External Examiners appointed by the University. 90 marks will be allotted for both the papers, **at College Level** as per BCI norms.

The Standard of passing shall be minimum 35 in Paper III and IV practical training Courses both internal (32 marks) + viva voce (03 marks) and average passing shall be 40 percent.

Model Question Paper Format:

**First year of Five Years LL. B., (Semester I) CBCS,
Examination, October, 2019**

Political Science – I (Paper – I)

Subject Code: _____

Day & Date: _____

Total Marks: 70

Time: _____

Instructions:

1. Attempt any four questions from Q.No. 1 to 7.
2. Q. No. 8 is compulsory.
3. Figures to the right indicate full marks.

Q.1.	_____	(15)
Q.2.	_____	(15)
Q.3.	_____	(15)
Q.4.	_____	(15)
Q.5.	_____	(15)
Q.6.	_____	(15)
Q.7.	_____	(15)
Q.8.	Write short notes (Any Two): 2 x 5	(10)
	a) _____	
	b) _____	
	c) _____	
	d) _____	

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CBCS FIVE YEARS LL. B. Structure of Programme: Part – I

Semester I								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-101	Political Science-I (Local Self government)	70	4.2	30	1.8	100	06	06
DSC-102	Political Science-II (Public Administration)	70	4.2	30	1.8	100	06	06
DSC-103	English –I (Grammar and Usage)	70	4.2	30	1.8	100	06	06
AECC-104	Personality Development & Communication Skill)	-	-	50	02	50	02	02
	Total	210	12.6	140	7.4	350	20	20

Semester II								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-201	Political Science-III (Organisation & Administration of the State Government)	70	4.2	30	1.8	100	06	06
DSC-202	Economics-I (General Principles)	70	4.2	30	1.8	100	06	06
DSC-203	History-I (General History)	70	4.2	30	1.8	100	06	06
DSC-204	Sociology-I (General Principles)	70	4.2	30	1.8	100	06	06
AECC - 205	Legal Language	-	-	50	02	50	02	02
	Total	280	16.8	170	9.2	450	26	26

CBCS FIVE YEARS LL. B. Structure of Programme Part - II

Semester III								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-301	Political Science-IV (Political Theory & Political Organisation)	70	4.2	30	1.8	100	06	06
DSC-302	Sociology-II (Special Sociology)	70	4.2	30	1.8	100	06	06
DSC-303	Economics-II (Special Economics)	70	4.2	30	1.8	100	06	06
DSC-304	History-II (Legal History)	70	4.2	30	1.8	100	06	06
AECC - 305	ICT and Legal Education	-	-	50	02	50	02	02
	Total	280	16.8	170	9.2	450	26	26

Semester IV								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-401	Political Science-V (Foundation of Political Obligations)	70	4.2	30	1.8	100	06	06
DSC-402	Political Science-VI (International Relations)	70	4.2	30	1.8	100	06	06
DSC-403	English-II	70	4.2	30	1.8	100	06	06
AECC-404	Use of Law Journals, Law Reports	-	-	50	02	50	02	02
	Total	210	12.6	140	7.4	350	20	20

CBCS FIVE YEARS LL. B. Structure of Programme Part – III

Semester V								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-501	Law of Contract (General Principles of Contract and Specific Relief Act)	70	4.2	30	1.8	100	06	06
DSC-502	Constitutional Law -I	70	4.2	30	1.8	100	06	06
DSC-503	Law of Torts and Consumer Protection Act	70	4.2	30	1.8	100	06	06
DSC-504	Law of Crimes-I (Indian Penal Code)	70	4.2	30	1.8	100	06	06
DSC-505	Family Law-I	70	4.2	30	1.8	100	06	06
AECC-506	Legal Research	-	-	50	02	50	02	02
Total		350	21.0	200	11.0	550	32	32

CBCS FIVE YEARS LL. B. Structure of Programme Part – III

(This is applicable for students who are writing university theory examination in ENGLISH .

Semester VI								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-601	Special Contract	70	4.2	30	1.8	100	06	06
DSC-602	Constitutional Law – II	70	4.2	30	1.8	100	06	06
DSC-603	Family Law - II	70	4.2	30	1.8	100	06	06
DSC-604	Environmental Law	70	4.2	30	1.8	100	06	06
DSC-605	Professional Ethics	70	4.2	30	1.8	100	06	06
AECC-606	Public Interest Lawyering	-	-	50	02	50	02	02
Total		350	21.0	200	11.0	550	32	32

(This is applicable for students who are writing university theory examination in MARATHI .

Semester VI								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-601	Special Contract	70	4.2	30	1.8	100	06	06
DSC-602	Constitutional Law – II	70	4.2	30	1.8	100	06	06
DSC-603	Family Law - II	70	4.2	30	1.8	100	06	06
DSC-604	Environmental Law	70	4.2	30	1.8	100	06	06
DSC-605	Professional Ethics	70	4.2	30	1.8	100	06	06
DSC - 607	Advanced English	70	4.2	30	1.8	100	06	06
AECC-606	Public Interest Lawyering	-	-	50	02	50	02	02
	Total	420	25.2	350	12.8	550	38	38

From Academic Year 2019-2020 as per norms of BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write university examination in MARATHI.

CBCS FIVE YEARS LL. B. Structure of Programme Part - IV

Semester VII								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Examination Shiv. Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-701	Jurisprudence	70	4.2	30	1.8	100	06	06
DSC-702	Property Law	70	4.2	30	1.8	100	06	06
DSC-703	Company Law	70	4.2	30	1.8	100	06	06
DSC-704	Public International Law	70	4.2	30	1.8	100	06	06
DSC-705	Criminology	70	4.2	30	1.8	100	06	06
AECC-706	Fundamentals of Cyber Law	-	-	50	02	50	02	02
	Total	350	21.00	200	11.0	550	32	32

CBCS FIVE YEARS LL. B. Structure of Programme Part - V

Semester IX								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Exam Shivaji Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-901	Civil Procedure Code & Limitation Act	70	4.2	30	1.8	100	06	06
DSC-902	Law of Evidence	70	4.2	30	1.8	100	06	06
DSC-903	Labour Law-I (Industrial Laws)	70	4.2	30	1.8	100	06	06
DSC-904	Land Laws	70	4.2	30	1.8	100	06	06
DSC-905	Drafting, Pleading and Conveyancing	No Theory Exam	4.2	45 + 45 = 90 Viva = 10	1.8	100	06	06
AECC-906	Advocacy Skills	-	-	50	02	50	02	02
Total		280	21.0	270	11.0	550	32	32

Semester X								
Teaching Scheme and Evaluation Scheme								
Course Code	Subjects	Theory Exam Shivaji Uni.	Hours	Internal Assessment College	Hours	Total Marks	Weekly Teaching Hours	Total Credits
DSC-1001	Law of Crimes-II (Criminal Procedure Code)	70	4.2	30	1.8	100	06	06
DSC-1002	Intellectual Property	70	4.2	30	1.8	100	06	06
DSC-1003	Labour Law –II (Social Securities Laws)	70	4.2	30	1.8	100	06	06
DSC-1004	Principles of Taxation	70	4.2	30	1.8	100	06	06
DSC-1005	Moot Court, Pre-Trial Preparation & Participation in Trial Proceedings	No Theory Exam	4.2	30+30+30 = 90 Viva = 10	1.8	100	06	06
AECC-1006	Criminal Law Investigation & Forensic Science	-	-	50	02	50	02	02
Total		280	21.0	270	11.0	550	32	32

DSE: Discipline Specific Elective Courses (Compulsory) Total = 10 semesters = 44 papers. = Total 264 Credits.

AECC : Ability Enhancement Core Course (Compulsory) Total = 10 semesters x 1 paper = 10 papers. Each paper with 2 credits x 10 semester = 20 Credits.

From Academic Year 2019-2020 as per norms of BCI Part IV, ENGLISH as additional/one more subject/paper as Discipline Specific Compulsory Course shall be compulsory for the students who intend to write University examination in MARATHI.

(Following allotment of credits is applicable to students who are writing University theory examination in MARATHI.)

DSE: Discipline Specific Elective Courses (Compulsory) Total = 10 semesters= papers = 44+ 1= 45 papers. Each paper 6 credits x 45 paper = 270 Credits.
AECC : Ability Enhancement Core Course (Compulsory) Total = 10 semesters x 1 paper = 10 papers of 2 credits each = 20 Credits

SCHEDULE – A

FIVE YEARS LL. B. Part I Syllabus (Semester – I) DSC 101: POLITICAL SCIENCE – I (Local Self-Government)

The Object of Study: Political Science has a very close links with legal studies because legal instruments are formulated as a system expression directly emanating from the political superstructure.

The object of the study of Local Self-Government is to throw light on the Panchayati Raj system, which is the basis of our democracy. The Panchayati Raj system plays a unique role in this 21st century, in achieving the principals of Mahatma Gandhi assured by the Indian Constitution to the citizens. The concept of De-centralization of power is introduced with the establishment of the three tire Panchyati Raj Scheme system in local self government.

Methodology of teaching-learning: There are two distinct process of teaching-learning through data sensitivity and fact analytical skill-development through case studies based on motivational lectures and the building up of thesis and counter-thesis through research, group discussion and presentation of papers.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks
Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS :

UNIT-I - Local Self-Government in rural and urban areas

- 1.1 Definitions and meaning of Local Self-government
- 1.2 Nature of Local Self-government
- 1.3 Significance and role of Local Self-government

UNIT- II - Evolution of Local Self-Government in India

- 2.1 History of Local Self-government in India
- 2.2 Gandhian Philosophy regarding democratic decentralization and Gram Swaraj
- 2.3 Various committes on Pnchayat Raj

UNIT – III – Gram Panchayat

- 3.1 Composition, functions and resources
- 3.2 Sarpanch and Gram Sevak
- 3.3 Gram Sabha and Social Audit

UNIT – IV - Panchayat Samiti and Zilla Parishad

- 4.1 Composition, functions and resources of Panchayat Samiti & Zilla Parishad
- 4.2 Chairman of Panchayat Samiti and Block Development Officer
- 4.3 Chairman of Zilla Parishad and Chief Executive Officer

UNIT – V - Municipal Corporation and Municipality

- 5.1 Composition, functions and resources
- 5.2 Municipal Commissioner and Mayor of Municipal Corporation
- 5.3 Executive Officer and President of Municipality

UNIT - VI - Local Self-Government: Problems, Remedies and Challenges

- 6.1 Problems and prospects of local self-government
- 6.2 Remedies and solutions of local self-government
- 6.3 Challenges of rural and urban local self-government

UNIT - VII - Local Self-Government and Empowerment of citizens

- 7.1 Political and Social Empowerment
- 7.2 Empowerment of Women
- 7.3 Role of NGOs in the process

UNIT – VIII - Constitutional Provisions on Local Self-government

- 8.1 73rd Amendment to the Constitution and its provisions
- 8.2 74th Amendment to the Constitution and its provisions
- 8.3 Organisation of Local Self-governments in India

Reference Books :

- | | | |
|---|---------------------------|------------------------------------------------------------------------------|
| 1 | Political Science | By B.K. Gokhale, Himalaya Publishing , Mumbai-4 |
| 2 | Local Government in India | Dr. Shriram Maheshwar, Orient Longme Ltd New Delhi |
| 3 | Modern Governments | By S.C. Pant, Prakashan Kendra, Railway Crossing
Sitapur Road. Lucknow-20 |
| 4 | Indian Administration | By Dr. Shriram Maheshwari, Orient Longme Ltd New Delhi |

DSC 102: POLITICAL SCIENCE II (Public Administration)**The Object of Study:**

The study of public administration is essential in this era of globalization. The administrative units rendering their services to the society should be known to the students of the new law course. The concept of welfare state has become a well known agenda for today's Governments. By studying public administration student will know everything about the importance of the structure and organization, method and procedure and powers and responsibilities by an easy device and that is public administration.

Methodology of teaching-learning: There are two distinct process of teaching-learning through data sensitivity and fact analytical skill-development through case studies based on motivational lectures and the building up of thesis and counter-thesis through research, group discussion and presentation of papers.

Evaluation methods: Theory Examination – 70 Marks**Internal Assessment:**

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks
-----**SYLLABUS :****UNIT – I - Nature and Scope of Public Administration**

- 1.1 Meaning, importance, nature and scope of Public Administration
- 1.2 Difference between Public and Private Administration
- 1.3 Similarities between Public and Private Administration
- 1.4 Public administration in developed and developing countries

UNIT- II - Theories of Organisation

- 2.1 Scientific Management Theory
- 2.2 Bureaucratic Theory of Organisation
- 2.3 Classical Theory of Organisation
- 2.4 Human Relations Theory of Organisation

UNIT- III - Principles of Organisation

- 3.1 Hierarchy
- 3.2 Span of Control
- 3.3 Unity of Command
- 3.4 Centralisation and decentralization of Administration

UNIT- IV - Public Policy

- 4.1 Meaning, nature and agencies of Public Policy
- 4.2 Models of Public Policy making and their critique
- 4.3 The Constitutional basis of making of Public Policy: Preamble and Directive Principles of State policy
- 4.4 The steps in formulation and implementation of Public policy

UNIT- V - Accountability and Control

- 5.1 Concept of Accountability and Control
- 5.2 Legislative, Executive and Judicial Control on Administration
- 5.3 Role of Civil Society and Media
- 5.4 Role of Voluntary Organisations

UNIT- VI - Boards and Commissions in India

- 6.1 Union Public Service Commission
- 6.2 Election Commission
- 6.3 Central Vigilance Commission
- 6.4 Niti Ayog

UNIT- VII - Independent Regulatory Commissions in India

- 7.1 Need and growth of Regulatory Commissions in India
- 7.2 Nature and functions of TRAI, SEBI, ERA, IDRA

7.3 Impact of globalization on public administration

7.4 Challenges before independent Regulatory Commissions

UNIT- VIII - Contemporary challenges of Public Administration

8.1 Nature of contemporary challenges before public administration

8.2 Right to Information, National Rural Employment Guarantee, (MGNREG) and Disaster Management Act

8.3 Second administrative reforms commission, recommendations and implementations

8.4 Solutions to contemporary challenges

Recommended Books

1	Public Administration	By Dr. M.P.Sharma
2	Public Administration	Prof.A.R. Tyagi, (Atmaram and sons publications)
3	Public Administration and Development	Stein Herold
4	The study of public administration	By Dwight Waldo
5	Management of Public Service	McGrav, New York
6	Dynamic Administration	By Follet
7	Public Administration in India	Khanna R.L., Mahindra Capital Publisher

Reference Books :

1. Amreshwar Avasthi & Shriram Maheswari, Public Administration, New Delhi
2. Chaturvedi (Edited), Comparative Public Administration, I.I.P.A. New Delhi
3. Leonard D. White, Public Administration, Eurasia Publishing House, New Delhi
4. Bellone, Carl, J Organization Theory and the New Public Administration, Boston
5. Kriesberg, Martin (ed), Comparative Administrative Theory, Washington
6. Rhodes, R.A.W. Public Administration and Policy Analysis, Aldershot,

DSC 103: ENGLISH – I (Grammar and Usage)

The Object of Study:

As Indian legal system is heavily imbedded in English language, the first skill that an Indian lawyer has to learn is to acquire strong grounding in English language and literature. Accordingly, English I is introduced as a compulsory course in law study as per BCI Rule – IV of part – IV on Standards of Legal Education. While insisting on ‘Proficiency in English’ the Bar Council of India expects the law graduates to have the minimum linguistic skills necessary for effective legal practice in the trial and appellate Court.

The skills contemplated as essential to a lawyer are communication skills (both written and oral) well as skills of comprehension (learning by reading and listening). There can be many methods and diverse materials in imparting those skills. The minimum expected by the courses is to give a functional knowledge of the language for the purpose of communication and comprehension in legal business. This would require obviously emphasis on both General English as well as English for legal purpose. The main focus, however, is on the use of English language for as the means and methods of effective communication, reading, writing and speaking, for the purpose of understanding and transaction of legal business.

Methodology of teaching-learning: The effective method of teaching-learning and developing language skill is to read more and more English literature especially literatures created by Judges and Jurists in the name of

Autobiography or biography or in special lecture-series. Listen, speak and write– are three straight ways of teaching-learning language. The analytical skill is developed with critical interpretations and explanation. So the best way to learn language is to work in tutorials and group participation, Class activities and lectures.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS :

UNIT –I -Introduction to Language and Communication :

- 1.1 Reading comprehension- Practice in slow and careful reading of functional prose in general and legal prose in particular.
- 1.2 Listening comprehension – Exercise in note taking from speech, making lecture notes.

UNIT –II - Grammar and Usages-Comprehensive Skills

- 2.1 Tense and concord
- 2.2 Conditionals
- 2.3 Noun modifiers (determiners, preposition phrases clauses)

UNIT –III -Grammar and Usage's (Comprehension Skills)

- 3.1 Simple sentence (one clause) (their phrase structure)
- 3.2 Complex and compound sentences

UNIT –IV -Grammar and Usage's (Comprehension Skills)

- 4.1 Basic transformations
- 4.2 Passives
- 4.3 Negatives
- 4.4 Questions

UNIT –V - Grammar and Usage's (Comprehension Skills)

- 5.1 Reported speech
- 5.2 Question tags and short responses
- 5.3 Some common errors.

UNIT –VI -Compositions Skills

- 6.1 Paragraph Writing
- 6.2 Translation from regional language into English & vice-versa.

UNIT –VII - Compositions Skills

- 7.1 Formal Correspondence
- 7.2 Note taking

UNIT –VIII - Voluntary Communication Skills

- 8.1 Use of a Dictionary for words and idiomatic expressions.
- 8.2 Use of Law Lexicon for Legal Terms (relevant to the subject papers of LL.B. student)

Books :

1. A Handbook of English Grammar by R.W. Zandvoort – The English Language Book Society and Longman Group Ltd.

2. Grammar and composition, A senior course by C.A Sheppard, David Reid – Thoms – Orient Longman.
3. English through Reading – Volume –I by W.W.S. Bhaskar / N.S. Prabhu – The macmillan Company of India Ltd.

Reference Books :

1. A Practical English Grammer by A.J. Thomson and A.V. Martinet – Oxford University Press
2. English Language course for Colleges – Book – I by L.A. Hill and others (Oxford.)
3. The New English Grammar – by R.A. Close – George Allen and Unwin.
4. Block's Law Dictionary – St. Paul Minn – West Publishing Co.
5. Alyer's Law Terms and Phrases – Law Book Co. Allahabad.
6. Strengthen your English by Bhaskaran and Horsourgh – Delhi, Oxford University Press.
7. Legal Language by Madabhushi Sridhar, 2nd Edition
8. Dr. Anirudh Prasad. Outlines of legal language in India. 4th edition. Central law publications. Allahabad. 2007.

AECC 104: Personality Development & Communication Skill

Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT – I PERSONALITY DEVELOPMENT

- 1.1 Meaning of Personality
- 1.2 Types of Personality
- 1.3 Elements of Personality
- 1.4 Personality Determinants
- 1.5 Parents meet along with students.

UNIT – II SELF IMAGE AND AMBITION

- 2.1 Self – Image and personality
- 2.2 Centre of Personality
- 2.3 Improvement of images
- 2.4 Nature of Ambition person
- 2.5 Nature of Level Person

UNIT – III SELF CONFIDANCE & SELF STUDY

- 3.1 What is Self Confidence
- 3.2 Power of self Confidence
- 3.3 Self Confidence as mental condition
- 3.4 Success in self confidence
- 3.5 Nature and Importance of Self Study.

UNIT – IV DECISION POWER AND CREATIVITY

- 4.1 Secret of decision power
- 4.2 Challenge to decision power
- 4.3 Development of decision power
- 4.4 Nature of creativity
- 4.5 Greatest Capability

UNIT – V COMMUNICATION SKILL

- 5.1 Introducing People
- 5.2 Greeting People
- 5.3 Expressing Apologies, condolences
- 5.4 Description, Narration and Elocution

Books Recommended:

- 1) Therories of Personality – Hall Lizard, Camp Bell, Welevy Publication U.S.A.
- 2) Development Psychology – A Life span approach, - Elizabeth B. Hurlock
- 3) Understanding Psychology – Robert S. Feldman
- 4) Human Development Tata Macgraw Hill Edition USA
- 5) PalakSanjivani, Dr. Y.K. Shinde, BharatiVidyapeeth Publications
- 6) VyaktimatvaSanjeevani, Dr. Y.K.Shinde, Education Research and Rural Development Institute, Posewadi, Sangli.

**FIVE YEARS LL.B. Part I Syllabus (Semester – II)
DSC 201: POLITICAL SCIENCE III
(Organization and Administration of the State Government)**

The Object of Study:

The study of State machinery in Indian union is a key stone of the Governmental system. It throws light in the functions of the state. Governmental administration should be known to the students of law.

Teaching-learning methods: Lectures including special lectures of experts may be a good process of learning. Interactive sessions, tutorials, Project research, paper presentation - these are also good form of teaching-learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

	: 30 Marks

SYLLABUS**UNIT I - INTRODUCTION TO ORGANIZATION OF STATE GOVERNMENT**

- 1.1 Federal Structure of India
- 1.2 Division of Powers between Centre and state
- 1.3 Organisation of Government at the State level

UNIT II - STATE EXECUTIVE

- 2.1 Governor
- 2.2 Chief Minister and Council of Ministers
- 2.3 Relation between the Governor, Chief Minister and Council of Ministers

UNIT III - STATE LEGISLATURE

- 3.1 Legislative Assembly: Composition, powers and functions
- 3.2 Legislative Council: Composition, powers and functions
- 3.3 Speaker of the Legislative Assembly

UNIT IV - STATE JUDICIARY

- 4.1 Organisation of the State Judiciary
- 4.2 High Court: Composition and Jurisdiction
- 4.3 District and Sessions Court & Subordinate Courts: Composition and Jurisdiction

UNIT V - CENTER-STATE RELATIONS

- 5.1 Center-State relations with regard to Legislative matters
 - 5.1.1 Center-State relations with regard to Administrative matters
 - 5.1.2 Commission and recommendations to improve Center-State Relations

UNIT VI - POLITICAL PARTIES AND PRESSURE GROUPS

- 6.1 National and State Political Parties
- 6.2 Pressure groups: labour groups, women groups, youth groups, farmer groups and business groups
- 6.3 The role of regional political parties in Indian Political system in the backdrop of coalition governments

UNIT VII - COMMISSIONS IN THE STATE

- 7.1 State Public Service Commission
- 7.2 State Finance Commission
- 7.3 State Election Commission

UNIT VIII - FUNCTIONARIES

- 8.1 Advocate General
- 8.2 Lokayukta

Reference Books :

1. State Governments in India by Dr. Shriram Maheshwari, The MacMillan Company of India Ltd, Delhi
2. Indian Polity by M. Laxmikant, Tata Mc Graw Hill New Delhi
3. Public Administration by M. Laxmikant, Tata Mc Graw Hill, Chennai
4. Panchayat and Rural Development by Raghav Rao
5. Politics in India by Kothari Rajani

DSC 202: ECONOMICS – I (General Principles)

Object- The knowledge of Economics is now extremely important for everybody in the Legal Profession, more so in case of all transactional and Corporate lawyers. Therefore it is always advisable for the students of law to be thoroughly conversant with fundamental and intricate principles of economic system.

Teaching-learning methods: Lectures including special lectures of experts may be a good process of learning. Interactive sessions, tutorials, Project research, paper presentation - these are also good form of teaching-learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS

UNIT – I - NATURE, SCOPE AND IMPORTANCE OF ECONOMICS

- 1.1 Definitions, Importance, Nature and Scope of Economics
- 1.2 Importance of Micro- and Macro-Economics
- 1.3 Economics as a basis of Social Welfare and Social Justice
- 1.4 Economics and its relevance to law

UNIT – II - LAW OF DEMAND AND SUPPLY ANALYSIS

- 2.1 Meaning of Demand, Factors affecting demand
- 2.2 Law of Demand, Elasticity of Demand, Demand Curve, Exceptions to law of demand
- 2.3 Utility – Law of Diminishing Marginal Utility and Law of Equi-Marginal Utility
- 2.4 Law of Supply, Factors affecting Supply, Elasticity of Supply

UNIT – III - LAW OF PRODUCTION AND COSTS

- 3.1 Meaning of Production, Factors of Production, Production Function
- 3.2 Theories of Production- Law of Variable Proportions, Assumptions of Law, Three Stages of the Law, Explanation, Meaning, Types/Classification of Costs
- 3.3 Cost of Production- Cost Analysis
- 3.4 Equilibrium Analysis- Meaning, Types, Equilibrium of Firm and Industry

UNIT – IV - MARKET-DETERMINATION OF PRICES

- 4.1 Market- Meaning, Definition, Classification/Types of Market
- 4.2 Perfect Competition Market
- 4.3 Monopoly- Monopolistic competition
- 4.4 Oligopoly- Characteristics, Price and Output determination

UNIT –V - THEORIES OF MONEY AND BANKING

- 5.1 Definition of Money, Function of Money, Importance of Money
- 5.2 Concept Inflation, Deflation and Reflation- Causes and effect of Inflation and Deflation
- 5.3 Functions of Commercial Bank, Co-operative Banks
- 5.4 Reserve Bank of India- its Role

UNIT – VI -PUBLIC FINANCE, FISCAL POLICY AND DEFICIT FINANCING

- 6.1 Meaning, Concept and Importance and Branching Public Finance
- 6.2 Taxation- Meaning, Importance, Merit and Demerits
- 6.3 Classification of Taxes- Direct and Indirect Taxes
- 6.4 Objectives of Monetary Policy and Fiscal Policy

UNIT –VII - ECONOMIC ANALYSIS OF LAW

- 7.1 Economic analysis origin and development
- 7.2 Economic legislations
- 7.3 Labour Legislations
- 7.4 New Economic Reforms : Liberalization, Privatization and Globalization

UNIT – VIII - INTERACTIONAL DIMENSIONS OF LAW AND ECONOMICS

- 8.1 Formality and Informality of Law.
- 8.2 Economic analysis of tort law
- 8.3 Economic analysis of Contract law
- 8.4 Economic analysis of Consumer Protection Law

Books

1. The Essentials of Economics – A.W. Stonier & D.C. Hague.
2. A Text Book of Economics – J.L. Johnson.
3. Economics and Introductory Analysis – Paul Samuelson
Vaish&Sundaram.
4. Economics for Law Students- SurabhiArora, Central Law Publications,
Allahabad
5. An Introduction to Economics for Pre-Law Students-
DrRatnaChatterjee, Central Law Publications, Allahabad
6. Handbook on Pre-Law first year by expert eminent authors, C
Sitaraman and Company, Law Book Seller, Publishers and
Distributors, Madras-600 014

Reference Books

- (1) Salvatore, Dominick, Micro Economics: Theory and Application, Oxford University Press, Indian Edition, New Delhi, 2007.
- (2) Samuelson, Paul, Economics, Tata McGraw Hill Publishing Company Limited, New Delhi, 2007.
- (3) Seth, M.L., Principles of Economics, Lakshmi NarainAgarwalEducational Publishers, Agra, Thirty Fifth Edition, 2001.
- (4) Ahuja, H.L., Advanced Economic Theory: Micro Economic Analysis, S. Chand and Company Limited, New Delhi, 2007.
- (4) Chopra, P.N., Principles of Economics, Kalyani Publishers, Ludhiana, 2006.
- (5) Bhutani, P.J., Principles of Economics For CA Foundation, Taxman Allied Services Private Limited, New Delhi, 2000.

DSC 203: HISTORY-I (General History)**Object:**

It is widely believed and perhaps rightly so that today's problems and solutions thereto lie hidden in History. Institutions, people and the culture inherently makes one understand as to how to critically appreciate a fact-situation. Thus a lawyer is required to understand the history of political establishment, social institutions and thus evaluate the legal and judicial structure and process.

The course detailed below is intended to give broad ideas to the student about the main currents of social political, legal and cultural movements in the course of Indian history, which influenced the legal system and its institutions. It is expected that the teacher instead of describing mere chronology of events will acquaint the student with the Indian cultural heritage in the above fields so that he may be able to critically appreciate the relevance of the present institutions of the Indian democracy which are to be taught in the law course.

Teaching-learning process: Studying history has various angles. As such, lectures of social historians enable a person to appreciate various angles of history and build up perspectives. There is no alternative to self studies and research. Interactive sessions, tutorials, Project research, paper presentation - these are also good form of teaching-learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS

UNIT – I - ANCIENT INDIA – (600 B.C. TO 1206 A.D.) ANCIENT INDIAN CULTURAL HERITAGE

- 1.1 State- Concept, Origin, Types, Theories
- 1.2 Kingship- Concept, Origin, Duties
- 1.3 Various Assemblies- Sabha, Samiti, Vidhata, Gana
- 1.4 Concept of decentralization- Province, Division, District, Subdivision, Town and Village Administration

UNIT – II - SOURCES OF LAW

- 2.1 Sources of Law in Ancient
- 2.2 Sources of Law in Modern
- 2.3 Ancient Indian Law givers
- 2.4 Judicial Administration in Ancient India

UNIT-III – MEDIEVAL INDIA (1206 A.D. TO 1818 A.D.)

- 3.1 Advent of Islam in India
- 3.2 Impact of Islamic Rule (Synthetic Culture)
- 3.3 Provincial and District Administration under Mughals
- 3.4 Revenue Administration under Sultans and Mughals

UNIT –IV - JUDICIAL ADMINISTRATION IN MEDIEVAL INDIA

- 4.1 Sources of Islamic Law
- 4.2 Judicial Administration under Sultans
- 4.3 Judicial Administration under Mughals
- 4.4 Judicial Administration under Chh. Shivaji- Gotsabha-its importance

UNIT –V - MODERN INDIA

- 5.1 Advent of European powers in India
- 5.2 Impact of European Culture in India

UNIT-VI - JUDICIAL REORGANIZATION UNDER EAST INDIA COMPANY

- 6.1 Judicial Reforms under Warren Hestings (1722-1785)
- 6.2 Judicial Reforms under Cornwallis (1786-1793)
- 6.3 Judicial Reforms under William Bentink (!828-1833)
- 6.4 Analysis of Judiciary System under British -Positive-Negative

UNIT –VII - EMANCIPATION OF WOMEN AND LAW FORMATION

- 7.1 Fight for betterment of position of women
- 7.2 Abolition of Sati, Widow Re-marriage
- 7.3 Preventing female infanticide, Child Marriage
- 7.4 Legislative Measures

UNIT –VIII - STRUGGLE AGAINST CASTE-BASED EXPLOITATION AND LAW

- 8.1 Causes for awakening Caste consciousness
- 8.2 Narayan Guru Dharma Paripalana Movement-1902
- 8.3 VokkaliyaSangh- 1905
- 8.4 Justice Movement-1917

Books

1. Aspects of Political Ideas and Institutions in Ancient India by R.S.Sharma
2. Early India- RomilaThapar
3. Advanced Study in the History of Medieval India Vol. I,II, and III by J.L. Mehta
4. History of Medieval India Sultan Period and Mughal Period, by V.D.Mahajan, C.Chand Publications, New Delhi
5. Medieval India, the Study of Civilisation by IrfanHabib, National Book Trust, India
6. A New Look on Modern Indian History by B.L.Glover, Alka Mehta, S.Chand Publication, New Delhi
7. Social, Cultural and Economics History of India –Ancient Times – by Ray Choudhary S.C. Second Edition, 1980, Surjeet Publications, New Delhi, Chapters 1 to 6 and 10 to 14
8. Social, Cultural and Economics History of India – Medieval age – by S.C. Ray Choudhary, Second Edition, 1980, Surjeet Publications, Chapters 1 to 3, 6, 7 and 13
9. Social Cultural and Economics History of India – Modern Time – by S.C. Ray Choudhary, Second Edition, 1980. Surheet Publication. Chapters 1 to 9
10. Indian National Movement and Constitutional Development – by D.C. Gupta, Fourth Revised Edition – Vikas Publishing House Pvt. Ltd. Chapters 17 to 21
11. Social Background of Indian Nationalism – By A.R. Desai, Popular Prakashan, Bombay, 1982 Edition – Chapter 18 only.

Reference Books :

- 1) Origin and Development of Legal & Political System in India Volumes I, II & III (Edited by H.S. Bhatia – Deep & DeepPublications, New Delhi.
- 2) History of Modern India – 1765 to 1950 - By S. N. Sen. Wiley Eastern Limited, New Delhi.
- 3) E.H.Carr, What is History?
- 4) Arthur Marwick, Nature of History.
- 5) RomilaThapar, Past and Prejudice.
- 6) RomilaThapar, Early India.
- 7) R.S. Sharma, Aspects of Political ideas and Institutions in Ancient India.
- 8) R.S. Sharma, Sudras in Ancient India
- 9) R.S. Sharma,Material culture and Social formation

- 10) Robert Lingat, The Classical Law of India.
 11) J.D.M. Derrett, Religion law and state in India.
 12) Satish Chandra, Medieval India Vol. I & Vol. II.

DSC 204: SOCIOLOGY – I (General Principles)

Object: This paper is intended to familiarize the students with the social, political, economic and intellectual contexts in which sociology emerged as a distinctive discipline. Its objective is to help students gain an understanding of some of the classical contributions in sociology and their continuing relevance to its contemporary concerns.

Understanding the subject is essential for a legal scholar with a view to appreciate properly the social tensions and the reason for a fact to be ordained in the Indian social system.

Methods of teaching-learning: The importance of sociology lies in its dealing with empirical studies, facts happening around in a social set up and understanding how is fact happening in that way. Law being a social science can be studied in the sociological way. This sociological way is through consistent interaction with the social institutions, socially dominant factors and social structural set up. Special lectures by eminent experts are ways of part of the studies

especially in determining the models of study. Group discussion is also a good process of teaching-learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks
 Viva Voce College Level : 10 Marks

: 30 Marks

UNIT –I - INTRODUCTION

- 1.1 Definitions, Importance of Sociology
- 1.2 Nature and Scope of Sociology
- 1.3 Origin and Development of Sociology
- 1.4 Sociology is a Science of Society (Critique)

UNIT- II - CONCEPTUAL AND THEORETICAL ORIENTATIONS IN SOCIOLOGY

- 2.1 Scientific Method and Social Research
- 2.2 Steps in Social Research, Sources of Data, Concepts and Theory
- 2.3 Social Order, Social Structure, Social Functions, Status and Role, Norms and Values
- 2.5 Social Phenomena and Social Change, Theories of Social Change

UNIT-III - RELATIONSHIP BETWEEN SOCIOLOGY AND OTHER SOCIAL SCIENCES

- 3.1 Sociology and its relation with Political Science
- 3.2 Sociology and its relation with Economics
- 3.3 Sociology and its relation with Jurisprudence (Law)
- 3.4 Sociology and its relation with Ethics and Morals

UNIT – IV - SOCIAL INSTITUTIONS

- 4.1 Marriage, Family and Kingship
- 4.2 Work and economic institutions
- 4.3 Power and Political Institutions
- 4.4 Religious and educational Institutions

UNIT – V - SOCIAL DIFFERENTIATIONS AND SOCIAL STRATIFICATION

- 5.1 Meaning, Definition and functions of Social differentiation
- 5.2 Social Stratification- Meaning, Types and Characteristics
- 5.3 Cast system and Social Stratification
- 5.4 Social control and Socialization- Meaning, Types of both (Coercion, Conflict and Changes)

UNIT- VI - THE DEVELOPMENT OF INDIAN SOCIOLOGY

- 6.1 Salient features of Indian Society
- 6.2 Concept of Unity and Diversity, Forms of Diversity in India, Bonds of Unity in India
- 6.3 Different Elements of Unity and Diversity
- 6.4 Continuity and Change in Sociological Study

UNIT –VII - LAW AND SOCIETY

- 7.1 Evolution of legal systems and the significance of the law in the society
- 7.2 Law in relation to Social order in India
- 7.3 Law as a means of Social Control, Law and social change in India
- 7.4 Law making and Society

UNIT – VIII - CONTEMPORARY SOCIAL ISSUES IN INDIA

- 8.1 Religious violence –Its impact
- 8.2 Issues related to SC,STs, BCs
- 8.3 Corrupt Practices-Its impact
- 8.4 Terrorism and its prevalence

Books prescribed

1. Fundamentals of Sociology by Pascual Gisbert – Orient Longmans – Chapters 1 to 4, 6 to 9 and 11 to 13
2. Social change India by B. Kuppaswamy – Vikas Publishing House Pvt. Ltd. Second Revised and Enlarged Edition. Chapters 1 to 4 and 12 to 20.
3. Law in changing society by W. Friedman –only introduction.
4. Text Book on Sociology for Law Students Part-I by S.R.Myneni, Allahabad Law Agency, Allahabad.
5. Sociology for Law Students by Prof.T.K.Oommen, Dr.C.N.Vnugopal, Eastern Book Company, Lucknow.
6. Sociology a Systematic Introduction by Harry M.Johnson, Allied PublishersLtd,Lucknow
7. Sociology of Indian Society by C.N.SankarRao, S.Chand& Company Ltd., Delhi.
8. Law and Social Transformation byDr.G.P.Tripathi, Central Law Publications, Allahabad.
9. Hand Book on Pre-Law First Year by Expert Eminent Authors, C.Seetharaman& Co., Madras.
10. Sociology-Indian Society, Dr.B.R.Ambedkar Open University, Hyderabad Study Material.

Reference Book:

- 1) Human Society by Kingshey Davis – The Macmillan Company, New York.
- 2) The Social Web by John A. Perry / Erna K. Perry – 4th Edition Happer and Raw Publishers, New York.
- 3) Sociology by Haward, J. Sherman & James L. Wood. Happer and Raw Publishers, New York.
- 4) Modern Sociological Theory by M. Francis – Abraham – Delhi. Oxford University PressDemocratic Policy and Social Change in Indian by Rajani Kothari – Allied Publishers

AECC 205 : LEGAL LANGUAGE

Legal Language helps in developing the communication skill. The ability to communicate clearly and effectively is an essential component of any lawyer's skill. Command over language is very vital and is an essential quality of a lawyer. The object of this course is that student should have clarity about significance of language and the implication of legal language inside and outside the court room. It helps students to read the judgments of courts analytically and understand their facts and principals.

Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT - I - LANGUAGE AND LAW

- 1.1 Concept of law in legal profession
- 1.2 Importance of language
- 1.3 Jurisprudential background of study of language and law
- 1.4 Problems in legal language

UNIT – II - LEGAL MAXIMS AND PHRASES

- 2.1 Origin of maxims and phrases
- 2.2 Meaning of maxims and phrases
- 2.3 legal Maxims
 - Actus non facit reum nisi mens sit rea
 - Actio personalis moritur cum persona
 - Audi Alteram Partem
 - Delegatus non potest delegare
 - Ex turpi causa non oritur action
 - Ignorantia facti excusat, ignorantia juris non excusat
 - Res ipsa loquitur
 - Ubi jus ibi remedium
 - volenti non fit injuria
 - Salus populi est suprema lex
- 2.4 Latin Phrases
 - De facto, De jure, Ultra vires, Caveat emptor, amicus curiae, Ratio decidendi, Null and void, Sine die statusquo, Quo warranto,

UNIT – III - BASIC ELEMENTS OF LEGAL WRITING

- 3.1 Fundamental principle of legal writing
- 3.2 General guidelines relating to legal writing
- 3.3 Book Review
- 3.4 Use of library-Books, Journals, Magazines, E-library etc.,

UNIT – IV - CASE STUDY

Books:

1. B. M. Gandhi., Legal language, legal writing and General English. Eastern Book Company.
2. Blacks' Law Dictionary, Universal Publishing ltd.
3. Brooms' Legal Maxims, Universal Publishing ltd.,
4. S. C. Tripathi, Legal Language, Legal writing and General English. Central law publications,
5. Madabhushi Sridhar, Legal language.
6. Anirudh Prasad, Outlines of Legal Languages in India, Central law publications,

SECOND YEAR OF FIVE YEAR LAW COURSE

(SEMESTER – IV)

DSC 301: POLITICAL SCIENCE – IV (POLITICAL THEORY AND POLITICAL ORGANIZATION) (Paper – I)

Object of the Study: The study of Political science is fundamental to legal education. This paper covers the philosophical and organizational base of political science. The study of western and Indian political thought is the base of understanding the origin and development of Law and legal process. The study of organisation of different governments will help the student develop clarity and understanding of political systems and their functioning

Evaluation methods: Theory Examination: 70 marks
Internal Examination: 30 marks

Internal Assessment: Assignment/Project Work/Presentation : 20 marks
Viva Voce (College level) : 10 marks

30 marks

SYLLABUS:

UNIT I: CONCEPTION OF STATE AND GOVERNMENT

- 1.1 Definitions and Elements of State
- 1.2 Difference between
 - a) State and Government
 - b) State and Association
 - c) State and Society

UNIT II: THEORIES OF ORIGIN OF STATE

- 2.1 Divine Origin Theory
- 2.2 Social Contract Theory (Hobbes, Locke and Rousseau)
- 2.3 Evolutionary Theory
- 2.4 Force Theory

UNIT III : STATE AND SOVEREIGNTY

- 3.1 Meaning, attributes and kinds
- 3.2 Austin's Theory of Sovereignty
- 3.3 Pluralistic Theory of Sovereignty

UNIT IV: MAIN CURRENTS OF WESTERN POLITICAL THOUGHT

- 4.1 Ancient Political Thought
 - a) Plato – Ideal State
 - b) Aristotle – Ideal State and Revolution
- 4.2 Medieval Political Thought
 - a) Machiavelli – The Prince
- 4.3 Modern Political Thought
 - a) Marxism – Dialectical Materialism, Socialism and Communism
 - b) Liberalism and Neo-liberalism

UNIT V : MAIN CURRENTS OF INDIAN POLITICAL THOUGHT

- 5.1 Ancient Political Thought
 - a) Vedic and Kautilya's concept of State
- 5.2 Medieval Political Thought
 - a) Islamic Concept of State
- 5.3 Modern Political Thought
 - a) Gandhism – Truth, Non-violence, Satyagraha Sarvodaya and State
 - b) Marxist thought in India – M. N. Roy, Ram Manohar Lohia and Jawaharlal Nehru

UNIT VI: THE TOTALITARIAN STATE

- 6.1 Fascism
- 6.2 Nazism
- 6.3 Military rule and One Party Democracies

UNIT VII : FORMS OF GOVERNMENT – FEATURES, MERIT AND DEMERITS OF:

- 7.1 Unitary Government
- 7.2 Federal Government
- 7.3 Presidential Government
- 7.4 Parliamentary Government

UNIT VIII : ORGANS OF GOVERNMENT

- 8.1 Meaning, powers and functions of
 - a) Legislature
 - b) Executive
 - c) Judiciary
- 8.2 Separation of Powers
- 8.3 Independence of Judiciary

BOOKS:

- 1) Political Theory: V. D. Mahajan, S. Chand Publishing
- 2) Political Theory and Organisations: S. A. H. Haqqi and L. S. Rathod, Eastern Book Company
- 3) Political Theory: Dr. Eddy Asirvatham and K. K. Mishra, S. Chand Publishing
- 4) Principles of Modern Political Science: J. C. Johari, Sterling Publishers Pvt. Ltd.
- 5) Western Political Thought: S. K. Sharma and Urmila Sharma, Atlantic Publishers and Distributors Pvt. Ltd.
- 6) A History of Political Thought: Subrata Mukherjee and Sushila Ramaswamy, PHI Learning Pvt. Ltd.

DSC 302 : SOCIOLOGY – II (Paper II)

Objectives:

Sociology is an academic and applied discipline that studies society and human social interaction. As a discipline sociology incorporates a cluster of sub disciplines that examine different dimensions of society. It is presumed that the student has some familiarity with Indian society by virtue of the fact that he is a member of it and that he has observed and experienced some facets of it. However, this familiarity is likely to be superficial, selective and rather fragmentary. The course is aimed at rectifying these limitations by presenting a comprehensive, integrated and empirically-based profile of Indian society. Though this continuity is reflected in the structure of the course, the focus is on the contemporary Indian society. It is hoped that the sociological perspective on Indian society presented in this course will also enable students to gain a better understanding of their own situation and region. This course is designed to acquaint a student with the conceptual and operational parameters of these various social and legal dimensions.

Methods of Teaching Learning:

Lecture, case study method, project method, seminar method, field visits etc. shall be the main method of learning to be followed. Special lectures by eminent teachers and group dissections are good process of teaching learning.

Evaluation methods: Theory Examination: 70 marks
Internal Examination: 30 marks

Internal Assessment: Assignment/Project Work/Presentation : 20 marks
Viva Voce (College level) : 10 marks

30 marks

SYLLABUS:

UNIT – I - INDIAN SOCIETY COMPOSITION

- 1.1 Indian Society- Nature and Characteristics
- 1.2 Meaning ,Types and characteristics of Indian Society –Tribal ,Rural ,Urban
- 1.3 Diversity – Geographical, Linguistic, Cultural and Religious

UNIT – II - SOCIAL MOVEMENTS

- 2.1 Meaning, Causes and Types of Social Movements
- 2.2 Peasant movements
- 2.3 Dalit movements
- 2.4 Student movements
- 2.5 Women movements
- 2.6 Environmental movements

UNIT – III - NEW TRENDS OF CHANGE IN INDIAN SOCIETY AND ITS IMPACT

- 3.1 Meaning and Nature of Social Change
- 3.2 Factors of Social Change
- 3.3 Urbanisation and Social change
- 3.4 Westernisation and Social Change
- 3.5 Sanskritisation and Social Change

UNIT – IV - INDIAN SOCIAL PROBLEMS

- 4.1 Concept and Characteristics of Social Problems.
- 4.2 Causes and Types of Social Problems.
- 4.3 Reactions /Solutions to Social Problems.

UNIT – V - GENDER BASED PROBLEMS

- 5.1 Meaning and Nature of Gender based Problems
- 5.2 Forms/Types of Violence against Women - Dowry, Rape and Female Foeticide
- 5.3 Measures to Control Violence against Women.

UNIT – VI - KEY SOCIAL ISSUES AND MEASURES TO CONTROL

- 6.1 Juvenile Delinquency
- 6.2 Youth Unrest
- 6.3 Drug Abuse and Drug Addiction
- 6.4 Cyber Crime

UNIT – VII - MODERN SOCIAL LEGISLATIONS - I

- 7.1 Concept, Nature, Scope and Objectives of Social Legislations
- 7.2 Protective Laws –Sexual Harassment and Law
- 7.3 Law relating protection of women from domestic violence

UNIT – VIII - MODERN SOCIAL LEGISLATIONS-II

- 8.1 Protective Laws- Maintenance and Welfare of Senior Citizens
- 8.2 Protective Laws- Prevention of Atrocities against SC and ST
- 8.3 The Right of Children to Free and Compulsory Education (RTE) Act, 2009.

Reference Books:

- Navendu K. Thakur – An Introduction to sociology Central Law Publications, Allahabad.
- Ram Ahuja – Social problems in India, Rawat Publications, New Delhi.
- Dr. L. M. Singhvi (General Editor) Law and poverty cases and materials.
- N. M. Tripathi Private Ltd., Mumbai.
- Aron.Raaymond.19567 (1982 reprint). Main currents in sociological thought (2 Volumes). Harmondsworth. Middlesex: Penguin Books.
- Barnes,H.E.1959. Introduction to the history of sociology, Chicago: The University of Chicago Press.
- Coser, Lewis A 1979. Masters of sociological thought. New York: Harcourt Brace Contemporary
- Manikyam,Sita K. 2009. Cyber Crimes: Law and Policy Perspectives, Hind Law House, Pune.
 - Shankar Rao, C.N. 2007, Sociology: Principles of Sociology with an Introduction to social Thought, S. Chand & Company LTD. New Delhi.
 - Myneni ,S.R. Sociology , 2015. Allahabad Law Agency, Faridabad.
 - Vidya Bhushan and D. R. Sachdeva. Sociology. 2013, KitabMahal, Allahabad.

DSC 303 : ECONOMICS – II (PAPER – III)

Objective :- The Knowledge of Indian Economy is now important in everybody in legal profession. The Syllabus is prescribed to acquaint the students with emerging issues in the economy at the National & International level.

Teaching Learning Methods : Lecture method & group discussion methods:

Evaluation methods: Theory Examination: 70 marks
Internal Examination: 30 marks

Internal Assessment: Assignment/Project Work/Presentation : 20 marks
Viva Voce (College level) : 10 marks

30 marks

SYLLABUS :**UNIT – I - INTRODUCTION**

- 1.1 Basic Characteristics of Indian Economy
- 1.2 National Income in India : Trends and Limitations of National Income Estimation
- 1.3 Human Development of India : Concept , Measurement & Progress

UNIT – II - PROBLEMS OF INDIAN ECONOMY

- 2.1 Poverty in India : Concept, Nature, Causes & Measures
- 2.2 Issues of Employment, Skill Development, make in India Programmers, Issues of SEZ
- 2.3 Population in India : Characteristics, causes, Measures to control population growth.
- 2.4 Inflation : Meaning, Causes, Remedies

UNIT – III - INDUSTRIAL DEVELOPMENT

- 3.1 Large Scale Industries: Progress and problems of Cotton & Textile and Sugar Industry
- 3.2 Small Scale Industries in India: Role of Small Scale Industries, Problems & Remedies
- 3.3 Industrial Policy 1991
- 3.4 Issues of Industrial Labour & Legislation.

UNIT – IV - AGRICULTURAL DEVELOPMENT

- 4.1 Role of Agriculture in Indian Economy
- 4.2 Patterns of Land holding in India
- 4.3 Green Revolution in India & its impact on Agriculture.
- 4.4 Agriculture labours : Problems & Suggestions.

UNIT – V - ECONOMIC PLANNING

- 5.1 Objectives of Economic Planning
- 5.2 Twelfth & Thirteenth Five year Plans: Objectives, Strategy & Evaluation
- 5.3 Mixed Economy and Economic Planning

UNIT – VI - INDIAN PUBLIC FINANCE

- 6.1 Financial Relation of Centre & State Government under Constitution.
- 6.2 Thirteenth and Fourteenth Finance Commission
- 6.3 Revenue and expenditure of Central & State Governments.

UNIT - VII - INDIAN FINANCIAL SYSTEM

- 7.1 Financial Markets : Money & Capital Markets in India.
- 7.2 Black Money & Corruption: Causes and measures

UNIT - VIII - INTERNATIONAL ECONOMIC ENVIRONMENT

- 8.1 Foreign Capital : Meaning, Need and Policy of Govt. Of India
- 8.2 Multi National Corporation (MNCs) : Definition, merits and Demerits.

Recommended Reading :

- 1) R. Dutt and K.P.M Sundaram, “Indian Economy”, S. Chand & Company Ltd, Delhi.
- 2) Mishra & Puri, “Indian Economy”, Himalaya Publishing, Mumbai.
- 3) Agrawal, A.N., “Indian Economics”, Vikas Publication, Delhi.
- 4) H.L.Bhatiya, “Public Finance” Vikas Publication, Delhi.
- 5) Suraj B. Gupta, “Monetary Economics”, S.Chand & Comp. Ltd, Delhi.
- 6) Dr. S.R.Myneni, “ Principles of Economics”, Allahabad Law Agency.
- 7) Dr. S.R.Myneni, “ Indian Economy”, Allahabad Law Agency.

**DSC -304 - HISTORY – II (Legal History)
(PAPER – IV)**

Objectives: The Legal System has been developed passing through different stages. For the proper understanding the development of legal system of the country, it is necessary to study the History of court system in India, legislature and legal system.

Legal system in India is originated and developed mainly during British Rule. By studying this paper the student will come to know Establishment and organization of the East India Company, Administration of Justice before British Rule, during British Rule and after British Rule i.e. after Independence. The students will study Establishment and organization of various courts.

Teaching and learning: Generally the Lecture method, Seminar Method, Discussion Method, Case Law Method, and court visits shall be the main methods of learning.

Evaluation methods: Theory Examination: 70 marks
Internal Examination: 30 marks

Internal Assessment: Assignment/Project Work/Presentation : 20 marks
Viva Voce (College level) : 10 marks

30 marks

SYLLABUS:

UNIT – I - HISTORY OF COURTS AND LEGISLATURE (1600-1781)

- 1.1 Administration of justice in the Presidency Towns- and Development of courts and Judicial Institution under East India Company.
- 1.2 Mayor's Courts, The Charter of 1726 & 1753.
- 1.3 Judicial Reforms of Warren Hastings Judicial Plan of 1772, 1774, 1780, 1781.

**UNIT –II-HISTORY OF COURTS AND LEGISLATURE – SUPREME COURT OF CALCUTTA
(1773 - 1832):**

- 2.1 Regulating Act 1773.
- 2.2 Charter of 1774.
- 2.3 Supreme Court at Bombay and Madras 1823.

UNIT – III - JUDICIAL REFORMS OF LORD CORNWALLIS

- 3.1 Judicial Plan of 1787.
- 3.2 Judicial Plan of 1790.
- 3.3 Judicial Plan of 1793.

UNIT – IV - PROCESS OF CODIFICATION AND CONSTITUTIONAL CHANGES (1833-56):

- 4.1 The Charter Act of 1833.
- 4.2 Establishment Legislature of an All India Charter in 1834.
- 4.3 Establishment of Law Commissions & Law Reforms.

UNIT –V - PRIVY COUNCIL

- 5.1 Basis of Privy Council jurisdiction
- 5.2 Appeals to Privy Council
- 5.3 Reorganization of Privy Council
- 5.4 Demise of Appeals to Privy Council

UNIT – VI - HISTORY OF COURTS (1857-1915):

- 6.1 The First War of Indian Independence 1857.
- 6.2 Establishment & Development of Indian High-Courts (Act of 1861, 1911, 1915)

UNIT – VII - LEGISLATURES IN INDIA (1892-1947):

- 7.1 Indian Council Act 1892
- 7.2 Indian Council Act 1909
- 7.3 The Government of India Act – 1919.
- 7.4 The Government of India Act – 1935.
- 7.5 Cripps Mission – 1942.
- 7.6 Cabinet Mission – 1946.
- 7.7 Indian Independence Act – 1947.

UNIT – VIII - GROWTH OF LEGAL PROFESSION IN INDIA

- 8.1 Legal Profession in Pre-British India (During Hindu & Muslim Period)
- 8.2 Legal Profession in British India (Legal Practitioners Act 1879 Indian Bar Committee 1923, The Indian Bar Council Act, 1926)
- 8.3 Legal Profession in India after Independence

Recommended Source of Material:

1. Herbert Cowell. The History and Constitution of the Courts and Legislative Authorities in India – 6th Ed, Rev. S. C. Bagchi, Calcutta, Macker, Spink, 1936.
2. Sir, Coutenayllbert, the Government of India, 2nd Ed. London OUP 1907.
3. M. D. Indian Legal History, Dhanwantra Mechanical and Law Book House, Delhi.
4. A. B. Keith – A Constitutional History of India, 1600-1935 2nd Ed Allahabad, Central Book Depot. 1961.
5. G. and Appadorai – Speeches and Ecuments on the Indian Constitution. 1945
6. M.P. Jain – Outlines of Indian Legal History - 5th ed. 2004 Pub.-Wadhwa and Company
7. Arvind S. Avhad- The Indian Legal History- ed-2008 – Hind Law Publications
8. J.K. Mittal- Indian Legal & Constitutional History- 1st ed-2003, pub-Allahabad Agency

AECC 305 : ICT and LEGAL EDUCATION

Aims : This course have been designed with the following aims:

1. Student will achieve competency in acquiring knowledge of basic concepts of ICT,
2. Inculcation of interdisciplinary subjects like ICT will make students techno savvy for law profession,
3. The students will learn and develop skills of ICT helpful in legal profession.

Objectives: This course has been designed with the following objectives:

1. To learn different skills for application of ICT skills like online data base for law profession.
2. To learn information technology and legal education.
3. This course will make students aware about ethical norms and scientific temperament while using internet.
4. Learn ICT application for e-justice delivery system.
5. Learn to apply e-governance and e- court process in personal and professional life.

Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT – I - INTRODUCTION TO INFORMATION TECHNOLOGY

- 1.1 Information Technology and Legal Education: Concept, meaning and Importance
- 1.2 ICT Application In Teaching-Learning Purpose In Legal Education
- 1.3 Merits of ICT Application In Legal Education
- 1.4 Approaches to Develop Better Communication Skills, Service Orientation, Verbal Non-Verbal Communication, Barriers In Communication and Relationship Building

UNIT – II - FUNDAMENTALS OF COMPUTER

- 2.1 Computers and its Impact in Society
- 2.2 Introduction to Ms Office, Word, Power-Point, Excel
- 2.3 Basic Concepts of IT, Data Processing: Data and Information
- 2.4 Computer Networks, World Wide Web, Electronic Mail

UNIT – III - ONLINE DATA BASE & LEGAL EDUCATION

- 3.1 Understanding Legal Data Bases, Use of Online Legal Databases and Its Significance in Legal Education
- 3.2 Useful Legal Web-Portals, Websites For Lawyers
- 3.3 Data Basics, E-Library and Open Access Journals
- 3.4 Tools for Legal Research and Use of Search Engine

UNIT – IV - ICT AND COURT ADMINISTRATION

- 4.1 Application of ICT in Court Administration
- 4.2 E-Litigation & E-Governance In Court Procedure, E-Courts: Needs of The Present Era
- 4.3 ICT Application In Justice Delivery System
- 4.4 National Policy For Implementation of ICT In Judiciary

SUGGESTED READINGS:

Raja Raman V: Fundamental of Computers (4th Edition.), Prentice, Hall of India, New Delhi
B. Ram: Computer Fundamentals, New Age International Pvt. Ltd
Norton, Peter: Introduction to Computers, Mc-Graw-Hill
S. Jaiswal: Fundamental of Computer & IT, Wiley Dreamtech India
Dr. S.R. Myneni: Legal Research Methodology, Allahabad Law Agency,2012
C.R. Kothari: Research Methodology, New Age International Publishers,2004
Prof. Dr. Rattan Singh: Legal Research Methodology, Lexis Nexis, 2013

(SEMESTER – IV)**DSC 401: POLITICAL SCIENCE – V (Paper - I)
(Foundations of Political Obligation)**

Objective of Study :- Political obligation is distinctly a problem in modern democratic theory. Individual consent has taken central stage in providing legitimacy to the political authority of the sovereign modern democratic theory is therefore related to understanding of individual liberty, equality and the capacity to give informed consent to the political process.

Teaching Learning Methods : Lecture method & group discussion methods:

Evaluation methods: Theory Examination: 70 marks
Internal Examination: 30 marks

Internal Assessment: Assignment/Project Work/Presentation : 20 marks
Viva Voce (College level) : 10 marks

30 marks

SYLLABUS**UNIT – I - INTRODUCTION TO POLITICAL OBLIGATION:**

- 1.1 Meaning and nature
- 1.2 Grounds of Political obligation
- 1.3 Individual Political Obligation towards State
- 1.4 Limitations of Political obligation

UNIT – II - THEORIES OF POLITICAL OBLIGATION

- 2.1 Divine
- 2.2 Consent
- 2.3 Prescriptive
- 2.4 Idealistic
- 2.5 Marxist

UNIT – III - POWER AND AUTHORITY

- 3.1 Meaning, Definition, features of- Power and authority
- 3.2 Kinds of Power and authority
- 3.3 Theories of political Power
 - Power Theory
 - Sociological
 - Marxist
 - Elite
- 3.4 Relationship between Power and Authority

UNIT – IV - LEGITIMACY OF POWER:

- 4.1 Meaning, Definition, features of Legitimacy
- 4.2 Theories of Political Legitimacy Idealist, Prescriptive, Marxist, Liberal
- 4.3 Political legitimacy and Effectiveness

UNIT – V- UTILITARIANISM

- 5.1 Meaning, Definition, features of- Utilitarianism
- 5.2 Utilitarianism : Jeremy Bentham
- 5.3 Utilitarianism : J. S. Mill
- 5.4 Utilitarianism as an approach to political obligation

UNIT – VI - CIVIL DISOBEDIENCE AND POLITICAL OBLIGATION:

- 6.1 Henry David Thoreau
- 6.2 Mahatma Gandhi on Civil Disobedience, Neo-Gandhian movements- Sarvodaya, Bhoodan, Sampattidan and Gramdan
- 6.3 Martin Luther King and Nelson Mandela

UNIT – VII - THE PROBLEM OF OBEDIENCE TO UNJUST LAWS:

- 7.1 Just Laws and unjust laws
- 7.2 Opinion of political thinkers -Plato, Bentham, Bodin and Kant Grotius
- 7.3 Methods of Disobedience
- 7.4 Safeguards against unjust laws

UNIT - VIII - FOUNDATION OF PROMISSORY AND CONTRACTUAL LIABILITY

- 8.1 Meaning, Definition, Essentials of- Promise
- 8.2 Promissory Liability
- 8.3 Meaning, Definition, Essentials and types of- Contract
- 8.4 Contractual Liability

Recommended Reading :

- 1) J C Johari, “Contemporary Political Theory”, Sterling Publishers(P) Ltd, Greater, Novida.
- 2) Dr. S. R. Myneni, “Foundations of Political Obligation”, New Era Law Publications, Faridabad.
- 3) Dr. Alok K. Gupta, “Political Science –II (Political Obligation)”, Central Law Publications, Allahabad.
- 4) O P Sinha - “Political Obligation” Central Law Publications, Allahabad

DSC 402 : POLITICAL SCIENCE – VI (Paper – II)
(International Relations & International Organizations)

Object :

The study of the subject Political science by the students of law is a base for their legal education. It is necessary to study the relations between the independent and sovereign state of the world. This has to be accompanied by the study of International and regional organization as well, as they are part of the collective efforts taken by the nations regarding international issues.

Evaluation methods: Theory Examination: 70 marks
 Internal Examination: 30 marks

Internal Assessment: Assignment/Project Work/Presentation : 20 marks
 Viva Voce (College level) : 10 marks

30 marks

SYLLABUS:**UNIT – I - INTRODUCTION TO INTERNATIONAL RELATIONS**

- 1.1 Meaning, definition and importance of international relation
- 1.2 Nature and scope of international relations
- 1.3 Approaches to study of International relations

UNIT – II - COMPONENTS OF NATIONAL POWER

- 2.1 Tangible components – Geography, Population, Natural Resources, Technology and Military Force
- 2.2 Intangible components – Ideology, Leadership, National morale and National character

UNIT – III - LIMITATIONS OF NATIONAL POWER

- 3.1 International Law
- 3.2 International Morality
- 3.3 World Public Opinion

UNIT – IV - WAR

- 4.1 Meaning, Definition and nature
- 4.2 Traditional causes: Religious, geographical, economic, boundary and cultural
- 4.3 Modern causes: International trade, balance of payment and Protectionism
- 4.4 Consequences of war

UNIT – V - PEACEFUL SETTLEMENTS OF DISPUTES

- 5.1 Balance of Power
- 5.2 Collective Security
- 5.3 Pacific Settlement of Disputes
- 5.4 Diplomacy
- 5.5 Disarmament

UNIT – VI - UNITED NATIONS AND ITS AGENCIES

- 6.1 Establishment and Objectives
- 6.2 Organs of United Nations, their powers and functions
- 6.3 Specialized agencies: UNESCO, WHO, ILO, IMF, IBRD, FAO & UNICEF

UNIT – VII - REGIONAL ORGANISATIONS

- 7.1 Meaning and importance of regional organisations
- 7.2 NATO, SAARC & OPEC
- 7.3 Threats of regional organisations

UNIT – VIII - WORLD COMMUNITY AND WORLD GOVERNMENT

- 8.1 Possibilities of World Community
- 8.2 Obstacles to World Community
- 8.3 Possibilities of World Government
- 8.4 Obstacles to World Government

BOOKS:

1. International relations: Palmer and Perkins, CBS Publications
2. International Relations: Peu Ghosh, Prentice Hall India Learning Private Limited
3. International Relations: Shrivastva and Joshi, Krishna Prakashan Media
4. International relations and Organisation: Dr. S. R. Myneni, New Era Law Publications

DSC 403 : ENGLISH – II (Paper – III)**Objectives :**

The proficiency in English is essential for the Law Graduates to understand and argue the cases in the courts. After studying this paper the students will come to know the vocabulary, comprehensive skill, composition skill, reading and writing skills.

Teaching Learning Method : The effective method of teaching learning and developing language is to read more English Literature. The Literature relates to legal matters is essential to learn, lecture series, listen, speak, handwriting methods of shall be apart from group discussion.

Evaluation methods: Theory Examination: 70 marks
Internal Examination: 30 marks

Internal Assessment: Assignment/Project Work/Presentation : 20 marks
Viva Voce (College level) : 10 marks

30 marks

SYLLABUS**UNIT – I – VOCABULORY Part - I**

- 1.1 Introduction to vocabulary building
- 1.2 Foreign words and phrases (important Latin and English affixes)
- 1.3 Certain set of expression and phrases

UNIT – II – VOCABULORY Part - II

- 2.1 One word substitution
- 2.2 Words often confused
- 2.3 Verities of sentences, structure and verbs
- 2.4 Confused words triplets

UNIT –III – COMPREHENSION SKILLS

- 3.1 Concern logical fallacies
- 3.2 Comprehension of legal text
- 3.3 Importance of Legal Language

UNIT – IV – COMPOSITION SKILLS

- 4.1 Precise writing, Summarizing and Briefing
- 4.2 Brief writing and Drafting Reports
- 4.3 Rapid reading and debating exercise

UNIT – V – ESSAY WRITING ON TOPICS OF LEGAL ASPECTS / CURRENT ISSUES

- 5.1 Constitution – Justice, Fundamental Rights and Duties
- 5.2 Lok Nayalaya and Naya Panchayat
- 5.3 Social Justice
- 5.4 Bar and Bench Relation
- 5.5 Capital punishment
- 5.6 Rule of Law and Separation of powers, comment on judicial decisions

UNIT –VI – SPEECH WRITING

- 6.1 Contents of speech
- 6.2 Reading allowed (knowledge of proper pauses)
- 6.3 Key sounds their discrimination and account
- 6.4 Consulting a pronouncing dictionary
- 6.5 Transcription
- 6.6 Weak forms and contraction

UNIT – VII – LAW AND LANGUAGE

- 7.1 Law related literature
- 7.2 Use of cohesive devices (legal drafting) (case writing)

UNIT – VIII – LEGAL MAXIMS AND LEGAL TERMS**8.1 – Legal Maxims**

- (a) Falus in uno Falsus in omnibus
- (b) Donatio mortis causa
- (c) Vigilantibus non Dormientibus, jura Subvenicent
- (d) Nemo Dat quad non Habet
- (e) Nemo Debet Bis Vexari Pro Una Et Edam Causa
- (f) Volunti non fit injuria
- (g) Ubberime Fide
- (h) Qui facit per alium facit per se
- (i) Actori Incumbit Onus Probandi
- (j) Caveat Emptor

8.2 - Legal Terms

Ipsa Facto, ab initio , abandonment, abscond, accessory, accord and satisfaction, addendum, bail bondsman, bid, burglary, de novo, delinquent, deportation, emancipation, eminent domain, encumbrance, escalator clause, estoppels, garnishment, guardian ad litem, illusory promise, impleader, in personam, inchoate, mail box rule, malfeasance, mayhem, mesne profits, parental neglect, seduction, sentence, sequester, severable contract, waiver, wind up, quantum meruit, question of fact.

AECC 404 : USE OF LAW REPORTS AND LAW JOURNALS**Objectives :**

The objective of this course is to provide a law student with basic information about various law reports and law journals. Law reports are series of books that contain judicial opinions from a selection of case law decided by courts. When a particular judicial opinion is referenced, the law report series in which the opinion is printed will determine the case citation format. The Supreme Court Reports (SCR) is the official reporter for Supreme Court decisions, in addition some private reporters are also authorised to publish court decisions. Law journals generally express views on topical legal issues, generating cross current of ideas on emerging matters. In addition to the Law Reporters and Journals there are many law magazines which updates the knowledge and covers the Current socio – legal issues. Magazine provides Latest Legal news, Supreme Court news, commentary and brief analysis of court cases. This also helps the law fraternity. The course aims to equip the law student for effective and maximum use of ICT in teaching-learning processes.

Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT – I - LAW REPORTING

- 1.1 Principles of Law Reporting - The Doctrine of Precedent
- 1.2 Law Reports of Supreme Court
- 1.3 Law Reports of High Courts
- 1.4 Other Law Reports
- 1.5 Official and Private Reporting, SCR, ISCLR, AIR, SCC
- 1.6 Copyright in Law Reports/Law Journals
- 1.7 1.8 Computer aided search of case law reported in law reports

UNIT – II - USE OF LAW JOURNALS

- 2.1 Indian Law Journals
- 2.2 Foreign Law Journals

UNIT – III - USE OF LAW MAGAZINES

- 3.1 Legal News and Views
- 3.2 Practical Lawyer
- 3.3 Law teller
- 3.4 LawZ
- 3.5 Down to Earth
- 3.6 Nayadeep
- 3.7 Women's Link

UNIT – IV - USE OF INTERNET

- 4.1 Use of Internet and Legal Education
- 4.2 Law related websites : basic knowledge, Selection of appropriate websites
- 4.4 Various law related websites –LiveLaw.in, Path Legal, Lawtopus, IndianKanoon, Manupatra, LexisNexis, Google Scholar, legallyindia
- 4.4 Finding law – domestic and international
- 4.5 Finding case law – domestic and international
- 4.6 Legal Software : General Information and Use

Suggested Readings –

Nandan Kamath : Law relating to Computers and Internet, Universal

Allan M Garten : Internet : Law and Legal Profession

Kant D. Stuckey : Internet and Online Law - Michael D. Rostoker : Computer Jurisprudence and Legal Responses to the Information, Revolution

Rega Surya Rao : Use of Internet, Internet for Law Students and Legal Profession, Asia.

Baxi Upendra : "Legal Education in 21st Century" - : "Towards Socially Relevant Legal Education" A Consolidated Report of the UGC Workshop on Modernization of Legal Education.

B.M. Gandhi : V.D. Kulshrestha's Landmarks in Legal and Constitutional History, See Chapter-21, Eastern.

N.R. Madhawa Menon : Reflection on Legal and Judicial Education, Universal.

- Law Reports / Law Journals Refer Volumes of ----

- AIR

- All India Reporter

- SCC

- Supreme Court Cases

- ILR – Indian Law Reporter etc.

- Indian Bar Review – published by the Bar Council of India
- Journal of Indian Law Institute – published by ILI, New Delhi
- Journal of Indian Society of International Law – published by ISIL, New Delhi
- Journal of the Constitution and Parliamentary Studies – published by Institute of Constitutional and Parliamentary Studies, New Delhi
- Law Journals – published by Indian Universities
- Foreign Journals – published by foreign universities namely Harvard, Oxford, Cambridge etc.
- Journal published by SAGE

Draft Syllabus



Estd. 1962
"A" Accredited by
NAAC (2021)
With CGPA 3.52

SHIVAJI UNIVERSITY, KOLHAPUR - 416 004,
MAHARASHTRA

PHONE : EPABX - 2609000, www.unishivaji.ac.in, bos@unishivaji.ac.in

शिवाजी विद्यापीठ, कोल्हापूर - ४१६ ००४, महाराष्ट्र

दूरध्वनी - ईपीएबीएक्स - २६०९०००, अभ्यासमंडळे विभाग - ०२३१-२६०९०९४



Ref. No./SU/BOS/Law/562

Date : 26/07/2023

To,

The Principal,
All Affiliated Law Colleges,
Shivaji University, Kolhapur

Subject : Regarding syllabi of Fifth Year of Five Years Law Course
Under The faculty of Humanites.

Sir/Madam,

With reference to the subject mentioned above I am directed to inform you that the University authorities have accepted and granted approval to the revised syllabi of Fifth Year of Five Years Law Course under the Faculty of Humanities.

This syllabi shall be implemented from the academic year 2023-24 onwards . A soft copy containing the syllabus is attached herewith and it is also available on university website www.unishivaji.ac.in (Online Syllabus).

You are therefore, requested to bring this to the notice of all students and teachers concerned.

Thanking you,

Yours faithfully


(Dr. S. M. Kubal)

Dy. Registrar

Encl : As above

Copy to,

1. Dean, Faculty of Humanities.
2. Chairman, Ad-hoc Board.

} For Informaton.

3. Director, Board of Examinations & Evaluation
4. Appointment A & B Section
5. O. E. 1 Exam. Section.
6. P. G. Admission Section.
7. Affiliation T 1 & T 2 Section
8. Computer Center/I. T. Cell.
9. Eligibility Section.
10. P. G. Seminar Section.

} For Information and necessary action.

Shivaji University, Kolhapur



Estd. 1962

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Faculty of Humanities

(LL. B. – Five Years) Degree Programme

Choice Based Credit System (CBCS)

Syllabus Part – V (Semester IX and X)

(To be implemented from June 2023 onwards)

FIFTH YEAR OF FIVE YEARS LAW COURSE
SEMESTER – IX
DSC – 901 CIVIL PROCEDURE CODE AND
LIMITATION ACT

(Paper - I)

Object of the Course:

Civil Procedure Code is subject of daily use by the courts and lawyers. True that it is through experience one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before a law student enters the profession. While the substantive law determines the rights of persons affected by action, judicial decisions will supply the omissions in the law. The Code of Civil Procedure in India has a conquered history and lays down the detailed procedure for redressal of civil rights. Many questions may pop up when one goes to vindicate one's civil rights. The court where the suit is to be filed, the essential forms and procedure for institution of suit, the document in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suit, the complexities of executing a decree and provision for appeal and revision are all matters which a lawyer for any side is to be familiar with. A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter within time, this may place court in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence, the statute of limitation fixes a period within which a case has to be filed.

Teaching Learning Methods:

The teaching methodology suggested for this paper is clinical/ practical approach to make the students aware of all procedural technicalities along with theoretical knowledge through Lecture method, group discussion and interactive sessions of learning is the best method of teaching and learning of this subject.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

Unit- I: Introduction

1.1 The basic concepts in civil procedure code

1.2 Distinction between decree and judgment and between decree and order

- 1.3 Jurisdiction of Court
- 1.4 Suit of civil nature-scope and limits
- 1.4 Res-subjudice and Resjudicata
- 1.6 Place of suing

Unit- II: Institution of Suit

- 2.1 Meaning and essentials of suit
- 2.2 Institution of suit
- 2.3 Parties to the suit, Joinder, mis- joinder or non-Joinder of parties
- 2.4 Representative suit.
- 2.5 Frame of suit: Importance of cause of action
- 2.6 Summons and modes of service of summons

Unit- III: Pleadings

- 3.1 Fundamental rules of pleading, signing and verification.
- 3.2 Plaint: rules and particulars,
- 3.3 Admission of plaint and return and rejection of plaint
- 3.4 Written statement: particulars, rules of evidence
- 3.5 Set off and counter claim distinction and Amendment of pleadings
- 3.6 Settlement of Issues and Discovery, inspection and production of documents
- 3.7 Interrogatories
- 3.8 Privileged documents
- 3.9 Affidavits

Unit- IV: Appearance, Examination and Trial

- 4.1 Appearance and Ex-parte procedure
- 4.2 Summary Suits
- 4.3 Summary and attendance of witnesses
- 4.4 Trial
- 4.5 Adjournments
- 4.6 Interest and costs.

Unit – V Interim orders and Miscellaneous:

- 5.1 Injunction
- 5.2 appointment of receiver
- 5.3 commissions
- 5.4 Arrest or attachment before judgment,
- 5.5 Transfer of cases
- 5.6 Caveat
- 5.7 Inherent powers of Courts
- 5.8 Judgment : Meaning and essentials

Unit- VI: Execution.

- 6.1 The concept.
- 6.2 General principles (Ss.52.54).
- 6.3 Power for execution of decrees.

- 6.4 Procedure for execution (Ss.55.54)
- 6.5 Enforcement, arrest and detection (Ss.55.59).
- 6.6 Attachment (Ss.60-64).
- 6.7 Sale (Ss.65-97).
- 6.8 Delivery of property.
- 6.9 Stay of execution.

Unit- VII: Suits, Appeals, Review, Reference and Revision

- 7.1 By or against government (Ss.79-82)
- 7.2 By aliens and by or against foreign rulers or ambassadors (Ss. 83-87 A)
- 7.3 Settlement of disputes outside the court (S.89)
- 7.4 Suits by or against firm
- 7.5 Interpleader suits
- 7.6 Suits relating to public charities.
- 7.7 Appeals, Review, Reference and Revision
- 7.8 Appeals from original decree, appellate decree, Order

Unit- VIII: The Law of Limitation

- 8.1 Condonation of delay
- 8.2 Bar of Limitation
- 8.3 Expiry of prescribed period when court is closed
- 8.4 Extension of prescribed period in certain cases
- 8.5 Legal disability and Continuous running of time
- 8.6 Computation of period of limitation
- 8.7 Acquisition of ownership by possession

Books Recommended:

1. Mulla - The Code of Civil Procedure - Tripathi
2. Takwani C. K. - The Code of Civil Procedure, eastern book Company, Lucknow
3. Civil Manual - Issued by the High Court Bombay
4. Ganguly A. C. - Civil Court Practice and Procedure
5. Mitra B. R. - Limitation Act
6. Taxman's - The Code of Civil Procedure 1908
7. SanjiwaRao - Civil Procedure Code.
8. Justice C. K. Takkar (Takwani) - Code of Civil Procedure.
9. Dr. S.R. Myneni-Code of Civil Procedure and Limitation.
10. B. B. Mitra: Limitation Act, Eastern law House, Allahabad.

**DSC – 902 LAW OF EVIDENCE
(Paper - II)**

Objectives of the Course:

The Law of Evidence is the very basis of the administration of justice. It is the basis of Rule of Law in all democratic states. It is an indispensable part of both substantive and procedural law. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the forum.

This paper enables the student to appreciate the concepts and principles understanding the law of Evidence and identify the recognized form of Evidence and its sources. The subject seeks to impart the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth.

The art of examination and cross examination and the shaping nature of burden of proof are crucial topics. In the beginning of the present century several amendments have been made to meet new social conditions. As a result of recommendations by the U.N. General Assembly in 1997, The Information Technology Act, 2000 was passed. It has made extensive changes in the act to provide legal recognition to transaction carried out by means of electronic data exchange and other means of electronic communications. The concepts brought in by amendments to the Law of Evidence are significant part of study in this course.

Teaching Learning Methods:

Lecture method, group discussion and interactive sessions of learning is the best method of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS:**Unit-I: Nature & Functions of the Law of Evidence**

1.1 Origin and Development of Law of Evidence during Ancient, Medieval and British Period.

1.2 Necessity and Importance of Law of Evidence.

1.3 Salient features of the Indian Evidence Act, 1872.

1.4 Important concepts under of Indian Evidence Act, 1872. (Sec.1-5)

- Evidence, Facts, Facts in issue, Relevant Facts, Proved, Disproved and Not Proved.
- Presumptions – May Presume, Shall Presume and Conclusive Proof.

1.5 Relevancy and Admissibility of Facts, Appreciation of Evidence.

- -Rules of Evidence with special reference to other Acts i.e., CPC, Cr. P.C. and Information Technology Act, 2000.

Unit-II: The Theory of Relevancy of Facts (Ss 6-31)

2.1 Relevancy of Facts connected with facts in issue: (Sec.6 - 16)

- Doctrine of *Res gestae*,
- Occasion, cause and effect,
- Motive, Preparation and Conduct
- Facts necessary to explain or introduce relevant facts - Identification Parade
- Facts to prove existence of Conspiracy -Common Intention,
- Plea of Alibi, Proof of Custom, Facts concerning and Business.

2.3 Rules relating to Admissions :(Sec. 17 – 23 and 31)

- Definition of Admission, Nature and Scope of Admissions, Formal and Informal Admissions, Vicarious Admissions, Proof of Admissions and its Propositions, when Admissions in Civil Cases are relevant.

2.4 Rules relating to Confession: (Sec. 24– 30)

- Definition of Confession, Extra Judicial Confessions and Judicial confessions, Sec. 27 its importance, Retracted confession, Evidentiary Value of confession

2.5 Differences between Admissions and Confession.

Unit-III: Theory of Relevancy of Statements, Judgments and Opinion: (Ss 32-55)

- 3.1 Relevancy of Statements made by Person Who cannot be called as witness-
- Dying declaration, Evidentiary value of Dying Declaration. **Sec.31(1)**
 - Statements made in different circumstances **32 (2) to 32 (8)**
- 3.2 Relevancy of Statements made under special circumstances (**Sec34 -39**)
- 3.3 Relevancy of Judgments of Courts (**Sec. 40 - 44**)
- 3.4 Relevancy of Opinion of Third Persons witnesses (**Sec. 45 – 51**)
- 3.5 Relevancy of Character of the parties in civil cases and criminal proceedings (**Sec. 52 – 55**)

Unit-IV: Various Modes of Proof of Facts (Ss. 56-100)

- 4.1 Facts which need not to be proved (**Ss. 56-58**)
- 4.2 Proof of Facts by oral Evidence (**Ss. 59-60**)
- 4.3 Proof of Facts by Documentary Evidence (**Ss. 61-73A**)
- 4.4 Kinds of Documents and its proof (**Ss. 74-78**)
- 4.5 Presumption as to Documents (**Ss. 79-78**)
- 4.6 Of the exclusion of oral by Documentary Evidence (**91-100**)

Unit-V: Production and Effect of Evidence-Burden of proof and Estoppels (Ss. 101-117)

- 5.1 Meaning of Burden of Proof
- 5.2 General Rules of Burden of Proof (**Sec. 101 – 103**)
- 5.3 Specific Rules of Burden of Proof (**Sec. 104 – 114 A**)
- 5.4 Principles of Estoppel (**Ss. 115**)
- Estoppel and Admission, Estoppel and Waiver, Estoppel and Fraud
 - Estoppel and its applications: Estoppel by Record, Estoppel by Deed,
 - Estoppel in Pais, Promissory Estoppel, Constructive Estoppel.
- 5.5 Specific Estoppel between tenant and Licensee (**Ss. 116**)
- Estoppel of Acceptor of bill of Exchange, bailee or Licensee (**Ss. 117**)

Unit-VI: Production & Effect of Evidence – Competency and Compellability of witnesses (Ss.118-134)

6.1 Meaning, Nature and Role of witness

6.2 Competency of witnesses (Ss. 118-121)

- Who are competent witnesses? Tender years (child witness), Extreme Old age, Diseased whether body or mind, cause of any other kind.
- Dumb Witness
- Husband and Wife, Parties to Suit or Proceeding
- Judges and Magistrate

6.3 Compellability of Witnesses-Privileged communication (Ss. 122-132)

6.4 Evidence of Accomplice (Ss. 133-134)

6.5 Witness protection-The new Paradigm

Unit-VII: General Principles of Examinations of Witnesses-(Ss.134-167)

7.1 Examination in chief, cross examination and Re-examination, order of Examination witness character, Examination of witness (Ss. 135-140)

7.2 Leading questions (Ss. 141-143)

7.3 Hostile witness (Ss. 154)

7.4 Impeaching the credit of witness (Ss. 155)

7.5 Rejection of Evidence (Ss. 167)

Unit-VIII: Evaluation of Evidence

8.1 In Civil and Criminal cases

8.2 By Tribunals, Administrative Tribunals

8.3 By Quasi-Judicial authorities and commissions of Enquiry

8.4 By person a Designate

8.5 By Disciplinary Authorities

8.6 In wills, Appeals, Second Appeal and Revision

References:

1. **Ratanlal & Dhirajlal;** *The Law of Evidence* (1999), Wadhawa & Co., Nagpur.
2. **Avatar, Singh;** *Principles of the Law of Evidence* (2009), Central Law Publication, Allahabad.
3. **Dr. V Krishnamachari;** *Law of Evidence* (2006) S. Gogoa & Company, Hyderabad.
4. **P S Atchutan Pillai;** *The Law of Evidence* (1984), N M Tripathi Private Limited, Bombay.
5. **N K Acharya;** *Evaluation of Evidence* (2010), Asia Law House, Hyderabad.
6. **Pande, G S;** *Law of Evidence* (2009), University Book House, Jaipur.

**DSC – 903 LABOUR LAW – I (Industrial Laws)
(Paper - III)**

Objectives of the Course:

The study of Industrial Law is a very significant part of the study of modern jurisprudence. It is estimated that in India, nearly one-sixth of litigation in the Supreme Court pertains to industrial law matters. Thus, Industrial Jurisprudence plays vital role in building the economic structure of the society. It also plays as an instrument of social justice. Industrial relations embrace a complex of relationships between the workers, employers and government, concerning with the terms of employment and conditions of labour of the workers. The law relating to labour and employment in India is primarily known under the broad category of "Industrial Law".

Labour Laws consist of the various enactments, administrative rules & regulations, judicial precedents, etc. which addresses the relationship between Government, Employers, Employees & their Organizations dealing with issues relating to payment of wages, terms of employment, working conditions, social security, etc. Additionally, there are several labour laws which regulate service conditions in specific industries, such as building and construction work, pharmaceuticals, dockyards, mines, etc. In other words, Labour law primarily, aims at and associated with the protection of the rights & interests of formal as well as informal workers, The Pre and Post- independence era witnessed some important developments in the field of labour

and Industrial Laws. But as we know, social Engineering is a continuing process, which goes on with the pace of time and here lies the importance of study of Industrial Jurisprudence.

The law and practice relating to labour and management is the story of conflict and battle. In this context, the law student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the various labour enactments with up to date amendments and emerging areas of possible future techniques and solutions.

Teaching-Learning Methods:

The teaching-learning mechanism with interactive sessions in classroom is primarily good method to understand theoretical knowledge. The case study, visits to various Industries, Trade Union Offices, Labour Courts, Industrial Tribunals, etc. are the good forms to understand practical knowledge of the Labour Laws.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS:

Unit - I: Industrial Revolution & Industrial Jurisprudence

1. Industrial Revolution in India - Industrial Relations, Industrial Peace and Industrial Harmony
2. Identification of Labour Problems & Labour Movements in India
3. Concept of 'Collective Bargaining'
4. Development of Industrial Jurisprudence in India
 - a. Principles of Labour Legislations
 - b. Principles of Industrial Adjudication
5. Development of Labour Laws in India –

- a. Pre and Post Constitutional era
- b. Recent Developments in Labour Codes

Unit - II: Trade Unions Act, 1926

1. Trade Union Movements
2. Nature, Scope & Objectives & Important Definitions of the Act
3. Registration of Trade Unions
4. Rights & Liabilities of Registered Trade Unions
5. Miscellaneous Provisions – Regulations, Penalty & Procedure

Unit - III: Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971

1. Nature, Scope and objects of the Act
2. Recognition of Unions, Obligations & Rights of Recognized Unions, Other Unions & Certain Employees
3. Illegal Strikes & Lockouts
4. Unfair Labour Practices
5. Powers of Courts, Labour Courts & Industrial Courts and Penalties

Unit - IV: The Industrial Employment (Standing Orders) Act, 1946

1. Nature, object and Applicability of the Act
2. Procedure for Certification & Modification of Standing Orders
3. Legal nature and operation of Standing Orders
4. Authorities under the Act – Certifying Officers & Appellate Authorities
5. Penalties and Procedure

Unit - V: Industrial Dispute Act, 1947 (Chapters I to IV)

1. Nature, Scope, & Objectives of the Act
2. Important Definitions – Industry, Industrial Disputes, Award & Settlement
3. Mechanism for settlement of Industrial disputes under the Act –
Works Committee, Conciliation officers, Board of Conciliation, Courts of Enquiry,
Labour courts, Industrial Tribunal, National Tribunals, Arbitrational Machinery and

Grievance Settlement Authority

4. Reference of Disputes
5. Procedure, Powers and Duties of Settlement Authorities

Unit-VI: Industrial Dispute Act, 1947 (Chapters V to VII)

1. Important Definition - Strikes, Lockouts, Lay-Off, Retrenchment, Public Utility Services, etc
2. Strikes & Lockouts
3. Lay-Off & Retrenchment
4. Closure & Transfer of Undertaking
5. Offences, Penalties & Miscellaneous Provisions

Unit - VII: Law relating to Wages

1. Meaning, Definition and Kinds of Wages – Minimum, Fair & Living Wages
2. Payment of Wages Act, 1936
 - a. Payment of Wages and Deductions from Wages
 - b. Authorities under the Act, Penalty, & Trial Procedure
3. Minimum Wages Act, 1948
 - a. Fixation and Revision Minimum Wages – Authorities, Procedure, etc.
 - b. Inspectors and Claims, Offences & Penalties for offences

Unit-VIII: The Apprentices Act, 1961

1. Object and Scope of the Act
2. Meaning, Definition and Types of Apprentice
3. Apprentices and Their Training
4. Authorities under the Act
5. Offences and Penalties

References:

1. John, Bowers & Simon Honeyball: *Text book on Labour Law* (1996), Blackstone, London.

2. Srivastave, K. D., *Commentaries on Payment of Wages Act 1936* (1998), Eastern, Lucknow.
3. Srivastave, K. D., *Commentaries on Minimum Wages Act 1948* (1995), Eastern Book Company, Lucknow.
4. Giri, V. V., *Labour Problems in Indian Industry Chs. 1 and 15*, (1972) Indian Law Institute, Labour law and Labour Relation (1987) (1982) *Cochin University Law Review*, vol. 6pp. 153-210, *Reports of the National Commission on Labour*. Ch. 14-17, 22,23 and 24.
5. Rao, S. B., *Law and Practice on Minimum Wages* (1999), Law Publishing House, Allahabad.
6. Seth, D. D. *Commentaries on Industrial Disputes Act 1947* (1998), Law Publishing House, Allahabad.
7. Goswami, V G, *Labour and Industrial Laws*, Central Law Agency, Allhabad.
8. S. N. Misra, *Labour & Industrial Laws*
9. V. P. Shintre, *Labour Laws*
10. G. M. Kothari, *A Study of Industrial Law*
11. Khan & Khan, *Comentary on Labour and Industrial Laws*
12. K. Madhavan Pillai, *Labour and Industrial Laws*
13. P. L. Malik, *Labour Law of India*
14. Dr. Avtar Singh, *Introduction to Labour and Industrial Law*
15. O. P. Malhotra, *Industrial Disputes Act, 1974*
16. Reports of the National Commission on Labour
17. ILO Conventions & Recommendations
18. Sachedeva, *Industrial and Labour Law*

DSC – 904 LAND LAWS
(Paper - IV)

Objectives of the course

The present subject Land Laws incorporates three basic land laws viz, Maharashtra Land Revenue Code 1966, Maharashtra Rent Control Act, 1999 and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The famous maxim – *salus populi est Suprema lex* i.e. the welfare of the people is ‘Paramount Law’ is the corner-stone of the law of land. After 44th Amendment Act, 1978 now the right to property is legal right but not fundamental right guaranteed to the citizen under Constitution of India. The main aim or object of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Act is to provide a law, which will enable the Stat to acquire the land of others; however, the power of Government to acquire the land is not absolute. The cardinal rule is that there should be compensation for acquisition of land so also resettlement and rehabilitation of the concerned persons. The power of the sovereign to take private property for public use and the consequent rights of the owner to compensation, rehabilitation and settlement are well established in the Act.

The remaining two parts of the subject deals with the Maharashtra Land Revenue Code, 1966 and Maharashtra Rent Control Act, 1999.

The Maharashtra Land Revenue Code, 1966 is not but Consolidated Act of various laws on the subject of Land and Land Revenue, which were in force in different parts of the State of Maharashtra. It collects all statutory enactments on the subject. Apart from this the syllabus includes the Maharashtra Rent Control 1999 which clearly defines the Rent, fixation of rent, Recovery of possession, sub tenancies and duties of the landlord.

In short, the purpose of the subject/course, is to acquaint the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land. Students are acquainted with the law of transfer of property. This course equips the student with all other laws that affect use and dealings of land, and activities that enable its best use.

Teaching Learning Method : -

Lectures, including special lectures by experts may be a good method of learning. Interactive – sessions, tutorials, project and research paper presentation these are the good forms of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS --

A. The Maharashtra Land Revenue Code, 1966

Unit- I Introduction:

1. Historical background of land revenue system
2. Object, application and definitions under the Code
3. Lands : Vesting, Extinction of rights, assignment for special purposes, pasturage, right to trees, trees and forests, recovery of value of natural products and trees etc, regulating cutting and supply of wood.
4. Grant of lands
5. Use of land
6. Encroachment on land
7. Relinquishment and Surrender of land

Unit - II Land Revenue

1. Land Revenue: Liability and assessment (Sections 64-78)
2. Assessment and settlement of land revenue of agricultural lands (Sections 90- 107)
3. Assessment and settlement of land revenue of lands used for nonagricultural purposes (Sections 108-120)
4. Revenue Surveys: Procedure for survey, Survey numbers, Partitions, subdivisions, (Sections 79-88)
5. Boundary and boundary marks (Sections 132-146)

Unit – III Land Records and Procedure before Revenue Officers, Appeals and Tribunal:

1. Record of rights (Sections 147-159)
2. Rights in unoccupied lands (Sections 160-167)
3. Realization of land revenue and other revenue demands: Liability, priority of claim, time for payment, recovery, enforcement (Sections 168-184)
4. Revenue Officers, their powers and duties
5. Procedure of Revenue Officers
6. Appeals, Revision and Review
7. Maharashtra Revenue Tribunal

B. The Maharashtra Rent Control Act, 1999 –

Unit – IV Introduction:

1. Rent Control in urban areas, Object and Historical background of the Act
2. Application of the Act and Exemptions
3. Definitions: Landlord, legal representative, licensee, paying guest, premises, tenant
4. Relief against forfeiture
5. Recovery of possession by landlord (Sections 16, 18-22)

Unit – V Standard Rent, Repairs, Sub-Tenancies :

1. Definition: standard rent, permitted increase
2. Standard rent: its concept, components, increase in rent, liability to pay standard rent, Application for fixing standard rent, Court's power to fix standard rent
3. Landlord's duty to repair, Recovery or possession for repairs (Sections 16(1)(h), 17)
4. Prohibition on sub-letting, assignment or transfer; Sub-tenants to become tenants
5. Landlord's rights, duties and liabilities: enter for inspection, essential supplies, conversion of use, receipt for rent, registration of agreements, lawful charges
6. Jurisdiction of courts, Appeals

C. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Unit – VI Introduction:

1. Object and Historical evolution of the Act
2. Application of the Act
3. Definitions-
4. Determination of Social Impact and Public Purpose (Sec. 4 to 9)
5. Notification and Acquisition (Sec. 11 to 30)
6. Rehabilitation and Resettlement Award (Sec. 31 to 42)

Unit – VII Rehabilitation and Resettlement:

1. Procedure and Manner of Rehabilitation and Resettlement (Sec. 43 to 47)
2. National Monitoring Committee for Rehabilitation and Resettlement (Sec. 48 to 50)
3. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority (Sec. 51 to 74)

Unit – VIII Payment of Compensation

- 8.1 Apportionment of Compensation (Sec. 75, 76)
- 8.2 Payment (Sec. 77 To 80)
- 8.3 Temporary Occupation of Land (Sec. 81 To 83)
- 8.4 Offences and Penalties (Sec. 84 To 90)

Recommended Readings:

1. A S Chandurkar, Maharashtra Rent Control Act, 1999, Shanti Law House, 2015
2. J H Dalal, Maharashtra Rent Control Act 1999, Hind Law Publication, 2013.
3. S Dighe, Maharashtra Rent Control Act, 1999, Snow white, 2016
4. S Dighe, Land Laws in Maharashtra, Snow White, 2016
5. A K Gupte, G Sethi, Land Laws in Maharashtra, Hind Law House, 2016.
6. A K Gupte, G Sethi, Maharashtra Land Revenue Code, 1966, Hind Law House, 2017
7. S Dighe, Maharashtra Land Revenue Code, 1966, Snow White, 2016

DSC – 905 DRAFTING, PLEADINGS AND CONVEYANCING

(Paper – V)

Objectives of the Course

The purpose of the practical training subject/course, is to acquaint the students about skill and practice the drafting of various drafts and documents as per provisions of Civil Procedure Code, Criminal Procedure Code etc to be filed in the various courts and further to develop the skill of drafting and pleading which is very important in the life of an Advocate. This practical training subject/course equips the student with all other forms and practical approach which are parts or covered in different laws used at various authorities in addition to regular courts enable its best use. **There is no theory examination of this subject/paper.**

Teaching Method : The course will be taught class teaching, instructions and assignments exercises.

Part I – This subject/paper is having total Marks 100 (90 + 10). 90 marks are allotted for this paper as per BCI norms.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in Drafting of pleadings carrying the total of 45 marks (3 marks for each) and 15 exercises in Drafting of Conveyancing (Deeds), carrying another 45 marks (3 marks for each). The Internal marks for 90 will be evaluated by the practical training Teacher of the concerned college as per written exercises submitted by the student.

Part-II: Viva Voce Exam 10 marks

Viva Voce Examinations for 10 marks will be conducted in presence of External Examiners appointed by the University. As per BCI norms Internal marks for 90 will be evaluated by the practical training Teacher / Principal of the concerned college on the basis written exercises submitted by the student.

Syllabus –

Unit-I : Drafting and Pleading:

The General principles of Drafting, Pleading and Conveyancing and their relevant Substantive rules shall be taught.

Unit-II: Writing exercises on Drafting and Pleading (Civil & Criminal)

- 2.1 Complaint
- 2.2 Written Statement
- 2.3 Affidavit
- 2.4 Caveat

- 2.5. Injunction Application / Preliminary issue application
- 2.6 Execution Petition
- 2.7 Appeal / Revision (Civil)
- 2.8 PIL Petition / Petition under Article 226 / Article 32 of Constitution of India
- 2.9 Application Motor Vehicle Act- M.A.C.P.
- 2.10 Divorce Petition – H.M.P.
- 2.11 Adjournment Application
- 2.12 / Court Commission / Amendment Application
- 2.13 Pursis
- 2.14 Bail Application – Regular Bail u/s 439/Anticipatory Bail application u/s 438.
- 2.15 Criminal Miscellaneous Petition-Maintenance Application u/s 125 of Cr. P.C.

Unit-III: Writing Exercises on Conveyancing [Deeds / Parts of Deed]

- 3.1 Agreement to sell deed
- 3.2 Sale Deed
- 3.3 Mortgage deed
- 3.4 Lease deed
- 3.5 Gift deed
- 3.6 Power of Attorney
- 3.7 Promissory Note
- 3.8 Will & Codicil
- 3.9 Trust deed
- 3.10 Partnership deed
- 3.11 Guarantee Bond
- 3.12 Leave & License deed
- 3.13 Adoption deed
- 3.14 Partition Deed
- 3.15 Deed of declaration

Reference:

1. Banerjee B. N.: *Criminal Pleading*.
2. Batukal: *Law of Evidence*.
3. Bindra N. S.: *Conveyancing Draftsman Interpretation Deed*
– Law Book Publication (Allahabad)
4. Chaturvedi A. N.: *Law of Pleadings Conveyancing*.
Allahabad Law Agency, Calcutta (1999)
5. D'souza: *Conveyancing*; Eastern Law House Agency
6. G. M. Kothari: *Drafting, Conveyancing and Pleading*.
7. Gupte and Dighe: *Civil Manual*.
8. Gupte and Dighe: *Criminal manual*.
9. Mitra B. B.: *Law of Limitation*.
10. Mogha P. C.: *Indian Conveyancing*; Eastern Law House - Calcutta
11. Mogha's: *Law of Pleading*; Eastern Law House – (1992) Calcutta
12. Shiva Gopal: *Conveyancing Precedent and Forms*.
13. Stone and Iyer: *Pleading*.

14. Taxman's: *The Code of Civil Procedure*, 1908.
15. Taxman's: *The Code of Criminal Procedure*, 1973.
16. Tijoriwala M. T.: *Law and Practice of Conveyancing*; Snow White Publication
17. G. M. Divekar: *Conveyancing*.
18. Retwade: *Legal Drafting (Paper book)*. - (HLH) Pune.
19. Mukherjee: *Law of Civil Appeals, Revisions References and law of Criminal appeals*, Revisions.
20. Banerjee and Awasthi: *Guide to Drafting*.
21. Retawade: *Drafting Pleading and Conveyancing*, - (HLH) Pune

AECC – 906 ADVOCACY SKILL

Objectives of the course

Advocacy is a type of problem solving design to protect personal, legal rights, and to assure a dignified existence of all the people of society.

While studying Three Years Law / Five Years Law Course, students are informed, made aware and grasp the various provisions of different legislations in the syllabus, it's utility, content, conceptual clarity so also some settled principles of Law from the various judgments of High Court and Supreme Court. To become versatile and good Advocate, in addition to theoretical knowledge he/she has to acquire/adopt some skills to get the successes in the profession. In this backdrop, the object of this paper is to enunciate some of the basic skills of Advocacy which will be required by every student in the beginning of their career. So also to prepare students for challenges and hurdles which advocates generally face in the beginning of their career due to not having enough knowledge about Advocacy skills, client counseling, court practice and procedure. Hence, the purpose is to prepare students for all the challenges and overcome obstacles in the starting itself.

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weight-age for the continuous internal Assessment shall be based on the following.

Internal Assessment -

For passing this examination, 2 credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS ---**Unit I – Legal Profession in India**

- a) Legal Profession – Meaning, Definition
- b) History of Legal Profession in India
- c) Development of Legal Profession in India
- d) Seven Lamps of Advocacy

Unit II – Advocacy and Legal Profession

- a) Advocacy - Meaning, Definition
- b) Public Relation and Advocacy
- c) Principles of Advocacy

Unit III -- Advocacy Skills

- a) Meaning of Skills
- b) Important Skills –
 - 1) Language
 - 2) Effective Communication
 - 3) Interviewing and Counseling Client
 - 4) Drafting Capability / Writing skill
 - 5) Negotiating settlement and Agreement
 - 6) Facilitating early Resolution of Dispute
 - 7) Representing Client
 - 8) Presentation

Unit IV -- Court Practice and procedure

- a) Etiquettes
- b) Civil Practice and Procedure
- c) Criminal Practice and Procedure
- d) Application and appreciation of Law of Evidence
- e) Judgment writing (Civil and Criminal).

Reference Books :---

1. Sanjiva Row's Advocates Act, 1961.
2. Bar Council of India Rules on Standards of Professional conduct and Etiquette.
3. Dr. KailashRai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
4. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
5. Krishnamurti Iyer-Advocacy.

6. M. P. Jain-Outline Indian Legal History-Chapter Development of Legal Profession.
7. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
8. M. R. Mallick-Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
9. P. L. Mehta, Sushma Gupta-Legal Education and Legal Professional in India.
10. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
11. Anand-Professional Ethics of Bar.
12. Mynen S. R.-Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.
13. Reddy G. B.-Practical Advocacy for Lawyers.

SEMESTER - X**DSC – 1001 LAW OF CRIMES-II (CRIMINAL PROCEDURE CODE)****(PAPER – I)****Objectives of the Course :**

The criminal trial involves increasing expenditure of government resources. At the same time, it confronts a crisis of intrusion into individual rights in order to protect the common weal. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure, thus, makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, to enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

Teaching Learning Methods:

Lectures including class room discussion, inviting experts like judges, senior Advocates for interacting sessions, guest lectures etc are good teaching learning methods.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

Syllabus --**Unit-I: Introductory**

1. Salient features of the Code
2. Important Definitions
3. Functionaries under the Code -The police, the prosecutors, the criminal courts, the defense counsel, Prison authorities and their powers and functions
4. Classification of offences- Cognizable and Non-cognizable, Bailable and Non-Bailable, Compoundable and Non-Compoundable.
5. The concept and component of Fair Trial and its importance

Unit-II: Pre-Trial Process-I

1. First Information Report (Ss. 154-155)
2. Investigation by the police (Ss. 156-176)
3. Summons and Warrant (S.61- 81)
4. Proclamation, attachments and other rules (S. 82- 90)
5. Search and seizure (Ss. 91-105)

Unit-III: Pre-Trial Process-II

1. Arrest of persons – with and without warrant- by whom and how - procedure and circumstances
2. Rights of arrested person (Ss. 41A to 60)
3. Provisions relating to Bail and Bond (Ss. 436-450)
4. Discretionary bail- Mandatory bail – circumstances
5. Anticipatory Bail (S. 438)

Unit-IV: Trial Process

1. Trial meaning and nature, types of trial, Common features of trial
2. Proceedings before magistrate, Commencement of proceeding, Condition Requisites for Initiation of Proceeding (S. 190- 199)
3. Complaint to Magistrates (S. 200-203) , Commencement of proceedings before Magistrates (S. 204- 207)
4. Charges in Criminal Trial (Ss. 211-224)
5. Plea Bargaining (S. 265A- 265L,) and compounding of offences (S. 320)

Unit-V: Trials and their procedures

1. Trial before Court of Session (Ss. 225-237)
2. Trial of warrant cases by Magistrates (Ss. 238-250)
3. Trial of summons cases by Magistrates (Ss. 251-259)
4. Summary Trials (Ss. 260-265)
5. Inquiries and Trials (Ss. 266-339)

Unit-VI: Judgment (353-365) Appeals (372-394)

1. Form, content and Modes of providing Judgment (Ss. 353,354,)
2. Compensation and Cost (S. 357, 357A, 357B, 357C, 358,362, 363)
3. Post Conviction order (S. 360- 362)
4. Right of Appeal, Appeal against conviction (372- 377), Appeal against Acquittal (S. 378)
5. Procedure of Appeal (S. 379 - 394)

**Unit - VII Reference and Revision (395-405) , Execution, Suspension, remission, and
Commutation of sentences**

1. Reference to High Court (S. 395)
2. Revisional Jurisdiction (Ss. 397-401) Revisional Conditions & Powers of Revisional Courts.
3. Execution of sentences (S. 413- 424)
4. Suspension (S.432), Postponement(S. 415, 416)
5. Remission and Commutation of sentences(S. 433-A)

**Unit-VIII: Preventive Measures, security proceedings and maintenance of wives, children
and parents**

1. Preventive action of the Police (S. 149- 153)
2. Unlawful Assemblies (S. 129 - 132)
3. Removal of public nuisance (S. 133- 143)
4. Maintenance of wives, children and parents (S. 125- 128)
5. Limitation period under Code of Criminal Procedure (S. 467- 473)

References:

1. Ratanlal&Dhirajlal: Criminal Procedure Code, Universal Publications.
2. Kelkar, R V: Lectures of Criminal Procedure, Eastern Book Company.
3. Tondon: The Code of Criminal Prodedure, Allahabad Law Agency.
4. Takwani, C K: Criminal Procedure Code, Butterworths Wadhawa Company, Nagpur.
5. S. N. Misra : The Code of Criminal Procedure , 1973, , Central Law Publication

**DSC – 1002 INTRODUCTION TO INTELLECTUAL PROPERTY LAW
(Paper – II)**

Objectives of the Course:

Intellectual Property Protection is an emerging global issue in the 21st Century. With the development of Internet and communication in the information age the technology has become a tool to infringe various Intellectual Property interests of the Rightful owners.

There is much public debate as to the effectiveness of the IPR and IP Laws and their impact on the Industrial and economic development of the nation. India after joining WTO, started amending the domestic Intellectual Property Laws to satisfy the TRIPS obligation. Considering Indian Political scenario there is constant anxiety as to how the expanded IP laws are going to affect the Indian Society and its economy.

Thus, IPRs have opened new vistas in the life of man sitting in any corner of the globe. Intellectual Property Rights are of many kinds viz, patents, copy rights, Trade Marks, Designs, Information Technology, Emergence of E-Commerce and E-Banking and Traditional knowledge and so on. The paper however is intended to acquaint students with Major Intellectual Property Laws, more specifically Copyright, Trademark and Patent after giving general orientation of other Intellectual Property Laws.

Objectives of the Study:

- To impart knowledge of the basic principles underlying the various provisions of the IP Laws to the students.
- To develop an understanding the basic concepts in a comparatively detailed manner so that the student should have no difficulty to know at least major types of IPs.

Teaching Learning Method:-

The teaching methodology suggested for his paper should be a class room teaching i.e. lecture method. The teacher is also advised to take group discussions, seminars, assignments for development of knowledge skills.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS --**Unit-I: Introduction to the Principles of Intellectual Property and Relevant Laws in India**

- 1.1 Introduction to Intellectual Property
 - 1.1.1 Concept of property
 - 1.1.2 Various forms of property
 - 1.1.3 Nature of Intellectual Property Rights
 - 1.1.4 Economic importance of Intellectual Property
- 1.2 Major Philosophical Justifications for Intellectual Property Protection: Western and Indian Philosophies related to Intellectual Property
 - 1.2.1 Natural Rights Theory
 - 1.2.2 The Utilitarian Theory
 - 1.2.3 Personality Theory
 - 1.2.4 Constitution of India and Aspects of Property and Intellectual Property
- 1.3 An overview of Kinds of Intellectual Properties and Laws relating thereto in India
 - 1.3.1 Kinds of Intellectual Properties
 - Trade Marks, Patents, Copyrights and Related Rights, Industrial Designs, Geographical Indications, Layout Designs of Integrated Circuits, Plant Varieties, Information Technology and Data Protection, Trade Secrets
 - 1.3.2 Statutory and Common Law Protection to various Kinds of Intellectual Properties: A Brief Overview of relevant Indian laws.

Unit-II: International Intellectual Property Regime

- 2.1 Historical Development of IPRs at International Level
- 2.2. Introduction to the leading international instruments concerning intellectual property rights:
 - 2.2.1 Paris Convention
 - 2.2.2 Berne Convention
 - 2.2.3 WIPO and agreements under it: WCT, PCT, Madrid, Hague,
 - 2.2.4 Budapest Treaty
 - 2.2.5 Trade Related Aspects of Intellectual Property Rights
- 2.3 Introduction to other International Agreements, Conventions and Enforcement Mechanism dealing with Specific Intellectual Properties

Unit III: Introduction to the Concept and International Legal Instruments Relating to Copyright Law

3.1. Concept of copyright

3.2. Justification for Copyright Protection

3.3. Brief Historical development of Copyright Law

3.3.1. Indian History of Copyright Law

3.3.2 International Instruments related to Copyright

3.3.2.1. The Berne Convention for the Protection of Literary and Artistic Works, 1886.

3.3.2.2. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).

3.3.2.3. Universal Copyright Convention, 1952

3.3.2.4. Trade Related Aspects of Intellectual Property Rights, 1995. (TRIPs),

3.3.2.5. WIPO Performances and Phonograms Treaty, 1996 (WPPT),

3.3.2.6. WIPO Copyright Treaty, 1996 (WCT),

3.4 Subject and Criteria of Protection under Copyright law

3.4.1.1 Basic requirements to seek Copyright Protection over any work

3.4.1.2 Works in which Copyright Subsist: Copyright Act Provisions

3.5 Related Rights

3.5. 1 Performer's Right

3.5. 2 Broadcasting Organization's Right

Unit IV: Commercial dealing with Copyrighted Work

4.1 Who is an owner?

4. 2 Economic and Moral Rights associated with Copyright recognised in India

4.3 Duration of copyright

4.4 Assignment of Copyright

4.5 Licensing of copyright

4.5.1 Voluntary

4.5 2 Compulsory

4.5.3 Statutory

4.6 Infringement of Copyright

4.6.1 Elements of infringement of copyright

4.6.1.1 Who can sue?

4.6.1.2 Burden of Proof

- 4.6.1.3 Secondary liability for infringement
- 4.6.1.4 Exceptions: Purpose and usage of fair dealing – fair use

4.7 Remedies for infringement

- 4.7.1 Civil remedies
- 4.7.2 Criminal Remedies
- 4.7.3 Administrative remedies

Unit V: An Introduction to Trademarks

5.1 Meaning, Characteristics and Functions of trademark and Need for Trademarks Protection

5.2 Evolution of Trademark Law in India

5.3 International Developments and Dimensions of Trademark Protection

- 5.3.1 Paris Convention 1883
- 5.3.2 TRIPS 1995
- 5.3.3 Madrid System of International Registration of Marks
- 5.3.4 Trademark Law Treaty 1994
- 5.3.5 Nice Agreement 1957
- 5.3.6 Vienna Agreement 1973

5.4 Kinds of Trademarks

5.5 Creation of Trademark

- 5.5.1 The distinctive Spectrum
- 5.5.2 Concept of Acquired Distinctiveness and Generic Marks

5.6 Bars to Trademark Protection

- 5.6.1 Absolute grounds of refusal
- 5.6.2 Relative grounds of refusal

Unit VI: Law regarding Registration, Rights, Infringement and Remedies related to Trademarks

6.1 Procedure for registration of Trademarks

6.2 Honest and Concurrent Use

- 6.3 Effects of registration: Rights of Registered Trademark owners
- 6.4 Assignment and licensing of Trademarks
- 6.5 Infringement of Trademarks
- 6.6 Protection of Well-known Trademarks
- 6.7 Statutory Remedies for Trademarks Infringement and Common Law remedy of Passing Off
- 6.8 Defenses against Trademarks Infringement

Unit VII :Fundamentals of Patenting

- 7.1 Meaning and Concept of Patent
- 7.2 Significance of Patent System
- 7.3 Historical Background of Patents
 - 7.3.1 History of Patent Law in India
 - 7.3.2 Position of Patent Law in India
 - 7.3.2.1 Nature and Extent of Patent Rights
 - 7.3.2.2 Rights of the Co-owners
 - 7.3.2.3 Persons Entitled to Exercise the Patent Rights
 - 7.3.3 History of Patent Law in Other Countries
- 7.4 Types of Patents
- 7.5 World Patent
 - 7.5.1 Budapest Treaty
 - 7.5.2 Patent Cooperation Treaty
 - 7.5.3 International Application
- 7.6 Things that may be patented (Sec-2)
- 7.7 Things that cannot be patented (Sec-3)
- 7.8 Basic Elements of Patentability in an Invention

Unit VIII: Law relating to Patent Application, Patent Infringement

- 8.1 Procedure for filing Patent Application
 - 8.1.1 Revocation of Patent, Licensing, Compulsory Licensing
 - 8.1.2 Parallel Import
 - 8.1.3 Prior publication or anticipation
 - 8.1.4 Obviousness and the lack of inventive step
 - 8.1.5 Insufficient description
- 8.2 Infringement
 - 8.2.1 Criteria of infringement
 - 8.2.2 Onus of proof
 - 8.2.3 Patent Infringement
 - 8.2.4 Defenses in suits of infringement

References:-

- 1) Rodney D Ryder, Intellectual Property and the Internet, LexizNexis Batterworths,
- 2) New Delhi
- 3) Mishra J.P., An Introduction to Intellectual Property Rights, Central Law
- 4) Publications, Allahabad.
- 5) Bhandari M.K., Law Relating to Intellectual Property Rights, Central Law
- 6) Publications, Allahabad
- 7) Myneni SR, Law of Intellectual Property, Asia Law House, Hyderabad.

**DSC – 1003 LABOUR LAW-II (Social Security Laws)
Paper – III**

Objectives of the Course:

Every society today faces a situation which has never been known before. The Unprecedented rise in population growth and unbalanced development of industries has created certain implications. Insecurities of live have increased to a large extent. Hence to protect the individual and society from the uncertainties of future, social Security has been adopted as an indispensable national program. The principle of social security under the Constitution of India holds responsible for protecting its citizens against certain contingencies of life. The Concurrent List of the Constitution of India mentions issues like Social security, social insurance, employment, welfare of the labour, provident fund, employer's liability, employees' compensation etc. During contingencies state will provide as per the enactments i.e. Medical care in times of illness, Maternity, Facilities, pension during inability.

Drawing from the Constitution of India and the ILO Convention on Social security some of the legislation have been enacted for social security relating to maternity benefits; workmen's compensation, sickness insurance, minimum wages, income security medical care etc. These conventions have been ratified by India in 1964. Hence there are number of social security enactments passed by the legislature for the protection of rights of Industrial workers.

The concept of social and economic justice under the Constitution of India is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the idea of welfare state. The concept of social justice has become an integral part of industrial law which protects interest not only of employees but also of the government and society too. As without seeking welfare of the employees we cannot expect the required production and profit of the industry. The required profit only leads to enhance our national economy and national development. The national development would only be computed on international level.

By studying this subject the student can understand the problems of labour and social welfare in different angles. The object of different social security law clearly provided that how it will be helpful to the employee, society, nation at international level.

Teaching Learning Methods:

The lecture is a method of exposition. In this method the student can be motivated for learning. Visiting the Industrial tours, the student can understand the facilities, protection available to the workers.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS --

SYLLABUS:

Unit-I: Social Security and Labour Welfare

- 1.1 Concept, Evolution and Objectives of Social security
- 1.2 Theories of Social Securities
- 1.3 Principles of Social security Legislations
- 1.4 Social Security and Constitutional Provisions
- 1.5 Social Security from an International Perspective

Unit-II: Employees' Compensation Act 1923

- 2.1 Nature, scope and objectives of the Act
- 2.2 Meaning of Disablement, Partial Disablement, Total Disablement
- 2.3 Employer's Liability for Compensation
- 2.4 Theory of notional extension
- 2.5 Procedure and Machinery to determine compensation

Unit-III: Factories Act, 1948

- 3.1 History and Objectives of the Act
- 3.2 Definitions - Manufacturing process, occupier, factory and worker
- 3.3 Provisions relating to Health, Safety and Welfare of workers
- 3.4 Employment of Children and Young Persons
- 3.5 Penalties and Procedure

Unit-IV: Employees State Insurance Act, 1948

- 4.1 Background, Constitutional validity and Object of the Act
- 4.2 Standing committee and Medical benefit council
- 4.3 Employees State Insurance Funds and Contribution
- 4.4 Benefits available under Employees Insurance Scheme
- 4.5 Adjudication and settlement of disputes

Unit-V: Maternity Benefit Act, 1961

- 5.1 significant features of Maternity Benefit Act
- 5.2 Eligibility criteria for maternity benefits for women employee
- 5.3 Right of the women under Maternity Benefit Act
- 5.4 Employers obligations under the act
- 5.5 Powers and duties of inspectors

Unit –VI: Child Labour (Prohibition and Regulation) Act, 1986

- 6.1 Objectives of the Act
- 6.2 Prohibition of Employment in hazardous occupation
- 6.3 Regulation of conditions of work of children
- 6.4 Child Labour Advisor Committee
- 6.5 Procedure and Penalties related to offences

Unit-VII: The Unorganized Workers and Social Security Act, 2008

- 7.1 Meaning of unorganized sector
- 7.2 Identification of unorganized problems
- 7.3 Framing of the Scheme
- 7.4 Central Government Scheme for workers
- 7.5 National Social Security Board

Unit-VII: Other social Security legislations

- 8.1 Employees Provident Funds and Miscellaneous Provisions Act, 1952
 - Object and Scope of the Act
 - Kinds of Provident Funds
- 8.2 Employer's liability under Employees Provident Fund Act
- 8.3 Payment of Gratuity Act, 1972
 - Object and Scope of the Act
- 8.4 Eligibility for payment of Gratuity
- 8.5 The Payment of Bonus Act, 1965
 - Significant features of the Act

References:

1. John, Bowers & Simon Honeyball: *Text book on Labour Law* (1996), Blackstone, London.
2. Srivastave, K. D., *Commentaries on Payment of Wages Act 1936* (1998), Eastern, Lucknow.

3. Srivastave, K. D., *Commentaries on Minimum Wages Act 1948* (1995), Eastern Book Company, Lucknow.
4. Srivastave, K. D., *Disciplinary Action against Industrial Employees and its Remedies* (1990), Eastern Book Company, Lucknow.
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DSC – 1004 PRINCIPLES OF TAXATION LAW

(Paper – IV)

Objectives of the course:

The Tax system plays very significant role in governance of the Country. Tax is the right of government and duty of the citizen. In the context of a federal structure the distribution of the taxing powers assumes added significance. It is the fundamental duty of the citizen of this country to pay taxes to the Government.

The main objective of the course is providing knowledge of frame work of taxation system in India to impart knowledge of the basic principles of underlying the substantive provisions of income tax, GST Law to the student. To equip students with application of principles and provisions of Tax laws in computation of income and taxation of a person excluding companies under various heads of income and their assessment procedure.

Methods of teaching-learning:

Lecture and Case-study method shall be the main method of learning to be followed. Visits to the Authorities like Income Tax Authorities or GST Authorities can be organized for better understanding of Practical aspect of Subject. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

Syllabus --

Unit-I: General Concept of Tax

- 1.1 History of Tax Laws in India
- 1.2 Fundamental principles relating to tax laws
- 1.3 Constitutional Provisions relating to tax
- 1.4 Scope of Taxing powers of parliament, state legislative and local bodies

Unit-II: The Income Tax Act- Concepts

- 2.1 Concept of Tax: Nature and characteristics of taxes Distinction between Tax and Fee, Tax and Cess, Direct and Indirect Tax, Tax evasion and Tax avoidance, Tax assessment
- 2.2 Basic Concept: Tax Definitions, concept of Income, Assesses, person previous year, Assessment year, Residential Status, Income, Total income, Income not included in total income Deemed income, clubbing income
- 2.3 Basis of charge and Scope of total income
- 2.4 Incomes which do not form part of total Income

Unit-III: The Income Tax Act- Computation of Total Income Under Various Heads.

- 3.1 Salaries (Ss. 15,16,17)
- 3.2 Income from house property
- 3.3 Profit and gains of business or profession
- 3.4 Capital gains
- 3.5 Income from other sources

Unit-IV: Income Tax Act- Permissible Deductions/Exemptions

- 4.1 Deductions in respect of payment
- 4.2 Deductions in respect of incomes
- 4.3 Deduction of Tax at sources

Unit-V: Assessment

- 5.1 Assessment of Individual
- 5.2 Assessment of Hindu Undivided families
- 5.3 Assessment of firms and Associations
- 5.4 Assessment of cooperative societies
- 5.5 Assessment of Charitable Trust and Religious Trust
- 5.6 Assessment of Company

Unit-VI: Income Tax-Authorities and Procedure for Assessment

- 6.1 Classes of IT authorities
- 6.2 Jurisdiction of IT authorities
- 6.3 Powers and functions of IT authorities
- 6.4 Procedure for Filing of Returns, E-filing
- 6.5 Income Tax Tribunal

Unit – VII: Introduction to GST-

- 7.1 Introduction to GST
- 7.2 Levy and Collection of GST
- 7.3 Concept of Supply
- 7.4 Input Tax Credit
- 7.5 Registration

Unit – VIII: GST- Procedure-

- 8.1 Returns under GST
- 8.2 Payment of Tax under GST
- 8.3 Assessment and Audit
- 8.4 Refund under GST
- 8.5 Reverse Charge.

References:

1. Ramesh, Sharma, *Supreme Court of Direct Taxex (2008)*, Bharath Law House, New Delhi.
2. Sampath, Iyengar, *Law of Income Tax (1998)*, Bharath Law House, New Delhi.
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6. Singhanian, V K, *Students Guide to Income Tax*, Taxman Publishing Pvt. Ltd., New Delhi.
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8. Hand Book on Tax Laws- Raj Agrawal
9. Goods and service Tax Act – Ghanshyam Upadhyay

**DSC – 1005 MOOT COURT, PRE-TRIAL PREPARATION AND PARTICIPATION IN
TRAIL PROCEEDINGS
(PAPER – V)**

Objective of the Course :

This paper is aimed to impart the practical presentation of arguments, skill of research and case analysis at the original and appellate stages of a case. This course enables the student to apply all laws of the course in the practical.

The objectives of the course are to acquaint the students about – (a) court working and its procedure, (b) application substantive and procedural law to given facts, (c) court manners and discipline, (d) conversance with interview techniques and pre-trial preparations, (e) developing skills of arguments and presentation, and (f) learning skills of analysis and arrangement of facts.

The teaching methods used for this paper include hypothetical problems, role plays, simulation exercises, court attendance and advocate chamber visits etc. Active participation is expected from the students which maximize learning opportunities.

This paper split up into following components with scheme of marking-

A. Moot Court: (30 Marks)

The teacher teaching this course will supply **Three Moot Court (or two Moot Court and one Mock Trial)** problems to the students in the course of a single semester requiring them to work on all three problems assigned to them, prepare written submissions (memorials) and present oral arguments in a moot court setting. Marks for this component are divided equally between written submission and oral arguments. Students may be asked to work in teams at the discretion of teacher.

The concerned teacher shall reserve few lectures to guide the students on-

1. Framing / selection of Moot Court problem
2. Identifying the legal provisions and its applicability
3. Kinds of Courts and its jurisdiction (an overview),
4. Court procedures (an overview), Court manners and discipline,
5. Rules of written submissions / memorials, modes of citation, use of library and e-resources
6. Rules/protocol of argument, Defence to the Court etc.

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

B. Observance of Civil Trial/ Family Trial/ Tribunal Trial -- (15 Marks)

The students are assigned to observe civil case whereas he/she has to observe actual proceeding of the Civil court or Family Court or Tribunal. Recording of the proceeding can be written in the diary with following components-

1. Case of the plaintiff
2. Case of the defendant
3. Issues or matters in controversy/grievance/ dispute
4. Provisions of substantive law involved
5. Provisions of procedural law involved
6. Brief summary of examination of witnesses (If any)
7. Brief statement of important documents filed (If any)
8. Summary of arguments (if any)
9. Summary of Judgment or order passed(if any)

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

C. Observance of Criminal Trials --- (15 Marks)

The students are assigned to observe Criminal case whereas he/she has to observe actual proceeding of the Civil court. Recording of the proceeding can be write in the diary in following components-

1. Case of the prosecution
2. Case of the accused
3. Offences or matters in grievance/ dispute
4. Provisions of substantive law involved
5. Provisions of procedural law involved
6. Brief summary of examination of witnesses (If any)
7. Brief statement of important documents filed (If any)
8. Summary of arguments (if any)
9. Summary of Judgment or order passed (if any)

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

D. Pre-Trial Preparation --- (20 Marks)

Each student should observe two interviewing sessions of clients at the lawyer's office / legal aid office and record the proceedings in the journal. Each student will further observe the preparation of documents and court papers by the Advocate and the Procedure for the suit/ petition/complaint as the case may be. This will be recorded in the Journal.

Guidelines for Pre-trial Preparations –

- a) Internship and pre-trial preparations should be at the beginning of the academic year
- b) Observation of interviewing sessions of client in the office of advocate or the legal aid office
- c) Observation of Advice given to the client by the advocate or authority of legal aid office
- d) Observation of maintaining confidentiality of the parties.

The concerned teacher may prescribe few other guidelines for the students at his / her discretion.

E. Internship Diary --- (10 Marks)

The diary is an integral part of the course and it will be evaluated in terms of thoughtfulness and reflections about students learning experience. Each student shall keep Internship diary and the same shall be evaluated by Core Faculty member of the staff every year. The total mark shall be assessed in the Final Semester of the course in the Moot Court paper based on the attendance of student during entire internship period.

F. Viva -voce -- 10 Marks

Viva Voce Examinations for 10 marks will be conducted in presence of External Examiners appointed by the University. As per BCI norms Internal marks for 90 will be evaluated by the practical training Teacher / Principal of the concerned college on the basis written exercises submitted by the student.

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 2. John Snape and Garry Watt, How to Moot (a student guide to mooting), Oxford University Press
 3. Dr Kailash Rai, Moot Court, Central Law Publications, Allahabad
 4. Nomita Agarwal, 'A Beginners Path to Moot Court' Universal law publishing,2014
 5. Abhinandan Malik, Moot courts and mooting, Eastern Book Company,2017
 6. K.L, Bhatiya, Moot court and Mock trial- Art to Art of Advocay, essentials of court craft, Universal Law Publishing,2013
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-

AECC -- 1006 CRIME INVESTIGATION AND FORENSIC SCIENCE

Objectives of the Course

- 1) To acquaint Students with basic Concepts of Crime investigation and Forensic Science.
- 2) To acquaint Students with basic Criminal Law.
- 3) To provide knowledge of application of Crime investigation and Forensic Science in Criminal investigation.

UNIT I -- GENERAL PRINCIPLES OF CRIME SCENE INVESTIGATION

- 1 Crime Investigations- Meaning and Types Of
- 2 Relationship between Crime Scene Investigation and Forensic Science
- 3 Steps involved in crime investigation- safeguards under Cr. P. C.
- 4 Role of forensic scientists, investigative officers, forensic doctors, fire brigade, judiciary etc
- 5 Importance of physical evidence, collection of physical evidence in crimes like murder theft, extortion, explosion etc.

UNIT II -- INTRODUCTION TO FORENSIC SCIENCE

1. Meaning & Definition of Forensic Science.
2. Modern aspects of Forensic Science.
3. Application of Forensic Science.
4. Awareness, education of Forensic Science.

UNIT III -- BRANCHES OF FORENSIC SCIENCE, CRIME SCENE & EVIDENCE

1. Various Branches of Forensic Science.
2. Forensic Science Laboratory – Mobile Van Forensic.
3. Crime Scene – Methods of Investigation, Recording of Crime Scene &
4. Digital investigation, Digital crime scene evaluation process, Search & Seizure, Digital Forensic Lab Setup

UNIT IV -- DETECTION OF CRIME SCENE AND CRIME SCENE MANAGEMENT

- 1 Role of First Responding Officer. Coordination between police personnel and Forensic scientists at crime scenes. The evaluation of 5Ws (who? what? when? where? why?) and 1H (how?).
- 2 Scene of crime: Types, protection of scene of crime, preservation (recording) of scene of crime photography and sketching methods.
- 3 Physical evidence: Meaning, Types, search methods, collection and preservation, Forwarding. Chain of custody. Collection, preservation, packing and forwarding of: blood, semen and other biological stains, firearm exhibits, documents, fingerprint, viscera, hair & fiber, glass, soil and dust, petroleum products, drugs and poisons, etc.
- 4 Documentation of crime scenes – photography, videography, sketching- Baseline method, Triangulation method, coordinate method, extended coordinate method. Crime scene notes.
- 5 Search – Definition, Objectives, Patterns- Strip/Lane method, Grid method, Zone method, Spiral method, Wheel method.

Reference Books -

- R.K. Tiwari, P.K. Sastry and K.V. Ravikumar, Computer Crimes and Computer Forensics, Select Publishers, New Delhi (2003)
- B.B. Nanda and R.K. Tiwari, Forensic Science in India: A Vision for the Twenty First Century, Select Publishers, New Delhi (2001).
- M. S. Dahiya, Principles and Practices in Contemporary Forensic Sciences, Shanti Prakashan (2015)
- M. S. Maloney, Crime Scene Investigation: Procedural Guide, CRC Press (2014)
- Forensic Science Principles & Application. Dr. Nishant Singh
- Forensic Science in Crime Investigation. B. S. Nabaf

Model Question Paper Format :**Total Marks: 70****Day & Date:**_____ **Time:**__**Instructions:**

1. Attempt any four questions from Q.No. 1 to 7.
2. Q. No. 8 is compulsory.
3. Figures to the right indicate full marks.

Q.1.		(15)
Q.2.		(15)
Q.3.		(15)
Q.4.		(15)
Q.5.		(15)
Q.6.		(15)
Q.7.		(15)

Q.8. Explain the following OR Answer in One/two Sentences.
 (Any Five) 5 x 2 (10)

- 1) -----
- 2) -----
- 3) -----
- 4) -----
- 5) -----
- 6) -----
- 7) -----
- 8) -----
- 9) -----
- 10) -----

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Shivaji University, Kolhapur



Faculty of Humanities

(LL. B. – Five Years) Degree Programme

Choice Based Credit System (CBCS)

Syllabus Part – III (Semester V and VI)

To be implemented from

Academic Year 2021-22

THIRD YEAR OF FIVE YEARS LAW COURSE

SEMESTER - V

DSC-501: LAW OF CONTRACT

(GENERAL PRICIPLES OF CONTRACT AND SPECIFIC RELIEF)

(Paper – I)

Objectives of the course:

Law of contract being the pillar of the legal structure of a society, the fundamental goal of study is to critically evaluate principles underlying the legal postulates and propositions. This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

Methods of teaching-learning: Lecture and Case-study method shall be the main method of learning to be followed. Dialectic method of mootng and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods : Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT I: INTRODUCTION

- 1.1 Historical Background of Indian Contract Laws
- 1.2 Contract: Meaning, Definition, Importance, Nature and Scope
- 1.3 Essentials of Contract
- 1.4 Indian Contract- Latest developments (e-Contracts)

UNIT II: PROPOSAL AND ACCEPTANCE- AGREEMENT(S. 2-10)

- 2.1 Formation of an Agreement, It's Kinds – Valid, Void, Voidable, Unlawful, illegal
- 2.2 Intention to Create Legal Relationship
- 2.3 Proposal and Acceptance- Their various forms, Essential Elements
- 2.4 Communication and Revocation of Offer and Acceptance
- 2.5 What agreements are Contracts?

UNIT III: CAPACITY TO CONTRACT AND FREE CONSENT (S. 11 - 22)

- 3.1 Legal Disability to Enter into Contract
- 3.2 Minors - Effects of Minors Agreement, Persons of Unsound Mind, Persons disqualified by Law
- 3.3 Consent and Free Consent – Definition
- 3.4 Vitiating Elements of Free Consent –
 - 3.4.1 Coercion, Doctrine of Duress
 - 3.4.2 Undue Influence
 - 3.4.3 Fraud
 - 3.4.4 Misrepresentation
 - 3.4.5 Mistake
- 3.5 Effect on Contracts influenced by any factor Vitiating Free Consent

UNIT IV: CONSIDERATION AND OBJECT (S. 23 - 25)

- 4.1 Meaning and Nature of Consideration and Object
- 4.2 Consideration- Its Exceptions
- 4.3 Legality of Consideration and Object
- 4.4 Doctrine of Privity of Contract

UNIT V: LIMITATIONS ON FREEDOM OF CONTRACT (S. 23, 26 – 31)

- 5.1 Void Agreements
 - 5.1.1 Agreements in Restraint of Marriage

- 5.1.2 Agreements in Restraint of Trade
- 5.1.3 Agreements in Restraint of Legal Proceedings
- 5.1.4 Ambiguous and Uncertain Agreement
- 5.1.5 Wagering Agreements – Its exceptions
- 5.1.6 Agreements with Unlawful Consideration
- 5.1.7 Agreements without Consideration
- 5.1.8 Agreements against Public Policy
- 5.2 Contingent Contracts

UNIT VI: DISCHARGE AND REMEDIES FOR BREACH OF CONTRACT (S. 37 – 67)

- 6.1 Meaning and Nature - Discharge of Contract
- 6.2 Different Modes -
 - 6.2.1 By Performance
 - 6.2.2 By Agreement – Novation, Alteration, Rescission, Remission, Waiver, Accord and Satisfaction
 - 6.2.3 By Operation of Law – Insolvency, Merger, Alteration without consent, Death
 - 6.2.4 By Breach- Anticipatory Breach - Actual breach
 - 6.2.5 By Impossibility of Performance – Destruction of Subject Matter, Death or Personal Incapacity, Change of Law, non-existence or non-occurrence of particular state of thing, declaration of war – Doctrine of Frustration
 - 6.2.6 By Lapse of Time

UNIT VII: CERTAIN RELATION RESEMBLING THOSE CREATED BY CONTRACT (QUASI CONTRACT) (S. 68 -72)

- 7.1 Concept and Classification of Quasi-Contract
- 7.2 Standard form of Contract
- 7.3 Government as a Contracting Party

UNIT VIII: REMEDIES FOR BREACH OF CONTRACT

8.1 Remedies under Indian Contract Act (S.73 - 75)

8.1.1 Cancellation or Rescission

8.1.2 Restitution

8.1.3 Quantum Merit

8.1.4 Damages – Types of Damages – General or ordinary, Special, Vindictive or exemplary, nominal – Remoteness and Ascertainment of Damages

8.2 Remedies under Specific Relief Act, 1963 (S.5 – 43)

8.2.1 Recovering possession of property

8.2.2 Specific Performance

8.2.3 Declaratory Decrees

8.2.4 Injunctions

8.2.5 Preventive Relief

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2. Sir G. H. Treitel, The Law of Contract, 12th Ed., London: Sweet & Maxwell, 2007.
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4. Cheshire & Fifoot, Law of Contract, Oxford University Press, 15th Ed., 2007.
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7. M. Krishnan Nair, Law of Contracts, 1998.
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7. R. C. Chawla, K. C. Garg, V. K. Sareen, Marchantile Law, Kalyani Publisher, New Delhi (7thEdn- 1997)

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5. Bank of India Ltd v. Swarubar, AIR 2003 SC 858.
6. Hervey v. Facie, (1893) AC 552.
7. LalmanShukla v. GauriDutta, II ALJ 489;
8. Felth House v. Bindley (1862) 11, CB (NS) 86;
9. MohriBibee v. DharmodassGhosh, (1903) 30 IA 114.
10. Derry v. Peek, (1889) 14 AC 337.
11. MithooLalNayak v. LIC of India,
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13. Mushib v. Ganga Prasad Das Mushib and others AIR 1967 SC 878
14. Central Inland Water Transport Corporation v. B.K Ganguly, AIR 1986 SC 157;
15. Kalyanpur Lime Works Ltd. v. State of Bihar and another AIR 1954 SC 165;
16. Gujarat Bottling Co. Ltd. v. Coca Cola Co. (1995) 5 SCC 545 ;
17. National Insurance co Ltd v. S. G Nayak& co AIR 1997 SC 2049.
18. SatyabrataGhose v. MugneeramBangur AIR 1954 SC 44;
19. State of Bihar v. Majeed AIR 1954 SC 786.
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DSC – 502: CONSTITUTIONAL LAW- I
(Fundamental Rights & Directive Principles of State Policy)
(Paper – II)

Objectives of Course :

India is a democracy and her Constitution embodies the Principles of the democratic government. A good understanding of the Constitution and the constitutional amendments, judicial decisions, constitutional practice and conventions, is therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features of the Constitution and be-aware of the social, political and economic influence on it. A student must learn how various interpretations of the constitution are possible and how do they influence the growth of constitutional law. Judicial review is an important aspect of constitutional law. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law.

Methods of teaching-learning:

Lecture and Case-study method shall be the main method of learning to be followed. Dialectic system of learning would provide better appreciation of the constitutional governance in India through class room debate and moot court exercise after the basic issues are identified by lecture and discussion. Research of issue based conflict of interest through court cases may be an added advantage.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation: 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS:

UNIT I: MAKING OF CONSTITUTION AND FEATURES

- 1.1 Making of Indian Constitution
- 1.2 Nature of constitution
- 1.3 Salient Features of the Indian Constitution
- 1.4 Citizenship-under constitution and Citizenship Act 1955
- 1.5 Preamble

**UNIT II: FUNDAMENTAL RIGHTS- JUSTICIABILITY- STATE OBLIGATION-
ART 12-13**

- 2.1 Fundamental Rights – meaning and scope of
- 2.2 Definition of ‘State’ for enforcement of fundamental rights
- 2.3 Justiciability of fundamental rights
- 2.4 Definition of law for constitutional law purpose
- 2.5 Doctrine of eclipse, severability, waiver.

UNIT III: RIGHT TO EQUALITY (ART 14-18)

- 3.1 Equality before law and equal protection of law
- 3.2 Classification for differential treatment- Constitutional validity
- 3.3 Protective measures –gender discrimination
- 3.4 Protective discrimination in favor of certain sections of the society
- 3.5 Untouchability and abolition of titles

UNIT IV: FREEDOMS AND SOCIAL CONTROL UNITS (ART 19-22)

- 4.1 Freedoms and restrictions under (Art.19)
- 4.2 Protection in respect of conviction for offences (Art.20)
- 4.3 Right to life and personal liberty (Art.21)
- 4.4 Right to education (Art. 21 A)
- 4.5 Protection against arrest and Preventive Detention (Art.22)

UNIT V: RIGHT AGAINST EXPLOITATION (ART 22-23)

- 5.1 Prohibition of traffic in human beings,
- 5.2 Forced labours – bonded labour
- 5.3 Trafficking of women and children
- 5.4 Prohibition of employment of children
- 5.5 Right of children a free and compulsory education

UNIT VI: RIGHT TO RELIGION AND MINORITY RIGHTS

- 6.1 Concept of Secularism- Historical perspective.
- 6.2 Freedom of Religion-nature, scope and limitations.
- 6.3 Right to Freedom of Religion- use and misuse- Indian scenario.
- 6.4 Minority Rights
- 6.5 Relationship between Religion and minority

UNIT VII: CONSTITUTIONAL AND LEGAL REMEDIES (ART 32)

7.1 Writ of Habeas Corpus

7.2 Writ of Mandamus

7.3 Writ of Certiorari

7.4 Writ of Prohibition

7.5 Writ of Quo-warranto

UNIT VIII: DIRECTIVE PRINCIPLES, FUNDAMENTAL DUTIES AND SOCIAL JUSTICE (ART 35-51A)

8.1 Underlying object and significance of Directive Principles.

8.2 Classification of Directives.

8.3 Fundamental Right and Directive principles- Interrelationship and Judicial balancing.

8.4 Fundamental Duties--- Need, Source and enforcement of fundamental duties.

8.5 Relation of Fundamental Duties with Directive Principles and Fundamental Right

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20. Khare v. State of Delhi AIR 1950 SC 211,
21. State of Maharastra v. RajendraJ.Gandhi AIR 1997 SC 3986
22. Francis CoralieMullin v. Administration of Delhi AIR 1981 SC 746,
23. M.C.Mehta v. Union of India AIR 1987 SC 1086,
24. BandhuaMuktiMorcha v. Union of India AIR 1984 SC 802,
25. Indian Council for Enviro-legal Action v. Union of India AIR 1996 SC 1446.
26. Vellore Citizens Welfare Forum v. Union of India AIR 1996 SC 2715
27. State of Punjab v. Mahinder Singh Chawla AIR 1997 SC 1225.
28. Paschim Bangal Khet Mazdoor Society v. State of W. B., AIR 1996 SC 2426
29. Air India Statutory Corporation v. United Labour Union AIR 1997 SC 645,
30. Maneka Gandhi v. Union Of India AIR 1978 SC 597,
31. Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 186,
32. People's Union of Civil Liberty v. Union of India AIR 1997 SC 568,
33. Hussainara v. Home Secretary, State of Bihar AIR 1979 SC 1819
34. J. P. Unnikrishnan v. State of Andhra Pradesh AIR 1993 SC 2178
35. Mr. X v. Hospital Z AIR 1999 SC 495
36. Gopalan v. State of Madras, AIR 1950 SC 27,
37. M. C. Mehta v. State of Tamil Nadu, AIR 1997 SC 699,

38. Gaurav Jain v. Union of India AIR 1990 SC 1412,
39. Acharya Jagadiswarananda v. Commissioner of Police, Calcutta AIR 1984 SC 51,
40. Ratlam Municipality v. Vardichand, AIR 1980 SC 1622.
41. M.C.Mehta v. Union of India AIR 1987 SC 1086, and AIR 1999 SC 2583,
42. Pramodv.Medical Council, (1991) 2 SCC 179,
43. Ahmedabad Women Action Group v. Union of India AIR 1997 SC 3614
44. Vishakha v. State of Rajasthan, AIR 1997 SC 3011

Reference Books:

1. T,K, Tope : Constitutional of India.
2. G.Austin, History of Democratic Constitution: The Indian Experience (2000) Oxford.
3. D.D. Basu : Shorter Constitution of India : (1996) Prentice Hall of India, Delhi.
4. Constituent Assembly Debates Vol. 1 to 12 (1989).
5. H.M. Seervai : Constitution of India. Vol.-1-3 (1992), Tripathy, Bombay.
6. M.P. Singh (ed) V.N. Shukla : Constitutional Law of India (2000) Oxford.
7. G.Austin: Indian Constitution:- Cornerstone of a Nation (1972)
8. M.Glanter: Competing Equalities – Law and the Backward Classes in India (1984) Oxford.
9. B. Sivaramayya : Inequalities and the Law (1984) Eastern, Lucknow.
10. S.C. Kashyap : Human Rights and Parliament (1978) Eastern Lucknow.
11. Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.
12. P.M.Bakshi, Constitution of India, Universal
13. M.P.Jain Indian Constitutional Law, Wadhwa
14. Granville Austin The Constitution of India, Oxford

DSC – 503: LAW OF TORT & CONSUMER PROTECTION LAW

(Paper – III)

Objectives of the Course:

Independent of criminal or contract law, Tort law provides individuals and groups with redress for injury to every dimension of life from physical injury, to property damage, to personal insult. Over past decades no area of law within the civil justice system has experienced greater ferment than the law of Tort and this has resulted in vital changes the thinking of the tortuous liability. The object of the course is to familiarize the students with the nature and extent of liability of the private enterprises, multinationals and the government authorities for the wrongs committed against the individual and their property, and to develop sound knowledge, skills and disposition amongst students of law on some of the contemporary issues of Specific Torts, Cyber Tort, Family Tort, and Economic Tort, Product Liability etc.

Presently the emphasis is on extending the principles not only to harmful acts but also to failure to comply with standards that are continuously changing due to advancement in science and technology. In the modern era of consumer, concern of goods and services, the law of torts has

added significance in consumer protection. Taking this into consideration, a topic on Motor Vehicle Accident claims has been added. It emphasizes liability, Insurance and working of claim Tribunals.

Methods of teaching-learning:

Lecture method shall be the main method of learning to be followed. Dialectic method of case study, mooted and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS:

UNIT I: CONCEPT OF TORT, NATURE AND SCOPE

- 1.1 History, Definition and Scope of Tort
- 1.2 Nature of tort-Distinction between tort and crime
- 1.3 Essential elements of law of tort
 - 1.3.1 Wrongful act
 - 1.3.2 Legal damage-a) Damnum Sine injuria b) Injuria sine damnum
 - 1.3.3 Legal remedy
- 1.4 Relevance of law of tort - Intention, Motive, Malice, Knowledge, Negligence
- 1.5 Who May Sue and who may not be sued?

UNIT: II GENERAL DEFENSES IN TORT-

- 2.1 Volenti non fit injuria
- 2.2 Necessity & Act of God

2.3 Inevitable accident & Private defense

2.4 Statutory Authority

2.5 Judicial and Quasi-Judicial Acts

UNIT III: DISCHARGE OF TORTUOUS LIABILITY-

3.1 By death of parties- action personal is monitor cum persona exceptions

3.2 Waiver and acquiescence

3.3 Release

3.4 Accord & satisfaction

3.5 Limitation

UNIT IV: TORTIOUS LIABILITY-

4.1 The concept of liability

4.2 Basis and Scope of liability

4.3 Modes of creation of vicarious liability

4.3.1 Express authorization

4.3.2 Ratification

4.3.3 Abetment

4.4 Liability-Special Relationship

4.4.1 Master & Servant

4.4.2 Independent Contractor & Servant

4.5 Strict Liability and Absolute Liability

4.2.1 Ryland Vs Fletcher

4.2.2 UCC V. Union of India

4.2.3 Application of the rule in India

UNIT V: NEGLIGENCE AND NUISANCE

5.1 Definition and concept of Negligence

5.2 Essentials of Negligence - Standard of care

5.3 Doctrine of contributory negligence - *Res ipsa loquitur* and its importance in compensatory laws.

5.4 Definition and concept of Nuisance

5.5 Essential of Nuisance – Defenses - Remedy

UNIT VI: REMEDIES FOR TORT (As per BoS Resolution No. 4)

6.1 Judicial Remedies

6.2 Extra Judicial Remedies

6.3 Defamation and types of defamation

6.4 Essentials of Defamation

6.5 Defenses and remedies

UNIT VII : THE CONSUMER PROTECTION ACT, 2019 (As per BoS Resolution No. 4)

7.1 Introduction to Consumer Protection Act, 2019

7.2 Consumer Protection Act, 2019 – features

7.3 Important Definitions under CPA, 2019

7.4 Authorities under CPA, 2019

UNIT VIII : GRIEVANCE REDRESSAL MECHANISM (As per BoS Resolution No. 4)

8.1 Who can file a complaint

8.2 Rights of Consumer

8.3 Grounds & procedure of filing a complaint

List of Cases:

- 1.Ashby v. White (1703)2 LR 938;
- 2.Rudal Shah v. State of Bihar, AIR 1983 SC 1086
- 3.Saheli v. Commissioner of Police, Delhi AIR 1990 SC 513;
- 4.GloucesterGrammer School case (14190 V.B. Hill 11.;
- 5.Mayor of Broadford Corporation v. Pickles (1895) AC 587;
- 6.Bhim Singh v. State of Jammu & Kashmir AIR 1986 SC 494;
- 7.Usha Ben v. BhagyaLaxmiChitraMandir, AIR 1978 Guj.

8. Lucknow Development Authority v M.K. Gupta AIR 1994 1 SC 243;
9. State of Rajasthan v. Vidyawati Devi AIR 1962 SC 933;
10. Donoghue v. Stevenson, 1932, AC 562;
11. Kasturi Lal v. State of U.P. AIR 1965 SC 1039;
12. Nicholes v. Marshland (1876) 2 Ex.D. 1;
13. Smith v. London and South Western Railway Co. (1870) LR 6;
14. Loyd v. Grame Smith & Co. (1912) AC 716;
15. Jay Laxmi Salt Works (P) Ltd. V. State of Gujarat 1994(4) SCC 1;
16. Dr. Laxman V. Dr. Trimbak AIR 1969 SC 128;
17. Davis v. Redcliffe, (1990) 2 AER 536;
18. F. V. Birkshire Health Authority (1989) 2 All ER 545 (HL);
19. Maynard V. Midlands Health Authority (1985) 1 All ER 635 (HL);
20. Achutrao Haribhau Khodwa V. State of Maharashtra AIR 1996 SC 2377 ;
21. M.P. State Road Transport Corp. v. Basantibai (1971) MPLJ 706 (DB);
22. Indian Air Lines v. Madhuri Chaudhri AIR 1964 Cal. 252;
23. Glasgow Corporation v. Muir (1943) AC 448;
24. Municipal Corporation of Delhi v. Subhagwati AIR 1966 SC 1750;
25. Ratlam Municipality v. Vardhichand (1980) 4 SCC 162
26. Hall v. Brookland Auto Racing Club ;
27. Smith v. Backer (1981) AC 325;
28. Stanley v. Powell (1891) 11 Q.B. 86;
29. Heynes v. Harwood (1935) 1 KB 146
30. Leta Fay Ford V. Revlon, Inc. Supreme Court of Arizona (153 Ariz. 38, 734 P.2d 580) 1987;
31. Noor Mohd. v, Mohd Jiauddin AIR 1992 MP 244;
32. Hayward v. Thompson (1981) 3 All E R 450;
33. M.C. Verhese v. T.J. Poonam, AIR 1970 SC 1876;

34. T.S. Bhatt v. A. K. Bhatt AIR 1978 Ker 111;
35. Girija Prasad Sharma v. Uma Shankar Pathak AIR 1973 MP 79;
36. Quinn v. Leathem, (1901) AC 495;
37. Municipal Board of Kanauj v. Mohanlal AIR 1951 All 867
38. State v. Gangadhar AIR 1967 Raj 199;
39. Rajalingam v. Lingaiah (1964) 1 ALT 391;
40. Sobha Ram v. Tika Ram (1936) ILR 58 All 903
41. Reyland v. Fletcher (1868) L.R. 3 H.L. 30;
42. M.C. Mehta v. Union of India (1987) 1 SCC 395
43. In Re Polemise Case (1921) 3 KB 560 CA;
44. Wagon Mound Case (1961) AC 388
45. Leisbosch Dredger v. Edison, (1933) AC 449 HL.
46. Barrett v. Fonorow, 799 N.E.2d 916 (Ill. App. 2003)
47. Barrett v. Rosenthal, 112 Cal. App. 4th 749 (2003).
48. Bill McLaren, Jr. v. Microsoft Corporation, Court of Appeals of Texas, Dallas (1999) WL 339015.;
49. CompuServe Inc. v. Cyber Promotions, Inc., 962 F.Supp 1015 (SD Ohio 1997).
50. Doe v. AOL, Inc., 783 So. 2d 1010 (Fl 2001).
51. EBAY, Inc., Plaintiff, v. BIDDER'S EDGE, Inc., Defendant. United States District Court for the Northern District of California .100 F.Supp.2d 1058(2000).
52. Hotmail Corp. v. Van\$ Money Pie Inc., WL 388389 (1998). Kremen v. Cohen, 337 F.3d 1024 (9th Cir 2003).
53. School of Visual Arts v. Kuprewicz, 771 N.Y.S.2d 804 (2003).
54. United States of America v. Hambrick U.S District Court, W.D. Virginia 55F. Supp. 2d 504, (1999)]

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1. Wienfield and Zolowicz, Torts, 17th Edi., Sweet & Maxwell 2006
2. Salmond, J W, Salmond's Law of Torts (8th edition, Sweet & Maxwell, London, 1934)

- 3.Fleming, J G, The Law of Torts (9th edition, LBC Information Services, Sydney, 1998)
- 4.RatanLal and DhirajLal on Law of Torts,
- 5.ALakshminath M Sridhar, RamaswamyIyer's, The Law of Torts, Lexis Nexis, Tenth Edi 2007
- 6.Tony Weir, An Introduction to Tort Law, 2nd Edi Oxford University Press 2006.
- 7.John Murphy, Street on Torts ,Eleventh Edi Oxford University Press 2006.
- 8.Tabrez Ahmad "Cyberlaw, E-Commerce & M-Commerce". APH Pub.Corp.NewDelhi 2003.
- 9.Lee B. Burgunder, Legal Aspects of Managing Technology 2nd Edition West 2001.
- 10.RamaswamyIyer Law of Tort
- 11.Bangia's Law of Torts
- 12.Madden& Owen, On Product Liability, West Grou
- 13.D.D. Basu- The Law of Torts (1982), Kamal, Kalkatta
- 14.Dr.Avtar Sing- The Law of Consumer Protection : Prpinciples and practice (2004), Eastern Book Company, Lucknow
- 15.Saraf D.N.- The Law of Consumer Protection in India, Tripathi, Bombay
16. Ratanlal & Dhirajlal on Law of Torts
17. Salmond's Law of Torts
18. Ramaswamy Iyer – Law of Tort
19. Bangia's Law of Torts
20. Law of Torts and C.P. Law by Dr. N.V. Paranjape

DSC – 504: LAW OF CRIMES – I (Indian Penal Code)

(Paper – IV)

Objective of the course:

Crime and Punishment has been the one of the most important task of rule of law of the State. This course is designed with a prime object to familiarize students with the principles of criminal liability and other concepts of substantive criminal law. So proper understanding of these offences & criminal behaviors, methods of controlling them has now become extremely

important in the larger context of Indians development & to build a just and humane society. The curriculum outlined here attempts to seek these objectives.

Methods of teaching-learning:

Lecture method shall be the main method of learning to be followed. Dialectic method of mooted and argumentation plays a very convincing procedure of learning. The information sharing and flow of information among the teacher and taught has to work as bonding of the entire course. Case comment can also be a method of research writing in this paper.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

UNIT I: CONCEPT OF CRIME (Sec. 1 – 75)

- 1.1 Nature and Concept of crime & distinction between Crime, Ethical wrongs.
- 1.2 Definitions – General Explanations (Sec. 6-52A)
- 1.3 Stages and Elements of Crimes
- 1.4 Group Liability in Crimes – Common Intention and Common Object
- 1.5 Off Punishments (Sec. 53 to 75)

UNIT II: GENERAL EXCEPTIONS UNDER IPC (Sec. 76 – 106).

- 2.1 Mistake of facts mistake of law
- 2.2 Necessity, Defense of Juvenile
- 2.3 Unsound mind and intoxication
- 2.4 Act in good faith and consent
- 2.5 Right of private defense of body and property

UNIT III: INCHOATE OFFENCES (Sec. 107 – 120 B and Sec. 141 – 160)

- 3.1 Meaning, Nature and importance of inchoate offences
- 3.2 Attempt and abatement
- 3.3 Criminal Conspiracy
- 3.4 Unlawful Assembly
- 3.5 Rioting

**UNIT IV: OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY,
CONVENIENCE, DECENCY AND MORALS (Sec 268-294A)**

- 4.1 Offences affecting the Public Health (Section 268-278)
 - 4.1.1 Public Nuisance (S.268)
 - 4.1.2 Acts likely to spread infection (section 269-271)
 - 4.1.3 Pollution of food or drink (section 272-273)
 - 4.1.4 Adullualia of drugs (section 274-276)
 - 4.1.5 Fouling water and relating atmosphere (section 277-278)
- 4.2 Offences affecting the public safety and Convenience (Section 277-278)
 - 4.2.1 Rash Driving or riding on a public way. (Section 279)
 - 4.2.2 Rash or negligent navigation. (Section 280)
 - 4.2.3 Exposing false light, mark or being mislead navigator
 - 4.2.4 Conveying any person for hire by water in an unsafe and overloaded waste Vessel(Section 282)
 - 4.2.5 Causing danger or obstruction to any person in public way. (Section283)
 - 4.2.6 Negligent conduct with respect to poisonous substance.(Section 284)
 - 4.2.7 Negligent conduct with respect to fire, combustible substances. (section 285-289)
 - 4.2.8 Continuance of Nuisance. (Section 291)
- 4.3 Public Decency and Morals (ss 292-294A)
 - 4.3.1 Prevention of obscenely (ss 292-294)
 - 4.3.2 Keeping Lottery Office (S 294A)
 - 4.3.3 Cases related to spreading of infectious diseases

UNIT- V: OFFENCES AFFECTING THE HUMAN BODY (Sec. 299 – 377)

- 5.1 Culpable homicide. Murder
- 5.2 Hurt & Grievous Hurt.
- 5.3 Wrongful Restraint & wrongful Confinement.
- 5.4 Criminal force & assault.
- 5.5 Kidnapping & Abduction.

UNIT- VI: OFFENCES AGAINST PROPERTY (Sec. 378 – 462)

- 6.1 Theft and Extortion.
- 6.2 Robbery & Dacoity.
- 6.3 Criminal misappropriation of property and Criminal Breach of Trust.

- 6.4 Receiving stolen property and Cheating, Mischief.
- 6.5 Criminal Trespass, House Trespass, House Breaking

UNIT-VII: OFFENCES OF FALSE EVIDENCE & OFFENCES RELATING TO DOCUMENTS AND PROPERTY (Sec. 191 – 229A, 463-489E)

- 7.1 Giving false evidence & fabricating false evidence.(sec.493)
- 7.2Fraudulent claim to property
- 7.3 Forgery and making false documents
- 7.4 Forged documents

UNIT-VIII: OFFENSES RELATING TO SEXUAL, MARRIAGE (Sec. 375 – 377, 493-498A)

- 8.1 Rape
- 8.2 Unnatural Offenses
- 8.3 Bigamy
- 8.4 Adultery
- 8.5 Cruelty by husband and relatives

Reference Books:

Williams Glanville- The Text Book of Criminal Law
 Jerom Hall – Studies in Jurisprudence and Criminal Theory Jw
 Cecil Turner (edt.) – Kenny’s Outlines of Criminal Law Jw Cecil
 Turner - Russel on Crime
 Smith and Hogan – Criminal Law
 A.P. Simester & G.R. Sullivan – Criminal Law Theory and Doctrine
 R. C. Nigam – Principles of Criminal Law Asia Publishing House, Lucknow. Prof.
 K.N. ChndranshekharPillai – Essay’s on Indian Penal Code
 R. C. Srivastava – Law Relating to Crime and Punishment
 Andrew Ashworth – Principles of Criminal Law
 P.S/Achuthun Pillai, Criminal Law (1995) Eastern, Lucknow.
 Prof K.D Gaur - Criminal Law Cases and Material(1991), Butterworths India. Dr.
 Hari Singh Gaur – Penal Law of India (4 volumes)
 R. A Nelson – Indian Penal Code
 Prof. K.N. ChandranshekharPillai – Essay’s on Indian Penal Code
 RatanLal and DhirajLal – Indian Penal Code
 Prof. Raghavan – Indian Penal Code
 B.M.Gandhi, Indian Penal Code (1996), Eastern, Nagpur
 K.D.Gaur, a Text Book on the Indian Penal Code (1998), Universal Delhi

DSC – 505: FAMILY LAW – I

(Paper – V)

Objectives of the course :

The course structure is designed mainly with three objectives in view. One is to provide adequate sociology perspectives so that the basic concepts relating to family are expounded in their social setting. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts. The third objective is to view family law not merely as a separate system of personal laws based upon religions but as the one cutting across the religious lines and eventually enabling us to fulfill the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

To evaluate the strength of family system in India and the extent of legal support provided to the same and also to examine when and how and to what extent a Uniform Civil Code to regulate a religious part of family life, if any, may emerge!

Methodology of teaching-learning:

Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS

UNIT I : FAMILY RELATIONS- HINDUS, MUSLIMS, CHRISTAINS AND PARSIS

- 1.1 Natural and sources of Hindu Law
- 1.2 Schools of Hindu Law
- 1.3 Nature and sources of Muslim Law
- 1.4 Schools of Muslim Law

UNIT II: MARRIAGE AND KINSHIP

- 2.1 Evolution of the institution of marriage and Family

- 2.2 Role of Religious rituals and practices in molding the rules regulating to marital relations
- 2.3 Types of family based upon
 - 2.3.1 Lineage – patrilineal, matrilineal
 - 2.3.2 Authority structure –patriachcal; matriarchal
 - 2.3.3. Location patrilocal, matrilocal
 - 2.3.4 Number of conjugal units – nuclear, extended, joint and composite
- 2.4 Emerging concepts – maître – sambhand and divided homes.

UNIT III: MATRIMONIAL REMEDIES

- 3.1 Marital conflicts
 - 3.1.1 Non- judicial resolution of marital conflicts
 - 3.1.2 Customary dissolution of marriage – unilateral divorce, divorce by mutual consent and other modes of dissolution
 - 3.1.3 Divorce under Muslim personal law – talaq and talaq-e-tafweez
- 3.2 Judicial resolution of marital conflicts : the family court
- 3.3 Nullity of marriage
- 3.4 Option of puberty
- 3.5 Restitution of conjugal rights
- 3.6 Judicial separation
- 3.7 Desertion : a ground for matrimonial relief
- 3.8 Cruelty: a ground for matrimonial relief
- 3.9 Adultery : a ground for matrimonial relief
- 3.10 Other grounds for matrimonial relief
- 3.11 Divorce by mutual consent under :
 - 3.11.1 Special Marriage Act 1954
 - 3.11.2 Hindu Marriage Act 1955
 - 3.11.3 Muslim law (Khula and Mubaraat)

UNIT IV : BAR TO MATRIMONIAL RELIEF

- 4.1 Doctrine of strict proof
 - 4.1.1 Taking advantage of one's own wrong or disability
- 4.2 Accessory
- 4.3 Connivance
- 4.4 Collusion
- 4.5 Condonation
- 4.6 Improper or unnecessary delay
- 4.7 Residuary clause – no other legal ground exists for refusing the matrimonial relief.

UNIT V: LAW OF MAINTENANCE (HINDU AND MUSLIM LAW)

- 5.1 Claim of spouses
- 5.2 Claim of parents and children
- 5.3 Alimony (pendent and permanent)

UNIT VI MINORITY AND ADOPTION

- 6.1 Adoption under the Hindu Law
- 6.2 Acknowledgement under the Muslim law
- 6.3 Minority and Guardianship

UNIT VII : CONVERSION AND ITS EFFECT ON FAMILY

- 7.1 Marriage
- 7.2 Adoption
- 7.3 Guardianship
- 7.4 Succession

(In view of the conflict of inter-personal laws, conversion is causing problems. How conversion affects the family and whether it is compatible with the concept of secularism and to what extent such problems would stand resolved with the enactment of a uniform civil code needs to be examined.)

UNIT VIII : CUSTOMARY PRACTICES AND STATE REGULATION

8.1 Polygamy

8.2 Concubine

8.3 Child Marriage

8.4 Sati

8.5 Dowry

References :

- 1) ParasDiwan, Hindu Law
- 2) S.T. Desai (ed) Mulla's Principles of Hindu Law, (1998) Bitterorths , India
- 3) ParasDiwan, Family law : Law of Marriage and Divorce in India, (1984)
- 4) A. M. Bhattachargee, Muslim Law and Constitution(1994(Eastern Law House, Calcutta
- 5) A. M. Bhattachargee, Hindu Law and Constitution(1994(Eastern Law House, Calcutta
- 6) ParasDiwan, Law of Adoption, Minority, Guardianship and Custody (2000), Universal
- 7) A.A.A. Fyzee, Outline of Muhammadam law, (1986)
- 8) J.D.M. Derrett, Hindu Law : Past and present
- 9) J.D.M. Derrett, Death of Marriage Law
- 10) J.D.M. Derrett, a critique of modern Hindu law
- 11) ParasDiwan, Law of Intestate and Testamentary Succession (1998), Universal
- 12) Basu, N. D. Law of Succession (2000), Universal
- 13) Kusem, Marriage and Divorce Law Manual (2000), Universal
- 14) Malchandru, S.C. Law and Practice of Divorce in India (2000), Universal
- 15) P.V. Kane, History of Dharmasastras Vol. 2 pt. 1 at 624-632 (1974)
- 16) A. Kuppuswami (ed.) Mayne's Hindu Law and Usage ch. 4 (1986)
- 17) B. Sivaramayys, Inequalities and the Law, (1985)
- 18) K.C. Daiya, "Population control through family planning in India," Indian Journal of Legal studies, 85(1979)
- 19) ParasDiwan, Hindu Law (1985)
- 20) S.T. Desai (ed.) Mulla's Principles of Hindu Law, (1998)- Butterorths-India
- 21) ParasDiwan, Family Law : Law of marriage and Divorce in India, (1984)
- 22) A. M. Bhattachargee, Muslim Law and the Constitution (1994) Eastern Law House, Calcutta
- 23) A. M. Bhattachargee, Hindu Law and the Constitution (1994) Eastern Law House, Calcutta

AECC – 506: FUNDAMENTALS OF RESEARCH

Objective of the Course:

Research in common parlance refers to a search for knowledge. It is a scientific and systematic search for pertinent information on a specific topic. In fact, research is an art of scientific investigation. It is the pursuit of truth with the help of study, observation, comparison and experiment. Significance of Research is increasing in all discipline as it reflects social values, attitudes and behavior. As we know law is a dynamic and not static, therefore law student should inevitably understand the basics of research. After gone through the syllabus of

‘Fundamentals of Research’ the law students are came to know-

1. The Basics of the Research with the conceptual foundation
2. The stages of the Research involved and
3. The ethics for Research and its principle.

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -

For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT I -- CONCEPTUAL FOUNDATION OF RESEARCH

- 1.1.1 Introduction : Historical perspective and importance of Research
- 1.1.2 Meaning and Definitions of Research
- 1.1.3 Objectives of Research
- 1.1.4 Types of Research
- 1.1.5 Concept of Legal Research
- 1.1.5 Research Methodology

UNIT II -- MAJOR STAGES OF RESEARCH

- 2.1.1 Identification and formulation of problem
- 2.1.2 Review of Literature and Formulation of Hypothesis

2.1.3 Research Design

2.1.4 Collection of data and its various modes

2.1.5 Analysis and interpretation of data

2.1.6 Findings, Suggestions and Conclusion

UNIT III -- TOOLS AND TECHNIQUES OF DATA COLLECTION

3.1.1 Questionnaire

3.1.2 Survey

3.1.3 Interview

3.1.4 Sampling

3.1.5 Observations

3.1.6 Schedule

UNIT IV -- RESEARCH ETHICS

4.1.1 Moral Principles and Social Values in Research

4.1.2 Research Ethical Committee in Higher Education

4.1.3 Legal aspects – Copyright, Plagiarism, etc

Reference/ Suggested Books

- 1 C.R.Kothari, Gaurav Garg (2018), Research Methodology : Methods And Techniques, New Age International Publishers Ltd.-New Delhi
- 2 Dr.S.R.Myneni (2017), Legal Research Methodology, Allahabad Law Agency, Allahabad
- 3 [R. Panneerselvam](#) (2nd Edition), Research Methodology, Kindle Edition (e-Book)
- 4 Yogesh Kumar Singh, Fundamentals of Research Methodology and Statistics, New Age International Publishers Ltd.-New Delhi
- 5 Dr. H. N. Tewari.(2016), *Legal Research Methodology.*, Allahabad Law Agency, Allahabad
- 6 Goode, W.J. and Hatt, P. K. (1952), Methods in social research. New York, McGraw-Hill Book Comp, New York
- 7 Dr.MonaPurohit (2016), Legal Education and Research Methodology, Central Law Publications, Allahabad
- 8 Dr.G.P.Tripathi (2015), Legal Research and Research Methodology, Central Law Publications, Allahabad

Semester – VI

DSC – 601: SPECIAL CONTRACT

(Paper – I)

Objectives of the course :

The course is to be taught after the students have been made familiar with the general principles of contract in which the emphasis is on understanding and appreciating the basic essentials of a valid contract and on the existence of contractual relationship in various instances. Obviously, a course on special contract should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

We are witnessing a paradigm shift in every walk of life, especially commercial sector, due to computer technology. Internet has transformed traditional markets into global markets by facilitating online execution of commercial transactions including electronic transfer of goods and services through online advertising, online ordering, publishing, banking, investment, auction, travel, entertainment and professional and financial services.

Existing legal provisions have to be re-interpreted and applied to provide solutions to issues generated by new technology till the new legal provisions arrive. Students are expected to study the provisions that govern E-Contract including relevant provisions from Indian Contract act, Information technology Act and relevant amendments to Indian Penal code, Indian Evidence act, Negotiable Instruments act etc.

Methodology of teaching-learning:

Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level :10 Marks

30 Marks

SYLLABUS

UNIT I – INDEMNITY

- 12.3 The Concept
- .2 Need for indemnity to facilitate commercial transactions.
- 1.3 Methods of creating indemnity obligations
- 1.4 Definition of Indemnity
- 1.5 Nature and extent of liability of the indemnifier
- 1.6 Commencement of liability of the indemnifier
- 1.7 Situations of various types of indemnity creations.
- 1.8 Documents / agreements of indemnity

UNIT II – GUARANTEE

- 2.1 The Concept
- 2.2 Definition of guarantee
- 2.3 Basic essentials for a valid guarantee contract
- 2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
- 2.5 Position of a minor and validity of guarantee when minor is the principal debtor, creditor or surety.
- 2.6 Distinguished from Indemnity
- 2.7 Continuing guarantee
 - 2.7.1 Nature of surety's liability
 - 2.7.2 Duration and terminations of such liability
 - 2.7.3 Illustrative situations of existence of continuing guarantee.
 - 2.7.4 Creations and identifications of continuing guarantees.
- 2.8 Rights of surety
 - 2.8.1 Position of surety in the eye of law

2.8.2 Various judicial interpretations to protect the surety.

2.9 Co-surety and manner of sharing liabilities and rights.

2.10 Extent of surety's liability

2.11 Discharge of surety's liability

UNIT – III BAILMENT

3.1 The concept

3.2 Definition of Bailment

3.3 Identification of bailment contracts in day today life and Manner of creation of such contracts.

3.4 Commercial utility of bailment contracts

3.5 Kinds of bailees

3.6 Duties of bailor and bailee

3.7 Rights of bailor and bailee

UNIT – IV PLEDGE

4.1 The Concept

4.2 Commercial utility of pledge transactions

4.3 Definition of pledge under the Indian Contract Act

4.4 Comparison with bailment

4.5 Rights of the pawner and pawnee

4.6 Pawnee's right of sale as compared to that of an ordinary bailee

4.7 Pledge by certain specified persons mentioned in the Indian Contract Act.

UNIT – V AGENCY

5.1 The Concept – Agent & Principal

5.2 Kinds of agents

5.3 Essentials of an agency transaction

- 5.4 Various methods of creation of agency
- 5.5 Duties and rights of agents
- 5.6 Scope and extent of Agent's authority
- 5.7 Liability of the principal for acts of the agents
- 5.8 Liability of the agent towards the principal
- 5.9 Personal liability towards the parties
- 5.10 Methods of termination of agency contract

UNIT – VI SALE OF GOODS

- 6.1 Concept of sale as a contract
- 6.2 Essentials of a contract of sale
- 6.3 Essential conditions in every contract of sale
- 6.4 Implied terms in contract of sale
- 6.5 The rule of caveat emptor and the exceptions
- 6.6 Effect and meaning of implied warranties in a sale.
- 6.7 Transfer of title and passing of risk.
- 6.8 Delivery of goods : various rules regarding delivery of goods
- 6.9 Unpaid seller and his rights
- 6.10 Remedies for breach of contract

UNIT – VII PARTNERSHIP

- 7.1 Nature of partnership : Definition
- 7.2 Mutual relationship between partners
- 7.3 Incoming partner
- 7.4 Outgoing partner
- 7.5 Registration of Partnership
- 7.6 Dissolution of Partnership

UNIT – VIII E- CONTRACTS

- 8.1 The concept – Certifying Authority, digital signature, electronic record, cyber

Appellate tribunal

8.2 Validity of Electronics Transactions

8.2.1 Authentication of Electronic Records

8.2.2 Legal recognition of Electronic records & digital signature

8.2.3 Retention of electronic records

8.3 Communication & Revocation of offer

8.3.1 Attribution of electronic records

8.3.2 Acknowledgement of receipt

8.3.3 Time & Place of dispatch and receipt of electronic records.

References :

1. Pollock & Mulla on Contracts
2. Avtar Singh – Contract Act
3. Krishnan Nair , Law of Contract
4. Saharay H.K., Indian Partnership Act & Sale of Goods Act
5. Ramnainga , The sale of Goods Act
6. V.K. Rao, Contract II
7. The Information Technology Act, 2000 Asia Law House

Books :

- 1) R.K. Abhichandani (ed.), Pollock and Mulla on Contracts and Specific Relief Act (1999) Tripathi, Bombay.
- 2) Avtar Singh, Contract Act (2000), Eastern, Lucknow.
- 3) Krishnan Nair, Law of Contract (1999) Orient
- 4) Avtar Singh, Principles of the Law of the Sale of Goods and Hire Purchase (1998) Eastern, Lucknow.
- 5) J.R. Verma (ed.), Singh and Gupta, The law of partnership in India (1999), Orient Law House New Delhi.
- 6) A.Q. Guest (ed.) Benjamin's Sale of Goods (1992), Sweet & Maxwell.
- 7) Bhashyam and Adiga. The Negotiable Instruments Act (1995), Bharath Allahabad.

- 8) MS. Parthasarathi (ed.) J.S. Khergamvala. The Negotiable Instruments Act.
- 9) Beatson (ed.), Ansons' Law of Contract, (1998), Oxford, London.
- 10) Saharay, H.K., Indian Partnership and Sale of Goods Act (2000), Universal.
- 11) Ramnainga, The Sales of Goods Act (1998), Universal.
12. Information Technology Law and Practice, Cyber Law & E-Commerce by Vakul Sharma, 2005, Universal Law Publishing Co Pvt Ltd.
13. Cyber Law in India by Dr.Farooq Ahmad.,2005, Pioneer Books , New Era Law Publication Delhi.

Reference Books

1. Chitty, Contracts, Vol. 1I, 29th Ed., Sweet & Maxwell, 2004.
2. V.K. Rao, Contract II – Cases and Materials, Butterworths, 2004.
3. M. Krishnan Nair, Law of Contracts, 1998.
4. Dutt on Contract, H.K. Saharay, Universal, 2000.
5. Mulla, Indian Contract Act and Specific Relief Acts, Lexis Nexis 13th Ed. 2006.
6. Avtar Singh, Law of Partnership
7. Piyush Joshi, Law relating to Infrastructure Projects, Butterworths
8. Agarwal, Government Contracts, Law and Procedures, Eastern Book Corporation
9. Fired, The Law of Agency, Butterworth
10. Iyer Sale of Goods and Partnership Acts, Asia Law House
11. Reynolds & Davenport, Bowstead on Agency, Sweet & Maxwell
12. Mulla, Negotiable Instrument Act, Tripathy

Case Law (by way of illustration)

1. AmritlalGoverdhanLal v. State Bank of Travancore AIR 1968 SC 1432
2. Morvi Mercantile Bank v. Union of India AIR 1965 SC 1954
3. VasireddiSeetharamaiah v. Srirama Motor Finance Corporation 1977 AP 164
4. Wheels India Ltd., Mount Road v Khem Chand Raj Kumar 1970 MLJ 648
5. Maganbhai v Union of India AIR 1969 SC 785
6. Madhav Rao v. Union of India AIR 1971 SC 530
7. Delhi Science Forum & Others v. Union of India JT 1996 (2) SC 295
8. Canara Bank v Canara Sales Corporation & Others AIR 1987 SC 1603
9. Indian Airlines Corporation v MadhuriChoudhury AIR 1965 Cal 252
10. Gatewhite Ltd & Another v. Iberia Lineas de Espana SA (1989) 1 All E.R. 944

DSC-602: CONSTITUTIONAL LAW – II

(Paper – II)

Objectives of the course:

To understand the political, social and economic value structure of the Constitution of India and the protection of human rights of individuals and balancing with the positive responsibility of the state to establish a economy of growth, social justice and political aspiration of all sections of the Indian Society through constitutional governance.

Methodology of teaching-learning:

Lecture method and interactive sessions of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level :10 Marks

30 Marks

SYLLABUS**UNIT I. PARLIAMENT**

1. Composition, Election, qualifications, disqualifications and tenure of members.
2. Functions of Parliament.
3. Privileges of Members, Parliamentary Privileges and fundamental rights
4. Relationship between Lok Sabha and Rajya Sabha
5. Officers of the parliament – Speaker, Chairperson, powers and functions

UNIT II. PARLIAMENTARY GOVERNMENT AND UNION EXECUTIVE

1. Westminster Model- Choice of Parliamentary Form-Council of Minister and Prime Minister, Cabinet system, collective responsibility- individual responsibility.
2. Co-alition Government
3. President of India- Election, qualification and Impeachment
4. powers (specially the ordinance making power) privileges and constitutional position
5. Governor of the State- Appointment, tenure etc., position and status of Governor.

UNIT III. RELATIONSHIP BETWEEN UNION AND STATES**I- LEGISLATIVE RELATIONS**

1. Legislative powers of the union- extent and width- seventh schedule
2. Provision as to introduction and passing of ordinary bills
3. Joint sitting of both the houses
4. Parliament's power to legislate on State subjects
5. Principles of interpretation of Lists

UNIT IV -- RELATIONSHIP BETWEEN UNION AND STATES

II- ADMINISTRATIVE AND FINANCIAL

1. Administrative relationship
 - a) Co-extensive powers of administrative organ- Art 73
 - b) Obligation of states- assistance and coordination
 - c) Inter state council
 - d) All India Services
 - e) Grants in aid.
2. Financial Relations---
 - a) Distribution of Revenue between Centre and State.
 - b) Money Bill- finance bills
 - c) Finance Commission

UNIT V.- FREEDOM TRADE-COMMERCE AND SERVICES UNDER THE STATE

1. Freedom Trade-extent and relationship with fundamental rights
2. Restrictions on Trade and Commerce
3. Doctrine of Pleasure
4. Constitutional safeguards to Civil Servants
5. Public Service Commission

UNIT VI. - EMERGENCY PROVISIONS

1. National emergency- imposition and implications
2. Constitutional amendments relating to national emergency
3. Failure of constitutional emergency in the state- grounds
4. Misuse of state emergency -safeguards by judicial pronouncements
5. Financial emergency – grounds and implications

UNIT VII. - JUDICIARY UNDER CONSTITUTION

1. Supreme Court- composition, Appointment procedure- collegium system- removal
2. Jurisdiction of supreme court- original, appellate, advisory and curative
3. High Court-Composition, Appointment, jurisdiction etc.
4. Independence of Judiciary
5. Doctrine of Judicial Review- Nature and scope

UNIT VIII. - CONSTITUTIONAL PROCESS OF ADAPTATION AND ALTERATION

1. Amendment- meaning and Methods of Constitutional amendment
2. constitutional Limitations upon constituent power
3. Doctrine of Basic Structure- emergence and expansion
4. Amendment of fundamental rights
5. Content and controversy of basic structure theory

Reference Books:

- 1) T.K. Tope: Constitutional of India.
- 2) G.Austin, History Democratic Constitution: The Indian Experience (2000) Oxford.
- 3) D.D. Basu : Shorter Constitution of India (1996) Prentice Hall of India, Delhi.
- 4) Constituent Assembly Debates Vol. 1 to 12 (1989)
- 5) H.M. Seervai: Constitution of India Vol. 1-3 (1992), Tripathi, Bombay.
- 6) M.P.Singh (ed) V.N. Shukul : Constitutional Law of India (2000) Oxford.
- 7) G.Austin : Indian Constitution : Cornerstone of a Nation (1972)
- 8) M.Glanter : Competing Equalities- Law and the Backward Classes in India (1984)
- 9) B.Sivaramayya : Inequalities and Law (1984) Eastern Lucknow.
- 10) S.C.Kashyap : Human Rights and Parliament (1978) Metropolitan.
- 11) Dr. Pandey J.N. : Constitutional Law of India. (2007) Central Law Agency.

**DSC – 603: FAMILY LAW – II
(Paper – III)**

Objectives of the course:

Succession is one every important way of transfer of property, of course after the life of the owner of the property. The study shall not only examine the law as it is and is interpreted by Courts in fact situation, it also shall aim at understanding the differences in the law of succession, both testamentary and intestate, amongst various religious groups.

Methodology of teaching-learning:

Lecture method, Case study and presentation shall be dominant method. But research and paper-writing is also important. There shall be comparative studies in all presentations and lectures. Discussion and issue-based round table shall be emphasized instead of issue-based lecture.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

: 30 Marks

SYLLABUS:**UNIT I : JOINT FAMILY**

- 1.1.1 Mitakshara joint family
- 1.1.2 Mitakshara coparcenary – formation and incidents
- 1.1.3 Property under Mitakshara law – separate property and coparcenary property

- 1.1.4 Dayabhaga coparcenary – formation and incidents
- 1.1.5 Property under Dayabhaga law
- 1.1.6 Karta of the joint family – his position, powers, privileges and obligations
- 1.1.7 Alienation of property – separate and coparcenary
- 1.1.8 Partition and reunion
- 1.1.9 Joint Hindu Family as a social security institution and impact of Hindu gains of Learning act and various tax laws on it
- 1.1.10 Matrilineal joint family

UNIT II : INHERITANCE – HINDUS

- 2.1 Historical perspectives of traditional Hindu law as a background to the study of Hindu Succession act 1956
- 2.2 Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession act 1956
- 2.3 Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession act 1956
- 2.4 Succession to property of a Hindu female dying intestate under the provisions of Hindu Succession act 1956
- 2.5 Disqualification relating to succession
- 2.6 General rules of succession
- 2.7 Marumakkattayam and Aliyasantana laws governing people living in Travancore – Cochin and the districts of Malabar and South Kanara.

UNIT III : INHERITANCE – MUSLIMS

- 3.1 General rules of succession and exclusion from succession
- 3.2 Classification of heirs under Hanafi and IthnaAshria schools and their shares and distribution of property
- 3.3 Christians, Parsis and Jews
 - 3.3.1 Heirs and their shares and distribution of property under the Indian Succession Act 1925

UNIT IV : WOMEN’S PROPERTY

- 4.1 Stridhan – concepts and characteristics, sources
- 4.2 Principles of succession

- 4.3 Comparative analysis of right to property of women under different religious and statutory law

UNIT V : TESTAMENTARY SUCCESSION

- 5.1 Power of testamentary succession under various religious and statutory law under Hindu, Islamic, Christian and Parsi Law
- 5.2 Competence of the testator, limitation to testamentation
- 5.3 Abetment of legacy, Will and administration of will – Probate, Codicil, execution of Privileged and unprivileged will
- 5.4 Attestation, alteration and revival of will

UNIT VI : RIGHT OF PRE-EMPTION:

- 6.1 Pre-emption, meaning, nature, constitutionality, classification
- 6.2 Who can claim the right, formalities and legal effect
- 6.3 legal devises of evading right of pre-emption, when is the right lost

UNIT VII : GIFT UNDER THE ISLAMIC LAW

- 7.1 Hiba – nature and characteristics, kinds of hiba
- 7.2 Conditional and future gift, types of Hiba, Death-bed gift
- 7.3 Revocation of gift

UNIT VIII : RELIGIOUS ENDOWMENTS

- 8.1 Wakf
 - 8.1.1 Meaning, character, formalities for creation
 - 8.1.2 Administration, power of Mutawali, Muslim Religious Instiotutions and offices
- 8.2 Hindu Religious Endowment
 - 8.2.1 Traditional religious principles of creation, administration and offices
 - 8.2.2 Statutory methods of creation of trust
 - 8.2.3 Powers and functions of the trustees

References:

- 1) Mulla, Hindu Law, Vol I and II, Butterworth
- 2) Mayne, Hindu Law and Usage, Bharat
- 3) Diwan, Modern Hindu law, Universal
- 4) Tyabji, Muslim Law, Tripathy
- 5) Mulla, Principles of Mohammedan Law, Tripathy
- 6) Amer Ali, Mohammedan Law, Vol I andII, EBS
- 7) TahirMohammad, Family Law reforms in Muslim world, tripathy
- 8) TahirMohammad, Islamic Law in Modern india, Tripathy
- 9) Derret Hindu Law, Past and Present, Universal
- 10) Derret, Introduction to modern Hindu Law, Universal
- 11) Ghosh, the law of endowments, S.C. Sarkar
- 12) Row, Sanjiva, The Indian Succession Act, Law book Co
- 13) Basu, Indian Succession Act, eastern
- 14) Gaur, hindu code Vol i and II, Law Publisher
- 15) Diwan, law of Intested and testamentary Succession, wadhwa
- 16) Mukherjee, Hindu law of religious and charitable trust, eastern
- 17) Desai Kumud, Law of Marriages and Divorce
- 18) Mayne's Hindu law and usage
- 19) Parasdiwan, Family law
- 20) Dr. T. V. SubbaroaFamilt law in India
- 21) Mulla, principles of Mahommedan law

**DSC – 604: ENVIRONMENTAL LAW
(Paper – IV)**

Objectives of the course:

The Environmental law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution. All these issues related to problematic about construction of a just, humane and healthy society.

Secondly environmental law necessarily demands an inter – disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology – related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only

in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

Methodology of teaching-learning:

Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning device. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

	: 30 Marks

SYLLABUS

UNIT I - CONCEPT OF ENVIRONMENTAL AND POLLUTION

- 1.1 Meaning and definition of environment and pollution under different Acts
- 1.2 Kinds of pollution
- 1.3 Effects of pollution

UNIT II -- HISTORICAL PERSPECTIVES OF ENVIRONMENT AND POLLUTION

- 2.1 Indian tradition : Dharma of environment
- 2.2 British Raj – Industrial development and exploitation of nature
 - Nuisance : penal code and procedural codes
- 2.3 Free India – continuance of British influence

UNIT III -- CONSTITUTIONAL PERSPECTIVES

- 3.1 Constitution making – development and property oriented approach
- 3.2 Directive principles
 - 3.2.1 Judicial approach
- 3.3 Fundamental rights - Right to clean and healthy environment, Pollution Free Atmosphere etc.

3.4 Environments v. Development

3.5 Enforcing agencies and remedies

3.6 Emerging Principles

3.6.1 Polluter pays and Precautionary Principle : Public Liability Insurance

3.6.2 Public Trust Doctrine

3.6.3 Sustainable Development

UNIT IV -- WATER AND AIR POLLUTION

4.1 Water and Air Pollution - Meaning and standards

4.2 Culprits and victims

4.3 Offences and penalties

4.4 Judicial approach

4.5- Noise Pollution and Control

4.5.1 Legal control

4.5.2 Courts of balancing : permissible and impermissible noise

UNIT V -- ENVIRONMENT PROTECTION

6.1 Protection means

6.2 Protection agencies : Power and functions

6.3 Emerging protection through delegated legislation

6.3.1 Hazardous waste

6.3.2 Bio – medical waste

6.3.3 Genetic engineering

6.3.4 Disaster emergency preparedness

6.3.5 Coastal zone management

6.4 Judiciary : complex problems in administration of environmental justice

UNIT VI -- FOREST AND GREENERY

- 7.1 Greenery conservation laws
 - 7.1.1 Forest Conservation Act
 - 7.1.2 Symbiotic relationship and tribal people
 - 7.1.5 Denudation of forest : judicial approach
- 7.2 Wild life Protection Act

UNIT VII - - INTERNATIONAL REGIME

- 8.1 Stockholm conference
- 8.2 Green house effect and ozone depletion
- 8.3 Rio Conference
- 8.4 Bio – Diversity
- 8.5 U. N. Declaration on right to Development

UNIT VIII -- PREVENTION OF CRUELTY TO ANIMALS

- 9.1 Animal welfare Board
- 9.2 Cruelty to Animals Generally
- 9.3 Experimentation on Animals
- 9.4 Performing animals

Reference Books

1. Ball and Bell, Environmental Law
2. ShyamDivan : Armin Rosencranz Environmental Laws and Policy in India - Cases, Materials and Statutes
3. BaxiUpendra, The Bhopal Case
4. Aggarwal Anil, The State of India's Environment
5. Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
6. Pal Chandra, Environmental Pollution and Development, ed 1999
7. Iyer V R Krishna, Environment Pollution and the Law
8. Malaviya, Environment Pollution and its Control under International Law
9. Leelakrishnan, Environmental Law in India 1986
10. The Environment (Protection) Act 1986 and Rules 1986

Select Bibliography :

- 1) AarminRosencranz, et al, (eds.), Environmental Law and Policy in Indian, (2000), Oxford
- 2) R. B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing, New Delhi.
- 3) Kailash Thakur, Environment Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi.
- 4) Richard L. Riversz, et.al. (eds.), Environment Law, the economy and other Sustainable Development (2000), Cambridge
- 5) Christopher D. Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana
- 6) Leelakrishnan, P et. al. (eds.), Law and Environment (1990), Eastern, Lucknow
- 7) Leelakrishnan, P, The Environmental Law in India (1999), Butterworths – India
- 8) Department of Science and Technology, Government of India Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental protection (1980) (Tiwari Committee Report).
- 9) Indian Journal of Public Administration, Special Number on Environment and Administration, July – September 1988, Vol. XXXV, No. 3, pp. 353 - 801
- 10) Center for Science and Environment, The State of Indian's Environment 1982, The State of India's Environment 1984 – 1985 and The State of Indian Environment 1999 – 2000
- 11) World Commission on Environment and Development, Our Common Future (1987), Oxford.
- 12) Maneka Gandhi et. all Animal Laws of India (2001)
- 13) Iyer V R Krishna, Environment Pollution and the Law
- 14) Lal's Commentaries on Water and Air Pollution and Environment Protection Laws
- 15) Pal Chandra, Environmental Pollution and Development, ed 1999
- 16) Malaviya, Environment Pollution and its Control under International Law
- 17) The Environment (Protection) Act 1986 and Rules 1986

**DSC – 605: PROFESSIONAL ETHICS AND PROFESSIONAL
ACCOUNTING SYSTEM**

(Paper – V)

Objectives of the course:

Advocates have the dual responsibility of upholding the interests of the client fearlessly while conducting themselves as officers of the court. Accordingly, they are expected to adhere to the highest standards of probity and honour. An advocate's conduct should reflect their privileged position in society which derives from the nobility of this profession. The service of an advocate to the common man should be compassionate, moral and lawful. Indian Legal System can write up the next big success story in professional legal education and consequently higher efficiency in Justice Delivery System if it succeeds in facilitating high professional skills, building up of human resource with proper integration of knowledge to match the growing world standard.

Methodology of teaching-learning:

Lecture method and tutorial form of learning is the best method. Case study and research for self learning may also be truly effective. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise. There are a lot of scope of innovation and new interpretation.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

	: 30 Marks

SYLLABUS

UNIT I -- PROFESSIONAL ETHICS

- 1.1 Development of Legal Profession in India.
- 1.2 Concept, need and importance of Professional Ethics.
- 1.3 Bar Council of India Rules on Standards of professional Conduct and Etiquettes, seven lamps of advocacy
- 1.4 Duties and Obligations of Advocate (Norms of Professional Ethics)
 - Section I -Duty to the Court.
 - Section II -Duty to Client.

Section II -Duty to Opponent.

Section IV -Duty to Colleagues

-Duty to Profession

-Duty to Render Legal Aid.

1.5 Restrictions on other employments.

1.6 Senior Advocates and Restrictions on Senior Advocates.

1.7 Form of Dresses or Robes to be worn by Advocate.

1.8 Vakalatnama.

UNIT II -- ADVOCATES ACT, 1961 :

2.1 Chapter I (Sections 1 and 2) Definitions-Advocate, Legal Practitioner, Law Graduate.

2.2 Chapter II (Sections 3 to 15) -Bar Councils Functions.

2.3 Chapter III (Sections 16 to 28) -Admission and Enrolment of Advocates.

2.4 Chapter IV (Sections 29 to 34) -Right to Practice.

2.5 Chapter V (Sections 35 to 44) -Conduct of Advocates. Punishment of Advocates for misconduct.

2.6 Chapter VI (Sections 45 -Miscellaneous.)

UNIT III -- BAR-BENCH RELATIONS AND CONTEMPT OF COURT.

3.1 Concept and Role of Bar-Bench Relation with reference to administration of Justice.

3.2 The Contempt of Courts Act, 1971 Sections 1 to 24.

UNIT IV -- ACCOUNTANCY FOR LAWYERS.

4.1 Definition, object, Importance and Utility of Book Keeping.

4.2 Principles of Book-keeping and Accountancy, Accounting concepts and Accounting conventions.

4.3 Meaning and Advantages of Double Entry Bookkeeping.

4.4 Classification of accounts and Rules for debiting and crediting the accounts. Journal entries, Ledger Posting, Subsidiary Books.

4.5 Types of Cash Book.

- (a) Simple Cash Book.
- (b) Cash Book with Cash and Discount columns.
- (c) Cash Book with Cash, Bank and discount columns.

4.6 Bank Reconciliation statement.

4.7 Rectification of Errors.

4.8 Preparation of Trial Balance.

4.9 Preparation of Trading, Profit and Loss Account and Balance Sheet.

4.10 Preparation of Income and Expenditure Account.

4.11 Assessment of income and expenditure and payment of taxes by Advocates.

UNIT V -- CASES & SELECTED OPINIONS PRESCRIBED FOR STUDY.

5.1 Major Judgments of Supreme Court on the subject :

- 1) Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997, SC, 1338
- 2) Hikmat Ali Khan V/s IshwarPrasd, AIR, 1997, SC 864.
- 3) V. P. Kumarvelu V/s B.C.L., AIR, 1997, SC 1014
- 4) P.D. Gupta V/s Ram Murty, AIR, 1988, SC 283.
- 5) In Re. V.C. Mishra, AIR, 1995, SC 2348.
- 6) Supreme Court Bar Association V/s Union Bank of India, AIR, 1988, SC 1895.
- 7) U.P. Sales Tax Service Association V/s Taxtion bar Association, Agara AIR 1996 SC 98.
- 8) John D' Souza V/s Edward Ani, AIR, 1994, SC 975.
- 9) Dalal, D.S. V/s State Bank of India, AIR, 1993, CRLJ 1478.
- 10) Mr. Roma Baneriji V/s UshapatiBanerji, AIR, 1958, CRLJ 1478.

5.2 Selected Opinions Of The Disciplinary Committee Of Bar Council Of India

- 1) B.C.I. TR Case No. 27/1988, Vol. 16(3&4) 1989, I.B.R. Y.V.R. (Complainant) V/s M.K.N. (Respondent).
- 2) B.C.I. TR Case No. 24/1986, Vol. 16(3&4) 1989, I.B.R.C.L. (Complainant) V/s N.T.S. (Respondent).
- 3) D.C. Appeal No. 6/1988, Vol. 16(3&4) 1989, I.B.R.J.E. (Appellant) V/s Smt. A (Respondent).
- 4) D.C. Appeal No. 28/1986, Vol. 15(3&4) 1988, I.B.R.J. (Appellant) V/s Smt. A (Respondent).

- 5) D.C. Appeal No. 35/1987, Vol. 16(3&4) 1989, I.B.R.N.M. (Appellant) V/s V. D. (Respondent).
- 6) D.C. Appeal No. 131975 (Mah.) Vol. 5 (1-3) 1976, Journal of Bar 35 Council of India, A. (Appellant) V/s Bar Council of Maharashtra, (Respondent)
- 7) B.C.I. , TR. Case No. 17/86. Vol. 15(3&4), 1988, I.B.R. M. (petitioner/complainant) V/s Bar Council of Maharashtra, (Respondent)
- 8) B.C.I. , TR. Case No. 63/1983. Vol. 15(3&4), 1988, I.B.R. B. (Complainant) V/s R. (Respondent)
- 9) D.C. Appeal No. 21 of 1985. Vol. 15(3 and 4), 1988, I.B.R.G. (Applicant) V/s T. (Respondent)
- 10) B.C.I. , TR. Case No. 61/1983. Vol. 14(2), 1987, I.B.R. D. (Complainant) V/s B. (Respondent)

Recommended Books

1. Sanjiva Row's Advocates Act, 1961.
2. Iyer's Law of Contempt of Courts.
3. Bar Council of India Trust Selected Judgments on Professional Ethics.
4. Bar Council of India Rules on Standards of Professional conduct and Etiquette.
5. Dr. KailashRai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
6. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
7. M. G. Patkar-Book Keeping and Accountancy.
8. Mrs. JayashreeKotibhaskar-Book Keeping and Accountancy.
9. KrishnamurtiIyer-Advocacy.
10. Shukla and Grewal-Advance Accountancy.
11. R. L. Gupta-Advanced Accountancy.
12. S. N. Maheshwari-Introduction to Accountancy.
13. Indian Bar Review-Journal.
14. M. P. Jain-Outline Indian Legal History-Chapter Development of Legal Profession.
15. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
16. M. R. Mallick-Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
17. P. L. Mehta, Sushma Gupta-Legal Education and Legal Professional in India.
18. Law Reporters-A.I.R., S.C.C. (Relevant cases).
19. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
20. Agarwal A. N.-Practical Aspects of Higher Accountancy.
21. Anand-Professional Ethics of Bar.
22. JhaShriram Chandra-Selected Judgments on Professional Ethics.
23. Mynen S. R.-Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.
24. Reddy G. B.-Practical Advocacy for Lawyers.

AECC – 606 PUBLIC INTEREST LAWYERING AND PARA LEGAL SERVICES

Objective of the course :

This Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on the following.

Internal Assessment -For passing this examination, two credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS

UNIT – I- PUBLIC INTEREST LITIGATION

- 1.1 Meaning and object
- 1.2 Locus Standy
- 1.3 Merits and demerits of Public Interest Lawyering
- 1.4 Public Interest Litigation and Writ Jurisdiction
- 1.5 Social Revolution Through P.I.L. with Cases

UNIT – II LEGAL – AID AND LEGAL LITERACY PROGRAMME

- 2.1 Meaning, Object and Importance
- 2.2 Constitutional Provisions
- 2.3 Legal Services Authorities Act, 1987
- 2.4 Legal – Aid and Legal Profession

UNIT – III LOKADALAT

- 3.1 Meaning of LokAdalat
- 3.2 Organization of LokAdalat
- 3.3 Permanent LokAdalat
- 3.4 Composition of LokAdalat
- 3.5 Functioning of LokAdalats

UNIT – IV - PARA-LEGAL TRAINING AND IMPORTANCE

- 4.1 Meaning, Objects and Importance
- 4.2 Role of DALSA, TALSA

4.3 Legal Literacy Campus

4.4 Negotiation

4.5 Counseling

UNIT – V - LOKNAYALAYA AND GRAM NYAYALAYA

5.1 Meaning, Objects and Importance

5.2 Features of the Gram Nyayalaya Act, 2008

5.3 Jurisdiction of Gram Nyayalaya

5.4 Appellate Provisions

5.5 Mobile Court

Books Recommended

- 1) Public Interest Lawyering, Legal-Aid and Para Legal Services by Prof. Kailash Rai
- 2) Public Interest Litigation by J. Gulab Gupta
- 3) Legal – Aid to the poor by S. S. Sharma.

Shivaji University

Kolhapur



Est.: 1962
NAAC 'A' Grade

Two Year Post Graduate Master of Laws (LL.M.) Programme Choice Based Credit System (CBCS) Faculty of Law

(To be implemented from Academic)

LL. M. Part – I From Academic year 2019-2020

LL. M. Part – II From Academic year 2020-2021

Group – I
Business Laws
LL.M Part – II, Semester – III
Paper I
CC-301: BANKING LAW

Max. Marks: 100

Objective of the Course:

The banking system provides vital financial services to the society. In the modern age, it is the backbone of the economy. Banks are one of the oldest institutions of the economy. The evolutionary process still continues with the global phenomenon of liberalization. This has witnessed the entry of Foreign Banking Companies in the Indian market. The Reserve Bank of India was established under the Reserve Bank of India Act, 1934. This paper aims to acquaint students with the conceptual and operational parameters of banking law, the judicial interpretation, and emerging dimensions of the banking system.

Syllabus:

Unit I - Evolution of Banking System

- 1.1 Nature and Development of Banking
- 1.2 History of Banking in India, USA and UK
- 1.3 Types of Banks
- 1.4 Functions of Banks
- 1.5 Bank Crisis

Unit II - Law Relating to Banking in India

- 2.1. The Banking Regulation Act, 1949
- 2.2 The Reserve Bank of India, 1934
- 2.3 Payment and Settlement Systems Act 2007
- 2.4 The Banker's Books Evidence Act, 1891
- 2.5 Negotiable Instruments Act, 1881

Unit III - Social Control over Banking

- 3.1 Nationalization of Banks
- 3.2 Private Ownership and Disinvestment
- 3.3 Protection of Depositors
- 3.4 Priority Lending
- 3.5 Promotion of under Privileged Classes

Unit IV- Deposit Insurance Corporation

- 4.1 The Deposit Insurance Corporation Act 1961: objects and reasons
- 4.2 Establishment of Capital of DIC

Unit V - The Central Bank

- 5.1 Evolution of Central Bank
- 5.2 Characteristics and Functions
- 5.3 Economic and Social Objectives
- 5.4 The Central Bank and the State - as Bankers' Bank
- 5.5 The Reserve Bank of India as the Central Bank

Unit VI - Relationship of Banker and Customer

- 6.1 Relationship between Banker and Customer
- 6.2 Rights and duties of Banker and the Customer
- 6.3 Protection of Bankers
- 6.4 Consumer Protection: Banking as Service

Unit VII – Loans and Advances by Banks

- 7.1 Good lending principles
- 7.2 Securities for loans and advances
- 7.3 Repayment of loans: rate of interest, protection against penalty
- 7.4 Default and recovery: Role of Debt Recovery Tribunal (DRT)

Unit VIII - Recent Trends of Banking System in India

- 8.1 Net-Banking, Mobile Banking, Tele-Banking , NEFT, IMPS, RTGS, ECS
- 8.2 Automation and Legal Aspects – Information Technology Act, 2000 (as amended)
- 8.3 Automatic Teller Machine (ATMs)
- 8.4 Smart Cards Transactions
- 8.5 Debit / Credit Cards Transactions – Legal Aspects

Select Bibliography:

1. Basu , A Review of Current Banking Theory and Practice (1998)MacMillan.
2. Ross Cranston , Principles of Banking Law (1997) Oxford.
3. M.L. Goyale, The Law of Banking and Bankers (1995) Eastern Book House.
4. M. L. Tannan's, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi , 2 volumes.
5. K. C. Shekhar , Banking Theory and Practice (1998)UBS PublisherDistributors Ltd. New Delhi.
6. K Subrahmanyam , Banking Reforms In India (1997) Tata Maigraw Hill ,New Delhi.
7. R. S Narayana , The Recovery of Debts due to Banks and FinancialInstitutions Act, 1993(51 of 1993), Asia Law House, Hyderabad.
8. Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws,(1998) University Book Agency, Allahabad.
9. Janakiraman Committee Report on Securities Operation of Banks &Financial Institution (1993)
10. Narasimham Committee Report on the Financial System (1991) –SecondReport (1999).
11. RossCranston (ed.) European Banking Law: The Banker-CustomerRelationship(1999) LLP, London.
12. M.A. Mir, The Law Relating to Bank Guarantee in India (1992),Metropolitan Book, New Delhi.
13. R.K. Talwar, Report of Working Group on Customer Service in Banks.

Paper II

CC-302: Insurance Law

Max. Marks: 100

Objective of the Course:

Insurance acts as an important tool in providing social security. The law of Insurance plays a significant role in regulating Insurance Companies and protecting the interest of the policy holder. Insurance is a social device to reduce the impact of risk. Insurance law is the practice of law surrounding insurance, including insurance policies and claims. An insurance policy is a contract that is based on doctrine like utmost good faith etc. This paper aims to acquaint students with the conceptual and operational parameters of Insurance law, the judicial interpretation, and emerging dimensions of the Insurance system.

Syllabus:

Unit I - Introduction

- 1.1 Nature of Insurance Contract, Proposal, Policy, Parties, Consideration, Need for utmost good faith, Insurable Interest, Indemnity.
- 1.2 Insurance Policy, law of contract and law of torts - future of insurance: need, importance and place of insurance.
- 1.3 General Principles of Law of Insurance.
 - 1.3.1 Definition, Nature and History.
 - 1.3.2 The Risk - Commencement, Attachment and Duration.

Unit II- General Insurance

- 2.1 History and development.
- 2.2 The Insurance Act 1938 and the Insurance Regulation Authority Act 2000.
- 2.3 Mutual insurance companies and co-operative life insurance societies.
- 2.4 Double Insurance and re-insurance.

Unit III - Life Insurance

- 3.1 Nature and Scope.
- 3.2 Event insured against Life Insurance Contract.
- 3.3 Circumstances affecting the Risk.
- 3.4 Amount recoverable under Life Policy.
- 3.5 Persons entitled to Payment.
- 3.6 Settlement of Claims and Payment of Money.

Unit IV - Marine Insurance

- 4.1 Nature and Scope.
- 4.2 Classification of Marine Policies.
 - 4.2.1 The Marine Insurance Act, 1963.
 - 4.2.2 Marine Insurance Policy - Condition - Express & Implied Warranties
 - 4.2.3 Voyage -deviation and Perils of the sea.
 - 4.2.4 Assignment of policy and Return of premium.

Unit V - Insurance against Accidents

- 5.1 The Fatal Accidents Act, 1855.
 - 5.1.1 Objects and Reasons.
 - 5.1.2 The Personal Injuries (Compensation Insurance) Act 1963.
 - 5.1.3 Assessment of Compensation.
 - 5.1.4 Contributory Negligence.
 - 5.1.5 Apportionment of Compensation and Liability.
- 5.2.6 Compensation Insurance Scheme under the Act-Compulsory Insurance.

Unit VI - Property Insurance

- 6.1 Fire Insurance.
- 6.2 The Emergency Risks (Factories) Insurance.
- 6.3 The Emergency Risks (Goods) Insurance.
- 6.4 Policies covering Accidental loss, Damage to Property.
- 6.5 Policies covering Risk of Storm and Tempest.
- 6.6 Glass-plate Policies.
- 6.7 Burglary and Theft Policies.
- 6.8 Live Stock Policies.
- 6.9 Goods in Transit Insurance.
- 6.10 Agricultural Insurance.

Unit VII - Insurance Against Third Party Risks-1

- 7.1 The Motor Vehicles' Act, 1988.
 - 7.1.1 Nature and Scope.
 - 7.1.2 Effect of Insolvency or Death on Claims of Insolvency and Death of Parties, Certificate of Insurance.
 - 7.1.3 Claims Tribunal: Constitution, Functions, Application for Compensation, Procedure, Powers and Award.

Unit VIII - Insurance Against Third Party Risks-2

- 8.1 Liability Insurance
 - 8.1.1 Nature and Kinds of such Insurance.
 - 8.1.2 Public Liability Insurance.
 - 8.1.3 Professional Negligence Insurance.
- 8.2 Miscellaneous Insurance Schemes: New Dimensions.
 - 8.2.1 Group Life Insurance.
 - 8.2.2 Mediclaim, Sickness Insurance.

Select Bibliography:

1. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
2. Mitra B.C., Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad.
3. JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell.
4. Birds, Modern Insurance Law (1997) Sweet & Maxwell.
5. Colinvaux's Law of Insurance (1997), Sweet & Maxwell.
6. O'Mary on Marine Insurance (1993), Sweet & Maxwell.
7. Edwin W. Patterson, Cases and Materials on Law of Insurance (1955).
8. E.R. Hardy Ivamy, General Principles of Insurance Law (1979).
9. M.N. Sreenivasan Law and the Life Insurance Contract (1914).
10. International Labour Office, Administration Practice of Social Insurance (1985).

Paper III
CC-303: Law Relating to Consumer Protection and Competition

Max. Marks: 100

Objective of the Course:

The Consumer Protection law protects defines rights of a consumer and protects the consumer from adulterated, substandard goods and deficient services. It provides for procedure for filling a complaint and its Redressal mechanism. Competition is the key which encourages efficient, innovative and responsive markets. The consumers have availability of 'goods' and 'services' in at an affordable price. India has reviewed the Monopolies and Restrictive Trade Practices Act, 1969 and has enacted the Competition Act, 2002. This paper aims to impart the basic knowledge of Laws relating to Consumer Protection and Competition and anti- competitive practices adopted in the commercial world.

Syllabus:

Unit I - An Introduction to Consumer Protection Law and Policies

- 1.1 Development of market and consumer relations.
- 1.2 Globalization and consumerism.
- 1.3 Consumer movement in the global context.
- 1.4 Legal frame work and policy challenges.

Unit II - Consumer Rights

- 2.1 Genesis of the consumer rights – UN role.
- 2.2. Right to safety.
- 2.3 Right to be informed.
- 2.4 Right to choose.
- 2.5 Right to be heard and assured.
- 2.6 Right to redressal
- 2.7 Right to consumer education.

Unit III - Legislative Framework on Consumer Protection in India

- 3.1 Evolutionary steps of Consumer Protection Laws in India- a historical perspective.
- 3.2 Some important provisions in Consumer friendly Legislations:
 - 3.2.1 Prevention of Food Adulteration Act, 1954.
 - 3.2.2 Standards of Weights and Measures Act, 1976.
 - 3.2.3 The Drugs and Magic Remedies (Objectionable Advertisement) Act 1954.
 - 3.2.4 MRTP Act.
 - 3.2.5 Sale of Goods Act, 1930.

Unit IV – Consumer Protection Act, 1986

- 4.1 Definition of Consumer.
- 4.2 Definition of Service.
- 4.3 Deficiency in Service.
- 4.4 Unfair Trade Practices.
- 4.5 Grievance Redressal Mechanism.

Unit V – Introduction to Competition Law

- 5.1 Concept of market, Open market- Regulated market
- 5.2 Nature & Scope of competition law and policy.
- 5.3 Evolution & Growth of competition law.
- 5.4 Constitutional vision of Socio-Economic Justice
- 5.5 Raghavan Committee Report
- 5.5 Competition Act, 2002- overview, definitions and ideas of agreement, dominant position, combination and effects of anti- competitive activities.

Unit VI – Abuse of Dominant Position

- 6.1 Concept, forms and treatment in India.
- 6.2 Essential facilities doctrine.
- 6.3 Refusal and abuse of dominant position.
- 6.4 Pricing strategies and abuse of dominant position.

Unit VII – Competition Commission of India

- 7.1 Composition, powers and function of CCI.
- 7.2 Role of the DG.
- 7.3 Appellate Tribunal.
- 7.4 Penalties and remedies.

Unit VIII –Modern Dimensions of Competition Law

- 8.1 WTO and its impacts on Competition Laws with reference to UNCTAD.
- 8.2 International enforcement and judicial assistance.
- 8.3 Dumping.
- 8.4 State aid.
- 8.5 Recession.

Select Bibliography:

1. Mittal D.P., Taxmann’s Competition Law and Practice, 3rd Edition , 2007.
2. Universal Guide to Competition Law in India, Universal Law Publishing Company, New Delhi. 2003.
3. Ramappa. T., Competition Law in India- Policy, Issues and Development Oxford University Press, 3rd Edition, 2013.
4. Aditi P Talati, Nahar. S. Mahala, Competition Act, 2002: Law, Practice and Procedure, Commercial Law Publishers, 2006.
5. Avtar Singh & Harpreet Kaur, Introduction to Law of Tort & Consumer Protection, Lexis Nexis, 2013.
6. Verma S.K. & M. Afzal Wani, A Treatise on Consumer Protection Laws, Indian Law Institute, 2004.
7. Anoop K. Kaushal, Universal’s Practical Guide to Consumer Protection Law, Universal law Publishing Company, New Delhi, 2006.
8. Aggarwal, Prof. V. K., Consumer and Protection Law and Practice, 6th Edition, 2008.

Paper IV
EC – 304: International Trade Laws

Max. Marks: 100

Objective of the Course:

To familiarize students with theories and policies that guide international trade. To enable students to get meaningful insights into why international trade is important for a country and how it effects production, profit and the economy.

Syllabus:

Unit I - The History and Development of International Trade, and Financial Institution

- 1.1 History and development of international trade.
- 1.2 International Monetary Fund (IMF), International Bank.
- 1.3 For Reconstruction and Development (IBRD).
- 1.4 International Finance Corporation (IFC), International.
- 1.5 Development Association (IDA), Multilateral Investment Guarantee Agency (MIGA).

Unit II - Theories Related to International Trade

- 2.1 Mercantilism, Theory of absolute advantage of Adam Smith.
- 2.2 Theory of comparative advantage of David Ricardo and its developments.
- 2.3 Marxist notions affecting International Trade.

Unit III - WTO and International Trade Law; Regulation of International Trade in India

- 3.1 Multilateral Agreements on Trade in Goods, GATS, TRIPS Agreement.
- 3.2 Doha Round and aftermath, Institutional Structure.
- 3.3 Foreign trade (Development and Regulation) Act, 1992, Foreign Trade Policy.
- 3.4 Foreign Trade Procedures.

Unit IV - International Sale and Carriage of Goods and International Investment Laws

- 4.1 United Nations Convention on Contracts for the International Sale of Goods, 1980.
- 4.2 Bills of Lading and other Shipping Documents, Documentary Credit and other Payment.
- 4.3 Arrangements, International Contracts Claims before National Courts. Bilateral Investment .
- 4.4 Treaties, Multilateral Investment Guarantee Agency, Agreement on Trade Related Investment Measures, Multilateral Agreement on Investment.

Unit V - Settlement of International Trade Disputes

- 5.1 Consultations, Panel and appellate reviews, Good offices.
- 5.2 Conciliation and Mediation; Arbitration.
- 5.3 Compliance and enforcement.

Unit VI - Non-Discrimination

- 6.1 National Treatment: Concept of “Like products”
 - 6.1.1. Difference in treatment of like products and directly competitive and substitutable products.
 - 6.1.2 Exceptions to the rule
- 6.2 Most Favored Nation Treatment: Advantages of the MFN rule
 - 6.2.1 Exceptions to the rule
 - 6.2.2 Regional Trade Agreements, Free Trade Areas, etc.
 - 6.2.3 Growing phenomenon of RTAs and FTAs whether a threat to multilateralism?

Unit VII - Protection of Domestic Industry

- 7.1 Antidumping Measures under Article VI of GATT 1994 and the Antidumping Agreement.
- 7.2 Subsidies and Countervailing Duties under Article VI and XVI of GATT 1994 and Agreement on Subsidies and Countervailing Measures.
- 7.3 Safeguard Measures under Article XIX of GATT 1994 and the Safeguards Agreement.

Unit VIII - Regulation of Non-Tariff Barriers

- 8.1 Agreement on Technical Barriers to Trade (TBT).
- 8.2 Agreement on Sanitary and Phytosanitary (SPS) Measures.
- 8.3 Rules of Origin.
- 8.4 Pre-shipment Inspection.
- 8.5 Agreement on Import Licensing.

Select Bibliography:

1. Bhala, Raj Modern GATT Law: A Treatise on the General Agreement on Tariffs and Trade (Thompson, Sweet and Maxwell 2005).
2. Macrory, Patrick F.J. et al The World Trade Organization: Legal, Economic and Political Analysis (Springer, 2005).
3. Matsushita, Mitsuo et al The World Trade Organization: Law Practice and Policy (OUP, 2006).
4. Mavroidis, Petros C. The General Agreement on Tariffs and Trade (OUP 2005).
5. 5. Schnitzer, Simone Understanding International Trade Law (Law Matters Publishing, 2006)

Important Web Sources:

1. www.wto.org.
2. www.nic.in
3. www.worldtradelaw.net
4. www.centad.org

Paper V
SEC – 305: Right to Information Act

Max. Marks: 50

Objective of the Course:

To familiarize students with their fundamental right to know whether public administration works as per the provisions of laws and statues under which they have been appointed. This course also deals with developing and enhancing skills of enquiry about functioning of Government Authorities as guaranteed by the Constitution of India Art. 19 and 21.

Syllabus:

Unit I – Introduction

- 1.1 Introduction to the Right to information Act. 2005.
- 1.2 Important Definitions.
- 1.3 Statement of Objectives and Reasons.
- 1.4 Right to information Act and obligations of public authorities.

Unit II – The Central Information Commission

- 2.1 Constitution of Central Information Commission.
- 2.2 Term of Office and Conditions of Service.
- 2.3 Removal of the Chief Information Commission.

Unit III – The State Information Commission

- 3.1 Constitution of State Information Commission.
- 3.2 Term of Office and Conditions of Service.
- 3.3. Removal of the State Chief Information Commission.

Unit IV- Powers and functions of the Information Commissions, appeal and penalties

- 4.1 Duties of the Central Information Commission or State Information Commissions.
- 4.2 Powers of a civil court while trying a suit under the Code of Civil Procedure, 1908.
- 4.3 Appeal
- 4.4. Penalties

Unit V – Miscellaneous

- 5.1 Protection of action taken in good faith.
- 5.2 Act to have overriding effect.
- 5.3 Bar of jurisdiction of courts.
- 5.4 Act not to apply to certain organizations.

Unit VI- Monitoring and Reporting

- 6.1 Appropriate Government to prepare programmes.

Unit VII - Power to make rules by appropriate Government

- 7.1 Laying of rules.
- 7.2 Power to remove difficulties.

Unit VIII – Schedules and Forms

- 8.1 First Schedule.
- 8.2 Second Schedule.
- 8.3 Forms.

Select Bibliography:

1. Right to Information Act, 2005 Bare Act and Commentary.
2. All other sources of Books and Law Reports.

Group – I
Business Laws
LL.M Part – II, Semester – IV
Paper I

CC-401: Dissertation and Viva-Voce

Max. Marks: 150 Marks for Term Work and 50 Marks for Viva Voce. Students are required to select a burning topic based on socio-legal studies for research work and by way of documentary and non-documentary or empirical research methodology and submit the Thesis in hard bound after taking guidance from the allotted supervisor. The Report should be as per the standard format and submit in at least 200 to 250 pages.

Objectives of the Course:

To inculcate research skills in the students. To be able to find out the truth about socio-legal issues. To equip them with critical reasoning and expressing their opinion with a significant research and suggest certain feasible suggestions.

To make the LL.M. program in IPR and Business Laws research oriented every student has to carry out Dissertation work selecting any topic from the subjects taught in the last three semesters applying Legal Research Methodology which is to be submitted for evaluation internally externally has to appear for viva-voce.

Paper II
SEC-402: Public Interest Litigation

Max. Marks: 50

Objective of the Course:

The majority of the people of our Country are Subjected to the denial of 'access to justice' and overtaken by despair and helplessness, they continue to remain victims of an exploitative Society where economic power is Concentrated in the hands of a few and it is used for perpetuation of domination over large masses of human beings. The strategy of public interest litigation has been evolved by the Supreme Court with a view to bringing justice within the easy reach of the poor and disadvantaged sections of the Community. This course aims at training the budding lawyers to be learned citizens who may be able to file PILs which may help the poor, needy and downtrodden people to have justice.

Syllabus:

Unit I – Introduction

- 1.1 Concept of Judicial Activism.
- 1.2 Meaning and Definition of PIL.
- 1.3 Significance of PIL.
- 1.4 Matters

Unit II - Genesis and Evolution of PIL in India: Some Landmark Judgements

- 2.1 Origin and Development of PILs
- 2.2 Mumbai Kamagar Sabha vs. Abdul Thai, 1976.
- 2.3 Hussainara Khatoon vs. State of Bihar (1979) - Right to speedy justice.
- 2.4 S.P. Gupta vs. Union of India – relaxation of Locus Standi Rule.
- 2.5 Indian Banks' Association, Bombay & Ors. vs. M/s Devkala Consultancy Service and Ors
- 2.6 Vishaka v. State of Rajasthan

Unit III - Factors Responsible for the Growth of PIL in India

- 3.1 The character of the Indian Constitution.
- 3.2 The liberal interpretation of locus standi.
- 3.3 Judicial innovations to help the poor and marginalized

Unit IV - Who Can File a PIL and Against Whom?

- 4.1 Any citizen under:
 - 4.1.1 Under Art 32 of the Indian Constitution, in the Supreme Court.
 - 4.1.2 Under Art 226 of the Indian Constitution, in the High Court.
 - 4.1.3 Under sec. 133 of the Criminal Procedure Code, in the Court of Magistrate.
- 4.2 Essential Ingredients for PIL
- 4.3 PIL against State / Central Govt., Municipal Authorities and not any private party.

Unit V - Significance of PIL

- 5.1 Access to Court to seek legal redress
- 5.2 Instrument of Social Change
- 5.3 To make Justice accessible to the poor and the marginalized
- 5.4 Democratizes the access of justice to all
- 5.5 Public participation in judicial review

Unit VI - Certain Weaknesses of PIL

- 6.1 problem of competing rights
- 6.2 Overburden of PIL by vested interest
- 6.3 Judicial Overreach
- 6.4 Inordinate delays in the disposal of PIL cases

Unit VII - Procedure to File a Public Interest Litigation

- 7.1 In High Courts.
- 7.2 In Supreme Court.
- 7.3 Court Fees
- 7.4 Procedure

Unit VIII –Conclusion

- 8.1 Criticism against PIL
- 8.2 PIL: Present Scenario

Select Bibliography:

1. M.P. Jain, 'Indian Constitutional Law', vol-I (5th Ed., 2003, Wadhwa Nagpur).
2. Durga Das Basu, 'Commentary on the Constitution of India', vol-II (8th Ed., 2008, Lexis Nexis, Butterworth Wadhwa).
3. P.N. Bhagwati, "Judicial activism".
4. Jill Cottrell," Third generation rights and social action litigation," in Adelman and Paliwala, Law and crisis.
5. Ahuja, Sangeeta, People, Law and Justice.A Case Book on PIL, Vol.I, Orient Longman Ltd., New Delhi, 1997.
6. Austin, Granville, The Indian Constitution - Cornerstone of a Nation, Oxford University Press, New Delhi, 1996.
7. Basu, Durga Das, Comparative Constitutional Law, Prentice Hall of India (P) Limited, New Delhi, 1984.

Important Websites:

1. www.wikipedia.com
2. www.helpline.law.com
3. www.halsbury.com
4. www.legalserviceindia.com

Group – II
Intellectual Property Rights
LL.M Part – II, Semester– III
Paper I
CC-301: Law of Copyrights

Max. Marks: 80

Objective of the Course:

Copyright law has evolved as a response to the change in the new technology and hence it is complex in character. This course aims to expose the students to the concept copyright and a procedure of protection of the rights of the author of copyrighted material. They will also get an exposure to the practical aspects of drafting licensing agreements and the procedure for registration of copyright.

Syllabus:

Unit I – Introduction

- 1.1 Meaning of Copyright
- 1.2 Characteristics of Copyright
- 1.3 Copyright Act, 1957
- 1.4 Subject-matter of Copyright

Unit II – Author and Ownership of Copyright

- 2.1 Ownership of Copyright
- 2.2 Rights Conferred by Copyright
- 2.3 Nature of Rights
- 2.4 Scope of Rights
- 2.5. Joint Ownership

Unit III –Term of Copyright

- 3.1 Term of Copyright in various subject-matters.

Unit IV – Assignment / License of Copyright

- 4.1 Assignment of Copyright
- 4.2 Licensing of a copyright

Unit V –Infringement of Copyright

- 5.1 Acts constituting Infringements
- 5.2 Infringement in various Copyrighted works

Unit VI –Remedies Against Infringement of Copyright

- 6.1 Kinds of remedies
- 6.2 Protection of authors special rights
- 6.3 Civil remedies
- 6.4 Criminal remedies

Unit VII –Registration of Copyright

- 7.1 The steps for registration
- 7.2 Appeal

Unit VIII –Regulatory Authorities

- 8.1 Register of copyright
- 8.2 Copyright Board

Select Bibliography:

1. Adeney, Elizabeth. The Moral Rights of Authors and Performers: An International Comparative Analysis. London: Oxford University Press, 2006.
2. Alain Strowel, Peer to peer File Sharing and Secondary Liability in Copyright Law, Edward Elgar, 2009.
3. Cohen, Loren et.al, Copyright in the Global Information Economy, Aspen, 2nd ed., 2006.

4. Copinger and Skone James on Copyright, Vol. 1, Sweet & Maxwell, 2010.
5. Cornish, Graham P., Copyright: Interpreting the Law for Libraries, Archives and Information Service, Facet Publishing, London, 2009.
6. D'AgostinoGuisepina, Copyright, Contracts, Creators: New Media, New Rules, Edward Elgar, 2010.
7. ElezabethAdeney, The Moral Rights of Authors and Performers: An International and Comparative Analysis, OUP, 2006.
8. Gervais, Collective management of Copyright and Related Rights, Kluwer, 2010.
9. Goldstein on Copyright Law, Kluwer, 2000.

Paper II
CC-302: Law of Designs and Integrated Circuits,
Geographical Indications and Confidential Information

Max. Marks: 80

Objective of the Course:

To expose the students about the significance of laws relating to designs which are applied to the commercial products, Integrated Circuits used in computers and other electronic devices, Geographical Indication which gives protection to the production and /or cultivation of products in a specific geographical area and the Confidential Information protected and preserved by the original authors or owners.

Syllabus:

Unit I –Industrial Designs

- 1.1 Introduction, Meaning and Definition
- 1.2 Evolution and Justification of Designs
- 1.3 International Treaties:
 - 1.3.1 Paris Convention
 - 1.3.2 Hague Agreement
 - 1.3.3 Locarno Agreement
 - 1.3.4 TRIPs
- 1.4 Industrial Design Act, 2000
- 1.5 Subject Matter of Designs
- 1.6 Conditions for a registered design
- 1.4 Procedure for registration of Design
 - 1.4.1 Who may apply?
 - 1.4.2 Procedure for registration of designs
 - 1.4.3 Rights conferred by Law of Designs
- 1.5 Interface between Design, Copyrights and Trademarks

Unit III – Infringement of Registered Design

- 3.1 Fraudulent / obvious imitation
- 3.2 Judicial remedy
- 3.3 Burden of Proof
- 3.4 Defenses by the defendant

Unit IV –Semiconductor Integrated Circuits and Layout Designs

- 4.1 Introduction
- 4.2 Evolution
- 4.3 Justification
- 4.4 International Treaties:
 - 4.4.1 Washington Treaty
 - 4.4.2 TRIPs
- 4.5 The Semiconductor Integrated Circuits Layout-Designs Act, 2000

Unit V – Geographical Indications - I

- 5.1 Introduction
- 5.2 Evolution
- 5.3 Justification
- 5.4 International Treaties:
 - 5.4.1 Paris Convention
 - 5.4.2 Madrid Agreement
 - 5.4.3 Lisbon Agreement
 - 5.4.4 TRIPs Agreement

Unit VI- Geographical Indications-II

- 6.1 Protection of GI at National Level
- 6.2 Geographical Indication of Goods (Protection & Registration) Act, 1999
- 6.3 Higher Level of Protection of GIs and TRIPS, Article 23 Controversy
- 6.4 Genericides of Geographical Indications

Unit VII – Geographical Indications– III

- 7.1 Effects of Registration of GIs
- 7.2 Appeals and Appellate Boards
- 7.3 Offences, Penalties and Procedure

Unit VIII –Confidential Information

- 8.1 Introduction
- 8.2 Confidential Information as Property
- 8.3 Patent, Copyright and Confidential Information
- 8.4 Subject matter of Confidential Information
- 8.5 Confidential obligations
- 8.6 Unauthorized Use and Remedies

Select Bibliography:

1. Dr. B. L. Wadehra, Law relating to Patents, Trade Marks, Copyright, Designs and Geographical Indications, Second Edition, Universal Law Publishing Co. Pvt. Ltd., 2002.
2. Ashwani Kumar Bansal, Design Law, Universal Law Publishing Company, 2012.
3. Latha R Nair & Rajendra Kumar, Geographical Indications: A Search For Identity, Lexis Nexis, 2005.
4. Tapan Kumar (Ed.), WTO, TRIPS and GIs, New Century Publications, 2014.
5. DevGangjee, Relocating the Law of GI, Cambridge University Press, 2012.
6. K C Kailasam and RamuVedaraman, Law of Trademarks including International Registration under Madrid Protocol and Geographical Indications, Lexis Nexis, 2013.
7. P. Narayanan, Intellectual Property Law, Third Edition, Eastern Law House, 2001.
8. Nithyananda, K V. (2019). Intellectual Property Rights: Protection and Management. India, IN: Cengage Learning India Private Limited.
9. Neeraj, P., & Khusdeep, D. (2014). Intellectual Property Rights. India, IN: PHI learning Private Limited.
10. Ahuja, V K. (2017). Law relating to Intellectual Property Rights. India, IN: Lexis Nexis.
11. Subramanian, N., & Sundararaman, M. (2018). Intellectual Property Rights – An Overview. Retrieved from <http://www.bdu.ac.in/cells/ipr/docs/ipr-eng-ebook.pdf>
12. World Intellectual Property Organisation. (2004). WIPO Intellectual property Handbook. Retrieved from https://www.wipo.int/edocs/pubdocs/en/intproperty/489/wipo_pub_489.pdf.
12. Journal of Intellectual Property Rights (JIPR): NISCAIR.

Useful Websites:

13. Cell for IPR Promotion and Management (<http://cipam.gov.in/>).
14. World Intellectual Property Organisation (<https://www.wipo.int/about-ip/en/>).
15. Office of the Controller General of Patents, Designs & Trademarks (<http://www.ipindia.nic.in/>).

Paper III
CC-303: Law of Intellectual Property and Bio-Diversity

Max. Marks: 80

Objective of the Course:

To expose the students about the significance of laws relating to IPR and Bio-Diversity which have become most significant to be part of the study of any discipline as it relates to our environmental protection and sustainable development. The students and other stakeholders must realize the importance of preserving our bio-diversity with the help of bio-technology to make use of the same and reasonably without compromising the needs of our future generation.

Syllabus:

Unit I –Biological Diversity Protection: National and Global Scenario

- 1.1 Biodiversity and Sustainable Development in the world
- 1.2 Biodiversity and Sustainable Development in India
- 1.2 Genetic Resources and Biotechnology
- 1.3 Benefit Sharing
- 1.4 Bonn Guidelines

Unit II - Biotechnology and Bioethical Implication of IPR

- 2.1 Bridging IPR and Bio-Diversity
- 2.2 Moral Issues in Patenting Biotechnological Inventions
- 2.3 Human Genomes
- 2.4 Biotechnology and Law

Unit III –Recent Developments in Bio-Diversity

- 3.1 Bio-Diversity and Bio-Technology
- 3.2 Techniques Involved in Biotechnology

Unit IV - Applications of Biotechnology

- 4.1 Rationale for Intellectual Property Protection
- 4.2 Patenting Biological Invention

Unit V - Concept of Novelty in Biotechnological Inventions

- 5.1 Concept of Inventive Step in Biotechnological Inventions
- 5.2 Microorganisms as Biotechnological Inventions

Unit VI - Plant Varieties Protection

- 6.1 Justification for Protection
- 6.2 Plant Protection Varieties in India

Unit VII - Food Security, Genetic Engineering and Biotechnology

- 7.1 Biotechnology and International Treaties
- 7.2 UPOV

Unit VIII - Convention on Biological Diversity

- 8.1 TRIPs
- 8.2 ITPGRFA
- 8.3 Future Prospective and Suggestions

Select Bibliography:

1. William H. Lesser and Robert T. Masson, An Economic Analysis of the Plant Variety Protection Act, 1983.
2. Pat Roy Mooney, The Law of the Seed: Another Development and Plant Genetic Resources, Development Dialogue, 1983.
3. Iver P. Cooper, Biotechnology and the Law, 1996.
4. Francesco Franioni and Tullio Scovazzi (Edited), Biotechnology and International Law, (2006), Hart Publishing, Oxford and Portland, Oregon.

5. Francesco Franioni (Edited), *Biotechnologies and International Human Rights* 2006), Hart Publishing, Oxford and Portland, Oregon.
6. Dr. T. Ramakrishan (Edited), *Biotechnology and Intellectual Property Rights* (2003), CIPRA, NLSIU, Bangalore.
7. Silke von Lewinski (Edited), *Indigenous Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore*, 2nd Edition, (2008), Wolters Kluwer.
8. Paul L.C. Torremans (edited), *Intellectual Property and Human Rights*, Enhanced edition of *Copyright and Human Rights*, (2008), Wolters Kluwer.

Paper IV
CC-304: Law of Intellectual Property and Information Technology

Max. Marks: 80

Objective of the Course:

To expose the students about the significance of laws relating to IPR and Information Technology Laws. The knowledge about IPR and Cyber Crimes has become need of the hour. Technology is changing day by day due to development in science and technology and due to globalization and liberalization, technology sharing needs the attention of protection of technology by way of adequate legislations.

Syllabus:

Unit I - Information Technology Related IPRs

- 1.1 Computer Software and Intellectual Property
- 1.2. Copyright Protection, Reproducing, Defenses.
- 1.3 Patent Protection.

Unit II - Database and Data Protection

- 2.1 Need for Protection
- 2.2 UK Data Protection Act, 1998
- 2.3 US Safe Harbor Principle, Enforcement.
- 2.4 Position in India

Unit III - Domain Name Protection

- 3.1 Domain Name and Intellectual Property
- 3.2 Registration of Domain Names
- 3.3 Disputes under Intellectual Property Rights
- 3.4 Jurisdictional Issues and International Perspective.

Unit IV - Cyber Law

- 4.1 Basic Concepts of Technology and Law
- 4.2 Understanding the Technology of Internet
- 4.3 Scope of Cyber Laws

Unit V - Cyber Jurisprudence Law of Digital Contracts

- 5.1 The Essence of Digital Contracts
- 5.2 The System of Digital Signatures
- 5.3 The Role and Function of Certifying Authorities
- 5.4 The Science of Cryptography Intellectual Property Issues in Cyber Space

Unit VI - Unit Domain Names and Related Issues

- 6.1 Copyright in the Digital Media
- 6.2 Patents in the Cyber World.
- 6.3 Unit Rights of Netizens and e-Governance
- 6.4 Privacy and Freedom Issues in the Cyber World
- 6.5 e-Governance
- 6.6 Cyber Crimes and Cyber Laws

Unit-VII - Information Technology Act, 2000 - I

- 7.1 Information Technology Act, 2000 (Sec. 1 to 13)
- 7.2 Information Technology Act, 2000 (Sec. 14 to 42 and Certifying authority Rules)
- 7.3 Information Technology Act, 2000 (Sec. 43 to 45 and Sec. 65 to 78)

Unit VIII - Information Technology Act, 2000 – II

- 8.1 Information Technology Act, 2000(Sec. 46 to Sec. 64 and CRAT Rules)
- 7.4 Information Technology Act, 2000 (Sec 79 to 90)
- 7.5 Information Technology Act, 2000 (Sec. 91-94)
- 7.6 Amendments in 2008.

Select Bibliography:

1. Information Technology Act, 2000 (as Amended) Bare Act.
2. David Bainbridge, *Information Technology and Intellectual Property Law*, Bloombury Professional.
3. Hideyasu Sasaki, *Information Technology for Intellectual Property Protection: Interdisciplinary Advancements*, Ritsumeikan University, Japan.

Paper V
SEC – 305: Right to Information Laws

Max. Marks: 50

Objective of the Course:

To familiarize students with their fundamental right to know whether public administration works as per the provisions of laws and statues under which they have been appointed. This course also deals with developing and enhancing skills of enquiry about functioning of Government Authorities as guaranteed by the Constitution of India Art. 19 and 21.

Syllabus:

Unit I – Introduction

- 1.5 Introduction to the Right to information Act. 2005.
- 1.6 Important Definitions.
- 1.7 Statement of Objectives and Reasons.
- 1.8 Right to information Act and obligations of public authorities.

Unit II – The Central Information Commission

- 2.1 Constitution of Central Information Commission.
- 2.2 Term of Office and Conditions of Service.
- 2.3 Removal of the Chief Information Commission.

Unit III – The State Information Commission

- 3.1 Constitution of State Information Commission.
- 3.2 Term of Office and Conditions of Service.
- 3.3. Removal of the State Chief Information Commission.

Unit IV- Powers and functions of the Information Commissions, appeal and penalties

- 4.1 Duties of the Central Information Commission or State Information Commissions.
- 4.2 Powers of a civil court while trying a suit under the Code of Civil Procedure, 1908.
- 4.3 Appeal
- 4.4. Penalties

Unit V – Miscellaneous

- 5.1 Protection of action taken in good faith.
- 5.2 Act to have overriding effect.
- 5.3 Bar of jurisdiction of courts.
- 5.4 Act not to apply to certain organizations.

Unit VI- Monitoring and Reporting

- 6.1 Appropriate Government to prepare programmes.

Unit VII - Power to make rules by appropriate Government

- 7.1 Laying of rules.
- 7.2 Power to remove difficulties.

Unit VIII – Schedules and Forms

- 8.1 First Schedule.
- 8.2 Second Schedule.
- 8.3 Forms.

Select Bibliography:

- 3. Right to Information Act, 2005 Bare Act and Commentary.
- 4. All other sources of Books and Law Reports.

Group – II
Intellectual Property Rights
LL.M Part – II, Semester - IV
Paper I
CC-401: Dissertation and Viva-Voce

Max. Marks: 150 Marks for Term Work and 50 Marks for Viva Voce. Students are required to select a burning topic based on socio-legal studies for research work and by way of documentary and non-documentary or empirical research methodology and submit the Thesis in hard bound after taking guidance from the allotted supervisor. The Report should be as per the standard format and submit in at least 200 to 250 pages.

Objectives of the Course:

To inculcate research skills in the student. To be able to find out the truth about socio-legal issues. To equip them with critical reasoning and expressing their opinion with a significant research and suggest certain feasible suggestions.

To make the LL.M. program in IPR and Business Laws research oriented every student has to carry out Dissertation work selecting any topic from the subjects taught in the last three semesters applying Legal Research Methodology which is to be submitted for evaluation internally externally has to appear for viva-voce.

Paper II

SEC-402: Public Interest Litigation

Max. Marks: 50

Objective of the Course:

The majority of the people of our Country are Subjected to the denial of 'access to justice' and overtaken by despair and helplessness, they continue to remain victims of an exploitative Society where economic power is Concentrated in the hands of a few and it is used for perpetuation of domination over large masses of human beings. The strategy of public interest litigation has been evolved by the Supreme Court with a view to bringing justice within the easy reach of the poor and disadvantaged sections of the Community. This course aims at training the budding lawyers to be learned citizens who may be able to file PILs which may help the poor, needy and downtrodden people to have justice.

Syllabus:

Unit I – Introduction

- 1.5 Concept of Judicial Activism.
- 1.6 Meaning and Definition of PIL.
- 1.7 Significance of PIL.
- 1.8 Matters

Unit II – Genesis and Evolution of PIL in India: Some Landmark Judgments

- 4.1 Origin and Development of PILs
- 4.2 Mumbai Kamagar Sabha vs. Abdul Thai, 1976.
- 4.3 Hussainara Khatoon vs. State of Bihar (1979) – Right to speedy justice.
- 4.4 S.P. Gupta vs. Union of India – relaxation of Locus Standi Rule.
- 4.5 Indian Banks' Association, Bombay & Ors. vs. M/s Devkala Consultancy Service and Ors
- 4.6 Vishaka v. State of Rajasthan

Unit III – Factors Responsible for the Growth of PIL in India

- 3.4 The character of the Indian Constitution.
- 3.5 The liberal interpretation of locus standi.
- 3.6 Judicial innovations to help the poor and marginalized

Unit IV – Who Can File a PIL and Against Whom?

- 4.2 Any citizen under:
 - 4.1.1 Under Art 32 of the Indian Constitution, in the Supreme Court.
 - 4.3.2 Under Art 226 of the Indian Constitution, in the High Court.
 - 4.3.3 Under sec. 133 of the Criminal Procedure Code, in the Court of Magistrate.
- 4.4 Essential Ingredients for PIL
- 4.5 PIL against State / Central Govt., Municipal Authorities and not any private party.

Unit V – Significance of PIL

- 5.6 Access to Court to seek legal redress
- 5.7 Instrument of Social Change
- 5.8 To make Justice accessible to the poor and the marginalized
- 5.9 Democratizes the access of justice to all
- 5.10 Public participation in judicial review

Unit VI – Certain Weaknesses of PIL

- 6.1 problem of competing rights
- 6.2 Overburden of PIL by vested interest
- 6.3 Judicial Overreach
- 6.4 Inordinate delays in the disposal of PIL cases

Unit VII –Procedure to File a Public Interest Litigation

- 7.1 In High Courts.
- 7.2 In Supreme Court.
- 7.3 Court Fees
- 7.4 Procedure

Unit VIII –Conclusion

- 8.1 Criticism against PIL
- 8.2 PIL: Present Scenario

Select Bibliography:

- 8. M.P. Jain, ‘Indian Constitutional Law’, vol-I (5th Ed., 2003, Wadhwa Nagpur).
- 9. Durga Das Basu, ‘Commentary on the Constitution of India’, vol-II (8th Ed., 2008, Lexis Nexis, Butterworth Wadhwa).
- 10. P.N. Bhagwati, “Judicial activism”.
- 11. Jill Cottrell,” Third generation rights and social action litigation,” in Adelman and Paliwala, Law and crisis.
- 12. Ahuja, Sangeeta, People, Law and Justice.A Case Book on PIL, Vol.I, Orient Longman Ltd., New Delhi, 1997.
- 13. Austin, Granville, The Indian Constitution – Cornerstone of a Nation, Oxford University Press, New Delhi, 1996.
- 14. Basu, Durga Das, Comparative Constitutional Law, Prentice Hall of India (P) Limited, New Delhi, 1984.

Important Websites:

- 5. www.wikipedia.com
- 6. www.helplinelaw.com
- 7. www.halsbury.com
- 8. www.legalserviceindia.com

SHIVAJI UNIVERSITY KOLHAPUR



Est.: 1962
NAAC 'A' Grade

Faculty of Humanities

Master of Laws

(LL.M. - Two Year) Programme

Choice Based Credit System (CBCS)

(To be implemented from Academic Year 2019-20)

Rules and Regulations

LL.M. R.1: Implementation of Regulations & guidelines:

The Regulations and guidelines shall be implemented as mentioned below -

LL.M. Part – I, Sem I & II from Academic year 2019-20

LL.M. Part – II, Sem III & IV from Academic year 2020-21

LL.M. R.2: LL.M. Course and Duration:

- a) The LL.M. Programme shall be a full time course both at University Departments and P.G. Centres at Law Colleges affiliated to Shivaji University, Kolhapur. The duration of the course shall be of two **years with four Semesters**. There shall be a University Examination at the end of each Semester. Each Semester shall have minimum 15 weeks of teaching, excluding the vacation and examination.
- b) **The LL.M. programme shall be offered in two specialised courses:**
 1. Business Laws – Group - I
 2. Intellectual Property Rights – Group II
- c) **Intake Capacity:** Intake capacity for the course shall be as per the sanctioned seats approved by Shivaji University, Kolhapur.

LL.M. R.3: Medium of Course:

The medium of course and examinations shall be in English.

LL.M. R.4: Admission and Eligibility:

- a) Admission to Two Years LL.M. program will be on the basis of merit subject to intake capacity.
- b) The student who has obtained LL.B. Degree under Three Year or Five Year Law Courses under this University or a degree of any other University recognized as equivalent to be LL.B. Degree of this University shall be eligible for admission.
- c) The minimum percentage of marks not below 50% of the total marks in case of General Category Applicants, 45% for OBC category and 40% of the total marks in case of SC / ST Applicants. The reservation policy shall be subject to rules and regulations of Government of Maharashtra from time to time.
- d) The Merit List shall be prepared, based on the highest score obtained by the candidate at the 5 years or 3 years LL.B. Programme.
- e) Admissions will be subject to reservation policy and rules prescribed by the Maharashtra State Government and the Shivaji University from time to time.
- f) Students shall opt for any one of the Specializations offered by the College, at the time of admission to the Programme (Specialisation – I: Business Laws and Specialisation – II: Intellectual Property Rights).

- g) Specialisation once opted by the students in the first semester shall be final and no change shall be allowed thereafter.

LL.M. R.5: Attendance:

- a) Minimum 75% of attendance is mandatory for the grant of term. The attendance relaxation shall be as per the University norms.
- b) The student shall attend all the internal assessment, workshops, seminars, training programmes, projects, study tours, legal aid and literacy camps, etc.

LL.M. R.6: Fee Structure:

The Fee structure shall be as per the norms of Shivaji University.

LLM R.7: Examination Pattern:

- a) The Theory and Internal examinations will have 80: 20. A Student has to obtain 50% marks in both examinations of Theory (80 Marks) and Internal (20 Marks) separately. They must obtain minimum 40 marks in theory (out of 80) and minimum 10 marks in internal assessment (out of 20).
- b) Internal Assessment will be as follows:
 - i) Tutorials/Seminars/Projects - 10 marks ii) Viva - 10 marks
- c) There shall be no written examination for Dissertation.
- d) Internal Assessment for Dissertation will be as follows:
 - i) Dissertation - 150 marks (To be evaluated by Internal and External panel of examiners)
 - ii) Viva - 50 marks (To be conducted by Internal and External Examiner)
- e) Every student shall submit one soft copy in CD and two hard bound copies of the dissertation to the Department/ College in the standard format, at least Four weeks before the end of the final Semester.
- f) Every paper of 4 Credits shall carry 100 marks out of which 80 marks are for the written examination i.e. University Examination & 20 marks for Internal Assessment which shall be conducted by the P.G. Department / College.
- g) Each Skill Enhancement compulsory Course (SEC) of 2 Credits shall be of 50 Marks. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weightage for the continuous internal Assessment shall be based on written examination of 50 marks, for 25 objective type questions of two marks each.

The student shall have to secure minimum 20 marks in each of the Skill Enhancement Course to pass the respective course.

LLM R.8: Credit System:

- i) To be eligible for the award of LL.M. Degree under the Choice Based Credit System (CBCS), a student shall be required to earn a minimum of 64 Credits.
- ii) One Credit Theory Course shall be equivalent to 15 contact hours of learning activities such as lectures, group discussion, seminars, problem solving, tutorials and assessment.

- iii) A Four Credit Course shall have 60 contact hours (4 hours per week x 15 weeks) in a semester.
- iv) The Credits shall comprise of Core Courses, Optional Courses and Dissertation. The Programme shall have compulsory Core Courses of 24 Credits, Optional Courses of 24 Credits and a compulsory dissertation comprising of 8 Credits. (Total 56 Credits)
- v) In addition to this, every student must earn additional 8 credits (2 Credits in every Semester) in Open Electives in CBCS Pattern.
- vi) A student is required to obtain a minimum of 56 Credits from the parent Institute, at which the student is registered; of which 24 would be the minimum number of Core Credits, 24 Optional Papers Credits and Dissertation of 8 credits. The remaining 8 Credits may be earned by the student by choosing from Optional Courses either from the parent Institute or any other Institute. (Total 56+8=64 Credits for LL.M. with CBCS Pattern)
- vii) A student shall be eligible for the award of LL.M. Degree on the successful completion of 64 Credits.

LLM R.9: The System of Evaluation will be as follows:

- a. Each internal assessment and External Examination will be evaluated in terms of marks. The marks for internal assessment and External Examination will be added together and then converted into a grade and later a grade point average.
- b. Results will be declared for each semester.
- c. After the gain of minimum number of credits towards completion of a PG programme, a student will get a grade sheet with total grades earned and a Cumulative Grade Point Average (CGPA).
- d. Marks / Grade / Grade Status and Grade Points shall be as follows:

Marks	Grade	Grade Status	Grade Point
100 to 75	O	Outstanding	6
74 to 65	A	Very Good	5
64 to 55	B	Good	4
54 to 50	C	Satisfactory	3
49 to 45	D	Average	2
44 to 40	E	Pass	1
39 to 0	F	Fail	0

Final Grade:

CGPA/ Grade Point	Grade
05.00-6.00	O
04.50-04.99	A
03.50-04.49	B
02.50-03.49	C
01.50-02.49	D
00.50-01.49	E
00.00-00.49	F

List of Compulsory Papers:

1. Law and Social Transformation in India.
2. Legal Education and Research Methodology.
3. Legal Theory.
4. Judicial Process.
5. Indian Constitutional Law: New Challenges.
6. Legal Concepts.

List of Optional Papers: (Subject Elective)

BUSINESS LAW: GROUP - I

1. Law of Industrial and Intellectual Property
2. Information Technology Law
3. Banking Law
4. Insurance Law
5. Law Related to Consumer Protection and Competition
6. International Trade Law

INTELLECTUAL PROPERTY RIGHTS (IPR): GROUP - II

1. Law of Patents
2. Law of Trademarks
3. Law of Copyrights
4. Law of Designs Integrated Circuits, Geographical indications and confidential information
5. Law of Intellectual Property and Bio diversity
6. Law of Intellectual Property and Information Technology

List of Skill Enhancement Courses (Open Elective):

1. Alternative Disputes Resolution (ADR)
2. Introduction to Human Rights (IHR)
3. Right to Information (RTI)
4. Public Interest Litigation (PIL)

LL.M. R.10: Rules of Promotion: -

- a) The admission of students to the Two Year LL.M Program shall be on the yearly basis.
- b) A student admitted to the First Year of the course who complies with norms of the credit system and internal assessment with minimum 75% of attendance in the first year shall be automatically promoted to the Second year.
- c) The minimum passing criteria shall be 40 out of 80 marks theory and 10 marks out of 20 Internal assessments). The aggregate percentage shall be 50%.
- d) The student has to pass both the heads i.e. theory and internal assessment separately.
- e) The Internal Assessment marks will be carried forward to the next examination of that paper.

LL.M. R.11: Question Paper Model:

The Question Paper of LL.M Course of 80 marks shall consist of total eight questions carrying 16 marks each. Q.No. 8 shall be of short notes with four options out of which any two of 8 marks each shall be attempted. Out of eight questions, the student shall attempt / answer any five questions.

Structure
CBCS Two year LL.M. Programme
LL.M. Business Law
Group – I (Specialisation)

FIRST YEAR LL.M.: SEMESTER – I						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-101	Law and Social Transformation in India	80 : 20	100	4	4
Core Course	CC-102	Indian Constitutional Law : New Challenges	80 : 20	100	4	4
Core Course	CC-103	Legal Theory	80 : 20	100	4	4
Elective Course	EC-104	Law of Industrial and / Intellectual Property	80 : 20	100	4	4
Skill Enhancement Course	SEC-105	Alternative Disputes Resolution	30 : 20	50	2	2
Total			350:100	450	18	18

FIRST YEAR LL.M.: SEMESTER – II						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-201	Judicial Process	80 : 20	100	4	4
Core Course	CC-202	Legal Education and Research Methodology	80 : 20	100	4	4
Core Course	CC-203	Legal Sources and Concepts	80 : 20	100	4	4
Elective Course	EC-204	Information Technology Law	80 : 20	100	4	4
Skill Enhancement Course	SEC-205	Introduction to Human Rights	30 : 20	50	2	2
Total			350:100	450	18	18

SECOND YEAR LL.M.: SEMESTER – III						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	ECC-301	Banking Law	80 : 20	100	4	4
Core Course	ECC-302	Insurance Law	80 : 20	100	4	4
Core Course	ECC-303	Law Relating to Consumer Protection and Competition	80 : 20	100	4	4
Elective Course	EC-304	International Trade Laws	80 : 20	100	4	4
Skill Enhancement Course	SEC-305	Right to Information Laws	30 : 20	50	2	2
Total			350:100	450	18	18

SECOND YEAR LL.M.: SEMESTER – IV						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-401	Dissertation Viva-Voce	150 : 50	200	8	8
Skill Enhancement Course	SEC-402	Public Interest Litigation	30 : 20	50	2	2
Total			180:70	250	10	10

Structure
LL.M. Intellectual Property Rights (IPR)
Group – II (Specialisation)

FIRST YEAR LL.M.: SEMESTER – I						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-101	Law and Social Transformation in India	80 : 20	100	4	4
Core Course	CC-102	Indian Constitutional Law : New Challenges	80 : 20	100	4	4
Core Course	CC-103	Legal Theory	80 : 20	100	4	4
Elective Course	EC-104	Law of Patents	80 : 20	100	4	4
Skill Enhancement Course	SEC-105	Alternative Disputes Resolution	30 : 20	50	2	2
Total			350:100	450	18	18

FIRST YEAR LL.M.: SEMESTER – II						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	CC-201	Judicial Process	80 : 20	100	4	4
Core Course	CC-202	Legal Education and Research Methodology	80 : 20	100	4	4
Core Course	CC-203	Legal Sources and Concepts	80 : 20	100	4	4
Elective Course	EC-204	Law of Trade Marks	80 : 20	100	4	4
Skill Enhancement Course	SEC-205	Introduction to Human Rights	30 : 20	50	2	2
Total			350:100	450	18	18

SECOND YEAR LL.M.: SEMESTER – III						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week Hours	Total Credits
Core Course	ECC-301	Law of Copyrights	80 : 20	100	4	4
Core Course	ECC-302	Law of Designs and Integrated Circuits, Geographical Indications and Confidential Information	80 : 20	100	4	4
Core Course	ECC-303	Law of Intellectual Property and Bio-Diversity	80 : 20	100	4	4
Core Course	ECC-304	Law of Intellectual Property and Information Technology	80 : 20	100	4	4
Skill Enhancement Course	SEC-305	Right to Information Laws	30:20	50	2	2
Total			350:100	450	18	18

SECOND YEAR LL.M.: SEMESTER – IV						
Courses	Course Code	SUBJECTS	Pattern	Total Marks	Lectures per Week	Total Credits
Core Course	CC-401	Dissertation Viva-Voce	150 : 50	200	8	8
Subject Elective Course	SEC-402	Public Interest Litigation	30 : 20	50	2	2
Total			180:70	250	10	10

**Syllabus
Group – I
Business Laws
LL.M. Part – I, Semester – I
CC-101: Law and Social Transformation in India**

Max. Marks: 100

Objectives of the course: This course aims at:

- (a) Awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and
- (b) A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

Syllabus:

Unit I -Law and social change

- 1.1. Law as an instrument of social change.
- 1.2. Law as the product of traditions and culture. Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

Unit II - Religion and the law

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

Unit III - Language and the law

- 3.1. Language as a divisive factor: formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution: Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

Unit IV - Community and the law

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions., Statutory provisions.

Unit V - Regionalism and the law

- 5.1. Regionalism as a divisive factor.
- 5.2. Concept of India as one unit.
- 5.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 5.4. Equality in matters of employment: the slogan "Sons of the soil" and its practice.
- 5.5. Admission to educational institutions: preference to residents of a state.

Unit VI - Women and the law

- 6.1. Crimes against women.
- 6.2. Gender injustice and its various forms.
- 6.3. Women's Commission.
- 6.4. Empowerment of women: Constitutional and other legal provisions.

Unit VII - Children and the law

- 7.1. Child labour.
- 7.2. Sexual exploitation.
- 7.3. Adoption and related problems.
- 7.4. Children and education.

Unit VIII - Modernisation and the law

- 8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2. Modernisation of social institutions through law.
 - 8.2.1. Reform of family law
 - 8.2.2. Agrarian reform - Industrialisation of agriculture.
 - 8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.
- 8.3. Reform of court processes.
 - 8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3. Prison reforms.
- 8.4. Democratic decentralisation and local self-government.

Select Bibliography:

1. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
5. Manushi, A Journal About Women and Society.
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting Government of India
13. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.

CC-102: Indian Constitutional Law: The New Challenges

Max. Marks: 100

Objectives of the Course:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores (civilization). Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

Syllabus:

Unit I - Federalism

- 1.1. Creation of new states
- 1.2. Allocation and share of resources - distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 356 and 365
- 1.6. Federal Comity : Relationship of trust and faith between Centre and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

Unit II - Right to equality: Privatisation and its impact on affirmative action.

- 2.1 Introduction
- 2.2 Equality Before Law
- 2.3 Landmark Judgments

Unit III - Empowerment of women.

- 3.1 Introduction
- 3.2 Empowerment: Meaning and Importance
- 3.3 Empowerment of Women in India
- 3.4 Initiatives by the Judiciary

Unit IV - Freedom of press and challenges of new scientific development

- 4.1. Freedom of speech and right to broadcast and telecast.
- 4.2. Right to strikes, hartal and bandh.

Unit V - Emerging regime of new rights and remedies

- 5.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 5.1.1. Compensation jurisprudence
 - 5.1.2. Right to education
 - 5.1.2.1. Commercialisation of education and its impact.
 - 5.1.2.2. Brain drain by foreign education market.

Unit VI - Secularism and religious fanaticism.

- 6.1 Secularism
- 6.2 Secularism under Indian Constitution
- 6.3 Right to Religion
- 6.4 Religious Fanaticism

Unit VII - Separation of powers: stresses and strain

- 7.1. Judicial activism and judicial restraint.
- 7.2. PIL: implementation.
- 7.3. Judicial independence.
 - 7.3.1. Appointment, transfer and removal of judges.
- 7.4. Accountability: executive and judiciary.
- 7.5. Tribunals

Unit VIII - Democratic process

- 8.1. Nexus of politics with criminals and the business.
- 8.2. Election
- 8.3. Election commission: status.

- 8.4. Electoral Reforms
- 8.5. Coalition government, 'stability, durability, corrupt practice'
- 8.6. Grass root democracy.

Select Bibliography:

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

CC-103: Legal Theory

Max. Marks: 100

Objectives of the course:

- a) The course aims at developing an insight into the juristic foundations of a legal system.
- b) To enable understanding of the law as it exists and its functions in a contemporary society.
- c) To inculcate a clear understanding about the new aspects of law and its nature and function.
- d) To create a clear understanding about the impact of law on various other branches of the study and its relationship with ethical aspects of justice.

Syllabus:

Unit I - Introduction

- 1.1 Meaning and concept of Jurisprudence
- 1.2 Relevance of Jurisprudence in the contemporary era
- 1.3 Meaning and definition of Law Law and Morals
- 1.4 Value of Judgments

Unit II - Relevance of Natural Law: theoretical Perceptions

- 2.1 The Origin and Significance of Natural Law
- 2.2 Theoretical Perceptive of Natural Law
- 2.3 ST Thomas Acquainas; Grotius;Hobbes;Locke;Rosseau
- 2.4 German Transcendental Idealism-Immanuel Kant
- 2.5 Revival of Natural Law-Stammler; Fuller; John. Finnis
- 2.6 Semi-sociological Natural Law-H.L.A. Hart
- 2.7 Liberty and Civil disobedience

Unit III - Legal positivism

- 3.1 Austin's analytical theory of Law
- 3.2 Bentham's Legal Positivism
- 3.3 Pure Theory of Law-Hans Kelson
- 3.4 Oliver Wendell Homes Theory

Unit IV - Post Modern Theories

- 4.1 Hart's concept of Law
- 4.2 Rawls theory of Justice
- 4.3 Amartya Sen's theory of Justice

Unit V - Sociological Jurisprudence

- 5.1 Duguit Theory
- 5.2 Ehrlich and Ihering Theory
- 5.3 Dean Roscoe Pound Theory
- 5.2 Prof. Patterson
- 5.3 Prof. Selznick.

Unit VI - American legal Realism:

- 6.1 Jerome Frank.
- 6.2 Karl Lewellyn
- 6.3 Indian Judicial process & relevance to American legal realism

Unit VII – Scandinavian Realism

Unit VIII - Hindu Jurisprudence

Select Bibliography:

1. Salmond: Jurisprudence, Universal Publishers.
2. Paton : Jurisprudence
3. Allen : Law in the Making, Universal Publishers.
4. Mahajan V.D.: Legal Theory and Jurisprudence, Eastern Book Company, Lucknow.
5. Dias : Jurisprudence, Aditya Books.
6. Rama Jois, Legal and Constitutional History of India, Universal Law Publications, Delhi.
7. John Rawls-Theory of justice.

EC-104: Law of Industrial and Intellectual Property

Max. Marks: 100

Objectives of the course:

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasised in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement and human right dimensions of the regime of intellectual property law will also be addressed.

Syllabus:

Unit I - IPR and International Perspectives

- 1.1 International Treaties and Conventions on Intellectual Property.
- 1.2 Treaties on Classification
- 1.3 Other Special Conventions in the Field of Related Rights.

Unit II - Trademarks and Consumer Protection (Study of UNCTAD report on the subject)

- 2.1 **Evolution of Trade Mark Laws**

- 2.1.1 Concept of Trade Mark
- 2.1.2 Types of Trade Marks
- 2.1.3 Evolution of Trade Marks
- 2.1.4 Trade Mark Laws in India
- 2.2 Consumer Protection**
 - 2.2.1 Meaning of Consumer Protection
 - 2.2.2 Problems Faced by Consumers
 - 2.2.3 Need for Consumer Protection
 - 2.2.4 Legal protection to Consumers in India
- 2.3 Trademark Laws and Consumer Protection**
 - 2.3.1 UNCTAD (United Nations Conference on Trade and Development)
 - 2.3.2 What is AIPPI?
 - 2.3.2 Trademarks and consumer protection Resolution

Unit III - The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property

- 3.1. United Nations approaches (UNCTAD, UNCITRAL)
- 3.2. EEC approaches
- 3.3. Position in U.S.
- 3.4. The Indian situation.

Unit IV - Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.

- 4.1 Introduction
- 4.2 Intellectual Property and Computer Software
- 4.3 Legislative History and vs. Economic Reality
 - 4.3.1 Evolution of Patent Case Law
 - 4.3.2 Evolution of Copyright Case Law
 - 4.3.3 Software Piracy
 - 4.3.4 Criminal Penalties for Copyright Infringement
- 4.4 Intellectual Property Abroad
 - 4.4.1 Patent Law in Foreign Countries
 - 4.4.2 Copyright Law in Foreign Countries
 - 4.4.3 Trade Secret Law in Foreign Countries
- 4.5 Can Intellectual Property Laws Provide Securities
- 4.6 Trends for the future

Unit V - Biotechnology Patents:

- 5.1. Nature and types of biotechnology patents
- 5.2. Patent over new forms of life : TRIPS obligations
- 5.3. Plant patenting
- 5.4. Sui generis protection for plant varieties
- 5.5. Multinational ownership
- 5.6. Regulation of environment and health hazards in biotechnology patents
- 5.7. Indian policy and position.

Unit VI - Patent Search, Examination and Records:

- 6.1. International and global patent information retrieval systems (European Patent Treaty).
- 6.2. Patent Co-operation Treaty(PCT)
- 6.3. Differences in resources for patent examination between developed and developing societies
- 6.4. The Indian situation

Unit VII - Special Problems of Proof of Infringement:

- 7.1. Status of intellectual property in transit - TRIPS obligation - Indian position.
- 7.2. The evidentiary problems in action of passing off.
- 7.3. The proof of non-anticipation, novelty of inventions protected by patent law
- 7.4. Evidentiary problems in piracy : TRIPS obligation - reversal of burden of proof in process patent
- 7.5. Need and Scope of Law Reforms.

Unit VIII - Intellectual Property and Human Right

- 8.1. Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty, 996).
- 8.2. Legal status of hazardous research protected by the regime of intellectual property law.
- 8.3. Human right of the impoverished masses intellectual property protection of new products for healthcare and food security
- 8.4. Traditional knowledge - protection- biodiversity convention- right of indigenous people.

Select bibliography:

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Terenee P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986-1994) the End Game (Part - 1)(1999), Kluwer
3. Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
4. David Bainbridge, Software Copyright Law (1999), Butterworths
5. Sookman, Computer Law (1998), Carswell
6. Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer
7. Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell
8. Christopher Wadlow, The Law Of Passing-Off (1998), Sweet and Maxwell
9. W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

SEC-105: Alternative Dispute Resolution**Max. Marks: 50****Objectives of the Course:**

The main objectives of the Course are:

1. Understand the strengths and weakness of various dispute resolution methods.
2. Explain primary dispute resolution process and functions
3. Develop techniques and skill to make effective use of ADR methods.
4. Describe and explain the ADR movement.
5. Compare and contrast various legal implications of each method.
6. Train participants to be effective Arbitrators, Conciliators and Mediators.
7. Reduce the backing of pending cases
8. Develop Case Management System.
9. Reduce the time pendency of the litigations

Syllabus:**Unit I - Introduction to ADR**

- 1.1 Key Concepts in Dispute Resolution

- 1.2 Disputes - Kinds of Disputes - Justiciable dispute- Dispute Resolution in adversary system, court structure and jurisdiction.

Unit II - Dispute Resolution at grass root level, Lok Adalats, Nyaya Panchayath, Legal Aid, Preventive and Strategic legal aid.

- 2.1 ADR - Meaning and philosophy
- 2.3 Overview of ADR processes,
- 2.3 Legal counselling,
- 2.4 Case - planning strategy,
- 2.5 Conciliation / Mediation,

Unit III – Negotiation:

- 3.1 Theories and Frameworks.
- 3.2 Skills and Behaviour
- 3.4 Barriers to Agreements
- 3.5 Rule of law; Ethics and Policies.

Unit IV - Mediation - I

- 4.1 Introduction Overview
- 4.2 Purposes and Uses.
- 4.3 Skills - Roles of Mediators,
- 4.4 Parties, Lawyers

Unit V – Mediation – II.

- 5.1 Ethics, Fairness, Neutrality, Confidentiality and Personal values
- 5.2 Policies, Controversies.
- 5.3 Practical skills of client interviewing/legal counselling.

Unit VI - ADR Information, Technology

- 6.1 Internet - Cyber space,
- 6.2 Online, cyberspace dispute resolution.

Unit VII – Arbitration - I

- 7.1 Arbitral Proceedings, commencement Roots of procedural evidence, 7.2 "Fast Track" arbitration, statement of claim and defence, hearing and return proceedings-interim measures by Court and by Arbitral Tribunal.
- 7.3 The law of binding Arbitration.
- 7.4 Skills and Ethics of Arbitration.
- 7.5 Arbitral Tribunal - Composition, eligibility and qualifications of arbitrators.
- 7.6 Termination or a mandate of arbitral Tribunal's and of arbitrators, appointment of arbitrators and filling up of vacancies, powers and functions of Arbitral Tribunal's. competence of arbitral Tribunal to rule on its own jurisdiction etc.

Unit VIII – Arbitration – II

- 8.1 Practice and Legal issues; "compulsory" arbitration in courts and contracts.
- 8.2 Evolution of mediation/conciliation as a mode of settlement of disputes, distinction between mediation, conciliation, negotiation and good offices - definition and scope of conciliation, advantages of conciliation
- 8.3 The Arbitration and Conciliation a Act of 1996 - Appointment of conciliators, commencement of conciliation, proceedings - submission of statements - communication between conciliator and parties, suggestions for settlement –
- 8.4 Confidentiality of information
- 8.5 Admissibility of evidence in other proceedings
- 8.6 settlement agreement-status and effect. Termination of conciliation proceedings; costs and deposits.

Select bibliography:

1. The Indian Arbitration and Conciliation Act of 1996.
2. The Fundamentals of Family Mediation by John M. Haynes and Stephanie Charlesworth.
3. The Promise of Mediation, by Robert A Baruch Bush and Joseph Folger
4. Alternative Dispute Resolution, by P. C. Rao and William Sheffield
5. Getting to Yes, by Fisher ADR Getting past, No. by fisher and Ury 7. Mediation in Family Dispute, by Marian Roberts.
6. Family Mediation, by Lisa Parkinson
7. People Skills, by Robert Bolton
8. The Mediator's Handbook by Ruth Chariton and Micheline Dewdney
9. Mediation: Principles, Process, Practice by Laurence Boulle -Butterworths.
10. Living the 7 Habits by Stephen R. Covey
11. The Monk who sold his Ferrari by Robin Sharma
12. The Code of Civil Procedure, 1908.

**LL.M. Part – I, Semester II
CC-201: Judicial Process****Max. Marks: 100****Objectives of the course:**

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus:**Unit I - Nature of judicial process**

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

Unit II - Doctrine of Precedent-Ratio decidendi and Obiter Dictum

- 2.1 Methods of determining ratio- Stare decisis
- 2.2 Exceptions-precedent in common law and Civil law Countries.

Unit III - Special Dimensions of Judicial Process in Constitutional Adjudications.

- 3.1. Notions of judicial review
- 3.2. 'Role' in constitutional adjudication - various theories of judicial role.
- 3.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 3.4. Varieties of judicial and juristic activism

- 3.5. Problems of accountability and judicial law-making.

Unit IV - Logic and growth in law

- 4.1 Categories of illusory Reference-legal reasoning (judicial as well as juristic).
- 4.2 New rhetorics - role of judicial Concepts and judicial discretion in judicial reasoning.

Unit V - Judicial Process in India

- 5.1. Indian debate on the role of judges and on the notion of judicial review.
- 5.2. The "independence" of judiciary and the "political" nature of judicial process
- 5.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- 5.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 5.5. Institutional liability of courts and judicial activism - scope and limits.

Unit VI- Nature of judicial process

- 6.1 Search for the legislative
- 6.2 intention-methods of judicial interpretation
- 6.3 Role of Philosophy, logic, history tradition and sociology.

Unit VII - The Concepts of Justice

- 7.1. The concept of justice or Dharma in Indian thought
- 7.2. Dharma as the foundation of legal ordering in Indian thought.
- 7.3. The concept and various theories of justice in the western thought.
- 7.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Unit VIII - Relation between Law and Justice

- 8.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class
- 8.2. Dependency theories - For its realisation justice depends on law, but justice is not the same as law.
- 8.3. The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering.
- 8.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select bibliography:

1. Julius Store : The Province and Function of Law, Part II, Chs. 1-8-16 (2000), Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process (1995), Universal, New Delhi
3. Henry J. Abraham : The Judicial Process (1998), Oxford
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths
5. W. Friedmann : Legal Theory (1960), Stevens, London
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law (1997), Universal, Delhi
7. J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

CC-202: Legal Education and Research Methodology

Max. Marks: 100

Objectives of the course:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.

Syllabus:

Unit I - Introduction

- 1.1 Objectives of Legal Education
- 1.2 Clinical Legal Education - Legal Aid, Legal Literacy, Legal Survey and Law Reform

Unit II - Methods of Teaching – I

- 2.1 Lecture Method of Teaching
- 2.2 The Problem Method

Unit III - Methods of Teaching – II

- 3.1 The Seminar Method teaching.
- 3.2 Discussion method and its suitability at post graduate level teaching

Unit IV Identification of Problem Research & Research Methods

- 4.1 What is a Research Problem?
- 4.2 Survey of Available Literature and Bibliographical Research
- 4.3 Socio-Legal Research
- 4.4 Doctrinal and Non-Doctrinal
- 4.5 Relevance of Empirical Research
- 4.6 Induction and Deduction

Unit V Preparation of the Research Design - I

- 5.1 Formulation of the Research Problem
- 5.2 Devising tools and techniques for collection of data: Methodology
 - 5.2.1 Methods for the Collection of Statutory and Case materials and Juristic Literature
 - 5.2.2 Use of Historical and Comparative Research Materials

Unit VI - Preparation of the Research Design - II

- 6.1 Use of Observation Studies
- 6.2 Use of Question/Interview
- 6.3 Use of Case Studies
- 6.4 Sampling Procedures - Design of Sample, Types of Sampling to be adopted
- 6.5 Use of Scaling Techniques

Unit VII Preparation of the Research Design - III

- 7.1 Jurimetrics
- 7.2 Computerised Research - A Study of Legal Research Program such as Lexis & West Law Coding

Unit VIII Preparation of the Research Design – IV

- 8.1 Classification and Tabulation of Data - Use of Cards for Data Collection - Rules for Tabulation. Explanation of Tabulated Data.
- 8.2 Analysis of Data

Select Bibliography:

1. High Brayal, Nigel Dunnean and Richard Crimes, Cliniacl Legal Education:
2. Active Learning in your Law School, (1998) Blackstone P Press Limited, London
3. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
4. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
5. M.O. Price, H. Bitner and Bysiewiez, Effective Legal Research (1978).
6. Pauline V. Young, Scientific Social Survey and Research, (1962)
7. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc-Graw-Hill Book Company, London
8. H.M. Hyman, Interviewing in Social Research (1965)
9. Payne, The Art of Asking Questions (1965).
10. Erwin C. Surrency, B. Fiell and J. Crea, A Guide to Legal Research (1959)
11. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
12. Havard Law Review Association, Uniform System of Citations
13. ILI Publication, Legal Research and Methodology

CC-203: Legal Sources and Concepts

Max. Marks: 100

Objectives of the Study:

The paper highlights the fundamental doctrines of legal process like precedent. It provides a deeper understanding of legal system, hierarchy of courts, ordinances and interpretation of statutes.

Syllabus:

Unit – I - Introduction

- 1.1 Meaning of the term ‘source’
- 1.2 Classification of sources of law
 - 1.2.1 Formal, material and literary sources
 - 1.2.2 Legal and historical sources,
 - 1.2.3 Binding and persuasive sources
- 1.3 Legal sources of English and Indian law
- 1.4 Equity and juristic opinion as source of law

Unit II – Concept of Custom

- 2.1 Definition of custom
- 2.2 Origin of custom
- 2.3 Early importance of customary law
- 2.4 Theories as to the nature of customary law,
- 2.5 Essentials of valid custom
- 2.6 Kinds of custom
- 2.7 Customs and usage

Unit III – Legislation and Precedent

Unit IV – Possession and Ownership

Unit V – Rights and Duties

Unit VI – Persons

Unit VII – Liability

Unit VIII - Obligations

Suggested Reading

1. Dhavan R, Supreme Court of India
2. Cross R, Precedent in English Law
3. Stone Julius, Legal system and Lawyer's Reading [Chapters 6, 7 and 8]
4. Seervai H M, Constitution of India [Chapter on Union Judiciary]
5. Allen C K, Law in the Making [Chapter on subordinate and Automatic legislation]
6. Dickerson R, Interpretation and application of Statutes
7. Mukherjee A R, Parliamentary Procedure in India [Chapter entitle] 'Legislation' and 'Committees']
8. Benjamin N Cardozo, The Nature of the Judicial Process
9. Lloyd D, Introduction to jurisprudence [chapter on 'Judicial Process']
10. Harris J W, Legal philosophies [Chapter 13 & 15]
11. Kaul M N & Shakhder, Procedure and Practices of Parliament
12. Dias, Jurisprudence 15, W Friedmann Legal Theory
13. GW Paton, A text Book of Jurisprudence
14. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law
15. Salmond, Jurisprudence

EC-204: Information Technology Law

Max. Marks: 100

Objective

In present scenario, Computer and Internet has impacted every walk of our lives. Information technology has proved to be boon for humanity and it has benefited the human life in many ways. Since with every positive thing, some negatives also creep in, similarly people also started to misuse the wonders of information technology. In year 2000, information technology Act, 2000 was passed to deal with various matters pertaining to Information Technology, its uses and misuses. Information technology Act, 2000 provides legal recognition to electronic communication, email, digital signatures, computerized documents and it also provides for legal remedies in case of misuse of information technology.

Syllabus:

Unit I

- 7.1 Jurisprudence of cyber law
- 7.2 Overview of computer and web technology
- 7.3 Freedom of expression on the internet
- 7.4 Internet and problems of geography

Unit II

- 2.1 The Information Technology Act, 2000 (As amended in 2008)
- 2.2 International Legal Regime
- 2.3 Aims and objects
- 2.4 Overview of the Act

Unit III

- 3.1 Electronic governance
- 3.2 Legal recognition of electronic records and electronic evidence

Unit IV

- 4.1 E – Commerce and contract through internet validity
- 4.2 Scope, process and effect
- 4.3 Digital signature
- 4.4 Electronic signature

Unit V

- 5.1 Meaning of cyber crimes
- 5.2 Cyber crimes under Indian Penal Code, 1860
- 5.3 Criminal Procedure Code, 1973,
- 5.4 Indian Evidence Act, 1872

Unit VI

- 6.1 Cyber crimes under the Information Technology Act, 2000
- 6.2 Cyber crimes under International law
- 6.3 Legal implications of social networking
- 6.4 Investigation and jurisdiction over cyber crimes.

Unit VII

- 7.1 Intellectual Property Issues and Cyberspace
- 7.2 The Indian perspective: overview of intellectual property related legislation,

Unit VIII

- 8.1 Copyright law and cyberspace
- 8.2 Trademark law and cyberspace
- 8.3 Issue related intellectual properties.

Select Bibliography:

1. Seth, Karnika; *Computers Internet and New Technology Laws*; LexisNexis
2. Gangopadhyay, Shubhashis, Singh, Manisha G. and Singh, Nirvikar; *Waiting to Connect*; LexisNexis
3. Viswanathan, Aparna; *Cyber Law*; LexisNexis
4. Bhansali, S.R.; *The Information Technology Act*, Bharat Law House

SEC-205: Introduction to Human Rights

Max. Marks: 50

Objective of the Course:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

Syllabus:

Unit I - Panoramic View of Human Rights

- 1.1. Human Rights in Non-western Thought
- 1.2. Awareness of Human rights during the nationalist movement
- 1.3. Universal Declaration of Human Rights, Constituent Assembly and Part III, rafting process.
- 1.4. Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights convenants.)

Unit II - Fundamental Rights Jurisprudence as Incorporating Directive Principles

- 2.1. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
- 2.2. The interaction between F.R. and D.P.
- 2.3. Resultant expansion of basic needs oriented human rights in India

Unit III - Right not be Subject to Torture, Inhuman or Cruel Treatment

- 3.1. Conceptions of torture, third-degree methods
- 3.2. "Justifications" for it
- 3.3. Outlawry of torture at international and constitutional law level
- 3.4. Incidence of torture in India
- 3.5. Judicial attitudes
- 3.6. Law Reform - proposed and pending

Unit IV - Minority Rights

- 4.1. Conception of minorities
- 4.2. Scope of protection

- 4.3. The position of minority "Woman" and their basic rights
- 4.4. Communal Riots as Involving violation of Rights.

Unit V - Rights to development of Individuals and Nations

- 5.1. The UN Declaration on Right to Development, 1987
- 5.2. The need for constitutional and legal changes in India from human rights standpoint.

Unit VI - People's Participation in Protection and Promotion of Human Rights

- 6.1. Role of International NGOS
 - 6.2.1. Amnesty International
 - 6.2.2. Minority Rights Groups
 - 6.2.3. International Bars Association, Law Asia
- 6.3. Contribution of these groups to protection and promotion of human rights in India.

Unit VII - Development Agencies and Human Rights

- 7.1. Major international funding agencies and their operations in India
- 7.2. World Bank lending and resultant violation/promotion of human rights
- 7.3. Should development assistance be tied to observance of human rights (as embodied in various UN declarations)

Unit VIII - Freedoms

- 8.1. Free Press - Its role in protecting human rights
- 8.2. Right of association
- 8.3. Right to due process of law
- 8.4. Access and Distributive Justice

Select Bibliography:

- 1. M.J. Akbar, Riots After Riots (1988)
- 2. U.Baxi (ed.), The Right to be Human (1986)
- 3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
- 4. F.Kazmi, Human Rights (1987)
- 5. L.Levin, Human Rights (1982)
- 6. Madhavtirtha, Human Rights (1953)
- 7. W.P. Gromley, Human Rights and Environment (1976)
- 8. H. Beddard, Human Rights and Europe (1980)
- 9. Nagendra Singh, Human Rights and International Co-operation (1969)
- 10. S.C. Kashyap, Human Rights and Parliament (1978)
- 11. S.C. Khare, Human Rights and United Nations (1977)
- 12. Moskowitz, Human Rights and World Order (1958)
- 13. J.A. Andrews, Human Rights in International Law (1986)
- 14. Menon (ed.), Human Rights in International Law (1985)
- 15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
- 16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of international law 279 (1978)

Group – II
LL.M. Part – I Sem – I
Intellectual Property Rights

CC-101: Law and Social Transformation in India

Max. Marks: 100

Objectives of the course: This course aims at:

- (a) Awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and
- (b) A spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society

Syllabus:

Unit I - Law and social change

- 1.1. Law as an instrument of social change.
- 1.2. Law as the product of traditions and culture. Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

Unit II - Religion and the law

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

Unit III - Language and the law

- 3.1. Language as a divisive factor: formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution: Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

Unit IV - Community and the law

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions., Statutory provisions.

Unit V - Regionalism and the law

- 5.1. Regionalism as a divisive factor.
- 5.2. Concept of India as one unit.
- 5.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 5.4. Equality in matters of employment: the slogan "Sons of the soil" and its practice.
- 5.5. Admission to educational institutions: preference to residents of a state.

Unit VI - Women and the law

- 6.1. Crimes against women.
- 6.2. Gender injustice and its various forms.
- 6.3. Women's Commission.
- 6.4. Empowerment of women: Constitutional and other legal provisions.

Unit VII - Children and the law

- 7.1. Child labour.
- 7.2. Sexual exploitation.
- 7.3. Adoption and related problems.
- 7.4. Children and education.

Unit VIII - Modernisation and the law

- 8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2. Modernisation of social institutions through law.
 - 8.2.1. Reform of family law
 - 8.2.2. Agrarian reform - Industrialisation of agriculture.
 - 8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.
- 8.3. Reform of court processes.
 - 8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3. Prison reforms.
- 8.4. Democratic decentralisation and local self-government.

Select Bibliography:

14. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
15. Robert Lingat, The Classical Law of India (1998), Oxford
16. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
17. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
18. Manushi, A Journal About Women and Society.
19. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
20. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
21. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
22. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
23. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
24. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
25. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting Government of India
26. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.

CC-102: Indian Constitutional Law: The New Challenges

Max. Marks: 100

Objectives of the Course:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores (civilization). Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

Syllabus:

Unit I - Federalism

- 1.1. Creation of new states
- 1.2. Allocation and share of resources - distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 356 and 365
- 1.6. Federal Comity : Relationship of trust and faith between Centre and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

Unit II - Right to equality: privatisation and its impact on affirmative action.

- 2.1 Introduction
- 2.2 Equality Before Law
- 2.3 Landmark Judgments

Unit III - Empowerment of women.

- 3.1 Introduction
- 3.2 Empowerment: Meaning and Importance
- 3.3 Empowerment of Women in India
- 3.4 Initiatives by the Judiciary

Unit IV - Freedom of press and challenges of new scientific development

- 5.1. Freedom of speech and right to broadcast and telecast.
- 5.2. Right to strikes, hartal and bandh.

Unit V - Emerging regime of new rights and remedies

- 6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 6.1.1. Compensation jurisprudence
 - 6.1.2. Right to education
 - 6.1.2.1. Commercialisation of education and its impact.
 - 6.1.2.2. Brain drain by foreign education market.

Unit VI - Secularism and religious fanaticism.

- 1.1 Secularism
- 1.2 Secularism under Indian Constitution
- 1.3 Right to Religion
- 1.4 Religious Fanaticism

Unit VII - Separation of powers: stresses and strain

- 7.1. Judicial activism and judicial restraint.
- 7.2. PIL: implementation.
- 7.3. Judicial independence.
 - 7.3.1. Appointment, transfer and removal of judges.
- 7.4. Accountability: executive and judiciary.
- 7.5. Tribunals

Unit VIII - Democratic process

- 8.1. Nexus of politics with criminals and the business.
- 8.2. Election
- 8.3. Election commission: status.
- 8.4. Electoral Reforms
- 8.5. Coalition government, 'stability, durability, corrupt practice'
- 8.6. Grass root democracy.

Select Bibliography:

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

CC-103: Legal Theory

Max. Marks: 100

Objectives of the course:

- e) The course aims at developing an insight into the juristic foundations of a legal system.
- f) To enable understanding of the law as it exists and its functions in a contemporary society.
- g) To inculcate a clear understanding about the new aspects of law and its nature and function.
- h) To create a clear understanding about the impact of law on various other branches of the study and its relationship with ethical aspects of justice.

Syllabus:

Unit I - Introduction

- 1.5 Meaning and concept of Jurisprudence
- 1.6 Relevance of Jurisprudence in the contemporary era
- 1.7 Meaning and definition of Law Law and Morals
- 1.8 Value of Judgments

Unit II - Relevance of Natural Law: theoretical Perceptions

- 2.1 The Origin and Significance of Natural Law
- 2.2 Theoretical Perceptive of Natural Law
- 2.3 ST Thomas Aquinas; Grotius;Hobbes;Locke;Rosseau
- 2.4 German Transcendental Idealism-Immanuel Kant
- 2.5 Revival of Natural Law-Stammler; Fuller; John. Finnis
- 2.6 Semi-sociological Natural Law-H.L.A. Hart
- 2.7 Liberty and Civil disobedience

Unit III - Legal positivism

- 3.1 Austin's analytical theory of Law
- 3.2 Bentham's Legal Positivism
- 3.3 Pure Theory of Law-Hans Kelson
- 3.4 Oliver Wendell Homes Theory

Unit IV - Post Modern Theories

- 4.1 Hart's concept of Law
- 4.2 Rawls theory of Justice
- 4.3 Amartya Sen's theory of Justice

Unit V - Sociological Jurisprudence

- 5.1 Duguit Theory
- 5.2 Ehrlich and Ihering Theory
- 5.3 Dean Roscoe Pound Theory
- 5.2 Prof. Patterson
- 5.3 Prof. Selznick.

Unit VI - American legal Realism:

- 6.1 Jerome Frank.
- 6.2 Karl Lewellyn
- 6.3 Indian Judicial process & relevance to American legal realism

Unit VII – Scandinavian Realism

Unit VIII - Hindu Jurisprudence

Select Bibliography:

1. Salmond: Jurisprudence, Universal Publishers.
2. Paton : Jurisprudence
3. Allen : Law in the Making, Universal Publishers.
4. Mahajan V.D.: Legal Theory and Jurisprudence, Eastern Book Company, Lucknow.
5. Dias : Jurisprudence, Aditya Books.
6. Rama Jois, Legal and Constitutional History of India, Universal Law Publications, Delhi.
7. John Rawls-Theory of justice.

EC-104: Law of Patents (Paper – I)Max. Marks: 100

Objectives of the course:

Law of Patents is the branch of intellectual property providing protection to new inventions. The paper exposes students to the evolution of patents in India, treaties and conventions. It provides insight into the concept of patentable and non patentable inventions, procedure of filling application and rights of the patentee.

Syllabus:

Unit I – Introduction

- 1.1 Concept of Patent
- 1.2 Origin and Development of Patent: National and International Scenario
- 1.3 International Character of Patents
- 1.4 Subject matter of Patents – Patentable and non-Patentable inventions
- 1.5 Advantages of patent to the inventor

Unit II – How to Obtain Patent

- 2.1 Who may apply?
- 2.2. Procedure – Pre-requisites
- 2.3. Term of Patent
- 2.4 Provisional and Complete Specification
- 2.5 Examination, publication, Opposition, grant of patentPatent of addition
- 2.5 Patent of addition

Unit III – Rights and Obligations of Pantentee

- 3.1 Nature of patent rights
- 3.2 Limitations of Pantentee’s Rights
- 3.3 Obligations of Pantentee

Unit IV – Transfer of Patent Rights

- 4.1 Assignments
- 4.2 License
- 4.3 Compulsory Licenses, Licenses of Rights and Revocation for Non-working
- 4.4 Government use of Inventions
- 4.5 Revocation and Surrender of Patents

Unit V – Infringement of Patents

- 5.1 What constitutes infringement
- 5.2 Action for Infringement
- 5.3 Defenses
- 5.4 Reliefs / remedies

Unit VI - Threat of Infringement Proceedings

- 6.1 Concept of threat
- 6.2 Burdern of Proof
- 6.3 Persons aggrieved
- 6.4 Injunction
- 6.5 Damages

Unit VII – Offenses and Penalties and Miscellaneous Matters

- 7.5 Offenses
- 7.6 Inventions relevant for defense purposes
- 7.7 Convention countries and reciprocity arrangements
- 7.8 Patent Agents
- 7.9 The Intellectual Property Appellate Board, Power, Constitution, jurisdiction

Unit VIII – Patent and emerging issues

- 8.1 Emerging Issues
- 8.2 Patents & Computer Programs
- 8.3 Bio-Informatics Patents,
- 8.4 Patent and Human Right Issues

Select bibliography:

1. Richard Miller, Guy Burkill, Hon Judge Birss, Douglas Campbell, Terrell on the Law of Patents, Sweet and Maxwell, 2010
2. Feroz Ali Khader, The Touchstone Effect: The Impact Of Pre-Grant Opposition On Patents, Lexis Nexis, 2009
3. Donald S Chisum, Chisum on Patents (17 Volumes), Lexis Nexis, 2012
4. Janice M. Mueller, Patent Law, Wolters Kluwer, 2013
5. Martin J. Adelman et al., Patent Law in a Nutshell, West, 2013
6. Amy L. Landers, Understanding Patent Law, Lexis Nexis, 2012.
7. Ananth Padmanabhan, Intellectual Property Rights Infringement and Remedies, Lexis Nexis, 2012

SEC-105: Alternative Dispute Resolution

Max. Marks: 50

Objectives Of The Course:

The main objectives of the Course are:

2. Understand the strengths and weakness of various dispute resolution methods.
2. Explain primary dispute resolution process and functions
3. Develop techniques and skill to make effective use of ADR methods.
4. Describe and explain the ADR movement.
5. Compare and contrast various legal implications of each method.
6. Train participants to be effective Arbitrators, Conciliators and Mediators.
7. Reduce the backing of pending cases
8. Develop Case Management System.
9. Reduce the time pendency of the litigations

Syllabus:

Unit I - Introduction to ADR

- 2.1 Key Concepts in Dispute Resolution
- 2.2 Disputes - Kinds of Disputes - Justiciable dispute- Dispute Resolution in adversary system, court structure and jurisdiction.

Unit II - Dispute Resolution at grass root level, Lok Adalats, Nyaya Panchayath, Legal Aid, Preventive and Strategic legal aid.

- 2.1 ADR - Meaning and philosophy
- 2.3 Overview of ADR processes,
- 2.3 Legal counselling,
- 2.4 Case - planning strategy,
- 2.5 Conciliation / Mediation,

Unit III – Negotiation:

- 3.1 Theories and Frameworks.
- 3.2 Skills and Behaviour
- 3.4 Barriers to Agreements
- 3.5 Rule of law; Ethics and Policies.

Unit IV - Mediation - I

- 4.1 Introduction Overview
- 4.2 Purposes and Uses.
- 4.3 Skills - Roles of Mediators,
- 4.4 Parties, Lawyers

Unit V – Mediation – II.

- 5.1 Ethics, Fairness, Neutrality, Confidentiality and Personal values
- 5.2 Policies, Controversies.
- 5.3 Practical skills of client interviewing/legal counselling.

Unit VI - ADR Information, Technology

- 6.1 Internet - Cyber space,
- 6.2 Online, cyberspace dispute resolution.

Unit VII – Arbitration - I

- 7.1 Arbitral Proceedings, commencement Roots of procedural evidence, 7.2 "Fast Track" arbitration, statement of claim and defence, hearing and return proceedings-interim measures by Court and by Arbitral Tribunal.
- 7.3 The law of binding Arbitration.
- 7.4 Skills and Ethics of Arbitration.
- 7.5 Arbitral Tribunal - Composition, eligibility and qualifications of arbitrators.
- 7.6 Termination or a mandate of arbitral Tribunal's and of arbitrators, appointment of arbitrators and filling up of vacancies, powers and functions of Arbitral Tribunal's. competence of arbitral Tribunal to rule on its own jurisdiction etc.

Unit VIII – Arbitration – II

- 8.1 Practice and Legal issues; "compulsory" arbitration in courts and contracts.
- 8.2 Evolution of mediation/conciliation as a mode of settlement of disputes, distinction between mediation, conciliation, negotiation and good offices - definition and scope of conciliation, advantages of conciliation
- 8.3 The Arbitration and Conciliation a Act of 1996 - Appointment of conciliators, commencement of conciliation, proceedings - submission of statements - communication between conciliator and parties, suggestions for settlement –
- 8.4 Confidentiality of information

- 8.5 Admissibility of evidence in other proceedings
- 8.6 settlement agreement-status and effect. Termination of conciliation proceedings; costs and deposits.

Select bibliography:

13. The Indian Arbitration and Conciliation Act of 1996.
14. The Fundamentals of Family Mediation by John M. Haynes and Stephanie Charlesworth.
15. The Promise of Mediation, by Robert A Baruch Bush and Joseph Folger
16. Alternative Dispute Resolution, by P. C. Rao and William Sheffield
17. Getting to Yes, by Fisher ADR Getting past, No. by fisher and Ury 7. Mediation in Family Dispute, by Marian Roberts.
18. Family Mediation, by Lisa Parkinson
19. People Skills, by Robert Bolton
20. The Mediator's Handbook by Ruth Chariton and Micheline Dewdney
21. Mediation: Principles, Process, Practice by Laurence Boulle -Butterworths.
22. Living the 7 Habits by Stephen R. Govey
23. The Monk who sold his Ferari by Robin Sharma
24. The Code of Civil Procedure, 1908.

LL.M Part – I, Sem - II
CC-201: Judicial Process

Max. Marks: 100

Objectives of the course:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus:

Unit I - Nature of judicial process

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability.
- 1.3. The tools and techniques of judicial creativity and precedent.
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems.

Unit II - Doctrine of Precedent-Ratio decidendi and Obiter Dictum

- 2.1 Methods of determining ratio- Stare decisis
- 2.2 Eceptions-precedent in common law and Civil law Countries.

Unit III - Special Dimensions of Judicial Process in Constitutional Adjudications.

- 3.1. Notions of judicial review
- 3.2. 'Role' in constitutional adjudication - various theories of judicial role.
- 3.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 3.4. Varieties of judicial and juristic activism
- 3.5. Problems of accountability and judicial law-making.

Unit IV - Logic and growth in law

- 4.1 Categories of illusory Reference-legal reasoning (judicial as well as juristic).
- 4.2 New rhetorics - role of judicial Concepts and judicial discretion in judicial reasoning.

Unit V - Judicial Process in India

- 5.1. Indian debate on the role of judges and on the notion of judicial review.
- 5.2. The "independence" of judiciary and the "political" nature of judicial process
- 5.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- 5.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 5.5. Institutional liability of courts and judicial activism - scope and limits.

Unit VI- Nature of judicial process

- 6.1 Search for the legislative
- 6.2 intention-methods of judicial interpretation
- 6.3 Role of Philosophy, logic, history tradition and sociology.

Unit VII - The Concepts of Justice

- 7.1. The concept of justice or Dharma in Indian thought
- 7.2. Dharma as the foundation of legal ordering in Indian thought.
- 7.3. The concept and various theories of justice in the western thought.
- 7.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Unit VIII - Relation between Law and Justice

- 8.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger class
- 8.2. Dependency theories - For its realisation justice depends on law, but justice is not the same as law.
- 8.3. The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering.
- 8.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Select bibliography:

1. Julius Store : The Province and Function of Law, Part II, Chs. 1-8-16 (2000), Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process (1995), Universal, New Delhi

3. Henry J. Abraham : The Judicial Process (1998), Oxford
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths
5. W. Friedmann : Legal Theory (1960), Stevens, London
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law (1997), Universal, Delhi
7. J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

CC-202: Legal education and research methodology

Max. Marks: 100

Objectives of the course:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.

Syllabus:

Unit I - Introduction

- 1.1 Objectives of Legal Education
- 1.2 Clinical Legal Education - Legal Aid, Legal Literacy, Legal Survey and Law Reform

Unit II - Methods of Teaching – I

- 2.1 Lecture Method of Teaching
- 2.2 The Problem Method

Unit III - Methods of Teaching – II

- 3.1 The Seminar Method teaching.
- 3.2 Discussion method and its suitability at post graduate level teaching

Unit IV Identification of Problem Research & Research Methods

- 4.1 What is a Research Problem?
- 4.2 Survey of Available Literature and Bibliographical Research
- 4.3 Socio-Legal Research
- 4.4 Doctrinal and Non-Doctrinal
- 4.5 Relevance of Empirical Research
- 4.6 Induction and Deduction

Unit V Preparation of the Research Design - I

- 5.1 Formulation of the Research Problem
- 5.2 Devising tools and techniques for collection of data: Methodology
 - 5.2.1 Methods for the Collection of Statutory and Case materials and Juristic Literature

5.2.2 Use of Historical and Comparative Research Materials

Unit VI - Preparation of the Research Design - II

- 6.1 Use of Observation Studies
- 6.2 Use of Question/Interview
- 6.3 Use of Case Studies
- 6.4 Sampling Procedures - Design of Sample, Types of Sampling to be adopted
- 6.5 Use of Scaling Techniques

Unit VII Preparation of the Research Design - III

- 7.1 Jurimetrics
- 7.2 Computerised Research - A Study of Legal Research Program such as Lexis & West Law Coding

Unit VIII Preparation of the Research Design – IV

- 8.1 Classification and Tabulation of Data - Use of Cards for Data Collection - Rules for Tabulation. Explanation of Tabulated Data.
- 8.2 Analysis of Data

Select Bibliography:

- 10. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education:
- 11. Active Learning in your Law School, (1998) Blackstone P Press Limited, London
- 12. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- 13. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
- 14. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978).
- 15. Pauline V. Young, Scientific Social Survey and Research, (1962)
- 16. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc-Graw-Hill Book Company, London
- 17. H.M. Hyman, Interviewing in Social Research (1965)
- 18. Payne, The Art of Asking Questions (1965).
- 10. Erwin C. Surrency, B. Fiell and J. Crea, A Guide to Legal Research (1959)
- 11. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
- 12. Harvard Law Review Association, Uniform System of Citations
- 13. ILI Publication, Legal Research and Methodology

CC-203: Legal Sources and Concepts

Max. Marks: 100

Objectives of the Study:

The paper highlights the fundamental doctrines of legal process like precedent. It provides a deeper understanding of legal system, hierarchy of courts, ordinances and interpretation of statutes.

Syllabus:

Unit – I - Introduction

- 1.5 Meaning of the term ‘source’
- 1.6 Classification of sources of law
 - 1.6.1 Formal, material and literary sources
 - 1.6.2 Legal and historical sources,
 - 1.6.3 Binding and persuasive sources
- 1.7 Legal sources of English and Indian law
- 1.8 Equity and juristic opinion as source of law

Unit II – Concept of Custom

- 2.1 Definition of custom
- 2.2 Origin of custom
- 2.3 Early importance of customary law
- 2.4 Theories as to the nature of customary law,
- 2.5 Essentials of valid custom
- 2.6 Kinds of custom
- 2.7 Customs and usage

Unit III – Legislation and Precedent

Unit IV – Possession and Ownership

Unit V – Rights and Duties

Unit VI – Persons

Unit VII – Liability

Unit VIII - Obligations

Suggested Reading

16. Dhavan R, Supreme Court of India
17. Cross R, Precedent in English Law
18. Stone Julius, Legal system and Lawyer's Reading [Chapters 6, 7 and 8]
19. Seervai H M, Constitution of India [Chapter on Union Judiciary]
20. Allen C K, Law in the Making [Chapter on subordinate and Automatic legislation]
21. Dickerson R, Interpretation and application of Statutes
22. Mukherjee A R, Parliamentary Procedure in India [Chapter entitle] 'Legislation' and 'Committees']
23. Benjamin N Cardozo, The Nature of the Judicial Process
24. Lloyd D, Introduction to jurisprudence [chapter on 'Judicial Process']
25. Harris J W, Legal philosophies [Chapter 13 & 15]
26. Kaul M N & Shakhder, Procedure and Practices of Parliament
27. Dias, Jurisprudence 15, W Friedmann Legal Theory
28. GW Paton, A text Book of Jurisprudence
29. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law
30. Salmond, Jurisprudence

EC-204; Law of Trademark

Max. Marks: 100

Objective

The paper provides student understanding of the law of trademarks. It provides knowledge on international convention and development on the subject. It examines the process of registration, infringement and remedies.

Unit I – Introduction

- 1.1 What is Trade Mark
- 1.2 Functions of a Trade Mark
- 1.3 Evolution of Trade Mark Law
- 1.4 Service Marks
- 1.5 Collective Trade Marks

Unit II – Trade Marks Registry and Register of Trade Marks

- 2.1 The jurisdiction of Trade Mark Offices
- 2.2 Registrar of Trade Marks
- 2.3 Trade Marks Journal

Unit III – Property in a Trade Marks and Registration of Trade Marks

- 3.1 Property in Trade Mark
- 3.2 What marks are registrable
- 3.3 Procedure for Registration of Trade and Service Marks
- 3.4. Opposition to registration
- 3.5 Duration and Renewal of Trade Marks
- 3.6. Marks not registratble

Unit IV – Similar, Near Resemblance and Deceptively Similar Marks

- 4.1 General
- 4.2 Factors to be taken into consideration
- 4.3 Word and Devise Marks

Unit V – Assignment and Transmission, Licensing of Trade Marks

- 5.1 Procedure for Assignment and Transmission
- 5.2 Registration of assignment and transmission
- 5.3 Licensing - Permitted use and Registered user
- 5.4 How far licensing is possible

Unit VI – Infringement, Threat and Trade Libel

- 6.1 Rights conferred by registration of Trade Marks
- 6.2 Infringment of Trade Marks
- 6.3 Action for infringement
- 6.4 Threat of legal proceedings
- 6.5 Trade Libel

Unit VII – Passing Off

- 7.1 Classification formulation of passing off
- 7.2 Distinguish between infringement and passing off

- 7.3 Defenses in Passing Off
- 7.4 Reliefs available in Passing Off Actions

Unit VIII – Offenses and Penalties

- 8.1 Nature of Offenses
- 8.2 Defense available to the accused
- 8.3 Offenses by companies
- 8.4 Criminal Proceedings
- 8.5 Miscellaneous matters

Select Bibliography:

1. David T Keeling, David Llewelyn, *Kerley's law of Trade Marks and Trade Names, Sweet and Maxwell*, 15th Edition , 2014.
2. P. Narayanan, *Trade Marks and Passing Off*, Eastern Law House, 2004
3. Ananth Padmanabhan, *Intellectual Property Rights Infringement and Remedies*, Lexis Nexis, 2012
4. Christopher Wadlow, *The Law of Passing Off: Unfair Competition by Misrepresentation*, Sweet and Maxwell, 2011.
5. David Lindsay, *International Domain Name Laws*, Hart Publishing, 2007.
6. Kerly on Trade Marks and Trade Names, 13th Ed. 2001, Sweet & Maxwell.
7. Dr. B. L. Wadehra, *Patents, Trade Marks, Copyright, Designs & Geographical Indications*, Universal Law Publishing Co., Pvt., Ltd.

SEC-205: Introduction to Human Rights

Max. Marks: 50

Objective of the Course:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

Syllabus:

Unit I - Panoramic View of Human Rights

- 1.1. Human Rights in Non-western Thought
- 1.2. Awareness of Human rights during the nationalist movement
- 1.3. Universal Declaration of Human Rights, Constituent Assembly and Part III, rafting process.
- 1.4. Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights convenants.)

Unit II - Fundamental Rights Jurisprudence as Incorporating Directive Principles

- 2.1. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
- 2.2. The interaction between F.R. and D.P.
- 2.3. Resultant expansion of basic needs oriented human rights in India

Unit III - Right not be Subject to Torture, Inhuman or Cruel Treatment

- 3.1. Conceptions of torture, third-degree methods
- 3.2. "Justifications" for it
- 3.3. Outlawry of torture at international and constitutional law level
- 3.4. Incidence of torture in India
- 3.5. Judicial attitudes
- 3.6. Law Reform - proposed and pending

Unit IV - Minority Rights

- 4.1. Conception of minorities
- 4.2. Scope of protection
- 4.3. The position of minority "Woman" and their basic rights
- 4.4. Communal Riots as Involving violation of Rights.

Unit V - Rights to development of Individuals and Nations

- 5.1. The UN Declaration on Right to Development, 1987
- 5.2. The need for constitutional and legal changes in India from human rights standpoint.

Unit VI - People's Participation in Protection and Promotion of Human Rights

- 6.1. Role of International NGOS
 - 6.2.1. Amnesty International
 - 6.2.2. Minority Rights Groups
 - 6.2.3. International Bars Association, Law Asia
- 6.3. Contribution of these groups to protection and promotion of human rights in India.

Unit VII - Development Agencies and Human Rights

- 7.1. Major international funding agencies and their operations in India
- 7.2. World Bank lending and resultant violation/promotion of human rights
- 7.3. Should development assistance be tied to observance of human rights (as embodied in various UN declarations)

Unit VIII - Freedoms

- 8.1. Free Press - Its role in protecting human rights
- 8.2. Right of association
- 8.3. Right to due process of law
- 8.4. Access and Distributive Justice

Select Bibliography:

1. M.J. Akbar, Riots After Riots (1988)
2. U.Baxi (ed.), The Right to be Human (1986)
3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavtirtha, Human Rights (1953)
7. W.P. Gromley, Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C. Kashyap, Human Rights and Parliament (1978)
11. S.C. Khare, Human Rights and United Nations (1977)
12. Moskowitz, Human Rights and World Order (1958)
13. J.A. Andrews, Human Rights in International Law (1986)
14. Menon (ed.), Human Rights in International Law (1985)
15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of international law 279 (1978)

Shivaji University, Kolhapur



Faculty of Humanities

(LL. B. – Three Years) Degree Programme

Choice Based Credit System (CBCS)

Syllabus Part – III (Semester V and VI)

To be implemented from Academic Year 2021-2022

THIRD YEAR OF THREE YEARS LAW COURSE
SEMESTER - V
DSC – 501 CIVIL PROCEDURE CODE AND LIMITATION ACT
(Paper - I)

Object of the Course:

Civil Procedure Code is subject of daily use by the courts and lawyers. True that it is through experience one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before a law student enters the profession. While the substantive law determines the rights of persons affected by action, judicial decisions will supply the omissions in the law. The Code of Civil Procedure in India has a conquered history and lays down the detailed procedure for redressal of civil rights. Many questions may prop up when one goes to vindicate one's civil rights. The court where the suit is to be filed, the essential forms and procedure for institution of suit, the document in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suit, the complexities of executing a decree and provision for appeal and revision are all matters which a lawyer for any side is to be familiar with. A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter within time, this may place court in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence, the statute of limitation fixes a period within which a case has to be filed.

Teaching Learning Methods:

The teaching methodology suggested for this paper is clinical/ practical approach to make the students aware of all procedural technicalities along with theoretical knowledge through Lecture method, group discussion and interactive sessions of learning is the best method of teaching and learning of this subject.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS

Unit- I: Introduction

1.1 The basic concepts in civil procedure code

1.2 Distinction between decree and judgment and between decree and order

- 1.3 Jurisdiction of Court
- 1.4 Suit of civil nature-scope and limits
- 1.4 Res-subjudice and Resjudicata
- 1.6 Place of suing

Unit- II: Institution of Suit

- 2.1 Meaning and essentials of suit
- 2.2 Institution of suit
- 2.3 Parties to the suit, Joinder, mis- joinder or non-Joinder of parties
- 2.4 Representative suit.
- 2.5 Frame of suit: Importance of cause of action
- 2.6 Summons and modes of service of summons

Unit- III: Pleadings

- 3.1 Fundamental rules of pleading, signing and verification.
- 3.2 Complaint: rules and particulars,
- 3.3 Admission of complaint and return and rejection of complaint
- 3.4 Written statement: particulars, rules of evidence
- 3.5 Set off and counter claim distinction and Amendment of pleadings
- 3.6 Settlement of Issues and Discovery, inspection and production of documents
- 3.7 Interrogatories
- 3.8 Privileged documents
- 3.9 Affidavits

Unit- IV: Appearance, Examination and Trial

- 4.1 Appearance and Ex-parte procedure
- 4.2 Summary Suits
- 4.3 Summary and attendance of witnesses
- 4.4 Trial
- 4.5 Adjournments
- 4.6 Interest and costs.

Unit – V Interim orders and Miscellaneous:

- 5.1 Injunction
- 5.2 appointment of receiver
- 5.3 commissions
- 5.4 Arrest or attachment before judgment,
- 5.5 Transfer of cases
- 5.6 Caveat
- 5.7 Inherent powers of Courts
- 5.8 Judgment : Meaning and essentials

Unit- VI: Execution.

- 6.1 The concept.
- 6.2 General principles (Ss.52.54).
- 6.3 Power for execution of decrees.

- 6.4 Procedure for execution (Ss.55.54)
- 6.5 Enforcement, arrest and detection (Ss.55.59).
- 6.6 Attachment (Ss.60-64).
- 6.7 Sale (Ss.65-97).
- 6.8 Delivery of property.
- 6.9 Stay of execution.

Unit- VII: Suits, Appeals, Review, Reference and Revision

- 7.1 By or against government (Ss.79-82)
- 7.2 By aliens and by or against foreign rulers or ambassadors (Ss. 83-87 A)
- 7.3 Settlement of disputes outside the court (S.89)
- 7.4 Suits by or against firm
- 7.5 Interpleader suits
- 7.6 Suits relating to public charities.
- 7.7 Appeals, Review, Reference and Revision
- 7.8 Appeals from original decree, appellate decree, Order

Unit- VIII: The Law of Limitation

- 8.1 Condonation of delay
- 8.2 Bar of Limitation
- 8.3 Expiry of prescribed period when court is closed
- 8.4 Extension of prescribed period in certain cases
- 8.5 Legal disability and Continuous running of time
- 8.6 Computation of period of limitation
- 8.7 Acquisition of ownership by possession

Books Recommended:

1. Mulla - The Code of Civil Procedure - Tripathi
2. Takwani C. K. - The Code of Civil Procedure, eastern book Company, Lucknow
3. Civil Manual - Issued by the High Court Bombay
4. Ganguly A. C. - Civil Court Practice and Procedure
5. Mitra B. R. - Limitation Act
6. Taxman's - The Code of Civil Procedure 1908
7. SanjiwaRao - Civil Procedure Code.
8. Justice C. K. Takkar (Takwani) - Code of Civil Procedure.
9. Dr. S.R. Myneni-Code of Civil Procedure and Limitation.
10. B. B. Mitra: Limitation Act, Eastern law House, Allahabad.

**DSC – 502 LAW OF EVIDENCE
(Paper - II)**

Objectives of the Course:

The Law of Evidence is the very basis of the administration of justice. It is the basis of Rule of Law in all democratic states. It is an indispensable part of both substantive and procedural law. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to facts before the forum.

This paper enables the student to appreciate the concepts and principles understanding the law of Evidence and identify the recognized form of Evidence and its sources. The subject seeks to impart the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth.

The art of examination and cross examination and the shaping nature of burden of proof are crucial topics. In the beginning of the present century several amendments have been made to meet new social conditions. As a result of recommendations by the U.N. General Assembly in 1997, The Information Technology Act, 2000 was passed. It has made extensive changes in the act to provide legal recognition to transaction carried out by means of electronic data exchange and other means of electronic communications. The concepts brought in by amendments to the Law of Evidence are significant part of study in this course.

Teaching Learning Methods:

Lecture method, group discussion and interactive sessions of learning is the best method of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation	: 20 Marks
Viva Voce College Level	: 10 Marks

30 Marks

SYLLABUS:**Unit-I: Nature & Functions of the Law of Evidence**

1.1 Origin and Development of Law of Evidence during Ancient, Medieval and British Period.

1.2 Necessity and Importance of Law of Evidence.

1.3 Salient features of the Indian Evidence Act, 1872.

1.4 Important concepts under of Indian Evidence Act, 1872. **(Sec.1-5)**

- Evidence, Facts, Facts in issue, Relevant Facts, Proved, Disproved and Not Proved.
- Presumptions – May Presume, Shall Presume and Conclusive Proof.

1.5 Relevancy and Admissibility of Facts, Appreciation of Evidence.

- -Rules of Evidence with special reference to other Acts i.e., CPC, Cr. P.C. and Information Technology Act, 2000.

Unit-II: The Theory of Relevancy of Facts (Ss 6-31)

2.1 Relevancy of Facts connected with facts in issue: **(Sec.6 - 16)**

- Doctrine of *Res gestae*,
- Occasion, cause and effect,
- Motive, Preparation and Conduct
- Facts necessary to explain or introduce relevant facts - Identification Parade
- Facts to prove existence of Conspiracy -Common Intention,
- Plea of Alibi, Proof of Custom, Facts concerning and Business.

2.3 Rules relating to Admissions :(**Sec. 17 – 23 and 31**)

- Definition of Admission, Nature and Scope of Admissions, Formal and Informal Admissions, Vicarious Admissions, Proof of Admissions and its Propositions, when Admissions in Civil Cases are relevant.

2.4 Rules relating to Confession: **(Sec. 24— 30)**

- Definition of Confession, Extra Judicial Confessions and Judicial confessions, Sec. 27 its importance, Retracted confession, Evidentiary Value of confession

2.5 Differences between Admissions and Confession.

Unit-III: Theory of Relevancy of Statements, Judgments and Opinion: (Ss 32-55)

- 3.1 Relevancy of Statements made by Person Who cannot be called as witness-
 - Dying declaration, Evidentiary value of Dying Declaration. **Sec.31(1)**
 - Statements made in different circumstances **32 (2) to 32 (8)**
- 3.2 Relevancy of Statements made under special circumstances (**Sec34 -39**)
- 3.3 Relevancy of Judgments of Courts (**Sec. 40 - 44**)
- 3.4 Relevancy of Opinion of Third Persons witnesses (**Sec. 45 – 51**)
- 3.5 Relevancy of Character of the parties in civil cases and criminal proceedings (**Sec. 52 – 55**)

Unit-IV: Various Modes of Proof of Facts (Ss. 56-100)

- 4.1 Facts which need not to be proved (**Ss. 56-58**)
- 4.2 Proof of Facts by oral Evidence (**Ss. 59-60**)
- 4.3 Proof of Facts by Documentary Evidence (**Ss. 61-73A**)
- 4.4 Kinds of Documents and its proof (**Ss. 74-78**)
- 4.5 Presumption as to Documents (**Ss. 79-78**)
- 4.6 Of the exclusion of oral by Documentary Evidence (**91-100**)

Unit-V: Production and Effect of Evidence-Burden of proof and Estoppels (Ss. 101-117)

- 5.1 Meaning of Burden of Proof
- 5.2 General Rules of Burden of Proof (**Sec. 101 – 103**)
- 5.3 Specific Rules of Burden of Proof (**Sec. 104 – 114 A**)
- 5.4 Principles of Estoppel (**Ss. 115**)
 - Estoppel and Admission, Estoppel and Waiver, Estoppel and Fraud
 - Estoppel and its applications: Estoppel by Record, Estoppel by Deed,
 - Estoppel in Pais, Promissory Estoppel, Constructive Estoppel.
- 5.5 Specific Estoppel between tenant and Licensee (**Ss. 116**)
 - Estoppel of Acceptor of bill of Exchange, bailee or Licensee (**Ss. 117**)

Unit-VI: Production & Effect of Evidence – Competency and Compellability of witnesses (Ss.118-134)

6.1 Meaning, Nature and Role of witness

6.2 Competency of witnesses (Ss. 118-121)

- Who are competent witnesses? Tender years (child witness), Extreme Old age, Diseased whether body or mind, cause of any other kind.
- Dumb Witness
- Husband and Wife, Parties to Suit or Proceeding
- Judges and Magistrate

6.3 Compellability of Witnesses-Privileged communication (Ss. 122-132)

6.4 Evidence of Accomplice (Ss. 133-134)

6.5 Witness protection-The new Paradigm

Unit-VII: General Principles of Examinations of Witnesses-(Ss.134-167)

7.1 Examination in chief, cross examination and Re-examination, order of Examination witness character, Examination of witness (Ss. 135-140)

7.2 Leading questions (Ss. 141-143)

7.3 Hostile witness (Ss. 154)

7.4 Impeaching the credit of witness (Ss. 155)

7.5 Rejection of Evidence (Ss. 167)

Unit-VIII: Evaluation of Evidence

8.1 In Civil and Criminal cases

8.2 By Tribunals, Administrative Tribunals

8.3 By Quasi-Judicial authorities and commissions of Enquiry

8.4 By person a Designate

8.5 By Disciplinary Authorities

8.6 In wills, Appeals, Second Appeal and Revision

References:

1. **Ratanlal & Dhirajlal;** *The Law of Evidence* (1999), Wadhawa & Co., Nagpur.
2. **Avatar, Singh;** *Principles of the Law of Evidence* (2009), Central Law Publication, Allahabad.
3. **Dr. V Krishnamachari;** *Law of Evidence* (2006) S. Gogoa & Company, Hyderabad.
4. **P S Atchutan Pillai;** *The Law of Evidence* (1984), N M Tripathi Private Limited, Bombay.
5. **N K Acharya;** *Evaluation of Evidence* (2010), Asia Law House, Hyderabad.
6. **Pande, G S;** *Law of Evidence* (2009), University Book House, Jaipur.

**DSC – 503 LABOUR LAW – I (Industrial Laws)
(Paper - III)**

Objectives of the Course:

The study of Industrial Law is a very significant part of the study of modern jurisprudence. It is estimated that in India, nearly one-sixth of litigation in the Supreme Court pertains to industrial law matters. Thus, Industrial Jurisprudence plays vital role in building the economic structure of the society. It also plays as an instrument of social justice. Industrial relations embrace a complex of relationships between the workers, employers and government, concerning with the terms of employment and conditions of labour of the workers. The law relating to labour and employment in India is primarily known under the broad category of "Industrial Law".

Labour Laws consist of the various enactments, administrative rules & regulations, judicial precedents, etc. which addresses the relationship between Government, Employers, Employees & their Organizations dealing with issues relating to payment of wages, terms of employment, working conditions, social security, etc. Additionally, there are several labour laws which regulate service conditions in specific industries, such as building and construction work, pharmaceuticals, dockyards, mines, etc. In other words, Labour law primarily, aims at and associated with the protection of the rights & interests of formal as well as informal workers, The Pre and Post- independence era witnessed some important developments in the field of labour

and Industrial Laws. But as we know, social Engineering is a continuing process, which goes on with the pace of time and here lies the importance of study of Industrial Jurisprudence.

The law and practice relating to labour and management is the story of conflict and battle. In this context, the law student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the various labour enactments with up to date amendments and emerging areas of possible future techniques and solutions.

Teaching-Learning Methods:

The teaching-learning mechanism with interactive sessions in classroom is primarily good method to understand theoretical knowledge. The case study, visits to various Industries, Trade Union Offices, Labour Courts, Industrial Tribunals, etc. are the good forms to understand practical knowledge of the Labour Laws.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS:

Unit - I: Industrial Revolution & Industrial Jurisprudence

1. Industrial Revolution in India - Industrial Relations, Industrial Peace and Industrial Harmony
2. Identification of Labour Problems & Labour Movements in India
3. Concept of 'Collective Bargaining'
4. Development of Industrial Jurisprudence in India
 - a. Principles of Labour Legislations
 - b. Principles of Industrial Adjudication
5. Development of Labour Laws in India –

- a. Pre and Post Constitutional era
- b. Recent Developments in Labour Codes

Unit - II: Trade Unions Act, 1926

1. Trade Union Movements
2. Nature, Scope & Objectives & Important Definitions of the Act
3. Registration of Trade Unions
4. Rights & Liabilities of Registered Trade Unions
5. Miscellaneous Provisions – Regulations, Penalty & Procedure

Unit - III: Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971

1. Nature, Scope and objects of the Act
2. Recognition of Unions, Obligations & Rights of Recognized Unions, Other Unions & Certain Employees
3. Illegal Strikes & Lockouts
4. Unfair Labour Practices
5. Powers of Courts, Labour Courts & Industrial Courts and Penalties

Unit - IV: The Industrial Employment (Standing Orders) Act, 1946

1. Nature, object and Applicability of the Act
2. Procedure for Certification & Modification of Standing Orders
3. Legal nature and operation of Standing Orders
4. Authorities under the Act – Certifying Officers & Appellate Authorities
5. Penalties and Procedure

Unit - V: Industrial Dispute Act, 1947 (Chapters I to IV)

1. Nature, Scope, & Objectives of the Act
2. Important Definitions – Industry, Industrial Disputes, Award & Settlement
3. Mechanism for settlement of Industrial disputes under the Act –
Works Committee, Conciliation officers, Board of Conciliation, Courts of Enquiry,
Labour courts, Industrial Tribunal, National Tribunals, Arbitrational Machinery and

Grievance Settlement Authority

4. Reference of Disputes
5. Procedure, Powers and Duties of Settlement Authorities

Unit-VI: Industrial Dispute Act, 1947 (Chapters V to VII)

1. Important Definition - Strikes, Lockouts, Lay-Off, Retrenchment, Public Utility Services, etc
2. Strikes & Lockouts
3. Lay-Off & Retrenchment
4. Closure & Transfer of Undertaking
5. Offences, Penalties & Miscellaneous Provisions

Unit - VII: Law relating to Wages

1. Meaning, Definition and Kinds of Wages – Minimum, Fair & Living Wages
2. Payment of Wages Act, 1936
 - a. Payment of Wages and Deductions from Wages
 - b. Authorities under the Act, Penalty, & Trial Procedure
3. Minimum Wages Act, 1948
 - a. Fixation and Revision Minimum Wages – Authorities, Procedure, etc.
 - b. Inspectors and Claims, Offences & Penalties for offences

Unit-VIII: The Apprentices Act, 1961

1. Object and Scope of the Act
2. Meaning, Definition and Types of Apprentice
3. Apprentices and Their Training
4. Authorities under the Act
5. Offences and Penalties

References:

1. John, Bowers & Simon Honeyball: *Text book on Labour Law* (1996), Blackstone, London.

2. Srivastave, K. D., *Commentaries on Payment of Wages Act 1936* (1998), Eastern, Lucknow.
3. Srivastave, K. D., *Commentaries on Minimum Wages Act 1948* (1995), Eastern Book Company, Lucknow.
4. Giri, V. V., *Labour Problems in Indian Industry Chs. 1 and 15*, (1972) Indian Law Institute, Labour law and Labour Relation (1987) (1982) *Cochin University Law Review*, vol. 6pp. 153-210, *Reports of the National Commission on Labour*. Ch. 14-17, 22,23 and 24.
5. Rao, S. B., *Law and Practice on Minimum Wages* (1999), Law Publishing House, Allahabad.
6. Seth, D. D. *Commentaries on Industrial Disputes Act 1947* (1998), Law Publishing House, Allahabad.
7. Goswami, V G, *Labour and Industrial Laws*, Central Law Agency, Allhabad.
8. S. N. Misra, *Labour & Industrial Laws*
9. V. P. Shintre, *Labour Laws*
10. G. M. Kothari, *A Study of Industrial Law*
11. Khan & Khan, *Comentary on Labour and Industrial Laws*
12. K. Madhavan Pillai, *Labour and Industrial Laws*
13. P. L. Malik, *Labour Law of India*
14. Dr. Avtar Singh, *Introduction to Labour and Industrial Law*
15. O. P. Malhotra, *Industrial Disputes Act, 1974*
16. Reports of the National Commission on Labour
17. ILO Conventions & Recommendations
18. Sachedeva, *Industrial and Labour Law*

**DSC – 504 LAND LAWS
(Paper - IV)**

Objectives of the course

The present subject Land Laws incorporates three basic land laws viz, Maharashtra Land Revenue Code 1966, Maharashtra Rent Control Act, 1999 and The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The famous maxim – *salus populi est Suprema lex* i.e. the welfare of the people is ‘Paramount Law’ is the corner-stone of the law of land. After 44th Amendment Act, 1978 now the right to property is legal right but not fundamental right guaranteed to the citizen under Constitution of India. The main aim or object of the The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Act is to provide a law, which will enable the State to acquire the land of others; however, the power of Government to acquire the land is not absolute. The cardinal rule is that there should be compensation for acquisition of land so also resettlement and rehabilitation of the concerned persons. The power of the sovereign to take private property for public use and the consequent rights of the owner to compensation, rehabilitation and settlement are well established in the Act.

The remaining two parts of the subject deals with the Maharashtra Land Revenue Code, 1966 and Maharashtra Rent Control Act, 1999.

The Maharashtra Land Revenue Code, 1966 is not but Consolidated Act of various laws on the subject of Land and Land Revenue, which were in force in different parts of the State of Maharashtra. It collects all statutory enactments on the subject. Apart from this the syllabus includes the Maharashtra Rent Control 1999 which clearly defines the Rent, fixation of rent, Recovery of possession, sub tenancies and duties of the landlord.

In short, the purpose of the subject/course, is to acquaint the students about laws that govern the use and dealing with land and buildings, and regulation and control of activities concerning land. Students are acquainted with the law of transfer of property. This course equips the student with all other laws that affect use and dealings of land, and activities that enable its best use.

Teaching Learning Method : -

Lectures, including special lectures by experts may be a good method of learning. Interactive – sessions, tutorials, project and research paper presentation these are the good forms of teaching and learning.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS --

A. The Maharashtra Land Revenue Code, 1966

Unit- I Introduction:

1. Historical background of land revenue system
2. Object, application and definitions under the Code
3. Lands : Vesting, Extinction of rights, assignment for special purposes, pasturage, right to trees, trees and forests, recovery of value of natural products and trees etc, regulating cutting and supply of wood.
4. Grant of lands
5. Use of land
6. Encroachment on land
7. Relinquishment and Surrender of land

Unit - II Land Revenue

1. Land Revenue: Liability and assessment (Sections 64-78)
2. Assessment and settlement of land revenue of agricultural lands (Sections 90- 107)
3. Assessment and settlement of land revenue of lands used for nonagricultural purposes (Sections 108-120)
4. Revenue Surveys: Procedure for survey, Survey numbers, Partitions, subdivisions, (Sections 79-88)
5. Boundary and boundary marks (Sections 132-146)

Unit – III Land Records and Procedure before Revenue Officers, Appeals and Tribunal:

1. Record of rights (Sections 147-159)
2. Rights in unoccupied lands (Sections 160-167)
3. Realization of land revenue and other revenue demands: Liability, priority of claim, time for payment, recovery, enforcement (Sections 168-184)
4. Revenue Officers, their powers and duties
5. Procedure of Revenue Officers
6. Appeals, Revision and Review
7. Maharashtra Revenue Tribunal

B. The Maharashtra Rent Control Act, 1999 –

Unit – IV Introduction:

1. Rent Control in urban areas, Object and Historical background of the Act
2. Application of the Act and Exemptions
3. Definitions: Landlord, legal representative, licensee, paying guest, premises, tenant
4. Relief against forfeiture
5. Recovery of possession by landlord (Sections 16, 18-22)

Unit – V Standard Rent, Repairs, Sub-Tenancies :

1. Definition: standard rent, permitted increase
2. Standard rent: its concept, components, increase in rent, liability to pay standard rent, Application for fixing standard rent, Court's power to fix standard rent
3. Landlord's duty to repair, Recovery or possession for repairs (Sections 16(1)(h), 17)
4. Prohibition on sub-letting, assignment or transfer; Sub-tenants to become tenants
5. Landlord's rights, duties and liabilities: enter for inspection, essential supplies, conversion of use, receipt for rent, registration of agreements, lawful charges
6. Jurisdiction of courts, Appeals

C. The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Unit – VI Introduction:

1. Object and Historical evolution of the Act
2. Application of the Act
3. Definitions-
4. Determination of Social Impact and Public Purpose (Sec. 4 to 9)
5. Notification and Acquisition (Sec. 11 to 30)
6. Rehabilitation and Resettlement Award (Sec. 31 to 42)

Unit – VII Rehabilitation and Resettlement:

1. Procedure and Manner of Rehabilitation and Resettlement (Sec. 43 to 47)
2. National Monitoring Committee for Rehabilitation and Resettlement (Sec. 48 to 50)
3. Establishment of Land Acquisition, Rehabilitation and Resettlement Authority (Sec. 51 to 74)

Unit – VIII Payment of Compensation

- 8.1 Apportionment of Compensation (Sec. 75, 76)
- 8.2 Payment (Sec. 77 To 80)
- 8.3 Temporary Occupation of Land (Sec. 81 To 83)
- 8.4 Offences and Penalties (Sec. 84 To 90)

Recommended Readings:

1. A S Chandurkar, Maharashtra Rent Control Act, 1999, Shanti Law House, 2015
2. J H Dalal, Maharashtra Rent Control Act 1999, Hind Law Publication, 2013.
3. S Dighe, Maharashtra Rent Control Act, 1999, Snow white, 2016
4. S Dighe, Land Laws in Maharashtra, Snow White, 2016
5. A K Gupte, G Sethi, Land Laws in Maharashtra, Hind Law House, 2016.
6. A K Gupte, G Sethi, Maharashtra Land Revenue Code, 1966, Hind Law House, 2017
7. S Dighe, Maharashtra Land Revenue Code, 1966, Snow White, 2016

DSC – 505 DRAFTING, PLEADINGS AND CONVEYANCING

(Paper – V)

Objectives of the Course

The purpose of the practical training subject/course, is to acquaint the students about skill and practice the drafting of various drafts and documents as per provisions of Civil Procedure Code, Criminal Procedure Code etc to be filed in the various courts and further to develop the skill of drafting and pleading which is very important in the life of an Advocate. This practical training subject/course equips the student with all other forms and practical approach which are parts or covered in different laws used at various authorities in addition to regular courts enable its best use. **There is no theory examination of this subject/paper.**

Teaching Method : The course will be taught class teaching, instructions and assignments exercises.

Part I – This subject/paper is having total Marks 100 (90 + 10). 90 marks are allotted for this paper as per BCI norms.

Apart from teaching the relevant provisions of law, the course may include not less than 15 practical exercises in Drafting of pleadings carrying the total of 45 marks (3 marks for each) and 15 exercises in Drafting of Conveyancing (Deeds), carrying another 45 marks (3 marks for each). The Internal marks for 90 will be evaluated by the practical training Teacher of the concerned college as per written exercises submitted by the student.

Part-II: Viva Voce Exam 10 marks

Viva Voce Examinations for 10 marks will be conducted in presence of External Examiners appointed by the University. As per BCI norms Internal marks for 90 will be evaluated by the practical training Teacher / Principal of the concerned college on the basis written exercises submitted by the student.

Syllabus –

Unit-I : Drafting and Pleading:

The General principles of Drafting, Pleading and Conveyancing and their relevant Substantive rules shall be taught.

Unit-II: Writing exercises on Drafting and Pleading (Civil & Criminal)

- 2.1 Complaint
- 2.2 Written Statement
- 2.3 Affidavit
- 2.4 Caveat

- 2.5. Injunction Application / Preliminary issue application
- 2.6 Execution Petition
- 2.7 Appeal / Revision (Civil)
- 2.8 PIL Petition / Petition under Article 226 / Article 32 of Constitution of India
- 2.9 Application Motor Vehicle Act- M.A.C.P.
- 2.10 Divorce Petition – H.M.P.
- 2.11 Adjournment Application
- 2.12 / Court Commission / Amendment Application
- 2.13 Pursis
- 2.14 Bail Application – Regular Bail u/s 439/Anticipatory Bail application u/s 438.
- 2.15 Criminal Miscellaneous Petition-Maintenance Application u/s 125 of Cr. P.C.

Unit-III: Writing Exercises on Conveyancing [Deeds / Parts of Deed]

- 3.1 Agreement to sell deed
- 3.2 Sale Deed
- 3.3 Mortgage deed
- 3.4 Lease deed
- 3.5 Gift deed
- 3.6 Power of Attorney
- 3.7 Promissory Note
- 3.8 Will & Codicil
- 3.9 Trust deed
- 3.10 Partnership deed
- 3.11 Guarantee Bond
- 3.12 Leave & License deed
- 3.13 Adoption deed
- 3.14 Partition Deed
- 3.15 Deed of declaration

Reference:

1. Banerjee B. N.: *Criminal Pleading*.
2. Batukal: *Law of Evidence*.
3. Bindra N. S.: *Conveyancing Draftsman Interpretation Deed* – Law Book Publication (Allahabad)
4. Chaturvedi A. N.: *Law of Pleadings Conveyancing*. Allahabad Law Agency, Calcutta (1999)
5. D'souza: *Conveyancing*; Eastern Law House Agency
6. G. M. Kothari: *Drafting, Conveyancing and Pleading*.
7. Gupte and Dighe: *Civil Manual*.
8. Gupte and Dighe: *Criminal manual*.
9. Mitra B. B.: *Law of Limitation*.
10. Mogha P. C.: *Indian Conveyancing*; Eastern Law House - Calcutta
11. Mogha's: *Law of Pleading*; Eastern Law House – (1992) Calcutta
12. Shiva Gopal: *Conveyancing Precedent and Forms*.
13. Stone and Iyer: *Pleading*.

14. Taxman's: *The Code of Civil Procedure*, 1908.
15. Taxman's: *The Code of Criminal Procedure*, 1973.
16. Tijoriwala M. T.: *Law and Practice of Conveyancing*; Snow White Publication
17. G. M. Divekar: *Conveyancing*.
18. Retwade: *Legal Drafting (Paper book)*. - (HLH) Pune.
19. Mukherjee: *Law of Civil Appeals, Revisions References and law of Criminal appeals*, Revisions.
20. Banerjee and Awasthi: *Guide to Drafting*.
21. Retawade: *Drafting Pleading and Conveyancing*, - (HLH) Pune

AECC – 506 ADVOCACY SKILL

Objectives of the course

Advocacy is a type of problem solving design to protect personal, legal rights, and to assure a dignified existence of all the people of society.

While studying Three Years Law / Five Years Law Course, students are informed, made aware and grasp the various provisions of different legislations in the syllabus, its utility, content, conceptual clarity so also some settled principles of Law from the various judgments of High Court and Supreme Court. To become versatile and good Advocate, in addition to theoretical knowledge he/she has to acquire/adopt some skills to get the successes in the profession. In this backdrop, the object of this paper is to enunciate some of the basic skills of Advocacy which will be required by every student in the beginning of their career. So also to prepare students for challenges and hurdles which advocates generally face in the beginning of their career due to not having enough knowledge about Advocacy skills, client counseling, court practice and procedure. Hence, the purpose is to prepare students for all the challenges and overcome obstacles in the starting itself.

Each Ability Enhancement compulsory Course (AECC) of 2 Credits shall be of 50 Marks including teaching workload of 2 lectures per week per AECC. This paper workload shall be shared by existing Full-Time Teachers. The assessment of the Subject Skill Enhancement Course shall be internal assessment. The weight-age for the continuous internal Assessment shall be based on the following.

Internal Assessment -

For passing this examination, 2 credits will be assigned to the students. 50 marks examination includes 25 objective type questions with two marks each. The minimum passing criteria shall be 20 marks.

SYLLABUS ---**Unit I – Legal Profession in India**

- a) Legal Profession – Meaning, Definition
- b) History of Legal Profession in India
- c) Development of Legal Profession in India
- d) Seven Lamps of Advocacy

Unit II – Advocacy and Legal Profession

- a) Advocacy - Meaning, Definition
- b) Public Relation and Advocacy
- c) Principles of Advocacy

Unit III -- Advocacy Skills

- a) Meaning of Skills
- b) Important Skills –
 - 1) Language
 - 2) Effective Communication
 - 3) Interviewing and Counseling Client
 - 4) Drafting Capability / Writing skill
 - 5) Negotiating settlement and Agreement
 - 6) Facilitating early Resolution of Dispute
 - 7) Representing Client
 - 8) Presentation

Unit IV -- Court Practice and procedure

- a) Etiquettes
- b) Civil Practice and Procedure
- c) Criminal Practice and Procedure
- d) Application and appreciation of Law of Evidence
- e) Judgment writing (Civil and Criminal).

Reference Books :---

1. Sanjiva Row's Advocates Act, 1961.
2. Bar Council of India Rules on Standards of Professional conduct and Etiquette.
3. Dr. KailashRai-Legal Ethics, Accountancy for Lawyers and Bench-Bar Relations.
4. Dr. S. P. Gupta-Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations.
5. Krishnamurti Iyer-Advocacy.

6. M. P. Jain-Outline Indian Legal History-Chapter Development of Legal Profession.
7. V.K.V. Krishna Swami Iyer-Professional Conduct and Advocacy Chapters 10 to 17.
8. M. R. Mallick-Advocates Act, 1961 with professional Ethics Advocacy and Bar Bench Relationship.
9. P. L. Mehta, Sushma Gupta-Legal Education and Legal Professional in India.
10. J.P.S. Sirohi-Professional Ethics, Accountancy for Lawyers and Bar Bench Relations.
11. Anand-Professional Ethics of Bar.
12. Mynen S. R.-Professional Ethics, Accountancy for Lawyers and Bench Bar Relations.
13. Reddy G. B.-Practical Advocacy for Lawyers.

SEMESTER - VI

DSC – 601 LAW OF CRIMES-II (CRIMINAL PROCEDURE CODE)

(PAPER – I)

Objectives of the Course :

The criminal trial involves increasing expenditure of government resources. At the same time, it confronts a crisis of intrusion into individual rights in order to protect the common weal. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure, thus, makes a balance of conflicting interests. This imposes a duty upon those connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, to enormous to be placed within a class room discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

Teaching Learning Methods:

Lectures including class room discussion, inviting experts like judges, senior Advocates for interacting sessions, guest lectures etc are good teaching learning methods.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

Syllabus --

Unit-I: Introductory

1. Salient features of the Code
2. Important Definitions
3. Functionaries under the Code -The police, the prosecutors, the criminal courts, the defense counsel, Prison authorities and their powers and functions
4. Classification of offences- Cognizable and Non-cognizable, Bailable and Non-Bailable, Compoundable and Non-Compoundable.
5. The concept and component of Fair Trial and its importance

Unit-II: Pre-Trial Process-I

1. First Information Report (Ss. 154-155)
2. Investigation by the police (Ss. 156-176)
3. Summons and Warrant (S.61- 81)
4. Proclamation, attachments and other rules (S. 82- 90)
5. Search and seizure (Ss. 91-105)

Unit-III: Pre-Trial Process-II

1. Arrest of persons – with and without warrant- by whom and how - procedure and circumstances
2. Rights of arrested person (Ss. 41A to 60)
3. Provisions relating to Bail and Bond (Ss. 436-450)
4. Discretionary bail- Mandatory bail – circumstances
5. Anticipatory Bail (S. 438)

Unit-IV: Trial Process

1. Trial meaning and nature, types of trial, Common features of trial
2. Proceedings before magistrate, Commencement of proceeding, Condition Requisites for Initiation of Proceeding (S. 190- 199)
3. Complaint to Magistrates (S. 200-203) , Commencement of proceedings before Magistrates (S. 204- 207)
4. Charges in Criminal Trial (Ss. 211-224)
5. Plea Bargaining (S. 265A- 265L,) and compounding of offences (S. 320)

Unit-V: Trials and their procedures

1. Trial before Court of Session (Ss. 225-237)
2. Trial of warrant cases by Magistrates (Ss. 238-250)
3. Trial of summons cases by Magistrates (Ss. 251-259)
4. Summary Trials (Ss. 260-265)
5. Inquiries and Trials (Ss. 266-339)

Unit-VI: Judgment (353-365) Appeals (372-394)

1. Form, content and Modes of providing Judgment (Ss. 353,354,)
2. Compensation and Cost (S. 357, 357A, 357B, 357C, 358,362, 363)
3. Post Conviction order (S. 360- 362)
4. Right of Appeal, Appeal against conviction (372- 377), Appeal against Acquittal (S. 378)
5. Procedure of Appeal (S. 379 - 394)

Unit - VII Reference and Revision (395-405) , Execution, Suspension, remission, and Commutation of sentences

1. Reference to High Court (S. 395)
2. Revisional Jurisdiction (Ss. 397-401) Revisional Conditions & Powers of Revisional Courts.
3. Execution of sentences (S. 413- 424)
4. Suspension (S.432), Postponement(S. 415, 416)
5. Remission and Commutation of sentences(S. 433-A)

Unit-VIII: Preventive Measures, security proceedings and maintenance of wives, children and parents

1. Preventive action of the Police (S. 149- 153)
2. Unlawful Assemblies (S. 129 - 132)
3. Removal of public nuisance (S. 133- 143)
4. Maintenance of wives, children and parents (S. 125- 128)
5. Limitation period under Code of Criminal Procedure (S. 467- 473)

References:

1. Ratanlal&Dhirajlal: Criminal Procedure Code, Universal Publications.
2. Kelkar, R V: Lectures of Criminal Procedure, Eastern Book Company.
3. Tondon: The Code of Criminal Prodedure, Allahabad Law Agency.
4. Takwani, C K: Criminal Procedure Code, Butterworths Wadhawa Company, Nagpur.
5. S. N. Misra : The Code of Criminal Procedure , 1973, , Central Law Publication

**DSC – 602 INTRODUCTION TO INTELLECTUAL PROPERTY LAW
(Paper – II)**

Objectives of the Course:

Intellectual Property Protection is an emerging global issue in the 21st Century. With the development of Internet and communication in the information age the technology has become a tool to infringe various Intellectual Property interests of the Rightful owners.

There is much public debate as to the effectiveness of the IPR and IP Laws and their impact on the Industrial and economic development of the nation. India after joining WTO, started amending the domestic Intellectual Property Laws to satisfy the TRIPS obligation. Considering Indian Political scenario there is constant anxiety as to how the expanded IP laws are going to affect the Indian Society and its economy.

Thus, IPRs have opened new vistas in the life of man sitting in any corner of the globe. Intellectual Property Rights are of many kinds viz, patents, copy rights, Trade Marks, Designs, Information Technology, Emergence of E-Commerce and E-Banking and Traditional knowledge and so on. The paper however is intended to acquaint students with Major Intellectual Property Laws, more specifically Copyright, Trademark and Patent after giving general orientation of other Intellectual Property Laws.

Objectives of the Study:

- To impart knowledge of the basic principles underlying the various provisions of the IP Laws to the students.
- To develop an understanding the basic concepts in a comparatively detailed manner so that the student should have no difficulty to know at least major types of IPs.

Teaching Learning Method:-

The teaching methodology suggested for his paper should be a class room teaching i.e. lecture method. The teacher is also advised to take group discussions, seminars, assignments for development of knowledge skills.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS --

Unit-I: Introduction to the Principles of Intellectual Property and Relevant Laws in India

- 1.1 Introduction to Intellectual Property
 - 1.1.1 Concept of property
 - 1.1.2 Various forms of property
 - 1.1.3 Nature of Intellectual Property Rights
 - 1.1.4 Economic importance of Intellectual Property
- 1.2 Major Philosophical Justifications for Intellectual Property Protection: Western and Indian Philosophies related to Intellectual Property
 - 1.2.1 Natural Rights Theory
 - 1.2.2 The Utilitarian Theory
 - 1.2.3 Personality Theory
 - 1.2.4 Constitution of India and Aspects of Property and Intellectual Property
- 1.3 An overview of Kinds of Intellectual Properties and Laws relating thereto in India
 - 1.3.1 Kinds of Intellectual Properties
 - Trade Marks, Patents, Copyrights and Related Rights, Industrial Designs, Geographical Indications, Layout Designs of Integrated Circuits, Plant Varieties, Information Technology and Data Protection, Trade Secrets
 - 1.3.2 Statutory and Common Law Protection to various Kinds of Intellectual Properties: A Brief Overview of relevant Indian laws.

Unit-II: International Intellectual Property Regime

- 2.1 Historical Development of IPRs at International Level
- 2.2. Introduction to the leading international instruments concerning intellectual property rights:
 - 2.2.1 Paris Convention
 - 2.2.2 Berne Convention
 - 2.2.3 WIPO and agreements under it: WCT, PCT, Madrid, Hague,
 - 2.2.4 Budapest Treaty
 - 2.2.5 Trade Related Aspects of Intellectual Property Rights
- 2.3 Introduction to other International Agreements, Conventions and Enforcement Mechanism dealing with Specific Intellectual Properties

Unit III: Introduction to the Concept and International Legal Instruments Relating to Copyright Law

- 3.1. Concept of copyright
- 3.2. Justification for Copyright Protection
- 3.3. Brief Historical development of Copyright Law
 - 3.3.1. Indian History of Copyright Law
 - 3.3.2. International Instruments related to Copyright
 - 3.3.2.1. The Berne Convention for the Protection of Literary and Artistic Works, 1886.
 - 3.3.2.2. Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (1961).
 - 3.3.2.3. Universal Copyright Convention, 1952
 - 3.3.2.4. Trade Related Aspects of Intellectual Property Rights, 1995. (TRIPs),
 - 3.3.2.5. WIPO Performances and Phonograms Treaty, 1996 (WPPT),
 - 3.3.2.6. WIPO Copyright Treaty, 1996 (WCT),
- 3.4 Subject and Criteria of Protection under Copyright law
 - 3.4.1.1 Basic requirements to seek Copyright Protection over any work
 - 3.4.1.2 Works in which Copyright Subsist: Copyright Act Provisions
- 3.5 Related Rights
 - 3.5. 1 Performer's Right
 - 3.5. 2 Broadcasting Organization's Right

Unit IV: Commercial dealing with Copyrighted Work

- 4.1 Who is an owner?
- 4. 2 Economic and Moral Rights associated with Copyright recognised in India
- 4.3 Duration of copyright
- 4.4 Assignment of Copyright
- 4.5 Licensing of copyright
 - 4.5.1 Voluntary
 - 4.5 2 Compulsory
 - 4.5.3 Statutory
- 4.6 Infringement of Copyright
 - 4.6.1 Elements of infringement of copyright
 - 4.6.1.1 Who can sue?
 - 4.6.1.2 Burden of Proof

4.6.1.3 Secondary liability for infringement

4.6.1.4 Exceptions: Purpose and usage of fair dealing – fair use

4.7 Remedies for infringement

4.7.1 Civil remedies

4.7.2 Criminal Remedies

4.7.3 Administrative remedies

Unit V: An Introduction to Trademarks

5.1 Meaning, Characteristics and Functions of trademark and Need for Trademarks Protection

5.2 Evolution of Trademark Law in India

5.3 International Developments and Dimensions of Trademark Protection

5.3.1 Paris Convention 1883

5.3.2 TRIPS 1995

5.3.3 Madrid System of International Registration of Marks

5.3.4 Trademark Law Treaty 1994

5.3.5 Nice Agreement 1957

5.3.6 Vienna Agreement 1973

5.4 Kinds of Trademarks

5.5 Creation of Trademark

5.5.1 The distinctive Spectrum

5.5.2 Concept of Acquired Distinctiveness and Generic Marks

5.6 Bars to Trademark Protection

5.6.1 Absolute grounds of refusal

5.6.2 Relative grounds of refusal

Unit VI: Law regarding Registration, Rights, Infringement and Remedies related to Trademarks

6.1 Procedure for registration of Trademarks

6.2 Honest and Concurrent Use

- 6.3 Effects of registration: Rights of Registered Trademark owners
- 6.4 Assignment and licensing of Trademarks
- 6.5 Infringement of Trademarks
- 6.6 Protection of Well-known Trademarks
- 6.7 Statutory Remedies for Trademarks Infringement and Common Law remedy of Passing Off
- 6.8 Defenses against Trademarks Infringement

Unit VII :Fundamentals of Patenting

- 7.1 Meaning and Concept of Patent
- 7.2 Significance of Patent System
- 7.3 Historical Background of Patents
 - 7.3.1 History of Patent Law in India
 - 7.3.2 Position of Patent Law in India
 - 7.3.2.1 Nature and Extent of Patent Rights
 - 7.3.2.2 Rights of the Co-owners
 - 7.3.2.3 Persons Entitled to Exercise the Patent Rights
 - 7.3.3 History of Patent Law in Other Countries
- 7.4 Types of Patents
- 7.5 World Patent
 - 7.5.1 Budapest Treaty
 - 7.5.2 Patent Cooperation Treaty
 - 7.5.3 International Application
- 7.6 Things that may be patented (Sec-2)
- 7.7 Things that cannot be patented (Sec-3)
- 7.8 Basic Elements of Patentability in an Invention

Unit VIII: Law relating to Patent Application, Patent Infringement

- 8.1 Procedure for filing Patent Application
 - 8.1.1 Revocation of Patent, Licensing, Compulsory Licensing
 - 8.1.2 Parallel Import
 - 8.1.3 Prior publication or anticipation
 - 8.1.4 Obviousness and the lack of inventive step
 - 8.1.5 Insufficient description
- 8.2 Infringement
 - 8.2.1 Criteria of infringement
 - 8.2.2 Onus of proof
 - 8.2.3 Patent Infringement
 - 8.2.4 Defenses in suits of infringement

References:-

- 1) Rodney D Ryder, Intellectual Property and the Internet, LexizNexis Batterworths,
- 2) New Delhi
- 3) Mishra J.P., An Introduction to Intellectual Property Rights, Central Law
- 4) Publications, Allahabad.
- 5) Bhandari M.K., Law Relating to Intellectual Property Rights, Central Law
- 6) Publications, Allahabad
- 7) Myneni SR, Law of Intellectual Property, Asia Law House, Hyderabad.

**DSC – 603 LABOUR LAW-II (Social Security Laws)
Paper – III**

Objectives of the Course:

Every society today faces a situation which has never been known before. The Unprecedented rise in population growth and unbalanced development of industries has created certain implications. Insecurities of live have increased to a large extent. Hence to protect the individual and society from the uncertainties of future, social Security has been adopted as an indispensable national program. The principle of social security under the Constitution of India holds responsible for protecting its citizens against certain contingencies of life. The Concurrent List of the Constitution of India mentions issues like Social security, social insurance, employment, welfare of the labour, provident fund, employer's liability, employees' compensation etc. During contingencies state will provide as per the enactments i.e. Medical care in times of illness, Maternity, Facilities, pension during inability.

Drawing from the Constitution of India and the ILO Convention on Social security some of the legislation have been enacted for social security relating to maternity benefits; workmen's compensation, sickness insurance, minimum wages, income security medical care etc. These conventions have been ratified by India in 1964. Hence there are number of social security enactments passed by the legislature for the protection of rights of Industrial workers.

The concept of social and economic justice under the Constitution of India is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the idea of welfare state. The concept of social justice has become an integral part of industrial law which protects interest not only of employees but also of the government and society too. As without seeking welfare of the employees we cannot expect the required production and profit of the industry. The required profit only leads to enhance our national economy and national development. The national development would only be computed on international level.

By studying this subject the student can understand the problems of labour and social welfare in different angles. The object of different social security law clearly provided that how it will be helpful to the employee, society, nation at international level.

Teaching Learning Methods:

The lecture is a method of exposition. In this method the student can be motivated for learning. Visiting the Industrial tours, the student can understand the facilities, protection available to the workers.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

SYLLABUS --

SYLLABUS:

Unit-I: Social Security and Labour Welfare

- 1.1 Concept, Evolution and Objectives of Social security
- 1.2 Theories of Social Securities
- 1.3 Principles of Social security Legislations
- 1.4 Social Security and Constitutional Provisions
- 1.5 Social Security from an International Perspective

Unit-II: Employees' Compensation Act 1923

- 2.1 Nature, scope and objectives of the Act
- 2.2 Meaning of Disablement, Partial Disablement, Total Disablement
- 2.3 Employer's Liability for Compensation
- 2.4 Theory of notional extension
- 2.5 Procedure and Machinery to determine compensation

Unit-III: Factories Act, 1948

- 3.1 History and Objectives of the Act
- 3.2 Definitions - Manufacturing process, occupier, factory and worker
- 3.3 Provisions relating to Health, Safety and Welfare of workers
- 3.4 Employment of Children and Young Persons
- 3.5 Penalties and Procedure

Unit-IV: Employees State Insurance Act, 1948

- 4.1 Background, Constitutional validity and Object of the Act
- 4.2 Standing committee and Medical benefit council
- 4.3 Employees State Insurance Funds and Contribution
- 4.4 Benefits available under Employees Insurance Scheme
- 4.5 Adjudication and settlement of disputes

Unit-V: Maternity Benefit Act, 1961

- 5.1 significant features of Maternity Benefit Act
- 5.2 Eligibility criteria for maternity benefits for women employee
- 5.3 Right of the women under Maternity Benefit Act
- 5.4 Employers obligations under the act
- 5.5 Powers and duties of inspectors

Unit –VI: Child Labour (Prohibition and Regulation) Act, 1986

- 6.1 Objectives of the Act
- 6.2 Prohibition of Employment in hazardous occupation
- 6.3 Regulation of conditions of work of children
- 6.4 Child Labour Advisor Committee
- 6.5 Procedure and Penalties related to offences

Unit-VII: The Unorganized Workers and Social Security Act, 2008

- 7.1 Meaning of unorganized sector
- 7.2 Identification of unorganized problems
- 7.3 Framing of the Scheme
- 7.4 Central Government Scheme for workers
- 7.5 National Social Security Board

Unit-VII: Other social Security legislations

- 8.1 Employees Provident Funds and Miscellaneous Provisions Act, 1952
 - Object and Scope of the Act
 - Kinds of Provident Funds
- 8.2 Employer's liability under Employees Provident Fund Act
- 8.3 Payment of Gratuity Act, 1972
 - Object and Scope of the Act
- 8.4 Eligibility for payment of Gratuity
- 8.5 The Payment of Bonus Act, 1965
 - Significant features of the Act

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5. Srivastave, K. D., *Commentaries on Factory Act 1948* (2000), Eastern Book Company, Lucknow.
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8. Seth, D. D. *Commentaries on Industrial Disputes Act 1947* (1998), Law Publishing House, Allahabad.
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- 10 Goswami, V G, *Labour and Industrial Laws*, Central Law Agency, Allahabad.

DSC – 604 PRINCIPLES OF TAXATION LAW

(Paper – IV)

Objectives of the course:

The Tax system plays very significant role in governance of the Country. Tax is the right of government and duty of the citizen. In the context of a federal structure the distribution of the taxing powers assumes added significance. It is the fundamental duty of the citizen of this country to pay taxes to the Government.

The main objective of the course is providing knowledge of frame work of taxation system in India to impart knowledge of the basic principles of underlying the substantive provisions of income tax, GST Law to the student. To equip students with application of principles and provisions of Tax laws in computation of income and taxation of a person excluding companies under various heads of income and their assessment procedure.

Methods of teaching-learning:

Lecture and Case-study method shall be the main method of learning to be followed. Visits to the Authorities like Income Tax Authorities or GST Authorities can be organized for better understanding of Practical aspect of Subject. Paper writing and presentation may be gainfully employed to maximize the teaching-learning devise.

Evaluation methods: Theory Examination – 70 Marks

Internal Assessment:

Assignment / Project Work / Presentation : 20 Marks

Viva Voce College Level : 10 Marks

30 Marks

Syllabus --

Unit-I: General Concept of Tax

- 1.1 History of Tax Laws in India
- 1.2 Fundamental principles relating to tax laws
- 1.3 Constitutional Provisions relating to tax
- 1.4 Scope of Taxing powers of parliament, state legislative and local bodies

Unit-II: The Income Tax Act- Concepts

- 2.1 Concept of Tax: Nature and characteristics of taxes Distinction between Tax and Fee, Tax and Cess, Direct and Indirect Tax, Tax evasion and Tax avoidance, Tax assessment
- 2.2 Basic Concept: Tax Definitions, concept of Income, Assesses, person previous year, Assessment year, Residential Status, Income, Total income, Income not included in total income Deemed income, clubbing income
- 2.3 Basis of charge and Scope of total income
- 2.4 Incomes which do not form part of total Income

Unit-III: The Income Tax Act- Computation of Total Income Under Various Heads.

- 3.1 Salaries (Ss. 15,16,17)
- 3.2 Income from house property
- 3.3 Profit and gains of business or profession
- 3.4 Capital gains
- 3.5 Income from other sources

Unit-IV: Income Tax Act- Permissible Deductions/Exemptions

- 4.1 Deductions in respect of payment
- 4.2 Deductions in respect of incomes
- 4.3 Deduction of Tax at sources

Unit-V: Assessment

- 5.1 Assessment of Individual
- 5.2 Assessment of Hindu Undivided families
- 5.3 Assessment of firms and Associations
- 5.4 Assessment of cooperative societies
- 5.5 Assessment of Charitable Trust and Religious Trust
- 5.6 Assessment of Company

Unit-VI: Income Tax-Authorities and Procedure for Assessment

- 6.1 Classes of IT authorities
- 6.2 Jurisdiction of IT authorities
- 6.3 Powers and functions of IT authorities
- 6.4 Procedure for Filing of Returns, E-filing
- 6.5 Income Tax Tribunal

Unit – VII: Introduction to GST-

- 7.1 Introduction to GST
- 7.2 Levy and Collection of GST
- 7.3 Concept of Supply
- 7.4 Input Tax Credit
- 7.5 Registration

Unit – VIII: GST- Procedure-

- 8.1 Returns under GST
- 8.2 Payment of Tax under GST
- 8.3 Assessment and Audit
- 8.4 Refund under GST
- 8.5 Reverse Charge.

References:

1. Ramesh, Sharma, *Supreme Court of Direct Taxex (2008)*, Bharath Law House, New Delhi.
2. Sampath, Iyengar, *Law of Income Tax (1998)*, Bharath Law House, New Delhi.
3. Diwan, B K & Sanjay Mehtani, *Formation, Taxation and Assessment Charitable and Religious Trusts (1999)*, Bharath Law House, New Delhi.
4. K. Parameshwaran, *Power of Taxation Under the Constitution (1987)*, Eastern Book Company, Luknow.
5. Singh, S D, *Principles of Law Sales Tax (1973)*, Eastern, Lucknow.
6. Singhanian, V K, *Students Guide to Income Tax*, Taxman Publishing Pvt. Ltd., New Delhi.
7. A Birds eye view of GST – R K Jha and P K Singh
8. Hand Book on Tax Laws- Raj Agrawal
9. Goods and service Tax Act – Ghanshyam Upadhyay

**DSC – 605 MOOT COURT, PRE-TRIAL PREPARATION AND PARTICIPATION IN
TRIAL PROCEEDINGS
(PAPER – V)**

Objective of the Course :

This paper is aimed to impart the practical presentation of arguments, skill of research and case analysis at the original and appellate stages of a case. This course enables the student to apply all laws of the course in the practical.

The objectives of the course are to acquaint the students about – (a) court working and its procedure, (b) application substantive and procedural law to given facts, (c) court manners and discipline, (d) conversance with interview techniques and pre-trial preparations, (e) developing skills of arguments and presentation, and (f) learning skills of analysis and arrangement of facts.

The teaching methods used for this paper include hypothetical problems, role plays, simulation exercises, court attendance and advocate chamber visits etc. Active participation is expected from the students which maximize learning opportunities.

This paper split up into following components with scheme of marking-

A. Moot Court: (30 Marks)

The teacher teaching this course will supply **Three Moot Court (or two Moot Court and one Mock Trial)** problems to the students in the course of a single semester requiring them to work on all three problems assigned to them, prepare written submissions (memorials) and present oral arguments in a moot court setting. Marks for this component are divided equally between written submission and oral arguments. Students may be asked to work in teams at the discretion of teacher.

The concerned teacher shall reserve few lectures to guide the students on-

1. Framing / selection of Moot Court problem
2. Identifying the legal provisions and its applicability
3. Kinds of Courts and its jurisdiction (an overview),
4. Court procedures (an overview), Court manners and discipline,
5. Rules of written submissions / memorials, modes of citation, use of library and e-resources
6. Rules/protocol of argument, Defence to the Court etc.

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

B. Observance of Civil Trial/ Family Trial/ Tribunal Trial -- (15 Marks)

The students are assigned to observe civil case whereas he/she has to observe actual proceeding of the Civil court or Family Court or Tribunal. Recording of the proceeding can be written in the diary with following components-

1. Case of the plaintiff
2. Case of the defendant
3. Issues or matters in controversy/grievance/ dispute
4. Provisions of substantive law involved
5. Provisions of procedural law involved
6. Brief summary of examination of witnesses (If any)
7. Brief statement of important documents filed (If any)
8. Summary of arguments (if any)
9. Summary of Judgment or order passed(if any)

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

C. Observance of Criminal Trials --- (15 Marks)

The students are assigned to observe Criminal case whereas he/she has to observe actual proceeding of the Civil court. Recording of the proceeding can be write in the diary in following components-

1. Case of the prosecution
2. Case of the accused
3. Offences or matters in grievance/ dispute
4. Provisions of substantive law involved
5. Provisions of procedural law involved
6. Brief summary of examination of witnesses (If any)
7. Brief statement of important documents filed (If any)
8. Summary of arguments (if any)
9. Summary of Judgment or order passed (if any)

The concerned teacher may prescribe other guidelines for the students at his / her discretion as per requirement of the course.

D. Pre-Trial Preparation --- (20 Marks)

Each student should observe two interviewing sessions of clients at the lawyer's office / legal aid office and record the proceedings in the journal. Each student will further observe the preparation of documents and court papers by the Advocate and the Procedure for the suit/ petition/complaint as the case may be. This will be recorded in the Journal.

Guidelines for Pre-trial Preparations –

- a) Internship and pre-trial preparations should be at the beginning of the academic year
- b) Observation of interviewing sessions of client in the office of advocate or the legal aid office
- c) Observation of Advice given to the client by the advocate or authority of legal aid office
- d) Observation of maintaining confidentiality of the parties.

The concerned teacher may prescribe few other guidelines for the students at his / her discretion.

E. Internship Diary --- (10 Marks)

The diary is an integral part of the course and it will be evaluated in terms of thoughtfulness and reflections about students learning experience. Each student shall keep Internship diary and the same shall be evaluated by Core Faculty member of the staff every year. The total mark shall be assessed in the Final Semester of the course in the Moot Court paper based on the attendance of student during entire internship period.

F. Viva -voce -- 10 Marks

Viva Voce Examinations for 10 marks will be conducted in presence of External Examiners appointed by the University. As per BCI norms Internal marks for 90 will be evaluated by the practical training Teacher / Principal of the concerned college on the basis written exercises submitted by the student.

References/Bibliography

1. O.P.Mishra, Moot Court, Central Law Agency, Allahabad
 2. John Snape and Garry Watt, How to Moot (a student guide to mooting), Oxford University Press
 3. Dr Kailash Rai, Moot Court, Central Law Publications, Allahabad
 4. Nomita Agarwal, 'A Beginners Path to Moot Court' Universal law publishing,2014
 5. Abhinandan Malik, Moot courts and mooting, Eastern Book Company,2017
 6. K.L, Bhatiya, Moot court and Mock trial- Art to Art of Advocay, essentials of court craft, Universal Law Publishing,2013
 7. K. Evans, Language of Advocacy, 1st Indian Reprint, Universal Law Publishing,2000
 8. J. Hill, Practical guide to Mooting, 1st Indian Reprint, Palgrave Macmillion,
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AECC -- 606 CRIME INVESTIGATION AND FORENSIC SCIENCE**Objectives of the Course**

- 1) To acquaint Students with basic Concepts of Crime investigation and Forensic Science.
- 2) To acquaint Students with basic Criminal Law.
- 3) To provide knowledge of application of Crime investigation and Forensic Science in Criminal investigation.

UNIT I -- GENERAL PRINCIPLES OF CRIME SCENE INVESTIGATION

- 1 Crime Investigations- Meaning and Types Of
- 2 Relationship between Crime Scene Investigation and Forensic Science
- 3 Steps involved in crime investigation- safeguards under Cr. P. C.
- 4 Role of forensic scientists, investigative officers, forensic doctors, fire brigade, judiciary etc
- 5 Importance of physical evidence, collection of physical evidence in crimes like murder theft, extortion, explosion etc.

UNIT II -- INTRODUCTION TO FORENSIC SCIENCE

1. Meaning & Definition of Forensic Science.
2. Modern aspects of Forensic Science.
3. Application of Forensic Science.
4. Awareness, education of Forensic Science.

UNIT III -- BRANCHES OF FORENSIC SCIENCE, CRIME SCENE & EVIDENCE

1. Various Branches of Forensic Science.
2. Forensic Science Laboratory – Mobile Van Forensic.
3. Crime Scene – Methods of Investigation, Recording of Crime Scene &
4. Digital investigation, Digital crime scene evaluation process, Search & Seizure, Digital Forensic Lab Setup

UNIT IV -- DETECTION OF CRIME SCENE AND CRIME SCENE MANAGEMENT

- 1 Role of First Responding Officer. Coordination between police personnel and Forensic scientists at crime scenes. The evaluation of 5Ws (who? what? when? where? why?) and 1H (how?).
- 2 Scene of crime: Types, protection of scene of crime, preservation (recording) of scene of crime photography and sketching methods.
- 3 Physical evidence: Meaning, Types, search methods, collection and preservation, Forwarding. Chain of custody. Collection, preservation, packing and forwarding of: blood, semen and other biological stains, firearm exhibits, documents, fingerprint, viscera, hair & fiber, glass, soil and dust, petroleum products, drugs and poisons, etc.
- 4 Documentation of crime scenes – photography, videography, sketching- Baseline method, Triangulation method, coordinate method, extended coordinate method. Crime scene notes.
- 5 Search – Definition, Objectives, Patterns- Strip/Lane method, Grid method, Zone method, Spiral method, Wheel method.

Reference Books -

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- B.B. Nanda and R.K. Tiwari, Forensic Science in India: A Vision for the Twenty First Century, Select Publishers, New Delhi (2001).
- M. S. Dahiya, Principles and Practices in Contemporary Forensic Sciences, Shanti Prakashan (2015)
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- Forensic Science Principles & Application. Dr. Nishant Singh
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