

BALAW1001C04	LEGAL METHODS	L	T	P	C
Version1.2		4	0	0	4
Pre-requisites//Exposure	Legal Aptitude, Basics of Constitutional Law,				
co-requisites	Forms of Government, Administrative Law, Judicial Decisions				
Semester	I				
Programme	B.A.LL.B. (H)				

Course Description

This course seeks to enable first year students to understand how to study law. It facilitates them in identifying, examining the various tools of the legal studies. It develops analytical capacity and introduces them with types of research issues in any area of law. It is a bridge course designed to equip students with the basic skills and information necessary to navigate the law related courses and activities during their law school life and later.

Course Objectives

Specific objects of the course are as follows:

- To have an elementary understanding of the debates around the nature of law.
- To be able to distinguish between the major kinds of law, legal system and institution.
- Know the structure of the legal institutions and the hierarchy of courts in India.
- To acquire the ability to identify legal issues and principles underlying any given factual situations, and to undertake and present research on such issues. To know the various sources of law and be able to synthesize such sources and use them to formulate argument in their research.
- To be familiar with legal research sources and tools and basic techniques of legal and logical reasoning and be able to write clearly and succinctly, tailoring their writing to their audience and their purpose.

Course Outcome:

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Lecture Method
- Presentations
- Case Studies
- Projects
- Court Room Exercise
- Problem method

Evaluation Scheme:

- 30% - Continuous Internal Assessment (Formative in nature but also contributing to the final grades).
- 70% - End Term External Examination (University Examination).

Course Contents:

MODULE-1: Meaning and classification of Laws

- Meaning and definition of law;
- Functions of law;
- Classification of laws: Public and Private law, Substantive and procedural law, & Municipal and International law.

Suggested Readings:

1. H.L.A. Hart, The Concept of Law, Chapters VI & IX (1961);
2. Lon. L. Fuller, Anatomy of Law, Part Two (1976);
3. R.W.M. Dias, Jurisprudence (5th ed. 1994);

4. Joseph Minattur, “Introduction” in Joseph Minattur (ed.), Indian Legal System, vii – xiv (2nd ed., 2006);
5. V.S. Deshpande, “Nature of the Indian Legal System” in Joseph Minattur, op cit.;
6. N.R.M. Menon, “Our Legal System”, Legal Aid Newsletter, November 1982.
7. R. David & J.E.C Brierley, Major Legal Systems of the World Today 17-31, 484-515 (3rd ed. 1985).
8. Mani Tripathy, Jurisprudence, Allahabad Law Agency, Allahabad

MODULE -2: Sources of law

- Custom,
- Precedent,
- Legislation.

Suggested Readings:

1. R.W.M. Dias, Jurisprudence (5th ed. 1994);
2. M.P Jain., “Custom as a Source of Law in India”, 3 Jaipur Law Journal 96 (1963);
3. I. C. Saxena, “The Doctrine of Precedent in India”, 3 Jaipur Law Journal 188 (1963);
4. Rupert Cross and J.W. Harris, Precedent in English Law (4th ed., 1991);
5. Glanville Williams, Learning the Law 67-96 (11th ed., 2003);
6. G.W. Paton and David P. Derham, A Textbook of Jurisprudence, Chapter VI (4th ed., 2004);
7. A. Lakshminath, Judicial Process: Precedent in Indian Law (3rd ed., 2009);
8. Nomita Aggarwal- Jurisprudence (Legal Theory);
9. Relevant cases on the above topics.

MODULE -3: Basic concepts of Indian Legal System

- Nature and functions of Legal systems: civil law & common law;
- Constitution as basic law;

- Rule of law;
- Separation of powers;
- Judicial system in India

Suggested Readings:

1. W. Friedman, op. cit, pp. 500-512
2. J. S. Verma, “50 years of Freedom under Rule of Law : Indian Experience”, 4-7 Law and Justice 83 (2000);
3. UpendraBaxi, “The Rule of Law in India”, 4 International Journal of Human Rights 6-25 (2007) [available at www.surjournal.org]
4. M.N. Venkatachaliah, “Rule of Law: Contemporary Challenges”, 45 Indian Journal of Public Administration 321 (1999) ;
5. H.M. Seervai, “Rule of Law” in The Position of the Indian Judiciary under the Constitution of India 83-96 (1970);
6. J.N. Pandey; Indian Constitution; Central Law Agency, Allahabad
7. AV Dicey, “Rule of Law”- Constitutional Law, 1885.

MODULE -4: Introduction to the various schools of law (Only basic concepts)

- Natural schools;
- Analytical schools;
- Historical schools;
- Realistic School

Suggested Readings:

1. R.W.M. Dias, Jurisprudence (5th ed. 1994);
2. M.P Jain., “Custom as a Source of Law in India”, 3 Jaipur Law Journal 96 (1963);
3. I. C. Saxena, “The Doctrine of Precedent in India”, 3 Jaipur Law Journal 188 (1963);
4. Rupert Cross and J.W. Harris, Precedent in English Law (4th ed., 1991);

5. Glanville Williams, Learning the Law 67-96 (11th ed., 2003);
6. G.W. Paton and David P. Derham, A Textbook of Jurisprudence, Chapter VI (4th ed., 2004);
7. A. Lakshminath, Judicial Process: Precedent in Indian Law (3rd ed., 2009);
8. Nomita Aggarwal- Jurisprudence (Legal Theory);
9. B.N.M. Tripathi- An introduction to the Jurisprudence and Legal Theory.

MODULE -5: Nyaya Panchayets, LokAdalats and Legal Aid

- The constitution of India (only the relevant provisions);
- The Legal Services Authorities Act, 1987;
- The Gram Nyayalayas Act, 2008(No. 4 of 2009).

Suggested Readings:

1. The Legal Services Authorities Act, 1987, Chapters VI and VIA;
2. The Gram Nyayalayas Act, 2008 (No. 4 of 2009)
3. H.M. Seervai, “Rule of Law” in The Position of the Indian Judiciary under the Constitution of India 83-96 (1970);
4. J.N. Pandey; Indian Constitution;
5. M.P. Jain, Indian Constitution;
6. R Swaroop, Legal Aid & LokAdalat 5-43 (2003) ;
7. U. Baxi, The Crisis of Indian Legal System 295-327 (1982);
5. N.R. Madhava Menon, “Settlement in the Open”,
www.telegraphindia.com/archive/1001212/editoria.htm
6. A. K. Agarwal, “Strengthening 'LokAdalat' Movement in India”,
AIR 2006 Journal 33;
8. R.C. Chopra, “Legal Aid Movement in India: It’s Development and

Present Status”, [http://causelists.nic.in/nalsa](http://causelists.nic.in/nalsa;);

9. Reports of Law Commission of India on Panchayats and Gram Nyayalaya [14th Report (1958) and 114th Report (1986)]

<http://lawcommissionofindia.nic.in>

10. J. S. Bisht, “LokAdalat : A Mechanism of Alternate Dispute Resolution”, XXXI Indian Bar Review 165 (2004);

MODULE-6: Legal Writing and Research Work

- Different legal teaching-learning methods or processes: Lecture Method, Case Study Method, Problem Method & Seminar Method(basic idea);
- Statutory Reports, Journals, Manuals, Digests etc.
- Importance of legal research;
- Techniques of legal research;
- Legal Writings and citations.
- Some Legal maxims & Latin terms.

Suggested Readings:

1. Glanville Williams, Learning the Law 67-96 (11th ed., 2003);
2. Legal Language in India, Dr.Anirudh Prasad.
3. Legal Research Methodology, ILI publication;
4. Legal Research Methodology, S.R. Myneni.

CASE STUDY:

1. Raj Kishore Jha vs. State of Bihar, AIR 2003 S.C.4664;
2. Commissioner of Income Tax, Hyderabad vs. P.J. Chemicals, 1994Suppl.(3)SCC 535;
3. Air India vs. Nargis Mirza, AIR 1981 SC1829;
4. Gita Hariharan vs. RBI, AIR1999 SC 1149;
5. Neera Mathur vs. LIC, 1992(1)SCC 286;
6. D.K.Basu vs. State of W.B.1997(1)SCC417;
7. Dwarika Prasad Agarwal vs. B.D. Agarwal AIR 2003S.C. 2686;

8. Commissioner of wealth tax, Meerut vs. Sharvan kumar swarup & sons, 1994(6) SCC623; Peoples Union for civil liberties vs. Union of India, 1997(1)SCC301;
9. R.K.Tangkhul vs. R.Simirei, AIR 1961 Manipur 1;
10. Balusami vs. Balkrishna, AIR 1957 Mad.97;
11. Tekaha A.O. vs. Sakumeeran A.O., AIR 2004 SC 3674
12. State of Bihar vs. Sonawati, AIR 1961, SC 221, 231;
13. Ramjawaya Kapoor vs. State of Punjab, AIR 1955 SC 549,556;
14. NHRC vs. State of Arunachal Pradesh, AIR 1996, SC1234;
15. Hussainara Khatoon vs. State of Bihar, AIR 1979 SC1369;
16. Khatri vs. State of Bihar, 1981 SCC (1) 627.



BALAW1002C04	LAW OF TORTS	L	T	P	C
Version1.1		4	0	0	4
Pre-requisites//Exposure					
co-requisites					
Semester	I				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

1.0. Course Description

The Law of Torts is primarily concerned with redressal of wrongful civil actions by awarding compensation. In a society where men live together, conflicts of interests are bound to occur and they may from time to time cause damage to one or the other. In addition, with the rapid industrialization, tortious liability has come to be applied against manufacturers and industrial units. The Law of Torts had originated from Common Law and by and large this branch of law continues to be uncodified. Tortious liability has been codified only to a very limited extent such as workmen's compensation, motor vehicle accidents, consumer protection and many more.

As the Law of Torts is basically a judge made law, students are required to study it in the light of judicial pronouncements. They are required to equip themselves with the latest developments extending to the entire course. Keeping in mind all these aspects, the syllabus has been framed and it will surely fulfill the changing legal perspective in the post liberalized era.

2.0. Course Objective:

- To impart expert knowledge in law of torts;
- To train the students to solve practical problems on the subject;

3.0. Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

4.0 Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Project Submission	20
2	Project Presentation	10
3	Seminar	10
4.	Teaching Assignment	10
5.	Semester End Examination	50
6	Total	100

5.0. COURSE OUTLINE

Module 1: Introduction

- Nature, Definition and Evolution of Law of Torts
- Reasons for slow development of Law of Torts in India
- Law of Tort or Law of Torts
- Ubi Remedium Ibi Jus- Ubi Jus Ibi Remedium
- Injuria sine Damno- Damnum sine Injuria
- Tort, Contract, Crime and Breach of Trust distinguished
- Mental Element and Causation in Torts

Readings Material:

- Winfield & Jolowicz on Torts, Sweet & Maxwell (2002)
- WVH Rogers, Winfield & Jolowicz on Torts (Sweet & Maxwell 2002) 16th Ed
- Ratanlal & Dhirajlal, *The Law of Torts*, Revised by G.P. Singh (Wadhwa and Co. Nagpur, 2004) p. (1-21)
- Clerk and Lindsell, *Clerk and Lindsell on Torts*, Margaret R. Brazier, Daniel Alexander (ed.), (Sweet & Maxwell, 17th Ed., 19995) p. (1-01 – 1-56)

Cases:

- Ashby v. White (1703) 2 Ld. Raym. 938
- Rookes v. Barnard (1964) AC 1027
- White v. John Warwick & Co. Ltd. (1953) 2 WLR 1285
- Acton v. Blundell (1843) 12 M & W 324

- The Municipal Board of Agra v. Asharfial AIR 1922 All 1
- Dr. Mohammed v. Dr. Mehfooz Ali 1991 MPLJ 559
- Haynes v. Harwood (1935) 1 KB 146

Module 2: General Defenses

- Volenti non fit injuria
- Inevitable accident
- Private defense
- Necessity
- Statutory Authority
- Plaintiff's Default
- Vis Major

Reading Material:

- Winfield & Jolowicz on Torts, Sweet & Maxwell (2002).
- W.V.H Rogers, *Winfield & Jolowicz on Torts* (Sweet & Maxwell Publication, London, 2002) p. (845 - 877)
- Ratanlal and Dhirajlal, *The Law of Torts*, Revised by G.P Singh (Wadhwa and Co. Nagpur, 2004) p. (1-21)
- Clerk and Lindsell, *Clerk and Lindsell on Torts*, Margaret R. Brazier, Daniel Alexander(ed.), (Sweet & Maxwell, 17th edn., 1995) p. (3-01 – 3-57)

Cases:

- *Hall v. Brooklands Auto Racing Club* (1932) 1 KB 205
- *Smith v. Baker and Sons* (1891) AC 325
- *South Indian Industrial Ltd. Madras v. Alamulu Annal* (1923) MWN 344
- *Haynes v. Harwood* (1935) 1 KB 146
- *Ramchand Ram Nagaram Rice & Oil Mills Ltd. v. Municipal Commissioner of Purilla Municipality* (1943) ILR 22 Pat 359
- *Gillick v. West Norfolk & Wisbech Area Health Authority* (1985) 3 All E R 402

Module 3: Vicarious Liability, Strict and Absolute Liability

- Qui Facit Per Alium Facit Per Se
- Master and Servant
- Independent Contractor
- Vicarious Liability of State
- Rule in Rylands v. Fletcher – evolution and other aspects for understanding
- Rule in M C Mehta v. Union of India – evolution and other aspects for understanding

Difference between Absolute and Strict Liability

Cases:

- Lloyd v. Grace Smith & Co. (1912) AC 716
- State Bank of India v. Shyama Devi AIR 1978 SC 1263
- State Bank of Rajasthan v. Vidyawati AIR 1962 SC 933
- Kasturilal Ralia Ram Jain v. State of UP AIR 1965 SC 1039
- N Nagendra Rao & Co. v. State of A.P. AIR 1994 SC 2663
- Chairman Railway Road v. Chandrina Das AIR 2000 SC 988
- Peninsular and Oriental Navigation Company v. Secretary of State for India (1861) 5 Bom. HCR App. 1, p. 1
- Mersery Docks and Harbour Board v. Coggins & Griffith (Liverpool) Ltd. (1947) AC 1, 17
- Lister v. Hesley Hall (1856) 1 D & B 118
- Tarry v. Ashton (1876) 1 QBD 314
- M C Mehta v. Union of India (Olium Oil Case) AIR 1978 SC 1086
- UCC v. Union of India (Bhopal Gas Leak) AIR 1990 SC 273
- *Nemi Chand v. Wallace* (1907) ILR 34 Cal.
- *Tushar Kanthi Ghosh v. Bina Bhowmick* (1952) 57 CWN 3778
- *R K Karanjia v. K M D Thakersey* AIR 1970 Bom 424.

Module 4: Specific Torts

- Negligence
- Nervous Shock
- Product Liability
- Defamation
- Trespass
- Nuizsance

Cases:

- *Donoghue v. Stevenson* (1932) AC 562
- *Municipal Corporation of Delhi v. Sushil Devi* AIR 1999 SC 1929
- *Association of Victims of Upahar Tragedy v. Union of India* 86 (2000) DLT 246
- *Lucknow Development Authority v. M K Gupta* AIR 1994 SC 787
- *Indian Medical Association v. V P Shantha* AIR 1996 SC 550
- *Nemi Chand v. Wallace* (1907) ILR 34 Cal.

- *Tushar Kanthi Ghosh v. Bina Bhowmick* (1952) 57 CWN 3778
- *R K Karanjia v. K M D Thakersey* AIR 1970 Bom 424

Module 5: Consumer Protection Act, 1986

- Objective and the Legislative History
- Nature of Liability
- Key Concepts- Consumer, Goods, Services, Unfair Trade Practice Restrictive Trade Practice Defect and Deficiencies
- Protection of Consumer Interest before enactment of Consumer Protection Act, 1986;
- Consumer interest under Law of Torts
- Consumer interest under Law of Contract
- Consumer interest and Criminal Law
- Medical Negligence
- Real Estate Buyer Protection
- Consumer Protection Councils and Dispute Redressal Machineries

Reading Material:

- SK Verma and M Afzal Wani - A Treatise on Consumer Protection Laws, Indian Law Institute 2004.
- Krishnamurthi S – Consumer and Law-Redressal of Grievances (Vinoc Law Publications, Lucknow, 2002)
- Avtar Singh, Law Relating to Consumer Protection (Eastern Book Co, 2005)
- DN Saraf – Law of Consumer Protection in India', Tripath, Bombay (1990)

Cases:

- *Donoghue v Stevenson* (1932) ac 562
- *Dr Laxman Balakrishna Joshi v Dr Trimbak Bapu Godbole* AIR 1969 SC 128
- *Carlill v Carbolic Smoke Ball Co* (1893) 1 QB 256
- *While v John Warrick and Co Ltd* (1953) 1 WLR 1285
- *Indian Medical Association v VP Santha* AIR 1996 SC 550
- *M/s India Photographic Co Ltd v HD shourie* AIR 1999 SC 2453

Module-6 : Motor Vehicles Act1988 and Motor vehicle (Amendment) Act 2012

- Objectives and legislative history,
- Definitions;

- licensing of drivers of Motor Vehicles:
- Necessity for driving license;
- Age limit in connection with motor vehicles;
- Responsibilities of the owners of Motor Vehicles for contravention of Section 3 &4;
- Restriction on holding of driving licenses ;
- Grant of driving license;
- Renewal, Revocation and Suspension of driving license;

Cases:



LAW 150	CONTRACT-I [General Principles of Law of Contract]	L	T	P	C
Version: 1.1		4	0	0	4
Pre-requisites//Exposure	Legal Aptitude and Legal Methods				
co-requisites	Rights and Liabilities in Jurisprudence				
Semester	II				
Programme	B.A. LL.B.(H) & B.Sc.LL.B.(H)				

1.0. Course Description

The Contract Act, 1872 was enacted on the basis of English Contract Act, 1872. Many of the provisions of the Act are influenced by the provisions of English Contract Act. But, in some places, in order to make the Act suitable for Indian purpose, certain changes have taken place. Contract-I teaches us general principles of Contract. It includes offer and acceptance, consideration, lawful object, legal formalities, capacity of the parties, remedies for breach of contract, E-contract etc. It also covers standard form of contract. Students will acquire basic as well as working knowledge of contract.

2.0. Course Objectives:

Law on contract is one of the ‘foundation courses’ in the scheme of professional legal education. It touches equally upon the lives of ordinary persons and activities of small and big business houses. This branch of law deals with law relating to promises, their performance and enforceability. Therefore the main objectives of the course are to make the students understand the general principals of law of contract. Law has to change to the changing needs of time. Due to the rapid growth of technology, a new medium of contract formation has come into existence, what is referred to as E-Contracts and standard form contracts. This course will also acquaint the students with changes that have been necessitated in law owing to this development. This course has also been framed with an eye to cater to the ever growing needs of the globalized era.

3.0. Pedagogy:

The pedagogy of the course will be as below:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

4.0. Evaluation Scheme:

- Continuous Assessment 30 Points
- Attendance 5 Points
- Mid-Term 15Points
- End Term 50 Points

5.0. Text Books:

1. Mulla, Indian Contract Act and Specific Relief Act, Lexis Nexis 13th Ed., 2006;
2. Indian Contract Act, R.K. Bangia, Allahabad Law Agency;
3. R.G. Padia(Ed.), Pollock and Mulla, Indian Contract & Specific Relief Act, New Delhi Butterworth;
4. A Text book of Law of Contract and Specific Relief Act, Avtar Singh, Eastern Book Company.
5. Chitty, Contracts, vol.1, 29th Ed., Sweet & Maxwell, 2004;
6. Dutt on Contract, H.K. Saharay, Universal 2000.

Reference Books:

1. P.S. Atiah, An Introduction to the Law of Contract, Clarendon Press, Oxford ;
2. W. Friedmann, Law in the Changing Society, Universal Law Publishing Co. Pvt. Ltd. ;
3. R.G. Padia(Ed.), Pollock and Mulla, Indian Contract & Specific Relief Act, New Delhi Butterworth ;
4. Anson, Law of Contract, 28th Ed., Oxford University Press;
5. J. Beatson, Anson's Law of Contract, New York: Oxford University Press ;

6.0 Course Contents:

Module 1: Introductory and historical background

- History and development of contract law
- The Sources of law of Contract
- Justification for and limits of the Law of Contract
- Freedom of Contract in the era of liberalization-recent trend

Module 2-Essentials of Valid Contract: Offer, Acceptance, & Agreement

- Definition and classification of contract
- Essentials of valid contract;
- Offer- Kinds of Offer;
- Offer & Invitation to offer, Cross offer;

- Acceptance of offer and Modes of acceptance;
- Revocation and modes of revocation.

Case Laws:

1. *Carlil v. Carbolic Smoke Ball Co.*(1893) 1 QB 256
2. *Pharmaceutical Society of Great Britain v. Boots Cash Chemist (Southern) Ltd.* (1952) 2 All ER Rep. 456.
3. *Balfour v. Balfour* (1918-19) All ER 860 (CA)
4. *Lalman Shukla v. GauriDutt* (1913) 11 All LJ 489.
5. *Bhagwandas Goverdhandas Kedia v. M/s Girdharilal Parshottamdas & Co.*, AIR 1966 SC 543
6. *M/s J.K. Enterprises v. State of M.P.*, AIR 1997 MP 68
7. *M/s Progressive Constructions Ltd. v. Bharat Hydro Power Corporation Ltd.*, AIR 1996 Del 92
8. *Spencer v. Harding*, Common Pleas(1870) L.R. 5 C.P. 561
9. *Harvela Investments Ltd v. Royal Trust Co. OF Canada Ltd.*, (1985) 3 W.L.R.276
10. *Esso Petroleum Ltd. v. Commissioners of Customs and Excise*, (1976) 1 All E.R. 117
11. *Gibson v. Manchester City Council*, (1979) 1 All E.R. 972
12. *Powell v. Lee*, King's Bench Division (1908) 99 L.T. 284
13. *Holwell Securities Ltd v. Hughes*, (1974) 1 All E.R. 161
14. *Entores Ltd v. Miles Far East Corporation*, (1955) 3 W.L.R 48
15. *Butler Machine Tool Co. Ltd v. Ex-Cell-O Corporation (England) Ltd*, (1979) 1 All E.R. 965
16. *Rose and Frank Co. v. Crompton Bros.*, House of Lords (1925) A.C. 445

Module 3- Consideration

- Meaning, nature and need
- Promise and consideration
- Privity of Contract
- Adequacy of consideration
- Agreement without consideration
- Kinds and exceptions to consideration
- The rule of 'No consideration no contract' –its exceptions.

Case Laws:

1. *KedarNathBhattacharji v. GorieMahomad* (1886) 7 I.D. 64 (Cal.)
2. *Doraswamiyer v. ArunachalaAyyar* (1935)43 LW 259 (Mad.)
3. *Abdul Aziz v. Masum Ali*, AIR 1914 All. 22.
4. *NawabKhwaja Muhammad Khan v. NawabHusainiBegam*, (1910) LR 37 I.A. 152
5. *Chappel & Co. Ltd v. Nestle Co. Ltd.*, (1959) 3 W.L.R 168
6. *Glassbrook Bros Ltd v. Glamorgan City Council*, House of Lords (1925) A.C. 270
7. *Williams v. Roffey Bros. & Nicholls (Contractors) Ltd.* (1990) 1 All E.R. 512
8. *Re SelectMove Ltd* (1995) 2 All E.R. 531
9. *North Ocean Shipping Co. v. Hyundai Construction Co.*, (1978) 3 All E.R. 1170
10. *Foakes v. Beer*, House of Lords (1984) 9 App. Cas. 605

11. *Central London Property Trust Ltd. v. High Trees House Ltd*, (1956) 1 All E.R. 256
12. *Hughes v. Metropolitan Railway Co.*, House of Lords(1877), App. Cas. 46

Module 4 - Capacity to Contract

- Legal disability of a person to contract
- Minors
- Lunatics, Idiots, Person of unsound mind
- Contract for necessaries
- Competency of legal person(e.g. company)

Case Laws:

1. *MohoriBibee v. DhurmodasGhose* (1903) 30 I.A.114
2. *Khan Gul v. Lakha Singh*, AIR 1928 Lah. 609.
3. *Ajudhia Prasad v. ChandanLal*, AIR 1937 All.610
4. *R. Lingraj v. Parvathi*, AIR 1975 Mad.285
5. *Rajinder Kaur v. Mangal Singh* (1987) 91 PLR 444

Module 5 -Free Consent

- Doctrine of consensus ad idem
- Factors vitiating free consent
- Coercion
- Undue Influence
- Fraud, constructive fraud and non-disclosure agreements
- Misrepresentation
- Mistake of Law & Fact
- Duress in Indian context

Case Laws:

1. *Ragunath Prasad v. Sarju Prasad* (1923) 51 I.A. 101
2. *Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib*, AIR 1967 SC 878
3. *Lakshmi Amma v. T. Narayana Bhatta*, 1970 (3) SCC 159
4. *Tersem Singh v. Sukhvinder Singh* (1998) 3 SCC 471
5. *MithuLalNayak v. LIC of India*, AIR 1962 SC 814
6. *Ingram and Others v. Little*, (1960) 3 All E.R. 332

Module 6-Legality of objects

- Void, Voidable, Illegal and Unlawful agreements and their effects
- Public Policy and agreements opposed to public policy
- Agreements and unlawful consideration in part and objects

- Agreements without consideration
- Agreement in restraint of marriage
- Agreement in restraint of trade
- Agreement in restraint of legal proceedings
- Wagering agreements
- Uncertain agreements

Case Laws:

1. *Gherulal Parekh v. Mahadeodas Maiya* AIR 1959 SC 781
2. *Niranjana Shankar Golikari v. Century Spinning & Manufacturing Co. Ltd.*, AIR 1967 SC 1098
3. *Central Inland Water Transport Corpn. Ltd. v. Brojo Nath Ganguly*, (1986) 3 SCC 156
4. *D.T.C. v. D.T.C. Mazdoor Congress*, AIR 1991 SC 101
5. *Bank of India v. O.P. Swarnkar*, AIR 2003 SC 858
6. *Dhurandar Prasad Singh v. Jai Prakash University*, AIR 2001 SC 2552
7. *Rattan Chand Hira Chand v. Askar Nawaz Jung*, 1991 3 SCC 67
8. *Gujarat Bottling Co. Ltd. vs. Coca Cola Co.* (1995) 5 SCC 545
9. *BOI Finance Ltd. vs. Custodian and Others*, AIR 1997 SC 1952
10. *Dularia Devi vs. Janardan Singh and Others*, AIR 1990 SC 1173

Module 7-Discharge of a Contract and its various modes

- Performance of Contract
- Discharge by Agreement
- Doctrine of Frustration and its limitation
- Supervening impossibility of performance
- Anticipatory breach of contract
- Discharge by Breach
- Novation, Alteration and Rescission

Case Laws:

1. *Satyabrata Ghose v. Mugneeram Bangur & Co.*, 1954 SC 44
2. *M/s Alop Parshad & Sons Ltd. v. Union of India*, AIR 1960 SC 588
3. *Punj Sons Pvt. Ltd. v. Union of India*, AIR 1986 Del. 158.
4. *Easun Engineering Co. Ltd. v. The Fertilizers & Chemicals Travancore Ltd.*, AIR 1991 Mad. 158.
5. *Hadley vs. Baxendale* (1854) 9 Exh 541.
6. *Dunlop Pneumatic Tyre Co. vs. New Garage & Motor Co. Ltd.* (1915) AC 79, (1914-15) All ER 739.

Module 8- Breach of Contract & Remedies for breach

- Meaning and kinds of breach
- Remedies for breach
- Nature of damages, measure of damages,

- quantum meruit
- Specific performance of contracts & decrees
- Preventive relief
- Remoteness of damages
- Mitigation of damages

Case Laws:

1. *Hadley v. Baxendley* (1843-60) All ER Rep.461
2. *AKAS Jamal v. MoolaDawood Sons & Co.* (1915) XX C
3. *Karsandas H. Thacker v. M/s The saran Engineering Co. Ltd.*, AIR 1965 SC 1981
4. *M/s MurlidharChiranjilal v. M/s HarishchandraDwarkdas* , AIR 1962 SC 366
5. *MaulaBux v. Union of India*, AIR 1970 SC 1955
6. *Shri Hanuman Cotton Mills v.Tata Air Craft Ltd.*,1969 (3) SCC 522
7. *Ghaziabad Development Authority v. Union of India*, AIR 2000 SC 2003
8. *Oil & Natural Gas Corporation Ltd v. Saw Pipes Ltd.*(2003) 4 SCALE 92
9. *Victoria Laundry (Windsor) Ltd. v. New Man Industries Ltd.*,(1949) 1 All E.R. 997
10. *Jarvis v. Swans Tours Ltd.* (1975) 3 All E.R. 92

Module 9: Contingent & Quasi Contracts

- Contingent contracts
- Nature and basis of quasi contracts
- Obligations resembling those created by contract

Case Laws:

1. *Moses v. Macferlan* [1760] All ER 58]
2. *State of West Bengal v. S.K.Mondal*, AIR 1962 SC 779
3. *Sinclair v. brougham* 1914 AC 398
4. *GovindRamGoverdhanDasSekaria& another v. State of Gondal*, AIR (37) 1950 PC 99
5. *WestdeutscheLandes Bank Girozentralev. Islington L.B.C* [1996] 2 AC 669
6. *New Marine coal Co., v. Union of India* AIR 1964 SC 152
7. *Bengal Coal Co. Ltd v. Union of India* AIR 1971 Cal. 219
8. *Gilbert and partners v. Knight* [1968] 2 All ER 248
9. *Pannnalal v. Deputy Commissioner, Bhandara* AIR 1973 SC 1174
10. *Hansaraj Gupta and Company v. Union of India* AIR 1973 SC 2724
11. *AlopiPrashad& Sons Ltd v. Union of India* AIR 1960 SC 588
12. *Union of India v. Solar Pesticide Pvt Ltd* AIR 2000 SC 862

Module 10: e-contracts & M-contract

- Emergence of e-Contracts& M-Contract
- Types of e- contracts – click, shrink and browse-wrap contacts
- Formation of contract and mailbox rule
- Nature of standard form contract or contract of adhesion

- Contract with government
- Relevant Legal Principles to online contract formation



School of Law and Governance
Central University of South Bihar

LAW 201	CONSTITUTIONAL LAW - II	L	T	P	C
Version: 1.1		4	0	0	4
Pre-requisites//Exposure	Legal Methods				
co-requisites	Constitution of USA & England				
Semester	III				
B.A. LL.B.(H) & B.Sc.LL.B.(H)					

Course Description: To keep constitutional study abreast with modern day developments is the core concern of the course. An endeavor is made in the course to highlight over sixty years of constitutional rule in India and its performance in keeping federal fabric intact and the Student's capacity building to test the nature of Indian Constitutional Governance during the post-independence era. Theories of federalism are a major focus of the course. Amendments shall be another focus which have played major role in development of constitutional studies in India. Accordingly, such amendments would be analyzed to see functional and structural changes within the Constitution of India.

Course Objectives:

1. To understand the Federal and Unitary nature of the Indian Constitution.
2. To understand the different rules of interpretation for the purpose of Constitution.
3. To identify the role of judiciary in interpretation of the Constitution
4. To assess the judicial and political trends which are reshaping the meaning of Constitution.

Course Outcomes:

1. Acquainted with the importance and relevancy of Constitutional Law.
2. Appreciate the role of Judiciary in protecting the misuse of political power in the name of Constitution.

3. Learn the mechanism to find out the real intent of the legislature in making of the Constitution and various Statutes.
4. Understand the relevancy of connectivity of Indian Constitution along with other relevant and parallel Constitutions of different countries.

Pedagogy

- ✚ Lecture Method
- ✚ Discussion Method
- ✚ Presentation/Case analysis
- ✚ Court Room Exercise
- ✚ Problem Method

Evaluation Scheme:

✚ Continuous Assessment	30 Points
✚ Attendance	5 Points
✚ Midterm	15 Points
✚ End Term	50 Points

Module 1: Introduction to federalism

- What is federalism
- Origin, need and development of federalism
- Theories of federalism
- Indian federalism

Reading Material :

- Seervai.H.M., *Constitutional Law of India*, Fourth Edition, Universal Law Publishing Co., New Delhi, 2010(reprinted), Vol.1.
- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p. 477, 706, 724-735
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Lexis Nexis Butterworths, Wadhwa, Nagpur, vol.2,2009

Case-Laws:

- *Marbury v Madison* (1802) U.S
- *Gibbons v. Ogden*, 9 Wheat. 1 (1824)
- *U.S. v. E.C. Knight Co.*, 156 U.S. 1 (1895)
- *Hammer v. Dagenhart*, 247 U.S. 251 (1918)
- *Wickard v Filburn* 317 U.S. 111 (1942)
- *Lopez v United States*, 514 U.S. 549 (1995)
- *Amar Singh v. State of Rajasthan*, AIR 1955 SC 504
- *Babulal v. State of Bombay*, AIR 1960 SC 51
- *In re Berubari Union & Exchange of Enclaves*, AIR 1960 SC 845
- *State of WB v. Union of India*, AIR 1963 SC 1241
- *Maganbhai v. Union of India*, AIR 1969 SC 783
- *State of Rajasthan v. Union of India*, AIR 1977 SC 1361
- *Kuldip Nayar Vs. Union of India (UOI) and Ors.* AIR2006SC3127
- *State of Punjab vs. State of Haryana* 2011 (10) SCALE 718

Module 2 : Legislative Relations

- Legislative Powers and its Distribution between Union and States- Articles 245-254.

- Extent of Legislative Powers
 - *Doctrine of territorial nexus*
 - *Colourable legislation*
 - *Delegatus non potest deligare*
- Interpretation of Subjects of Legislation
 - Plenary Power & Retroactive Legislative Power
 - Ancillary and Incidental Power
 - *Doctrine of pith and substance*
 - *Doctrine of harmonious construction*
 - *Doctrine of repugnancy*
 - Residuary Powers

Reading Material :

- Seervai.H.M., *Constitutional Law of India*, Fourth Edition, Universal Law Publishing Co., New Delhi, 2010(reprinted), Vol.3, P.2304 -2579.
- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.479-567
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, Vol.2, 2009 p.1649-1712

Case-Laws:

Doctrine of Territorial Nexus

- *Wallace vs. IT Commissioner* AIR 1948 PC 118
- *State of Bombay vs. RMDC* AIR 1958 SC 699
- *Shrikant Bhalchandra Karulkar and Ors. Vs. State of Gujarat and Anr.* 1994(3)SCALE190
- *State of Andhra Pradesh vs. NTPC* (2002) 5 SCC 203
- *GVK Inds. Ltd. and Anr. Vs. The Income Tax Officer and Anr.* 2011(3)SCALE111

Doctrine of Pith & Substance

- *Prafulla Kumar vs. Bank of Commerce Kulna* 74 I.A. 23

- *Gujarat Universtiy vs. Sri Krishna* AIR 1963 SC 707
- *Chitrlekha vs. State of Mysore* AIR 1964 SC 1823
- *DAV College vs. State of Punjab* AIR 1971 SC 1731
- *Fateh Chand Himmat Lal vs. State of Maharashtra* AIR 1977 SC 1825
- *Khoday Distilleries Ltd., vs. State of Karnataka* AIR 1996 SC 911
- *Preeti Srivastava vs. State of MP* AIR 1999 SC 2894
- *ITC Ltd., vs. Agricultural Produce Market Committee* AIR 2002 SC 852
- *State of Madhya Pradesh vs. Kumari Nivedita Jain* AIR 1781 SC 2045
- *Jamshed N. Guzdar Vs. State of Maharashtra and Ors.* AIR2005SC862

Doctrine of Colourable legislation

- *K.C.Gajpati Narayana Deo vs. State of Orissa* AIR 1953 SC 375

Residuary Powers:

- *Union of India vs. H.S.Dhillion* AIR 1972 SC 1061
- *State of Karnataka vs. Union of India* AIR 1978 SC 68
- *SP Mittal vs. Union of India* AIR 1983 SC 1

Doctrine of Repugnancy:

- *Hoechst Pharamaceutical Ltd., vs. State of Bihar* AIR 1983 SC 297
- *Srinivasa Raghavachar vs. State of Karnataka* AIR 1987 SC 1518
- *Vijay Kumar Sharma vs. State of Karnataka* AIR 1990 SC 2072
- *Sukumar Mukherjee vs. State of West Bengal* AIR 1993 SC 2335
- *Raja ram pal Vs. The Hon'ble Speaker, Lok Sabha and Ors* JT2007(2)SC1
- *Kaiser – I – Hind Pvt Ltd., vs. National Textile Corporation (Maharashtra North) Ltd., & other* AIR 2002 SC 3404

Plenary Power :

- *Bhim Singh vs. Union of India* 2010(5)SCALE37
- *IR Cohelo (Dead) by LRs. Vs. State of Tamil Nadu & Ors* AIR2007SC861
- *The State of West Bengal Vs. Kesoram Industries Ltd. and Ors.* 2004(1)SCALE425

Incidental and ancillary powers:

- *Raja ram pal Vs. The Hon'ble Speaker, Lok Sabha and Ors* JT2007(2)SC1

Harmonious construction:

- *In re Vinay Chandra Mishra* 1995(1)KLJ504

Module 3 : Central and State Government : Executive

(Art. 52 to 78 and 123, Art.153 to 167 and 213)

- Composition and powers of Central & State Executive
 - Election of President, Vice-President & Appointment of Governor,
 - Impeachment of the President
 - Presidential and Governor's Privileges
 - Council of Ministers - Appointment, Aid & advise to the President & Governor, Collective Responsibility & individual responsibility
 - Functions and powers of President & Governor
 - Judicial functions – Power of Pardon
 - Legislative powers
 - Executive Powers

Reading Material :

- Seervai.H.M., *Constitutional Law of India*, Fourth Edition, Universal Law Publishing Co., New Delhi, 2010(reprinted), Vol.2, Pp.2021-2114.
- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.123-190, 328-372
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, vol.2, 2009 p. 667-702, 749-751, 1079-1112, 1157-1162

Case-Laws:

Privileges of Executive:

- *Madhav Rao Scindia vs. Union of India* AIR 1971 SC 530
- *Kumar Padma Prasad vs. Union of India* 1992 SC 1213
- *Common Cause Regd., Society vs. Union of India* AIR 1999 SC 2979
- *Rameshwara Prasad and Ors. vs. Union of India* AIR2006SC980

Election of Executive:

- *NB Khare vs. Election Commission* AIR 1957 SC 694 & AIR 1958 SC 139
- *Charan lal Sahu vs. N.Sanjeeva Reddy* AIR 1978 SC 499
- *B.P. Singhal Vs. Union of India (UOI) and Anr.* [MANU/SC/0350/2010](#)

Council of Ministers : Appointment, Collective responsibility

- *Attorney General vs. Jonathan Cape Ltd.*, [1976] QB 752
- *A Sanjeev Rao vs. State of Madras* AIR 1970 SC 1102
- *KM Sharma vs. Devi Lal* AIR 1990 SC 528
- *SP Anand vs. HD Deve Gowda* AIR 1997 SC 272

Judicial power : Power of Pardon

- *G Krishna Goud vs. State of AP* (1976) 1 SCC 157
- *Maru ram vs. Union of India* AIR 1980 SC 2147
- *Kuljeet Singh vs. Lt.Governor* AIR 1981 SC 2239
- *AK Roy vs. Union of India* AIR 1982 SC 710
- *Kehar Singh vs. Union of India* AIR 1989 SC 653
- *S.R.Bomma vs. Union of India* AIR 1994 SC 1918
- *Epuru Sudhakar Reddy vs. State of Andhra Pradesh* AIR 1996 SC
- *Narayandutt vs. State of Punjab* 2011(2) SCALE 712

Module 4 : Central and State Government : Legislature

(Art.79 to 122 and 148-151, Art.168 to 212)

- Composition, powers and procedures of Parliament & State Legislature

- Constitution of Parliament & State Legislature
- Qualification & disqualification of members of Parliament & State Legislature
- Legislative Privileges
- Functions of Parliament & State legislature
- Legislative procedure

Reading Material :

- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.22-122, 294-327
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, vol.2, 2009 p.703-747, 1113-1156

Case-Law:

- *Election Commission vs. Saka Venkata Rao* AIR 1953 SC 210
- *Ramappa vs. Sangappa* AIR 1958 SC 937
- *Gurugovinda Basu vs. Sankari Prasad* AIR 1964 SC 254
- *Brundanban Nayak vs. EC* AIR 1965 SC 1892
- *Divya Prakash vs. Kultar Chand* AIR 1975 SC 1067
- *Ashok Kumar Bhattacharya vs. Ajoy Biswas* AIR 1985 SC 211
- *Satrucharla Chandrasekhar Raju vs. Vyricherla Pradeep Kumar Dev* AIR 1992 SC 1959
- *Kihota Hollohon vs. zachilhu* AIR 1993 SC 412
- *Ramakrishna Hegde vs. State of Karnataka* AIR 1993 Knt 54
- *Election commission vs. subramanian Swamy* AIR 1996 SC 1810
- *K.Venkatachalam vs. A.Swamickan* AIR 1999 SC 1723
- *Shibu soren vs. Dayanand Sahay* AIR 2001 SC 2583
- *Union of India vs. Association for Democratic Reforms* 2002 (5) SCC 294
- *Raja Ram Pal Vs. The Hon'ble Speaker, Lok Sabha and Ors.* (2007)3SCC184
- *Consumer Education & Research Society & others vs. UOI* 2009 (11) SCALE 708

- *Amarinder Singh Vs. Special Committee, Punjab Vidhan Sabha and Ors.* [MANU/SC/0298/2010](#)
- *Bhim Singh Vs. Union of India (UOI) and Ors.* [MANU/SC/0327/2010](#)

Module 5 : Central & State Judiciary

(Art.124-147, 214-237)

- Composition of Supreme Court & High Court
- Jurisdictions & powers of Supreme Court & High Court
 - Court of Record
 - Original Jurisdiction & Extraordinary Original Jurisdiction
 - Appellate Jurisdiction (Advisory Jurisdiction, Special Leave Petition, Appeals from Tribunals, Judicial Review)
 - Writ Jurisdiction & Public Interest Litigation
 - Doctrine of *Stare Decisis*
 - Independence of Supreme Court & High Court
- Subordinate Judiciary
- Tribunals

Reading Material :

- Seervai.H.M., *Constitutional Law of India*, Fourth Edition, Universal Law Publishing Co., New Delhi, 2010(reprinted), Vol.3, Pp.2613-2986.
- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.191-288, 373-458
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, Vol.2, 2009 p.753-1072, 1163-1597

Case-Laws:

Composition of Supreme Court & High Court :

- *P.L.Lakhanpal vs. A.N.Ray* AIR 1975 Del. 66

- *S.P.Gupta vs. Union of India* AIR 1982 SC 149
- *Sub-committee of Judicial accountability vs. UOI* AIR 1992 SC 320
- *Krishna swamy vs. Union of India* (1992) 4 SCC 605
- *Sarojini Ramaswamy vs. Union of India* AIR 1992 SC 2219
- *Lily thomas vs. Speaker LS* (1993) 4 SCC 234
- *Supreme Court Advocates on record association vs. UOI* AIR 1994 SC 268
- *In re Presidential Reference* AIR 1999 SC 1

Court of Record :

- *Re Editor, Printer and Publisher, ToI, Bombay Delhi* AIR 1953 SC 75
- *Hiralal Dixit vs. State of UP* AIR 1954 SC 743
- *C.K.Daphatary vs. O.P.Gupta* AIR 1971 SC 1132
- *P.N.Duba vs. P.Shiv Shankar* AIR 1988 SC 1208
- *Delhi Judicial Service Association vs. State of Gujarat* AIR 1988 SC at 1214
- *M/s Shorilal & sons vs. DDA* AIR 1995 SC 1084
- *Re vinay Chandra Mishra* (1995) 2 SCC 603
- *Vineet Kumar Mathur vs. UOI* (1996) 1 SCC 119
- *Re Ajit Kumar Pandey* (1996) 6 SCC 510
- *Income-tax Appellant Tribunal vs. V.K.Agarwal* AIR 1999 SC 452
- *Indira Sawhney vs. Union of India* AIR 2000 SC 498

Extra-ordinary Original Jurisdiction

- *State of Orissa vs. Madan Gopal* AIR 1952 SC 12
- *State of West Bengal vs. Union of India* AIR 1963 SC 1241
- *State of Bihar vs. Union of India* AIR 1970 SC 1446
- *State of Rajasthan vs. Union of India* AIR 1977 SC 1361
- *State of Karnataka vs Union of India* AIR 1978 SC 143
- *State of Karnatka vs. State of Andhra Pradesh* AIR 2001 SC 1560
- *State of Haryana vs. State of Punjab* AIR 2002 SC 685

Appellate Jurisdiction

- *Express newspapers ltd., vs. state of Madras* AIR 1981 SC 968
- *IR Cohelo vs. State of Tamil Nadu* AIR 1999 SC 3197
- *A.R.Antulay vs. R.S.Nayak* AIR 1988 SC 1531
- *State of West Bengal and Ors. Vs. The Committee for Protection of Democratic Rights, West Bengal and Ors.* AIR2010SC1476

Module 6 : Union Territories & Local Self Government (Art.239-241, Art.243-244A)

- Union Territories & related Special Provisions
- Scheduled & Tribal Areas
- Panchayats

- Municipalities

Reading Material:

Books:

- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.289-293,459-476
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, Vol.2, 2009 p.1603-1648

Module 7 : Public Finance, Auditing and Fiscal Federalism

- Power to Tax : Revenue & Expenditure (Art.265, 282)
- Consolidated Fund, Public Accounts and Contingency Fund (Art.266, 267)
- Revenue sharing between Union and the States (Art.268-281)
- Borrowings (Art.292 & 293)
- Annual Financial Statements & Appropriates Bills (Art.112, 114 & 202, 204)
- Accounting System
- Votes on Account and Exceptional Grants (Art.116 & 206)

Reading Material :

- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.568-652
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, Vol.2, 2009 p.1725-1804

Case-Laws:

- *In Re the Central Provinces and Berar Act No.XIV of 1938*
- *Union of India vs. H.S.Dhillion* AIR 1972 SC 1061
- *State of Orissa vs. Mahanandi Coal fields Ltd.*, AIR 1995 SC 1868 *Orissa cement Ltd. Vs State of Orissa* AIR 1991 SC 1676
- *Jagannath vs.State of Uttar Pradesh* AIR 1962 SC 1563
- *Comm., HRE vs. L.T.Swamiyar* AIR 1954 SC 282
- *Southern Pharmaceuticals vs. state of Kerala* AIR 1981 SC 1863
- *Delhi municipality vs. Mohd Yasin* AIR 1983 SC 617

- *Sreenivasa general traders vs. state of AP* AIR 1983 SC 617
- *Commissioner & secretary to Govt., Commercial Taxes and Religious Endowment Dept., vs. Sree Murugam Financing Corp.*, AIR 1992 SC 1383
- *Union Carbide India Ltd., vs. Union of India* AIR 1986 SC 1097

Module 8 : Constitutional Insitititons

- Finance Commission Art. 280
- Election Commission Art. 324-329
- Inter State Council Art. 263
- Inter State Water Disputes Art. 262
- Public Service Commission Art.315-323

Reading Material:

- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.709-723
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, Vol.2, 2009 p.2051-2072

Case – Law :

Inter-state water Dispute:

- *In the matter of : Cauvery Water Disputes Tribunal* AIR1992SC522
- *State of HP vs. Union of India* 2011 (11) SCALE 144

Module 9 : Trade, Commerce & Intercourse

- Interstate and Intra State Commerce- Articles 301-307.
- Relation between Part III & Part XIII.
- Commercial intercourse vis-à-vis Federalism

Reading Material :

- Seervai.H.M., *Constitutional Law of India*, Fourth Edition, Universal Law Publishing Co., New Delhi, 2010(reprinted), Vol.2., Pp.2115-2142.

- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.736-770
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, Vol.2, 2009 p.1827-1850

Case-Laws :

- *Atiabari Tea Company vs. State of Assam* AIR 1961 SC 232
- *R.C.Cooper vs. Union of India* AIR 1970 SC 564
- *Fatehchand vs. State of Maharashtra* AIR 1977 SC 1825

Module 10 : Emergency Provisions of the Constitution

- National Emergency- Articles 352-355.
- Failure of Constitutional Machinery- Articles 356-357.
- Civil Liberties and Emergency- Articles 358-359.
- Financial Emergency- Article 360.

Reading Material :

- Seervai.H.M., *Constitutional Law of India*, Fourth Edition, Universal Law Publishing Co., New Delhi, 2010(reprinted), Vol.3, Pp.3081-3108.
- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.736-770
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, Vol.2, 2009 p.1827-1850

Case-Laws:

Emergency:

- *Ramkrishna Dalmia vs. Justice Tendolkar* AIR 1958 SC 538
- *State of Rajasthan vs. Union of India* AIR 1977 SC 1361
- *S.R.Bomma vs. Union of India* AIR 1994 SC 1918
- *Naga People's Movement of Human Rights vs. Union of India* AIR 1998 SC 431

Module 11 : Amendment process of the Constitution

- Power & Procedure of Amendment- Article 368.
- Plenary & constituent powers.

- Basic feature doctrine

Reading Material :

- Seervai.H.M., *Constitutional Law of India*, Fourth Edition, Universal Law Publishing Co., New Delhi, 2010(reprinted), Vol.3, Pp.3081-3108.
- Jain M.P., *Indian Constitutional Law*, Fifth Edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, p.736-770
- Basu DD, *Shorter Constitution of India*, Fourteenth edition, Leixs Nexis Butterworths, Wadhwa, Nagpur, Vol.2, 2009 p.1827-1850

Amendment of the Constitution:

- *U.N.R.Rao vs. Indira Gandhi* AIR 1971 SC 1002
- *Sankari Prasad Singh vs. Union of India* AIR 1951 SC 458
- *Sajjan Singh vs. State of Rajasthan* AIR 1965 SC 845
- *L.C.Golak Nath vs. State of Punjab* AIR 1967 SC 1643
- *Keshavanada Bharati vs. State of Kerala* AIR 1973 SC 1461
- *Indira Nehru Gandhi vs. Raj Narain* AIR 1975 SC 2299
- *Minerva Mills Ltd., Union of India* AIR 1980 SC 1789
- *Waman Rao vs. Union of India* AIR 1981 SC 271
- *A.K.Roy vs. Union of India* AIR 1982 SC 710

Important Note:

1. The topics, legislations and cases mentioned above are not exhaustive. The teacher teaching the course shall be at liberty to add new topics/legislations/cases.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

School of Law and Governance
Central University of South Bihar

LAW 200	CONTRACT-II [SPECIAL CONTRACT]	L	T	P	C
Version: 1.1		4	0	0	4
Pre-requisites//Exposure	Contract-I, Legal Methods				
co-requisites	Partnership Act & Limited Liability Partnership Act				
Semester	III				
B.A. LL.B.(H) & B.Sc.LL.B.(H)					

Course Description

Law on contract is one of the 'foundation courses' in the scheme of professional legal education. It touches equally upon the lives of ordinary persons and activities of small and big business houses. When Contract-I teaches us general principles of Contract, Contract-II helps us to learn some specific contracts. This branch of law deals with law relating to indemnity & guarantee, bailment, agency, and partnership contracts which are special types of contracts. The course will contain details regarding partnership law and also Limited Liability Partnership.

Course Objectives

1. To familiarize students the basic concepts of Indemnity & Guarantee;
2. To make the students understand the basics of Limited Liability Partnership;
3. To introduce to the students the basic concepts of Business agreements;
4. to make the students understand the general principals of partnership contract;
5. To make the students understand the general principals of bailment contract;
6. To make the students understand the general principals of Agency;
7. To make the students understand the working knowledge of partnership;

Pedagogy

The pedagogy of the course will be as below:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

• Continuous Assessment	30 Points
• Attendance	5 Points
• Mid-Term	15Points
• End Term	50 Points

Text Books:

1. Avatar Singh, *Contract and Specific Relief Act*, Eastern Book Company;
2. R G Padia (ed), *Pollock and Mulla, Indian Contract and Specific Relief Acts*, Vol I, 13th edn, Fourth Reprint, 2009, Lexis Nexis Butterworths, New Delhi,
3. Mulla, *Indian Partnership Act*;
4. G.C ., Bharuka, *The Indian Partnership Act*;
5. *Indian Contract Act*[Bare Act]
6. *Indian Partnership Act*[Bare Act]
7. Sanjiv Agarwal and Rohini Agarwal, *Limited Liability Partnership: Law and Practice* (2009).

Reference Books:

1. P.S. Atiah, *An Introduction to the Law of Contract*, (Clarendon Press, Oxford 1998);
2. W. Friedmann, *Law in the Changing Society*, (Universal Law Publishing Co. Pvt. Ltd. 2001);
3. J. Beatson, *Anson's Law of Contract*, J. Beatson Ed., New York: Oxford University Press;
4. S.A. Naik, *Law Relating To Limited Liability Partnership In India Law, Practice And Procedure*, LexisNexis Butterworths Wadhwa Nagpur;
5. Dr. D K Jain, *Law & Procedure of Limited Liability Partnership*, Bharat Publication,
6. P.L. Subramanian, *Practical Guide To Limited Liability Partnership (Law, Practice And Procedures)*, Snow White Publications Pvt. Ltd;
7. V.P. Verma (Rev.), S. D. Singh and J.P. Gupta, *Law of Partnership in India* .

Course Contents:

MODULE 1: CONTRACT OF INDEMNITY AND GUARANTEE [05 Lectures]

- Indemnity; Definition
- Indian law and English law; Comparison
- Guarantee; definition, nature and Economic functions, essential features
- Continuous guarantee
- Extent of rights and liability of surety
- Discharge of Surety

- Indemnity and guarantee; distinguished

Cases:

1. Adamson v. Jarvis (1827) 4 Bing 66
2. Sec. of State v. bank of India Ltd. (1938) 175 IC 327 (PC)
3. State of Orissa v. United India insurance Co. Ltd., AIR 1997 SC 2671
4. Richardson Re, Ex parte The Governors of St. Thomas's Hospital, (1911) KB 705
5. Taylor v. Lee 187 NC 393
6. United City Merchants (Investments) Ltd. and Ors. v. Royal Bank of Canada: [1983] A.C. 168 (H.L.)
7. M. S. Anirudhan vs The Thomco'S Bank Ltd, 1963 SCR Supl. (1) 63
8. State Bank Of Saurashtra vs Chitranjan Rangnath Raja And Anr, 1980 SCR (3) 915
9. Nangia Construction India (P) Ltd. vs National Buildings Construction, (1992) 73 CompCas 701 (Delhi)
10. M/S. Rahee Industries Ltd vs Corpn. Of India Ltd. And Anr, CIVIL APPEAL No. 6145 OF 2008

MODULE 2: CONTRACT OF BAILMENT & PLEDGE [05 Lectures]

- Definition, nature, essential features
- Rights, duties and liabilities of Bailor and Bailee
- Bailment under joint owners
- Right of lien, nature and types of liens
- Deemed bailment, finder of Goods
- Special Bailment: bankers and policy holders
- Definition, nature and essentials of pledge

Cases:

11. The Trustees of The Port of Bombay vs The Premier Automobiles Ltd, 1981 SCR (1) 532;
12. Dominion of India v. Messrs. Gaya Pershad Gopil Narain, (S) AIR 1956 All 338 (FB);
13. Chhaganlal v. Dominion of India, 59 Bom LR 704;
14. National Petroleum Co. Ltd. v. Popatlal Mulji, 38 Bom. LR 810;
15. State Of Bombay (Now Gujarat) vs Memon Mahomed Haji Hasam, 1967 SCR (3) 938;
16. Standard Chartered Bank v. Custodian, AIR 2000 SC 1488

MODULE 3: CONTRACT OF AGENCY [05 Lectures]

- 'Agent' and 'Principal' defined;
- Creation of Agency, who may employ an agent; who may be appointed as agent;
- Rights, duties and liabilities of principal and agent,
- scope and limitation, ratification and revocation of authority;
- Appointment of sub-agent
- Specific examples of Agency; Brokers, Auctioneers, Power of Attorney Holders etc.

Cases:

17. Narandas Morardas Gajiwala v. SPAM Papammal, AIR 1967 SC 333;
18. Kuchwar Lime and Stone Co. v. Dehri Rohtas Light Rly. & Co. Ltd., AIR 1969 SC 193;
19. Lakshminarayan Ram Gopal v. Govt. of Hyderabad, AIR 1954 SC 367;
20. Snow White Indl. Corpn. v. Collector of Central Excise, AIR 1989 SC 1555.

MODULE 4: Sales of Goods Act [05 Lectures]

- Sale and agreement to sale;
- Contract of sale how made;
- Condition and warranty;
- When condition to be treated as warranty;
- Implied conditions as to quality or fitness;
- F.O.B. & C.I.F. contracts;
- Duties of seller and buyer;
- Unpaid seller and their rights;

MODULE 5: LAW OF PARTNERSHIP [05 Lectures]

- Definition of “partnership”, “partner”, “firm” and “firm name”
- Partnership not created by status
- Mode of determining existence of partnership, Partnership at will; Particular partnership

Cases:

21. Steel Bros. and Co. v. CIT, AIR 1958 SC 315
22. K.D. Kamath & Co. v. CIT (1971) 2 SCC 873
23. K. Jaggaiah v. K. Venkatasatyanarayana, AIR 1984 AP 149
24. Helper Girdharbhai v. Saiyed Mohmad Mirasaheb Kadri, AIR 1987 SC 1782
25. Commissioner of Sales Tax v. K. Kelukutty (1985) 4 SCC 5
26. Mahabir Cold Storage v. CIT, AIR 1991 SC 1357
27. Bhagwanji Morarji Goculdas v. Alembic Chemical Works, AIR 1948 P.C. 100
28. Nanchand Gangaram v. Mallappa Mahalingappa Sadalge, AIR 1976 SC 835
29. Lachhman Das v. CIT, AIR 1948 P.C. 8
30. Chandrakant Manilal Shah v. CIT, AIR 1992 SC 197
31. Champaran Cane Concern v. State of Bihar, AIR 1963 SC 1737
32. Laxmibai v. Roshanlal, AIR 1972 Raj. 288
33. Cox v. Hickman (1860) 8 H.L.C. 268
34. Mollwo, March & Co. v. The Court of Wards (1872) L.R. 4 P.C. 419
35. Abdul Latiff v. Gopeswar Chatteraj, AIR 1933 Cal. 204 : 141 I.C. 225
36. Holme v. Hammond (1872) 7 Ex. 218 : 41 L.J. Ex. 157
37. Badri Prashad v. Nagarmal, AIR 1959 SC 559
38. Narayanlal Bansilal Pittie v. Tarabai Motilal (1970) 3 SCC 293

- 39. Uduman v. Aslum, AIR 1991 SC 1020
- 40. Chandrika Prasad Agarwal v. Vishnu Chandra, 1981 All LJ 967
- 41. Gherulal Parakh v. Mahadevdas Maiya, AIR 1959 SC 781

MODULE 6: FEATURES OF PARTNERSHIP [05 Lectures]

- General duties of partners;
- Duty to indemnify for loss caused by fraud
- Determination of rights and duties: by contract
- Conduct of the business
- Mutual rights and liabilities
- The property of the firm
- Application of the property of the firm
- Personal profits earned by partners
- Rights and duties of the partners

Cases:

- 42. Chennuru Gavaraju Chetty v. Chennuru Sitaramurthy Chetty, AIR 1959 SC 109
- 43. Miles v. Clarke (1953) 1 All ER 779
- 44. Arjun Kanoji Tankar v. Santram Kanoji Tankar (1969) 3 SCC 555
- 45. ARM Group Enterprises Ltd. v. Waldorf Restaurant (2003) 6 SCC 423
- 46. Gattulal v. Gulab Singh, AIR 1985 SC 547
- 47. Lachhman Dass v. M.T. Gulab Devi, AIR 1936 All. 271
- 48. Shashi Kapila v. R.P. Ashwin (2002) 1 SCC 583
- 49. Trimble v. Goldberg (1906) AC 494 (PC) 123
- 50. Pulin Bihari Roy v. Mahendra Chandra Ghosal, AIR 1921 Cal. 72

MODULE 7: PARTNERSHIP AND THIRD PARTY RELATIONSHIP [05 Lectures]

- Partners to be agent of the firm; Implied authority of partner as agent of the firm
- Extension and restriction of partner's implied authority
- Partner's authority in an emergency
- Mode of doing act to bind firm
- Effect of admissions by a partner
- Effect of notice to acting partner
- Liability of partner for acts of the firm
- Liability of the firm for wrongful acts of a partner
- Liability of firm for misapplication by partners
- Doctrine of Holding out: Rights of transferee or a partner's interest
- Right of transferee or a partner's interest
- Minors admitted to the benefits of partnership.

Cases:

- 51. Holme v. Hammond (1872) L.R. 7 Ex. 218 : 41 L.J. Ex. 157;
- 52. Rhodes v. Moules (1895) 1 Ch. 236 (CA) 136;
- 53. Hamlyn v. Houston & Co. (1903) 1 K.B. 81;
- 54. Tower Cabinet Co., Ltd v. Ingram (1949) 1 KBD 1032 142;

- 55. Snow White Food Products Ltd. v. Sohan Lal, AIR 1964 Cal. 239;
- 56. Scarf v. Jardine (1882) 7 A.C. 345;
- 57. Mathura Nath v. S. Bageshwari Rani, AIR 1928 Cal. 57;
- 58. CIT v. Dwarkadas Khetan & Co., AIR 1961 SC 680 147;
- 59. Shivgouda Ravji Patil v. Chandrakant Neelkanth Sadalge, AIR 1965 SC 212;
- 60. C.I.T. v. Shah Mohandas Sadhuram, AIR 1966 SC 15.

MODULE 8: CHANGE IN THE PARTNERSHIP/RECONSTITUTION OF THE FIRM [05 Lectures]

- Inclusion of a partner;
- Retirement of a partner;
- Expulsion of partners;
- Insolvency of a partner,
- Liability of estate of deceased partner,
- Rights of outgoing partner to carry on competing business;
- Rights of outgoing partner in certain cases to share subsequent profits;
- Revocation of continuing guarantee.

Cases:

- 61. Syndicate Bank v. R.S.R. Engg. Works (2003) 6 SCC 265;
- 62. Pamuru Vishnu Vinodh Reddy v. Chhillakuru Chandrasekhara Reddy (2003) 3 SCC 445;
- 63. Vishnu Chandra v. Chandrika Prasad Agarwal, AIR 1983 SC 523

MODULE 9: DISSOLUTION OF FIRMS [05 Lectures]

- Dissolution of a firm; by agreement; Compulsory dissolution; Dissolution on the happening of certain contingencies; Dissolution by notice of partnership at will; Dissolution by the Court;
- Liability for acts of partners done after dissolution;
- Right of partners to have business wound up after dissolution;
- Continuing authority of partners for purpose of winding up;
- Mode of settlement of accounts between partners;
- payment of firm debts and of separate debts;
- Personal profits earned after dissolution;
- Return of premium on premature dissolution;
- Rights where partnership contract is rescinded for fraud or misrepresentation;
- Rights to refrain from use of firm name or firm property;
- Agreements of restraint of trade;
- Sale of goodwill after dissolution.

Cases:

- 64. Saligram Ruplal Khanna v. Kanwar Rajnath, AIR 1974 SC 1094
- 65. Santiranjan Das Gupta v. Dasuram Murzamull, AIR 1973 SC 48
- 66. M/s. Juggilal Kamlatpat v. M/s. Sew Chand Bagree, AIR 1960 Cal. 463
- 67. Sharad Vasant Kotak v. Ramniklal Mohanlal Chawda (1998) 2 SCC 171

68. S.V. Chandra Pandian v. S.V. Sivalinga Nadar (1993) 1 SCC 589
69. CIT v. M/s. Pigot Champan and Co., AIR 1982 SC 1085

MODULE 10: REGISTRATION OF FIRMS AND CONSEQUENCES OF NON-REGISTRATION [04 Lectures]

- Appointment of Registrars
- Application for registration; Registration; Recording of alternations in firm name and principal place of business; Noting of closing and opening of branches; Noting of changes in names and addresses of partners; Recording of charges in and dissolution of a firm;
- Rectification of mistakes; Amendment of Register by order of Court;
- Inspection of Register and field documents; Grant of copies; Rules of evidence
- Effect of non-registration
- Penalty for furnishing false particulars

Cases:

70. CIT v. Jaylakshmi Rice & Oil Mills Contractor Co., AIR 1971 SC 1015;
71. Jagdish Chandra Gupta v. Kajaria Traders (India) Ltd., AIR 1964 SC 1882;
72. Mohatta Bros. v. Bharat Suryadaya Mills Co. Ltd., AIR 1976 SC 1703 208;
73. Seth Loonkaran Sethiya v. Ivan E. John, AIR 1977 SC 336 214;
74. Delhi Development Authority v. Kochhar Construction Work (1998) 8 SCC 559;
75. Gwalior Oil Mills v. Supreme Industries (1999) 9 SCC 113 228;
76. Haldiram Bhujawala v. Anand Kumar Deepak Kumar (2000) 3 SCC 250;
77. Kamal Pushp Enterprises v. D.R. Construction Co., AIR 2000 SC 2676

MODULE 11: LIMITED LIABILITY PARTNERSHIP [04 Lectures]

- Definition, nature and applicability
- Procedure for formation of LLP
- Rights, Duties and liabilities partner in LLP
- LLP and Company, a comparison

Cases:

78. Hailes v. Hood & others (2007) EWHC 1616 (Ch);
79. Dubai Aluminium Co Ltd v Salaam and Others [2002] UKHL 48;
80. Re, Rogers [2006] EWHC 753 (Ch);
81. In the Matter of Magi Capital Partners LLP [2003] EWHC 2790 (Ch);
82. Hedley Byrne & Co Ltd v Heller & Partners Ltd [1964] AC 465;
83. Henderson v Merrett Syndicates Ltd [1995] 2 AC 145;
84. BFI Optilas v Blyth & Others [2002] EWHC 2693 (QB)

LAW 202	CRIMINAL Law-I (I.P.C)	L	T	P	C
Version1.1		4	0	0	4
Pre-requisites//Exposure	Indian Penal Code, Law of Evidence, Code of Criminal Procedures, Judicial Decisions etc.				
co-requisites					
Semester	III				
Class	B.A.LL.B.(H) & B.Sc.LL.B.(H)				

Course Description

Protecting life, liberty and property interest of individual and institutions is the primary function of state and thereby of law. Criminal law is generally founded on this very premise. However, it is generally stated that the primary objective of the criminal law is to maintain law and order and award justice to the victim. For all these reasons criminal has to be balanced. It cannot afford to be weak, ambiguous or ineffective. Nor it can be harsh arbitrary in its impact.

The subject of Crime and Punishment-I is designed to generate critical thinking among the students about the stated objectives of criminal law and enable them to scrutinize the recent development and changes that have taken place in the field.

Course Objectives

Specific objectives of the course are

- a) To familiarize students with the key concepts regarding substantive criminal law,
- b) To expose students to the range of mental elements that constitutes *mens-rea* a constituent element of crime.
- c) To familiarize students with specific offences under the Indian Penal Code.
- d) To keep students abreast of the latest developments and changes in the field of criminal law.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Lecture Method
- Presentations
- Case Studies
- Projects
- Court Room Exercise
- Problem method

Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Continuous Assessment	30
2	Attendance	5
3	Midterm Exam	15
4.	Semester End Examination	50
5	Total	100

COURSE CURRICULUM

MODULE 1: General Introduction (S.1-4)

- Nature and definition of crime
- Historical outline of crime, penal law in India: IPC- a reflection of different social and other values; salient features.
- Constituent elements of crime, Human being, *actus-reus*, *mens-rea*, injury and punishment.

- Intra territorial and extra territorial operation of the Code

Case Laws:

- US v. Holmes, (1842) 26 Fed. Cases 360
- Queen v. Dudley and Stephens; (1884) 14 QBD 273
- R v. Khandu, (1890) ILR 15 Bom 194
- Meil v. R, (1954) 1 WLR 228
- Fatima Bibi Ahmed Patel v. State of Gujarat, AIR 2008 SC 2392
- State of Maharashtra v. Mayer Hans George, AIR 1965 SC 722
- State of M.P. v. Narayan Singh, AIR 1989 SC 1789
- State of Orissa v. K. Rajeshwar Rao, AIR 1992 SC 240

MODULE 2: General Explanations and Basic Concepts (S.6-52A,141-149)

- Definitions
- Basic Concepts: Wrongful Gain, Wrongful Loss, Dishonestly, Fraudulently, Injury, Good faith
- Joint Liability, Group Liability

Case Laws:

1. Chandra Bihari Gautam v. State of Bihar, AIR 2002 SC 1836
2. Madan Singh v. State of Bihar, (2004) 4 SCC 622
3. Mahbub Shah v. Emperor, AIR 1945 PC 118
4. Maina Singh v. State of Rajasthan, AIR 1976 SC 1084
5. Mizaji v. State of U.P., AIR 1959 SC 572
6. Musa Khan v. State of Maharashtra, AIR 1976 SC 2566
7. Pandurang v. State of Hyderabad, AIR 1955 SC 216
8. Ram Bilas v. State of Bihar, AIR 1989 SC 1593
9. Ram Tahal v. State of UP, AIR 1972 SC 254
10. Suresh v. State of U.P., AIR 2001 SC 1344
11. Suresh SakharamNangare v. State of Maharashtra, (2012) 9 SCC 249
12. TukaramGanpatPandare v. State of Maharashtra, AIR 1974 SC 514

MODULE 3: Inchoate Crimes (S.107-120B, 307-309, and 511)

- Abetment
- Conspiracy
- Attempt

Case Laws:

1. Abhayanand Mishra v. State of Bihar, AIR 1961 SC 1698
2. AsgaraliPradhania v. Emperor, AIR 1933 Cal. 893
3. Ex SepoyHardhanChak v. Union of India, AIR 1990 SC 1210
4. FagunaKantaNath v. State of Assam, AIR 1959 SC 673

5. Gian Kaur v. State of Punjab, AIR 1996 SC 946
6. G. M. Reddy v. State of A.P., AIR 2010 SC 327
7. Jamuna Singh v. State of Bihar, AIR 1967 SC 553
8. Kehar Singh v. Delhi Administration, AIR 1988 SC 1883
9. M. Mohan v. State, AIR 2011 SC 1238
10. Om Prakash v State of Punjab, AIR 1961 SC 1782
11. State v. Nalini, AIR 1999 SC 2640
12. State of Maharashtra v. Mohd. Yakub, AIR 1980 SC 1111
13. Topan Das v. State of Bombay, AIR 1956 SC 33

MODULE 4: General Exceptions (S.76-106)

- Excusable and Justifiable Defense
- Mistake of Law and Mistake of Fact
- Good Faith, Accident, Necessity, Compulsion and Consent
- Insanity
- Intoxication
- Right to Private Defense

Case Laws:

1. Abdul Kadir v. State of Assam, AIR 1986 SC 305
2. Ajodhia Prasad v. State of UP, (1924) 25 Cr. L.J. 997
3. Basdev v. State of Pepsu, AIR 1956 SC 488
4. Bhupender Singh v. State of Gujarat, AIR 1997 SC 3790
5. Buta Singh v. State of Punjab, AIR 1991 SC 1316
6. Dayabhai Chaganbhai Thakkar v. State of Gujarat, AIR 1964 SC 1563
7. DeoNarain v. State of U.P., AIR 1973 SC 473
8. DPP v. Majewski, (1976) 2 All ER 142 (HL)
9. James Martin v. State of Kerala, (2004) 2 SCC 203
10. Kanwar Singh v. State (1965) II Cr. L.J. 1 (SC)
11. Kishan v. State of M.P., AIR 1974 SC 244
12. Lakshmi v. State, AIR 1959 All 534
13. Mahabir Choudhary v. State of Bihar, AIR 1996 SC 1998
14. Mt. Anandi v. Emperor, AIR 1923 All 327
15. Nabia Bai v. State of MP, AIR 1992 SC 602
16. Q. v. DPP, (1995) 2 All ER 645
17. Queen-Empress v. Kader Nasyer Shah, (1896) ILR 23 Cal. 604
18. R. v. Daniel M' Naughten (1843) 8 ER 718 (HL)
19. Shrikant Anandrao Bhosale v. State of Maharashtra, AIR 2002 SC 3399
20. Sikander Singh v. State of Bihar, AIR 2010 SC 3580
21. State of Maharashtra v. M H George, AIR 1965 SC 722
22. State of Orissa v. Bhagaban Barik, AIR 1987 SC 1265
23. State of Orissa v. Ram Bahadur Thapa, AIR 1960 Ori. 161
24. State of U.P. v. Ram Swarup, AIR 1974 SC 1570
25. State of UP v. Zalim Singh, AIR 1996 SC 3278
26. State of WB v. Shew Mangal, AIR 1981 SC 1917

27. Suresh Singh v. State of Haryana, AIR 1999 SC 1773
28. T.N. Lakshmaiah v. State of Karnataka, AIR 2001 SC 3828
29. US v. Holmes, (1842) 26 Fed. Case 360

MODULE 5: Offences Against State And Administration Of Justice (S.121-130,153A,153B and 191-225)

- Waging war against government of India
- Sedition
- Riots
- Affray
- Promoting enmity on the ground of caste, religion etc
- Fabricating evidence
- Abuse of process of court
- False personation
- Disappearance of evidence
- Harboursing of offenders

Case Laws:

1. Mir Faizali Shaheen v. State of Maharashtra, 1992 Cr. L.J. 1034 (Bom.)
2. Sardul Singh v. State of Haryana, 1992 Cr. L.J. 254 (P&H)

MODULE 6: Offences Against Human Body (S.299-374)

- Culpable Homicide
- Murder
- Causing death by negligence
- Dowry Death
- Hurt and Grievous Hurt
- Voluntarily throwing or attempting to throw acid
- Wrongful Restraint and Wrongful Confinement
- Assault and Criminal Force
- Kidnapping and Abduction
- Trafficking of person

Case Laws:

1. Amrithalinga Nadir v. Tamil Nadu, AIR 1976 SC 1133
2. Bhagia v. State, 1967 Cr.L.J. 1240
3. Cherubin Gregory v. State of Bihar, AIR 1964 SC 205
4. Dasrath Paswan v. State of Bihar, AIR 1958 Pat. 190
5. Dhirajbhai Gorakhbhai Nayak v. State of Gujarat (2003) 9 SCC 322
6. Dhupa Chamar v. State of Bihar, AIR 2002 SC 2834
7. DPP v. Smith, (1960) 3 All ER 161
8. Dukhi Singh v. State, AIR 1955 SC 465
9. E.K. Chandrasenan v. State of Kerala, AIR 1995 SC 1066

10. Emperor v. Mt. Dhirajia, AIR 1940 All. 486
11. Emperor v. MushnooruSuryanarayana Murthy (1912) 22 MLJR 333 (Mad.)
12. Ghapoo Yadav v. State of M.P, (2003) 3 SCC 528
13. Gyarsibai v. The State, AIR 1953 M.P. 61
14. In re Thavamani, AIR 1943 Mad 571
15. Jayaraj v. State of Tamil Nadu, AIR 1976 SC 1519
16. K M Nanavati v. State of Maharashtra, AIR 1962 SC 605
17. Kapur Singh v. State of Pepsu, AIR 1956 SC 654
18. LachmiKoeri v. State of Bihar, AIR 1960 Pat. 62
19. Mohammed Aynuddin v. State of Andhra Pradesh, AIR 2000 SC 2511
20. NemaniChattoraj v. Queen Emp., (1900) 27 Cal. 1041
21. PalaniGoundan v. Emperor, 1919 ILR 547 (Mad) 1
22. PrahladKrishantPatil v. State of Maharashtra (2006) 9 SCC 211
23. R v. Govinda, (1876) 1 Bom. 342
24. R v. Prince, (1875) LR 2 CCR 154
25. R. v. Jonshan, (1989) 2 All ER 839 (CA)
26. Ram Badan Sharma v. State of Bihar, AIR 2006 SC 2855
27. RambaranMahton v. The State, AIR 1958 Pat. 452
28. Rajinder v. State of Haryana, AIR 2006 SC 2557
29. RawalpentaVenkalu v. State of Hyderabad, AIR 1956 SC 171
30. Satvir Singh v. State of Punjab, AIR 2001 SC 2828
31. Shanti (Smt.) v. State of Haryana, AIR 1991 SC 1226
32. S. N. Hussain v. State of Andhra Pradesh, AIR 1972 SC 685
33. State of Andhra Pradesh v. R. Punnayya, AIR 1977 SC 45
34. State of Haryana v. Raja Ram, AIR 1973 SC 819
35. S. Vardrajan v. State of Madras, AIR 1965 SC 942
36. Thakorlal D. Vadgama v. State of Gujarat, AIR 1973 SC 2313
37. Virsa Singh v. State of Bihar, AIR 1958 SC 465

MODULE 7: Offences Against Women (S.292,354,509,375-377 and 498A)

- Assault or criminal force with intent to outrage modesty of women
- Sexual harassment
- Assault or criminal force with intent to disrobe
- Voyeurism
- Stalking
- Rape
- Cruelty

Case Laws:

1. Apparel Export Promotion Council v. A. K. Chopra, AIR 1999 SC 625
2. Bhupinder Sharma v. State of Himachal Pradesh, AIR 2003 SC 4684
3. Gian Kaur v. State of Punjab, AIR 1996 SC 1257
4. Priya Patel v. State of M.P., AIR 2006 SC 2639
5. RupanDeol Bajaj v. KPS Gill, AIR 1996 SC 309
6. Sakshi v. Union of India, AIR 2004 SC 3566

7. State of Punjab v. Gurmit Singh, AIR 1996 SC 1393
8. State of Punjab v. Major Singh, AIR 1967 SC 63
9. State of Rajasthan v. Hemraj, (2009) 12 SCC 403
10. State of U.P. v. M.K. Pandey, AIR 2009 SC 711
11. Tukaram v. State of Maharashtra, AIR 1979 SC 185

MODULE 8: Offences Against Property And Other Offences (S.378-510)

- Theft
- Extortion
- Robbery and Dacoity
- Dishonest Misappropriation and Criminal Breach of Trust
- Cheating
- Mischief
- Criminal Trespass
- Forgery
- Falsification of Accounts
- Defamation
- Criminal Intimidation

Case Laws:

1. Akhil Kishore Ram v. Emperor, AIR 1938 Pat. 185 221
2. Jadunandan Singh v. Emperor, AIR 1941 Pat. 129
3. JaikrishnadasManohardas Desai v. State of Bombay, AIR 1960 SC 889
4. K. N. Mehra v. State, AIR 1957 SC 369
5. Mahadeo Prasad v. State of West Bengal, AIR 1954 SC 724
6. PyareLal Bhargava v. State of Rajasthan, AIR 1963 SC 1094
7. R. K. Dalmia v. Delhi Administration, AIR 1962 SC 1821
8. Shri Bhagwan S.S.V.V. Maharaj v. State of A.P., AIR 1999 SC 2332
9. State of Orissa v. BishnuCharanMuduli, 198 Cr.L.J. 1573 (SC)
10. State of Karnataka v. Basavegowda (1997) Cr.L.J. 4386 (Kant.)
11. Suramoorthy v. Govindaswamy, AIR 1989 SC 1410

MODULE 9: Offences Against Marriage (S.493-498)

- Bigamy
- Adultery
- Mock marriage

Cases Laws:

1. Lily Thomas v. Union of India, AIR 2000 SC 1650
2. SarlaMudgal v. Union of India, AIR 1995 SC 1531

READING MATERIALS:

Bare Act:

1. The Indian Penal Code, 1860

Books:

1. Y. V. Chandrachud & V. R. Manohar (ed.), *Ratan Lal & Dhiraj Lal's Indian Penal Code*, Lexis Nexis, Wadhwa (33rd ed., reprint 2012)
2. K. I. Vibhuti, *P.S.A. Pillai's Criminal Law*, Lexis Nexis, Wadhwa (10th ed., reprint 2012)
3. K. D. Gaur, *Criminal Law – Cases and Materials*, Lexis Nexis, Wadhwa (6th ed., 2009)
4. K. D. Gaur, *Text Book on The Indian Penal Code*, Universal Law Publishing Co., New Delhi (4th ed., reprint. 2012)
5. Glanville Williams, *Text Book of Criminal Law*, Universal Law Publishing Co., New Delhi (2nd ed., reprint. 2009)

Students are advised to read only the books prescribed above along with legislations and cases. The topics and cases given above are not exhaustive. Subject teacher shall be at liberty to add new topics/cases. Students are required to study the legislations as amended up-to-date and consult the latest editions of books.



School of Law and Governance
Department of Law
Central University of South Bihar

BALAW5004C04	COMPANY LAW-I	L	T	P	C
Version: 1.2.		3	1	0	4
Pre-requisites//Exposure	Contract, Constitution				
co-requisites	SEBI				
Semester	VII				
Course Teacher	Dr. Pradip Kumar Das				
B.A. LL.B.(H) & B.Sc.LL.B.(H)					

1.0.Course Description:

Company is one of the forms of businesses in our country. Company is a democratic, social and political institution. It has become very popular business organization throughout the world including in our country. However, in our country, Company Act, 1956 was the largest legislation. But, with the passage of time and in order to meet the needs of the changing economic scenario, government felt it necessary to enact a new company Act. As a result, New Company Act was enacted in 2013. However, this new company Act has brought about sea changes in the functioning of company form of business in our country. Not only that, this Act contains many new provisions in the field of corporate social responsibility, corporate governance and corporate transparency. In Company Law-I, students will be taught basic concepts of definition, features and company formation, registration, board of directors, Share capital, company management, oppression and mis- management. Remaining portion will be covered in the next semester in Company Lw-II.

2.0.Course Objectives

1. To analyze and impart the basic principles of company law and its historical development in England and in India to the students;
2. To impart to the students an understanding of promotional activities, memorandum of Association and Article of Association;
3. To help in understanding the students the position, role, importance, power, appointment, qualification, and removal of directors of the company;
4. To acquaint students regarding oppression and mismanagement in the company;

5. To provide the students the knowledge of winding up process of the company.

3.0.Pedagogy

The pedagogy of the course will be as below:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Moot Court Exercise
- Panel Discussion

4.0.Evaluation Scheme:

- 30%- Continuous Internal Assessment(Formative in nature but also contributing to the final grades)
- 70%-End Term External Examination(University Examination)

5.0.Course Contents:

Module I: Introduction to Company Law [07 Lectures]

- Nature and form of business enterprise; Types of business enterprises;
- Historical development of company Law in England and India;
- Company – Definition and meaning, nature and characteristics;
- Company and Partnership, Company and Corporation;
- Advantages and disadvantages of corporate form of enterprise;
- Concept of corporate personality;
- Saloman vs. Saloman & Co Ltd Case and its implication;
- Lifting or Piercing the Corporate Veil, Statutory recognition of Lifting of Corporate Veil, Lifting of the Corporate Veil under judicial interpretation;
- Company as person, Nationality and Residence of a Company, Company as a citizen;

- Types of companies.

Module II: Promotion Activities and Formation of a Company-I [08 Lectures]

- Promoters – Definition, Importance and Legal Position;
- Rights, Duties and Liabilities of Promoters, Remuneration of Promoters;
- Formation of Companies- important steps;
- Certificate of incorporation of the company;
- Allotment of corporate Identity Number;
- Punishment for furnishing false or incorrect information at the time of incorporation;
- Incorporation of companies with charitable objects under section 8;
- The doctrine of *ultra-vires*, Shareholder's right in respect of ultra vires acts, Effects of ultra vires Transaction.
- Pre-incorporation contracts and contracts made after incorporation of business.
- Conversion of private companies to public companies and vice versa.

Module III: Promotion Activities and Formation of a Company-II [04 Lectures]

- Memorandum of Association;
- Alteration of Memorandum of Association;
- Articles of Association;
- Alteration of Articles of Association;
- Relationship between Memorandum of Association and Articles of Association;
- Legal effect of the Memorandum and Articles;
- Doctrine of constructive notice of Memorandum and Articles;
- Doctrine of Indoor Management,
- Exceptions to the Doctrine of Indoor Management;
- Doctrine of ALTER EGO.

Module IV: Prospectus and private placement [05 Lectures]

- Meaning and definition of Prospectus;
- When prospectus is not required to be issued;
- Private Placement and public Offer;

- Dating and registration of prospectus; Refusal to register prospectus;
- Shelf Prospectus & Red herring Prospectus;
- Contents of Prospectus or Disclosures in Prospectus;
- Deemed prospectus;
- Remedies for misrepresentation in Prospectus.

Module V: Share, Share Capital and Debt capital [05 Lectures]

- Meaning of the term “capital” and Use of the word “capital” in different senses;
- Introduction to capital structure of a company- Equity and Debt capital;
- Share- meaning, nature and kinds of shares;
- Raising of equity capital;
- Preference shares vs. Equity shares;
- Issue of bonus shares and sweat equity shares;
- Issue of shares at premium and discount;
- Power of company to borrow;
- Unauthorized or ultra vires borrowing;
- Intra vires borrowing but outside the scope of agent’s authority;
- Judicial pronouncement relating to borrowing powers of company;
- Types of borrowing;
- Debentures and its kinds;
- Debenture Stock; Debentures vs Shares;
- Regulatory framework for debt securities;
- Debenture Trustees;
- Recent Trends in Corporate Financing.

Module VI: Company and its Membership [06 Lectures]

- Membership- modes of acquiring membership;
- Who can become members
- Rights and privileges of members;
- Termination of Membership;
- Expulsion of a Member
- Register of Members;
- Index of Members;

Module VII: Company Management, Directors – powers and positions [06 Lectures]

- Meaning and kinds of Directors
- Legal positions of directors
- Minimum and Maximum number of Directors;
- Number of Directorship;
- Appointment of Directors;
- Director Identification Number;
- Qualifications, disqualifications and remunerations;
- Vacation of office, retirement, resignation and removal.
- Powers, Duties and liabilities of a director.

Module VIII: Board and its Powers [6 Lectures]

- Distribution of powers;
- Meeting of the Board;
- Compliance with Secretarial Standards related to Board Meeting;
- Quorum for Board Meeting;
- Board Committees;
- Powers of Board;
- Restriction of powers of Board;
- Disclosure of interest by Directors;
- Related Party Transaction;

6.0. Case Laws:

1. Floating Services Ltd. Vs. MV 'San Fransceco Dipalola', MANU/GJ/0104/2004;
2. Needle Industries (India) Ltd. and Ors. Vs. Needle Industries Newey (India) Holding Ltd. and Ors. AIR 1981 SC 1298,
3. State of U.P. and Ors. Vs. Renuagar Power Co. and Ors. AIR 1988 SC 1737
4. Mrs. Prem Lata Bhatia Vs Union of India and Ors. [2006] 134 Com Cas 92 (Delhi);
5. Saurabh Exports vs. Blaze Finlease and Credits Pvt. Ltd. [2006] 133 Comp Cas 495 (Del.);
6. The Mysore Paper Mills Ltd. Vs. The Mysore Paper Mills Officer's Association and Anr. AIR 2002 SC 609;
7. M. Rajendra Naidu vs. Sterling Holiday Resorts (India) Ltd. And Ors. [2008] 144 Comp. Cas 243 (Mad).
8. T.G. Venkatesh vs. ROC (2008) 145 Comp Cas 662 (AP).

9. Basheer vs. Lona Chackola(2003)115CompCas 127(Ker).
10. Memtee Ltd. & Another (2001)103CompCas1078(Delhi).
11. New Horizon Ltd. And Anr. Vs. Union of India and Ors.(1997)89 Comp.Cas 849(SC);
12. Satyanarayan Rathi vs. Annamalaiar Textitles Pvt Ltd. And Ors.(1999)95Comp.Cas386(CLB);
13. M.S. Madhusoodhanan and Anr. Vs. Kerala Kaumudi Pvt. Ltd. And Ors.(2003)117 Comp.Cas19(SC);
14. Malina Bharathi Rao vs. The Gowthami Solvent Oils Limited and Ors.MANU/CL/0056/2001;
15. Martin Castelino vs. Alpha Omega Shipmanagement (p) Ltd.(2001)104CompCas687(CLB).
16. Anuvind Metal Products Pvt.Ltd vs, The Registrar of Companies (MANU/DE/3088/2010).
17. Kimsuk Krishna Sinha vs. SEBI(2010)155Comp.Cas 295(Delhi).
18. Aska Investments Pvt.Ltd. and Anr. Vs. Grob Tea Company Ltd. And Ors. MANU/WB/0495/2004;
19. J.K. Industries Ltd. And Anr. Vs. Union of India and Ors.(2008)143 Comp.Cas325(SC);
20. CGMP Pharmaplan Pvt. Ltd. Vs. Regional Director, Ministry of Corporate Affairs and Anr.(2010)159Comp.Cas 231(Delhi).
21. Saloman vs, Saloman & Co. Ltd. All ER Rep33.
22. J.B. Exports Ltd, and Anr. Vs. Bses Rajdhani Power Ltd. AIR 2006 Delhi 317; (2006) 134 Comp.Cas 106(Delhi).
23. Ashbury Railway Carriage & Iron Co. Ltd. Vs. Riche[1875] L.R.7H.L.
24. Lakshmanaswami Mudaliar vs. L.I.C. 1963 SC 1185.
25. Naresh Chandra Sanyal vs. Calcutta Stock Exchange Association Ltd. AIR 1971 SC 422.
26. Mathrubhumi Printing & Publishing Co.Ltd. vs. Vardhaman Publishers Ltd.[1992]73Comp.Cas80(Ker.)
27. Southern Foundris(1926) Ltd. Vs. Shirlaw[1940]10Comp.Cas.255(HL).
28. Shree Gopal Paper Mills Ltd. Vs. CIT[1967]37Comp.Cas.240(Cal.).
29. Rahul Subodh Windoors Ltd. Vs. A.K. Menon[1999]96Comp.Cas.597(SC).
30. Unit Trust of India vs. Om Prakash Berlia[1983]54Comp.Cas723(Bom.)
31. Ranbaxy Laboratories Limited vs. Indra Kala[1997]12SCL288.
32. M.S. Madhusoodanan vs. Kerala Kaumudi(p0Ltd.[2003]46SCL695(SC).
33. R.Khemka vs. Deccan Enterprises(p)Ltd.[1998]16SCL1(A.P.)
34. R. Mathalone vs.Bombay Life Assurance Co.Ltd.AIR1953SC385
35. Sha Mulchand & Co. vs. Jawahar Mills Ltd.[1953]23Comp.Cas1(SC).
36. Promilla Bansal vs.Wearwell Cycle Co.(India)Ltd.[1978]48Comp.Cas202(Delhi).
37. S.A. Padmanabha Rao vs. Union Theatres (P)Ltd.[2002]36SCL353(Ker.).
38. Registrar of Companies vs. Rajshree Sugar & Chemicals Ltd.[2000]25SCL510(SC).
39. Pawan Gupta vs. Hicks Thermometers (India)Ltd.[1999]21SCL90(CLB-New Delhi).
40. G.R. Desai vs. Registrar of Companies[1998]18SCL(AP).

41. Ramchandra Shelat vs. Pranlal Jayanand Thakur[1975]45Comp.Cas.43:AIR 1974 SC 1728.

7.0.Content Interaction Plan:

Lecture Cum Discussion (Each session of 1 hour)	UNIT/MODULE/TOPIC/SUB-TOPIC
1-7	Module I: Introduction to Company Law [07 Lectures]
8-15	Module II: Promotion Activities and Formation of a Company-I [08 Lectures]
16-19	Module III: Promotion Activities and Formation of a Company-II [04 Lectures]
20-24	Module IV: Prospectus and private placement [05 Lectures]
25-29	Module V: Share, Share Capital and Debt capital [05 Lectures]
30-35	Module VI: Company and its Membership [06 Lectures]
36-41	Module VII: Company Management, Directors – powers and positions [06 Lectures]
42-47	Module VIII: Board and its Powers [6 Lectures]
47 Hours	Tutorials

8.0.Prescribed Readings:

8.1.Text Books:

1. Avtar Singh, Company Law, Eastern Book Company.
2. Dr. G.K. Kapoor & Sanjay Dhamija, Taxman.
3. Cases and Materials in Company Law, LS Sealy.
4. Company Law, Decoding the code, Dr. Prem Kumar Agarwal, CA Rohit Kumar Singh, University Book House Pvt Ltd.

5. **A. Ramaiya, *Guide to Companies Act*, Lexis Nexis Butterworths Wadhwa Nagpur.**

8.2.Reference Books:

6. **Gower & Paul L. Davies, *Principles of Modern Company Law*, Sweet and Maxwell,.**
7. **Palmer, *Palmer's Company Law*, Stevens, London,**
8. **Robert R. Pennigton, *Company Law*, Oxford University Press,**
9. **Bare Act, Taxman,**
10. **M.C. Kuchhal, *Modern Indian Company Law*, Shri Mahavir Book Depot, New Delhi.**



School of Law and Governance

Central University of South Bihar

LAW 407	INVESTMENT LAW	L	T	P	C
Version: 1.2		3	1	0	6
Pre-requisites//Exposure	Contract, Constitution				
co-requisites	SEBI & Company Law				
Semester	VII				
Course Teacher	Dr. Pradip Kumar Das				
B.A. LL.B.(H) & B.Sc.LL.B.(H)					

Course Description:

Investment Law is gaining importance day by day with the increase of trade and industry in our country. The course contains various aspects of investment related laws and regulations in our country. In fact, investment decision is very important aspect of financial market. The course will not only give ideas about shares, debentures, venture capital, Mutual Fund Investment, Depository system, Investors protection, NBFC, & FEMA, but also Investors protection and Securities and Exchange Board of India. This course, however, will give detail knowledge about investment related laws, rules and regulations to the students. It will help in understanding the students the position, role, importance, power; and functions of SEBI also.

Course Objectives

- To analyze and impart the basic principles of investment law and its historical development in India to the students;
- To impart to the students an understanding of investment in the form of share and debentures;
- To help in understanding the students the position, role, importance, power; and functions of SEBI;
- To acquaint students regarding Investors protections and their rights;
- To provide the students the venture capital, Mutual fund, depository system and FEMA.

Pedagogy

The pedagogy of the course will be as below:

- Class Room Discussion
- Teaching Assignment
- Presentations

- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

- | | |
|-------------------------|-----------|
| • Continuous Assessment | 30 Points |
| • Attendance | 5 Points |
| • Mid-Term | 15Points |
| • End Term | 50 Points |

Text Books:

1. **E. Gordon & K. Natarajan, Financial Markets and Services, Himalaya Publishing House.**
2. **Guruswami, Financial Services, Mc Graw Hill Education.**
3. **Dr. S.R. Myneni, Law of Investment and Securities, Asia Law House.**
4. **M.Y. Khan, Indian Financial System, The Mc Graw-Hill Company.**
5. **Avtar Singh, Company Law, Eastern Book Company,**
6. **Dr. G.K. Kapoor & Sanjay Dhamija, Company Law and Practice, Taxman.**
7. **Taxman's SEBI Manual, Taxman.**
8. **Taxman's Foreign Exchange Management Manuals, Taxman.**

Reference Books:

9. **Misra-Puri, Indian Economy, Himalaya Publishing House.**
10. **Sangeet Kedia, Capital Market and securities Laws, Pooja Law Publishing Co.**
11. **G.Y. Shitole, Gomathy Thyagarajan, Performance evaluation of mutual funds in India, Adhyan Publishers & Distributors, Financial Markets and Services,**
12. **Barry G. Dolgin, A handbook of mutual fund investing, A new perspective, A new paradigm., Createspace,**
13. **Gomez, Clifford, Financial Markets, Institutions and Financial Services, PHI Learning Pvt. Ltd.**
14. **E-Resource Materials e.g. relevant research articles etc. [will be supplied to the students during class].**

Course Contents:

Module I: Preliminary [03 Lectures]

- Historical Background of Investment and securities laws;
- Meaning of investment and market ;
- Nature and risk associated with investment;
- Evolution of Investment and bargaining norms.

Module II: Investment Avenues & Tax Planning for Investment [6 Lectures]

- Objectives of Investors;
- Characteristics of Investment;
- Risk-Return Relationships;
- Tax Benefits;
- Marketability and Liquidity;
- Safety vs. Riskiness;
- Non Corporate Investments- Deposits with Banks, Instruments of Post Offices, PPF,NSS, IVP, KVP, Public Sector Bonds.
- Corporate Investments;
- Taxation of Dividend and Interest Income;
- Tax Treatment on Investments;
- Income Tax and Corporation Taxes;
- Taxation of Investment business in India.

Module-III: Investors Protection [6 Lectures]

- Need for investors protection;
- Factors affecting investor's interest;
- Investor's protection measures;
- Guidelines to investors.

Module IV: Securities and Exchange Board of India (SEBI) [06 Lectures]

- Constitution
- Powers and Functions of SEBI
- Securities Appellate Tribunal
- SEBI (Disclosure & Investor Protection) Guidelines.

Module V: Venture Capital [06 Lectures]

- Concept of venture capital;
- Features of venture capital
- Scope of venture capital;
- Importance of venture capital;
- Venture capital guidelines and legal framework in India;
- Suggestions for the growth of Venture Capital Funds;

- Nitin Desai Committee's Recommendations.

Module VI: Mutual Funds Investment [06 Lectures]

- Introduction and scope of Mutual Fund ;
- Definition and Origin of Mutual Fund[MF];
- Types and classification of MF;
- Importance, Risk and Organization of Fund;
- Evaluation of MF;
- General Guidelines for MF and legal frame work in India;
- Mutual Funds in India- Reasons for slow Growth;
- Future of MF Industry in India.
- Unit Trust of India (UTI).

Module VII: Depository System [06 Lectures]

- Depository;
- Bank and Depository- Comparison;
- Depository Participant(DP);
- Depository(Demat) Services;
- Demat (Beneficiary) Account;
- Dematerialization and Re materialization;
- Role of CDSL;
- Role of NSDL;
- Legal framework for Depositories in India [SEBI Guidelines].

Module VIII: Investors Protection (06 Lectures)

- Investors rights and responsibilities;
- Whom to approach for complaint against brokers/depository participants;
- Grievance redressal mechanism at stock exchange;
- Legal framework for investors protection in India;
- Investors Education and Protection Fund;
- SEBI(Investors Protection and Education Fund) Regulations, 2009;
- Initiatives taken on Financial Literacy in India;
- Investors Grievance Redressal Mechanism at SEBI;
- SEBI (Informal Guidance) Scheme, 2003.

School of Law and Governance
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Central University of South Bihar

BALAW9003H04	CORPORATE GOVERNANCE	L	T	P	C
Version: 1.2.		3	1	0	4
Pre-requisites//Exposure	Company Law-I & Company Law-II				
co-requisites	SEBI, Investment Law & FMR				
Semester	IX				
Course Teacher	Dr. Pradip Kumar Das				
B.A. LL.B.(H) & B.Sc.LL.B.(H)					

1.0.Course Description:

The course is designed to impart basic understanding to the students about the meaning and purpose of corporate governance. Corporate Governance assumes special significance in all over the world. Importance of this subject is being admitted by many developed countries of the world .Importance of this subject is also gradually growing in our country. The aim of this paper is to teach the students basic principles, aims and objects of corporate governance. They will be in a position to acquire working knowledge about the subject.

2.0.Course Objectives

The chief objectives of the course are:

- To develop among the students an understanding of the meaning and importance of corporate governance;
- To analyze and impart the basic principles of Corporate governance and its historical development in England, USA, Australia, Canada, Japan and in India to the students;
- To acquaint with the existing challenges in the practice of corporate governance norms in various countries of the world with special reference to the Indian Corporate Scenario;
- To acquaint with the modern corporate governance practices and developments in various countries of the world and to make a comparative analysis with Indian scenario.

3.0.Pedagogy/Teaching Learning Methodology:

The pedagogy of the course will be as below:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Moot Court Exercise
- Projects
- Seminar
- Panel Discussion

4.0.Evaluation Scheme:

- 30%- Continuous Internal Assessment(Formative in nature but also contributing to the final grades)
- 70%-End Term External Examination(University Examination)

5.0.Course Contents:

Module I: Introduction to Corporate Governance [6 Lectures]

- Genesis and historical development of corporate governance;
- Historical Developments of Corporate Governance in India;
- Objectives and fundamental principles of corporate governance;
- Models of corporate governance – German Model, Japanese Model, the UK – US Model and the Indian Model.

Module II: The Board of Directors and Board Committees [6 Lectures]

- The role and importance of the board in corporate system.
- Types of board structure – Unitary board system and the two tier board system.
- Size of the board and number of directorship;
- Powers of the Board;
- Structure and composition of the board;
- Board Committees and the need for board committees.
- Director compensation.
- The role and functions of the chairman and the CEO.
- Disclosure and Transparency.

Module-III: Board Effectiveness-Issues and Challenges [6 Lectures]

- Role of directors;
- Governance Functionaries of Board:
 - Executive Director, Non-Executive Director, Shadow Director, Woman Director, Resident Director, Independent Director, Nominee Director, Lead Independent Director, Chairman, Chief Executive Officer[CEO], Company Secretary.
- Responsibilities of Board;
- Training of Directors: Need, objective and methodology of training;
- Director Induction;
- Directors Development Programme;
- Performance Review of Board and Individual Directors.

Module-IV: Board Committees [6 Lectures]

- Need and advantages of committee;
- Enhancing effectiveness of the committee;
- Various committees of the Board:[Mandatory and Non Mandatory]
 - Audit Committee;
 - Nomination and Remuneration Committee;
 - The Stakeholders Relationship Committee;
 - Corporate Social Relationship Committee;
 - Corporate Governance Committee;
 - Regulatory, Compliance & Government Affairs Committee;
 - Science, Technology and Sustainability Committee;
 - Risk Management Committee;
 - Other Committees.

Module V: Director's Duty of Care and Board Monitoring: Negligence and Internal Controls-[6 Lectures]

- Standard of care owed by a director – the English position;
- Negligent decisions;

- Business Judgment Rule;
- Delegation and reliance.
- Board monitoring.

Module VI: Fiduciary Duties of the Director [6 Lectures]

- Nature of the fiduciary duty of a director.
- Director’s duty to exercise an independent judgment.
- Acting in good faith and in company’s interest.
- Exercising powers for a proper purpose.
- The no-conflict and no-profit rules.
- Remedies for breach of fiduciary duties.

Module VII: Corporate Governance and Stakeholders [6 Lectures]

- Concept of stakeholders;
- Recognition of stakeholders concept in Law;
- Stakeholder Engagement;
- Stakeholder Analysis;
- Better Stakeholders Engagement ensures Good Governance;
- Types of stakeholders;
- The Caux Round Table;
- The Clarkson Principle of Stakeholder Management;

6.0.Content Interaction Plan:

Lecture cum Discussion (Each Session of 1 hour)	Unit/Module/Topic/Sub Topics
1-6	Module I: Introduction to Corporate Governance [6 Lectures]
7-12	Module II: The Board of Directors and Board Committees [6 Lectures]
13-18	Module-III: Board Effectiveness-Issues and Challenges [6 Lectures]
19-24	Module-IV: Board Committees [6 Lectures]
25-30	Module V: Director’s Duty of Care and Board Monitoring: Negligence and Internal Controls-[6 Lectures]

31-36	Module VI: Fiduciary Duties of the Director [6 Lectures]
37-42	Module VII: Corporate Governance and Stakeholders [6 Lectures]
42 hours	Tutorials

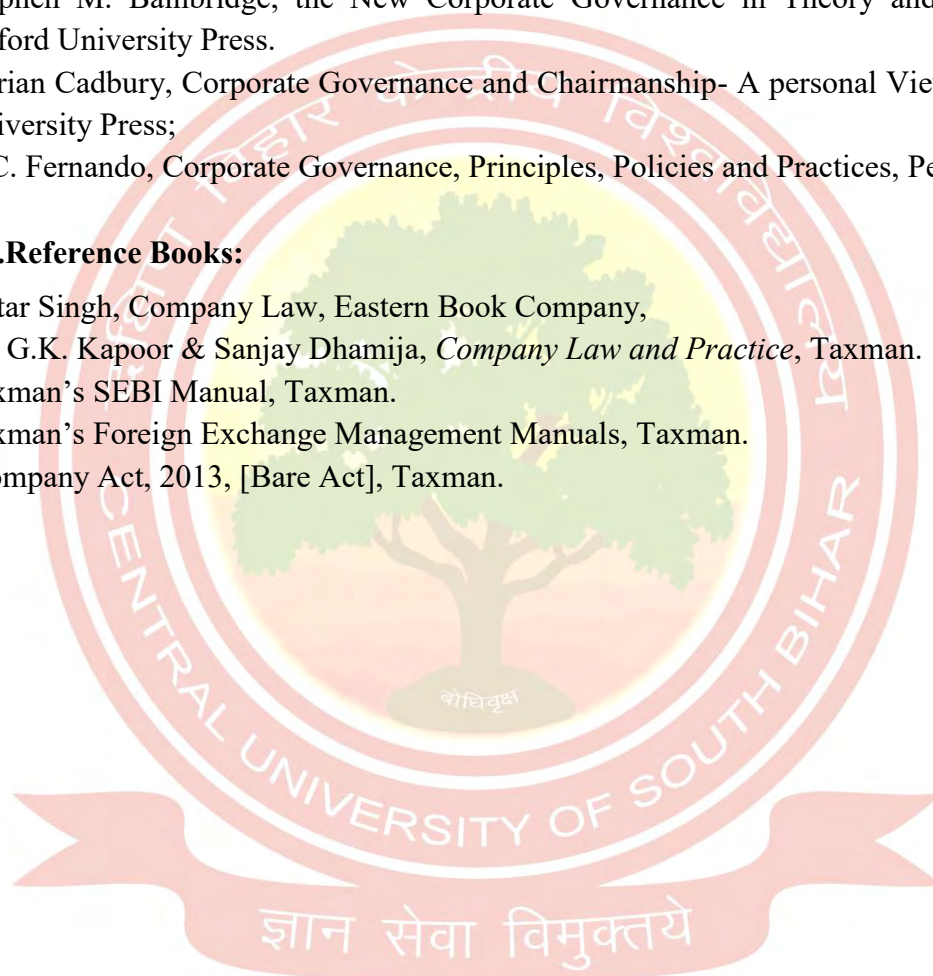
7.0.Prescribed Reading:

7.1.Text Books:

1. Indrajit Dube, Corporate Governance, Lexis Nexis Butterworth, Wadhwa.
2. Arad Reisberg, Derivative Actions and Corporate Governance, Oxford University Press;
3. Stephen M. Bainbridge, the New Corporate Governance in Theory and Practice, Oxford University Press.
4. Adrian Cadbury, Corporate Governance and Chairmanship- A personal View, Oxford University Press;
5. A.C. Fernando, Corporate Governance, Principles, Policies and Practices, Pearson;

7.2.Reference Books:

6. Avtar Singh, Company Law, Eastern Book Company,
7. Dr. G.K. Kapoor & Sanjay Dhamija, *Company Law and Practice*, Taxman.
8. Taxman's SEBI Manual, Taxman.
9. Taxman's Foreign Exchange Management Manuals, Taxman.
10. Company Act, 2013, [Bare Act], Taxman.



School of Law and Governance
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BALAW6001C04	COMPANY LAW-II	L	T	P	C
Version: 1.2		3	1	0	4
Pre-requisites//Exposure	Law of Contract, Constitution-I, Company Law-I				
co-requisites	SEBI & Investment Laws				
Semester	VIII				
Course Teacher	Dr. Pradip Kumar Das				
B.A. LL.B.(H) & B.Sc.LL.B.(H)					

1.0.Course Description:

Company is one of the forms of businesses in our country. It is a democratic, social and political institution. It has become very popular business organization throughout the world including in our country. However, in our country, Company Act, 1956 was the largest legislation. But, with the passage of time and in order to meet the needs of the changing economic scenario, government felt it necessary to enact a new company Act. As a result, New Company Act was enacted in 2013. However, this new company Act has brought about sea changes in the functioning of company form of business in our country. Not only that, this Act contains many new provisions in the field of corporate social responsibility, corporate governance and corporate transparency. In Company Law-II, students will be taught management and control of companies-meeting, investments, loans and deposits, corporate accountability-accounts and audit, dividend, boards report, winding up process etc. Students will acquire working knowledge in this course.

2.0.Course Objectives:

- To acquaint students regarding management and control of companies and meetings;
- To acquaint students regarding corporate loans, deposits and investments;
- To provide the students the knowledge of board's report, Corporate disclosures, and corporate restructuring- Mergers, Takeovers and Demergers;
- To provide the students the knowledge of winding up process of the company.

3.0.Pedagogy:

The pedagogy of the course will be as below:

- Class Room Discussion
- Teaching Assignment

- Presentations
- Case Studies
- Projects
- Seminar
- Moot Court Exercises
- Panel Discussion

4.0.Evaluation Scheme:

- 30%- Continuous Internal Assessment(Formative in nature but also contributing to the final grades)
- 70%-End Term External Examination(University Examination)

5.0.Course Contents:

Module I: Management and control of companies- General Meetings [7 Lectures]

- Meaning and kinds of Company Meetings;
- Annual General Meeting,
- Time and place for holding an Annual General Meeting,
- Default in holding Annual General Meeting,
- Business transacted at an Annual General Meeting;
- Extraordinary General Meetings,
- Types of business transacted at Extraordinary General Meeting,
- Who may convene Extraordinary General Meetings;
- Meetings of Debenture holders & Creditors;
- Proxies;
- Quorum for Meetings;
- Chairman of Meeting;
- Resolutions, Resolution Requiring Special Notice, Resolutions passed at Adjourned Meeting, Circulation of Members Resolution, Passing of Resolutions by Postal Ballot;
- Holding of meetings through Teleconferencing and videoconferencing;
- Minutes of Proceedings of Meetings.

Module II: Investments, Loans and Deposits [6 Lectures]

- Terminologies under Section 186 of the Companies Act, 2013;
- Loans and Investments by Companies under Section 186;

- Register of Loans Made, Guarantees Given, Securities Provided and Investments Made;
- Loan to Directors[Section 185];
- Section 185 vs. section 186;
- Investments to be held in companies own name;
- Punishment;
- What is deposit and who is depositor;
- Acceptance of deposit from members and public
- Terms and conditions of acceptance of deposits;
- Application for deposits by depositors;
- Nomination by depositors;
- Repayment of deposit;
- Premature repayment of deposits;
- Punishment for contravention.

Module III: Corporate Accountability: Accounts and Audit-[7 Lectures]

- Accounts of companies;
- Requirement of Keeping Books of Account, Place of Keeping Books of Account, Books of Accounts in Respect of Branch Office; Maintenance of books in electronic form;
- Inspection of Books of Accounts, Persons Responsible for Keeping Books of Accounts; Period for which books are to be preserved;
- Accrual Basis and double-entry system of accounting;
- Audit and Auditors;
- Appointment of Auditor in Government Companies;
- Eligibility and qualification of Auditors; Disqualification of Auditors; Rotation of Auditors; Rotation of Auditors on expiry of terms;
- Reappointment of Retiring Auditors;
- Casual Vacancy in the office of Auditors;
- Removal of Auditors; Resignation of Auditors; Remuneration of Auditors;
- Auditors right to attend General Meeting;
- Powers and duties of Auditors;
- Audit Report and auditing standard.

Module IV: Corporate Accountability: Divisible Profits and Dividends [6 Lectures]

- Definition and Meaning and Types of Dividend;
- Ascertainment of Divisible Profits and Dividends;

- Declaration and Payment of Dividend;
- Unpaid and Unclaimed Dividend;
- Investors Education and Protection Fund;
- Utilization of Investors Education and Protection Fund;
- Punishment for failure to distribute dividend.

Module V: Board's Report and Corporate Disclosures [6 Lectures]

- Board's Report-Section 134(3),
- Director's Responsibility Statement,
- Signing and Dating of the Board's Report, Filing of the Board's Report;
- Disclosures under Companies Act;
- Disclosure under Companies(Share Capital and Debenture) Rules, 2014;
- Rule 8 of Companies(Corporate Social Responsibility Policy) Rules, 2014;
- Penalty for False Compliance Certificate/Liability for Mis-statement.

Module VI: Majority Rule and Minority Rights-[7 Lectures]

- Shareholder's democracy;
- Majority powers and Minority Rights;
- The Principle of Non-interference(Rule in Foss v. Harbottle); Justification, advantages of the rule and exceptions to the rule;
- Actions by shareholders in Common Law;
- Statutory Remedies under Company Act;
- Prevention of Oppression and Mismanagement;
- Winding up order under just and equitable clause;
- Persons entitled to apply;
- Powers of Company Law Board and powers of Central Government to prevent oppression and Mismanagement.

Module VII: Corporate Collapse – Winding Up of Companies[7 Lectures]

- Meaning of Winding up;
- Winding up and Dissolution;
- Modes of Winding up-Compulsory Winding up and Voluntary Winding up;

- Winding up by the Court and grounds on which a company may be Wound up by the Court;
- Who may file petition for Winding up;
- Voluntary Winding up and kinds of voluntary Winding up;
- Distinction between Members and Creditors voluntary Winding up.
- Powers of the court to intervene in voluntary Winding up.

6.0. Cases:

1. CIT vs. Girdhar Das & Co.(p) Ltd.[1967]21Comp.L.J;SC;
2. Kanti Lal vs. CIT[1956]26Comp.Cas.357;
3. Chuni Lal Khusaldas Patel vs. H.K. Adhyaru[1956]26Comp.Cas.168(SC).
4. Hanuman Prasad Gupta vs. Hira Lal[1970]40Comp. Cas. 1058(SC);
5. Dale & Carrington Investment (P) Ltd. Vs. P.K. prathapan[2004]54SCL601(SC).
6. Queen Kuries & Loans(P) Ltd. Vs. Sheena Jose[1993]76comp.cas.821(ker),
7. Jagdish Prasad vs. Pt. Paras Ram[1942]12Compo.cas.21(All);
8. Dr. Fredie Ardeshir Mehta vs. Union of India[1991]70comp.cas.210(Bom.);
9. Kirloskar Electric Co. Ltd., In Re[2003]43 SCL186(Ker.).
10. Life Insurance Corporation of India vs. Escorts Ltd. AIR 1986 SC 1370;
11. Rising Finance Ltd. Vs. Allied Secin Ventures (P) Ltd.[2010]101 SCL40(CLB-Mum).
12. Kashinath Tapuriah vs. Incab Industries Ltd.[1995]6SCL201(cal.);
13. Lalita Rajya Lakshmi vs. Indian Motor Co. Ltd.[1962]32comp. cas.207;
14. Anita Chadha vs. ROC[1998]18 SCL304;
15. Rameshchandra Manilal Kotla vs. State of Gujrat[1998]30 CLA 313;
16. Devinder K. Jain vs. UOI[2007]78 SCL 268.
17. M.S. Kabli vs. UOI[2011]109 SCL 557;
18. Pawan Jain vs. Hindusthan Club Lid.[2005]62 SCL 610;
19. Indra Prakash Kranani vs. ROC[1985]57 Comp. Cas. 662(Cal);
20. Safia Usman vs. UOI[1999]22 SCL 372(Ker.);
21. Chandrika Prasad Sinha. Vs. Bata India Ltd.[1996]9 SCL 108(CLB).

7.0.Content Interaction Plan ज्ञान सेवा विमुक्तये

Lecture Cum Discussion (Each session of 1 hour)	Unit/Topic/Module/Sub-Topic
1-7	Module I: Management and control of companies- General Meetings [7 Lectures]
8-13	Module II: Investments, Loans and Deposits [6 Lectures]
14-20	Module III: Corporate Accountability: Accounts and Audit-[7 Lectures]

21-26	Module IV: Corporate Accountability: Divisible Profits and Dividends [6 Lectures]
27-32	Module V: Board's Report and Corporate Disclosures [6 Lectures]
33-39	Module VI: Majority Rule and Minority Rights-[7 Lectures]
40-46	Module VII: Corporate Collapse – Winding Up of Companies[7 Lectures]
46 hours	Tutorials

8.0.Prescribed Readings:

8.1.Text Books:

1. Avtar Singh, Company Law, Eastern Book Company,
2. Dr. G.K. Kapoor & Sanjay Dhamija, Taxman;
3. Cases and Materials in Company Law, LS Sealy;
4. Caompany Law, Decoding the code, Dr. Prem Kumar Agarwal, CA Rohit Kumar Singh, University Book House Pvt Ltd.
5. A. Ramaiya, Guide to Companies Act, Lexis Nexis Butterworths Wadhwa, Nagpur.

8.2.Reference Books:

6. Gower & Paul L. Davies, *Principles of Modern Company Law*, Sweet and Maxwell,.
7. Palmer,*Palmer's Company Law*, Stevans, London.
8. Robert R. Pennigton, *Company Law*, Oxford University Press.
9. M.C. Kuchhal, Modern Indian Company Law, Shri Mahavir Book Depot., New Delhi.
10. Company Law, Bare Act, Taxman.

LAW 301	CPC	L	T	P	C
Version1.1		4	0	0	4
Pre-requisites//Exposure					
co-requisites					
Semester	V				
Programme	B.A.LL.B. (H.) & B.Sc.LL.B. (H.)				

1.0. Course Description

The course is aimed at acquainting the students with the basics of civil procedure in India. The purpose is to help students acquire a basic understanding Code of Civil Procedure, 1908. Besides, the course will also introduce the students to the Law of Limitation and other allied topics.

2.0. Course Objectives

Specific objects of the course are as follows:

- Aimed at acquainting the students with the basics of civil procedure in India.
- Help students acquire a basic understanding of the Practical approach of Code of Civil Procedure, 1908.
- Introduce the students to the Law of Limitation and other allied topics.

3.0. Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

4.0 Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Continuous Assessment	30
2	Attendance	5
3	Midterm Exam	15
4	Semester End Examination	50
5	Total	100

6.0. Course Contents:

Module I

- Historical Backdrop of the Code of Civil Procedure, 1908
- Definition: Decree, Decree-holder, Judgment, Judgment-debtor, Legal Representative, Mense-profits, Order, Rules, Affidavit, Plaint, Written Statement, Difference between decree and order, and between judgment and decree.
- Jurisdiction of Courts: Meaning of Jurisdiction; Kinds of Jurisdiction; Hierarchy of Courts; Original and Appellate Jurisdiction; Territorial Jurisdiction, Pecuniary Jurisdiction and Jurisdiction as to subject matter; Ordinary original and Extra-ordinary Civil Jurisdiction; Courts of Small Causes.
- Principle of *Res Sub-Judice* and *Res Judicata*
- Foreign Judgment and its enforcement.

Suggested Books:

1. Mulla, *Code of Civil Procedure*, Lexis-Nexis-Butterworths-Wadhwa(2011)
2. CK Takwani (Thakkar), *Civil Procedure*, Eastern Book Company (2012)

Reference Book:

1. Mulla, *The Code of Civil Procedure*, 3 Volumes, Lexis-Nexis Butterworth-Wadhwa, (2011)
2. C K Thakkar, *Code of Civil Procedure*, 6 Volumes, Eastern Book Company (2011)
3. Justice M.L. Singhal, *SuranjanChakraverti and BholeshwarNath's Cases and Materials on Code of Civil Procedure*, 3 Volumes, Eastern Book Company (2011)
4. Sudipto Sarkar & VR Manohar, *Sarkar on Code of Civil Procedure*, 2 Volumes, Eastern Book Company (2006)

Module 2

- Place of Suing: Sections, Power to transfer suits,
- Necessary and proper parties; joinder, non-joinder and mis-joinder of parties; striking out and addition of parties; frame of suits; ADR (Alternate Dispute Resolution).
- Institution of suits; cause of action; transfer of suits; representative suit; Suits by and against the government

Suggested Books:

1. Mulla, *Code of Civil Procedure*, Lexis-Nexis-Butterworths-Wadhwa(2011)
2. CK Takwani (Thakkar), *Civil Procedure*, Eastern Book Company (2012)

Reference Book:

3. Mulla, *The Code of Civil Procedure*, 3 Volumes, Lexis-Nexis Butterworth-Wadhwa,(2011)
4. C K Thakkar, *Code of Civil Procedure*, 6 Volumes, Eastern Book Company (2011)
5. Justice M.L. Singhal, *SuranjanChakraverti and BholeshwarNath's Cases and Materials on Code of Civil Procedure*, 3 Volumes, Eastern Book Company (2011)
6. Sudipto Sarkar & VR Manohar, *Sarkar on Code of Civil Procedure*, 2 Volumes, Eastern Book Company (2006)

Module 3.

- Pleadings: definition and object of pleadings; Contents of pleadings; Essentials of pleadings; Admission, return and rejection of plaint; plaint and written statement; Amendment of pleadings; Affidavits.

Suggested Books:

1. Mulla, *Code of Civil Procedure*, Lexis-Nexis-Butterworths-Wadhwa(2011)
2. CK Takwani (Thakkar), *Civil Procedure*, Eastern Book Company (2012)

Reference Book:

3. Mulla, *The Code of Civil Procedure*, 3 Volumes, Lexis-Nexis Butterworth-Wadhwa, (2011)
4. C K Thakkar, *Code of Civil Procedure*, 6 Volumes, Eastern Book Company (2011)

5. Justice M.L. Singhal, *SuranjanChakraverti and BholeshwarNath's Cases and Materials on Code of Civil Procedure*, 3 Volumes, Eastern Book Company (2011)
6. Sudipto Sarkar & VR Manohar, *Sarkar on Code of Civil Procedure*, 2 Volumes, Eastern Book Company (2006)

Module 4

Pleadings: definition and object of pleadings; Contents of pleadings; Essentials of pleadings; Admission, return and rejection of plaint; plaint and written statement; Amendment of pleadings; Discovery, inspection, and production of documents; Affidavits.

Suggested Books:

1. Mulla, *Code of Civil Procedure*, Lexis-Nexis-Butterworths-Wadhwa(2011)
2. CK Takwani (Thakkar), *Civil Procedure*, Eastern Book Company (2012)
3. Mulla, *The Code of Civil Procedure*, 3 Volumes, Lexis-Nexis Butterworth-Wadhwa,(2011)
4. C K Thakkar, *Code of Civil Procedure*, 6 Volumes, Eastern Book Company (2011)
5. Justice M.L. Singhal, *SuranjanChakraverti and BholeshwarNath's Cases and Materials on Code of Civil Procedure*, 3 Volumes, Eastern Book Company (2011)
6. Sudipto Sarkar & VR Manohar, *Sarkar on Code of Civil Procedure*, 2 Volumes, Eastern Book Company (2006)

Module 5

- Execution of decrees and orders, procedure for execution; enforcement, arrest and detection Attachment of property; Sale of property,
- Suit by/against minors/ persons of unsound mind; pauper appeal.
- Temporary injunction and interlocutory orders; summary procedure.

Suggested Books:

1. Mulla, *Code of Civil Procedure*, Lexis-Nexis-Butterworths-Wadhwa(2011)
2. CK Takwani (Thakkar), *Civil Procedure*, Eastern Book Company (2012)

Reference Book:

3. Mulla, *The Code of Civil Procedure*, 3 Volumes, Lexis-Nexis Butterworth-Wadhwa, (2011)
4. C K Thakkar, *Code of Civil Procedure*, 6 Volumes, Eastern Book Company (2011)

5. Justice M.L. Singhal, *SuranjanChakraverti and BholeshwarNath's Cases and Materials on Code of Civil Procedure*, 3 Volumes, Eastern Book Company (2011)
6. Sudipto Sarkar & VR Manohar, *Sarkar on Code of Civil Procedure*, 2 Volumes, Eastern Book Company (2006)

Module 6

- Appeals from order and decree, second appeal and power of appellate court
- Reference, Review, Revision

Suggested Books:

1. Mulla, *Code of Civil Procedure*, Lexis-Nexis-Butterworths-Wadhwa(2011)
2. CK Takwani (Thakkar), *Civil Procedure*, Eastern Book Company (2012)

Reference Book:

3. Mulla, *The Code of Civil Procedure*, 3 Volumes, Lexis-Nexis Butterworth-Wadhwa,(2011)
4. C K Thakkar, *Code of Civil Procedure*, 6 Volumes, Eastern Book Company (2011)
5. Justice M.L. Singhal, *SuranjanChakraverti and BholeshwarNath's Cases and Materials on Code of Civil Procedure*, 3 Volumes, Eastern Book Company (2011)
6. Sudipto Sarkar & VR Manohar, *Sarkar on Code of Civil Procedure*, 2 Volumes, Eastern Book Company (2006)

LAW 300	Family Law-II (Muslim Law)	L	T	P	C
Version1.1		4	0	0	4
Pre-requisites//Exposure	Sociology, Family Structure and Marriage Institution under Shariyat				
co-requisites					
Semester	V				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

1.0 Course Description

Human beings are social animals. They depend on others. Their family, or extended family, is the group on which many people most heavily depend, socially, emotionally and often financially. Families are the bedrock of our society. They nurture children; help to build strength, resilience and moral values in young people, and provide the love and encouragement that helps them lead fulfilling lives. Good families will make better society and better society will make a greater nation. Each and every religion have always emphasized over family system for the purpose of ideal state. This course has been planned to get extensive knowledge on personal laws of Muslims, one of major religion of India as well as world, and a comprehensive study between age old customary rights with present legal scenario. This course also analyses intestate succession among Hindus and Muslims with testamentary succession.

2.0. Course Objectives

- Engagement with the theoretical discourse regarding Islamic law
- Understanding the development of the principal sources of Islamic law in the area of Muslim law
- Identifying principles of Islamic family law in the legislation of various Muslim legislations.
- A critical and context-based analysis of issues relating to legal reform in the Muslim law

3.0. Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion

- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

4.0. Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Continuous Assessment	30
2	Attendance	5
3	Midterm Exam	15
4	Semester End Examination	50
5	Total	100

5.0. PRESCRIBED LEGISLATIONS

1. Shariat Act, 1937
2. Dissolution of Muslim Marriage Act, 1939
3. Muslim Women (Protection of Rights on Divorce) Act, 1986
4. Hindu Succession Act, 1956
5. Indian Succession Act,

6.0 Course Contents

MODULE 1: INTRODUCTION OF MUSLIM LAW

- Origin and Advent of Islam
- Sources of Muslim law
- Shariat and Fiqh
- Schools of Muslim law
- The Muslim Personal Law Application Act, 1937
- Customary laws and Constitutional validity

Important Cases

- 1) *Jiwan Khan vs Habib* (1933) 14 Lah 518
- 2) *Abdul Razack vs Aga Mahomed*, (1893) 21 IA 56
- 3) *Aziz Bano vs Muhammad Ibrahim* (1925) 47 all 823

Suggested Readings:

1. *Religion, Law and the State in India*, D.J.M.Derret, Oxford
2. *Making Family Law*, Mavis Maclean, Hart Publishing
3. *Origins of Muhammadan Jurisprudence*, Joseph Schacht, Oxford
4. *The Muslims of India*, A.G.Noorani, Oxford
5. *Religion, State and Society in Medieval India*, S.Nurul Hasan, Oxford
6. *Muslim and the Constitution*, A.M.Bhattacharjee, Eastern Book House, Calcutta
7. *The Pillars of Islam*, A.A.A.Fyzee, Oxford Family Law and the Constitution, A.M.Bhattacharjee, Eastern Book House, Calcutta

MODULE 2: NIKAH

- Nature and Concept

- Essentials, Valid grounds, formality, consequences, types of Marriages
- Muta Marriages, Polygamy among Muslims

Important Cases

- 1) MoonsheeBuzloorRuheem vs Shumsoonnissa Begum
- 2) Abdul Kadir vs Salima
- 3) Abdur Rahim vs Padma, AIR 1982 Bom 341
- 4) Shoharat Singh vs Jafri Bibi, (1914) 17BLR 13
- 5) SarlaMudgal vs Union of India, AIR 1995 SC 1531
- 6) Lily Thomas vs Union of India (2000) 6 SCC 224

Suggested Readings:

1. *Muslim and the Constitution*, A.M.Bhattacharjee, Eastern Book House, Calcutta
2. *Marriage and Succession in Muslim Law*, S.A.Kader, Eastern Book House, Calcutta
Outlines of Muslim Laws, A.A.A.Fyzee, Oxford
3. *Mohammedan Law*, Syed Amir Ali, Hind, Delhi
4. *The Death of Marriage Law*, D.J.M.Derret, Vikas, New Delhi
5. *Muslim Law*, Khaled Rashid, Eastern Book Concern, Lucknow

MODULE 3: MAHER

- Concept of Maher & Sadaq
- Types of Maher
- Amount of Maher

- Remedies in case of non-payment of dower

Important Cases

- 1) HamiraBibi vs ZubaidaBibi (1916) 43 IA 294
- 2) MainaBibi vs ChaudhriVakil Ahmed (1924) 52 IA 145
- 3) AnisBegam vs Md. IstafaWali Khan (1933) 55 All 743

Suggested Readings

1. *Outlines of Muslim Laws, A.A.A.Fyzee, Oxford*
2. *Muslim and the Constitution, A.M.Bhattacharjee, Eastern Book House, Calcutta Family*
3. *Law, Gender and the State, Alison Diduck& Felicity Kaganas, Hart Publishing*
4. *Muslim Law, R.K.Sinha, Allahabad Law Agency*

MODULE 4: TALAQ AND DISSOLUTION OF MARRIAGES

- Development of Talaq among Muslim; Classification of Talaq, Delegated Talaq; Consent Theory, Khulla and Mubarat; Judicial Divorce, Lian and Faskh; Dissolution of Muslim Marriages Act, 1939

Important Cases

- 1) Rashid Ahmad vs AnisaKhatun, (1931) 59 IA 21
- 2) Khambatta vs Khambatta (1934) 36 BLR 1021
- 3) Ahmed Suleman vs Bai Fatma (1930) 32 BLR 1372

Suggested Readings

1. *Muslim and the Constitution, A.M.Bhattacharjee , Eastern Book House, Calcutta*

2. *Outlines of Muslim Laws, A.A.A.Fyzee, Oxford*
3. *Family Law, Gender and the State, Alison Diduck & Felicity Kaganas, Hart Publishing*

MODULE 5: NAFAQA

- Classical Muslim law on maintenance
- Maintenance of Wife, Children and Parents
- Shah Bano case and societal impact
- Maintenance under 125 Cr.P.C.
- The Muslim Women (Protection of Rights on Divorce) Act, 1986

Important Cases

- 1) *Md. Ahmadi Khan vs Shah Bano Begum, AIR 1985 SC 385*
- 2) *Bai Tahira vs Ali Hussain, AIR 1979 SC 362*
- 3) *Tamil Nadu Wakf Board vs Syed Faatima, AIR 1996 SC 2423*
- 4) *Shamim Ara vs State of UP (2002) 7SCC 518*
- 5) *Daniel Latifi vs Union of India (2001) 7SCC 740*

Suggested Readings

1. *Outlines of Muslim Laws, A.A.A.Fyzee, Oxford*
2. *Muslim Law, Khaled Rashid, Eastern Book Concern, Lucknow*
3. *Muslim Law, R.K.Sinha, Allahabad Law Agency*
4. *Muslim and the Constitution, A.M.Bhattacharjee, Eastern Book House, Calcutta*

MODULE 6:

- Basic rules of inheritance under Muslim law.
- Concept Development and Basic elements of Wakf; Types of Wakf; Doctrine of Cypres; Wakf vs Trust; Mutawali and Sajjadanashin; Main features of The Wakf Act, 1995.

Important Cases

1. Durgah Committee, Ajmer vs Syed Hussain Ali (1962) 1 SCR 383
2. Abul Fata Mohamed Ishak vs RussomoyDhur Chowdhury (1894) 22 IA 76
3. Mahomed Ismail vs Ahmed Molla (1916) 43 IA 134



School of Law and Governance

Central University of South Bihar

LAW 402	Environmental Law	L	T	P	C
Version: 1.1		4	0	0	4
Pre-requisites//Exposure	Constitution of India				
co-requisites	Constitution of India & International Conventions on Environment Protection				
Semester	VII				
Course Teacher	Mrs. Poonam Kumari				
B.A. LL.B.(H) & B.Sc.LL.B.(H)					

Course Description: Environmental law is a complex combination of state, federal and international treaty law pertaining to issues of concern to the environment and protecting natural resources. Conservation and protection of the environment have been as inseparable part of Indian heritage and culture. Realizing its importance, the Indian State has also enshrined it in the Constitution which requires both the state and the citizen to protect and improve the environment. There are various environmental laws existing in India providing legal entity to the environment protection. This paper deals in detail all the aspects of domestic as well as international environmental laws.

Course Objectives:

1. To understand the concept of Environmental law and its various implications.
2. To understand and examine the relevancy of various principles and concepts connected with domestic and international Environmental law.
3. To identify the roles of judiciary in ascertain the Environment issues.
4. To assess the judicial trends in India with regard to Environment protection.

Course Outcomes:

1. Acquainted with the concept and importance of Environmental law.
2. Appreciate the relevancy of Environmental Law.
3. Learn the mechanism to find out the real intent of the legislature in making of the various Statutes regarding Environment protection.
4. Understand the relevancy of connectivity of national and international laws for the Environment protection.

Pedagogy:

- ✚ Lecture Method
- ✚ Problem Method
- ✚ Case Study Method

Evaluation Scheme

- | | |
|-------------------------|-----------|
| ✚ Continuous Assessment | 30 Points |
| ✚ Attendance | 5 Points |
| ✚ Mid-Term | 15Points |
| ✚ End Term | 50 Points |



Module 1: Environment and Pollution

Environment – Meaning and Scope; Pollution – Air, Water, Environmental - Meaning, Causes and Effects; Dimensions and Magnitude of the Problem of Environmental Degradation; Need for Legal Control of Pollution.

Module 2: International Environmental Law

1. Human Right to Healthy Environment; Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998 (Aarhus Convention)
2. U.N. Conference on Human Environment, 1972 – Stockholm Principles, Establishment of Environmental Institutions like UNEP.
3. World Charter for Nature, 1982
4. Ozone Protection – Montreal Protocol for the Protection of Ozone Layer, 1987 as Amended
5. U.N. Conference on Environment and Development, 1992 - Rio Principles, U.N. Convention on Biological Diversity, 1992; Cartagena Protocol on Biosafety, 2000; U.N. Convention on Climate Change 1992, Kyoto Protocol, 1997; Forest Principles; Agenda 21
6. Johannesburg Conference, 2002
7. Delhi Summit, 2002
8. United Nations Conference on Sustainable Development (Earth Summit 2012 or Rio +20)

Module 3: Fundamental Principles of Environmental Protection

Development v. Environment; Sustainable Development – Meaning, Definition, Object and Scope; Inter-generational and Intra-generational Equity; Precautionary Principle; Polluter Pays Principle; Public Trust Doctrine

Case Laws:

1. *Indian Council for Enviro-Legal Action v. Union of India*, AIR 1996 SC 1446 (Bichhri Village case)
2. *Vellore Citizens' Welfare Forum v. Union of India*, AIR 1996 SC 2715
3. *A.P. Pollution Control Board v. M.V. Nayudu*, AIR 1999 SC 812
4. *Narmada Bachao Andolan v. Union of India*, AIR 2000 SC 3751
5. *Goa Foundation, Goa v. Diksha Holdings Pvt. Ltd.*, AIR 2001 SC 184
6. *M.C. Mehta v. Union of India*, AIR 2002 SC 1696 (CNG Vehicles case)
7. *T.N. Godavarman Thirumulkpad v. Union of India*, AIR 2005 SC 4256
8. *Intellectuals Forum, Tirupathi v. State of A.P.*, AIR 2006 SC 1350
9. *Ms. Susetha v. State of Tamil Nadu*, AIR 2006 SC 2893

Module 4: Constitutional Perspective

Human Right to Healthy Environment; Fundamental Rights - Right to Wholesome Environment - Article 14 (Right to equality, non-arbitrary and non-discriminatory treatment), Article 19(1)(g) (Freedom to carry on trade or business), Article 21 (Right to life, livelihood and wholesome environment) and Article 32 (Right to Constitutional remedies); Directive Principles of State Policy – Article 47, 48-A; Fundamental Duty – Article 51-A(g); Article 226 (Powers of High Courts); Public Interest Litigation - Nature – Non-Adversarial, Collaborative, Co-operative and Investigative; *Locus Standi* - *Pro Bono Publico*; Representative Standing; Citizens' Standing

Case Laws:

10. *Subash Kumar v. State of Bihar*, AIR 1991 SC 420
11. *T.N. Godavarman Thirumulkpad v. Union of India*, AIR 2006 SC 177
12. *Rural Litigation and Entitlement Kendra v. State of U.P.*, AIR 1982 SC 652
(Dehradun-Mussorie Hills quarrying case)
13. *M.C. Mehta v. Union of India*, AIR 1997 SC 734 (Taj Trapezium case)
14. *M.C. Mehta v. Kamal Nath* (1997) 1 SCC 388; AIR 2000 SC 1997; AIR 2002 SC 1515
15. *Sachidanand Pandey v. State of West Bengal*, AIR 1987 SC 1109

16. *Tarun Bharat Sangh v. Union of India*, AIR 1992 SC 514 (Sariska Case)
17. *M/s. Abhilash Textiles v. Rajkot Municipal Corpn.*, AIR 1988 Guj. 57
18. *M.C. Mehta v. Union of India*, (2006) 3 SCC 399 (Closure of industries in Delhi)
19. *Forum, Prevention of Environment & Sound Pollution v. Union of India*, AIR 2006 SC 348
20. *Karnataka Industrial Areas Development Board v. C. Kenchappa*, AIR 2006 SC 2038

Module 5 : Prevention and Control of Water Pollution

The Water (Prevention and Control of Pollution) Act, 1974 – Water Pollution – Meaning; Central and State Pollution Control Boards – Constitution, Powers and Functions; Water Pollution Control Areas; Samples of Effluents – Procedure; Consent Requirement – Procedure, Grant/Refusal, Withdrawal, Review, Appeals, Revision; Restraint Order; Citizen Suit Provision; Offences and Penalties; The Water Cess (Prevention and Control of Pollution) Act, 1977.

Case Laws:

21. *M.C. Mehta v. Union of India*, AIR 1988 SC 1037 (Kanpur Tanneries case)
22. *M.C. Mehta v. Union of India*, AIR 1988 SC 1115 (Municipalities case)
23. *M/s. Delhi Bottling Co. Pvt. Ltd. v. Central Board for the Prevention and Control of Water Pollution*, AIR 1986 Del. 152
24. *Municipal Council, Ratlam v. Vardichand*, AIR 1980 SC 1622
25. *State of M.P. v. Kedia Leather & Liquor Ltd.*, AIR 2003 SC 3236
26. *U.P. Pollution Control Board v. Dr. Bhupendra Kumar Modi*
(2009) 2 SCC 147

Module 6: Prevention and Control of Air Pollution

The Air (Prevention and Control of Pollution) Act, 1981- Air Pollution – Meaning, Causes and Effects; Central and State Pollution Control Boards - Functions; Air Pollution Control Area; Consent Requirement - Procedure, Grant/Refusal, Withdrawal; Restraint Orders;

Citizen Suits; Noise Pollution (Regulation and Control) Rules, 2000; Offences/Penalties; Vehicular pollution

Case Laws:

27. *M.C. Mehta v. Union of India*, AIR 1997 SC 734 (Taj Trapezium case)

28. *Murli S. Deora v. Union of India*, AIR 2002 SC 40

29. *M.C. Mehta v. Union of India*, AIR 2002 SC 1696 (CNG Vehicles case)

30. *Forum, Prevention of Environmental & Sound Pollution v. Union of India*, AIR 2005 SC 3136

31. *Orissa State Prevention and Control of Pollution Board v. M/s. Orient Paper Mills*, AIR 2003 SC 1966

32. *Church of God (Full Gospel) in India v. K.K.R. Majestic Colony Welfare Association*, AIR 2000 SC 2773

Module 7: Environmental Protection

The Environment (Protection) Act, 1986 – Aims and Objects; Meaning of “Environment” and “Environmental Pollutant”; Powers and Functions of the Central Government; Environment Authority - Constitution; Delegation Powers; Offences/Penalties; Effectiveness of the Act; Environmental Impact Assessment, 2006; Environmental Audit; Coastal Regulation Notification, 1991 (as amended up-to-date); The National Environment Appellate Authority Act, 1997 - Constitution, Powers, Functions;

Case Laws:

33. *Vellore Citizens' Welfare Forum v. Union of India*, AIR 1996 SC 2715

34. *S. Jagannath v. Union of India*, AIR 1997 SC 811 (Shrimp Culture case)

35. *M.C. Mehta v. Union of India*, AIR 2002 SC 1696 (CNG vehicles case)

36. *F.B. Taraporawala v. Bayer India Ltd.*, AIR 1997 SC 1846

37. *A.P. Pollution Control Board v. M.V. Nayudu*, AIR 1999 SC 812

Module 8: Handling of Hazardous Substances – Legal Controls

Legal Control of Hazardous Waste, Bio-Medical Waste, Genetic Engineering; Industrial Accidents –Principle of ‘No fault ‘ and ‘Absolute’ Liability; Public Liability Insurance – The Public Liability Insurance Act, 1991; The National Environment Tribunal Act, 1995

Case Laws:

38. *M.C. Mehta v. Union of India*, AIR 1987 SC 965 (Oleum Gas Leakage)
39. *M.C. Mehta v. Union of India*, AIR 1987 SC 982
40. *M.C. Mehta v. Union of India*, AIR 1987 SC 1086
41. *M.C. Mehta v. Union of India*, AIR 1996 SC 2231 (Re-location of Industries in Delhi)
42. *Union of India v. Union Carbide Corporation*,
AIR 1990 SC 273; AIR 1992 SC 248
43. *Charan Lal Sahu v. Union of India*, AIR 1991 SC 1480
44. *Research Foundation for Science v. Union of India*, 2007 (10) SCALE 594.

Module 9: Protection and Conservation of Forests, Biodiversity and Wildlife

The Indian Forest Act, 1927; The Forest (Conservation) Act, 1980; National Forest Policy 1988; Guidelines, 1994; Kinds of Forest Land - Private, Reserved, Village, Protected; De reservation of Forests - Non-Forest Use of Forest Land; Rights of Tribals, Forest Dwellers; Use of Forest Land - Mining, Eco-Tourism, Mega Projects, The Biological Diversity Act, 2002; Protection of Wildlife - The Wildlife (Protection) Act, 1972; Sanctuaries and National Parks; Licensing of Zoos and Parks

Case Laws:

45. *Union of India v. Kamath Holiday Resorts*, AIR 1996 SC 1040
46. *Tarun Bharat Sangh v. Union of India*, AIR 1992 SC 514 (Sariska Case)
47. *T.N. Godavarman Thirumulkpad v. Union of India*, AIR 1998 SC 769; AIR 2005 SC 4256
48. *Indian Handicrafts Emporium v. Union of India*, AIR 2003 SC 3240
49. *K.M. Chinnappa v. Union of India*, AIR 2003 SC 724

50. *Bimal N. Desai v. State of Karnataka*, AIR 2003 SC 2246

Text Books:

1. Shyam Diwan and Armin Rosencranz, *Environmental Law and Policy in India – Cases, Materials and Statutes* (2nd ed., 2001)
2. P. Leelakrishnan, *Environmental Law Case Book* (2nd ed., 2006)
3. Gurdip Singh, *Environmental Law in India* (2005)
4. P. Leelakrishnan, *Environmental Law in India* (3rd ed., 2008)
5. Stuart Bell & Donald Mc Gillivray, *Environmental Law* (7th ed., 2008)

Recommended Readings:

1. The National Environment Policy, 2006
2. The National Forest Policy, 1988
3. The National Water Policy, 2002
4. The Wildlife Conservation Strategy, 2002
5. The World Commission on Environment and Development, *Our Common Future*, 1987
6. *The State of India's Environment* 1984-85, *The Second to Fifth reports* 1986-1999
7. IPCC Fourth Assessment Report (AR4), "Climate Change 2007".

Prescribed Legislations:

1. The Water (Prevention and Control of Pollution) Act, 1974
2. The Air (Prevention and Control of Pollution) Act, 1981
3. The Environment (Protection) Act, 1986
4. The Public Liability Insurance Act, 1991
5. The National Environment Tribunal Act, 1995
6. The National Environment Appellate Authority Act, 1997
7. The Biological Diversity Act, 2002 (18 of 2003)
8. The Wildlife (Protection) Act, 1972
9. The Forest (Conservation) Act, 1980
10. The Indian Forest Act, 1927

11. The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2007.

Important Note:

1. The topics, legislations and cases mentioned above are not exhaustive. The teacher teaching the course shall be at liberty to add new topics/legislations/cases.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.



LAW-400	Interpretation of Statutes	L	T	P	C
Version 1.1		4	0	0	4
Pre-requisites//Exposure					
co-requisites					
Semester	VII				
Programme	B.A. LL.B.(H.) & B.Sc.LL.B.(H.)				

Course Description

Laws enacted by the legislatures are interpreted by the judiciary. Enacted laws, especially the modern Acts and Rules, are drafted by legal experts and it could be expected that the language will leave little room for interpretation or construction. But the experience of all, who have to bear and share the task of application of law, has been different. It is quite often observed that courts are busy unfolding the meaning of ambiguous words and expressions and resolving inconsistencies. The age old process of the application of the enacted laws has led to formulation of certain rules of interpretation or construction. "By interpretation or construction is meant", says Salmond, "the process by which the courts seek to ascertain the meaning of the legislature through the medium of authoritative forms in which it is expressed". A statute is an edict of the Legislature and the conventional way of interpreting and construing a statute is to seek the intention of its maker. A statute is to be construed according to the intent of them that make it and the duty of judicature is to act upon the true intention of the legislature.

Course Objectives

1. To understand the concept of Interpretation and construction & difference thereto.
2. To understand and examine the relevancy of various principles of interpretation
3. To identify the roles of judiciary in ascertaining meaning of any statute or in law making.
4. To assess the judicial trends in India

Course Outcomes

On completion of this course, the students will be

1. Acquainted with the concept and various types of Statutes.
2. Appreciate the relevancy of interpretation of the statute.
3. Learn the mechanism to find out the real intent of the legislature in making of the particular Statutes.
4. Understand the relevancy of Internal and External Aid of Interpretation.
5. Apply the various doctrines of Constitutional Interpretation.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

Continuous Assessment	30 Points
Attendance	5 Points
Mid-Term	15Points
End Term	50 Points

Text Books

1. B.M. Gandhi, Interpretation of Statutes, Eastern Book Company, 2nd Edition, 2014.
2. T. Bhattacharya, Interpretation of Statutes, Central Law Agency, 6th Edition, 2013.

Reference Books

1. Justice G.P. Singh, Principles of Statutory Interpretation, Lexis Nexis, 12th Edition, 2010
2. N.S. Bindra's Principles of Interpretation, Lexis Nexis, 10th Edition 2011.
3. Sir Peter Benson Maxwell on Interpretation of Statutes 6th Edition, 1920.

Course Content

Module: 1. Introduction

6 Lectures

- Meaning, Objects, Nature and Scope of 'Interpretation' and 'Construction'
- Types of Interpretation and Statute
- Difference between Interpretation and Construction
- Nature and Kinds of Indian Laws: Statutory, Non-statutory, Codified, State-made and State-recognized laws.

- Act should be read as a whole (Ex Viceribus Actus)

Cases:

1. *P. Ramachandra Rao v. State of Karnataka* (2002) 4 SCC 578
2. *Padma Sundara Rao v. State of Tamil Nadu* (2002) 3 SCC 533
3. *D.M., Aravali Golf Club v. Chander Hass*, 2007 (14) SCALE 1
4. *Bhatia Internationa lv. Bulk Trading S.A.*(2002) 4 SCC 105

- Ut Res Magis Valeat Quam Pereat

Module: 2.Rules of Interpretation

15 Lectures

- Basic Rules of Interpretation
 - Literal Rule or Plain Meaning Rule of Interpretation

Cases:

5. *Jugalkishore v. Raw Cotton Co.* AIR 1955 SC 376
6. *B.N.Mutto v. T.K. Nandi(Dr.)*(1979) 1 SCC 361
7. *Ramavtar Budhai Prasad v. Assistant Sales Tax Officer*, AIR 1961 SC 1325
8. *M/s. Motipur Zamindary Co. (Private) Ltd. v. State of Bihar*, AIR 1962 SC 660

- Golden Rule of Interpretation

Cases:

9. *Lee v. Knapp* (1967) 2 Q.B.442
10. *G. Narayana swami v. Pannersevan* (1972) 3 SCC 717
11. *Union of India v. Filip Tiago De Gama of Vedem Vasco De Gama*, AIR 1980 SC 981: (1990) 1SCC 277
12. *Nokes v. DoncasterAmalgamated Collieries* (1940) AC 1014

- Mischief Rule of Interpretation

Cases:

13. *Heydon's case* (1584) 3 Co. Rep. 7
14. *R.M.D.C. v. Union of India*, AIR 1957 SC 628
15. *Commissioner of Income-tax. v. Smt. Sarda Devi*, AIR 1957 SC 832
16. *Utkal Contractors & Joinery (P) Ltd. v. State of Orissa*, AIR 1987SC 1454
17. *Smith v. Hughes*(1960) 1 W.L.R.830

- Beneficial Rule of Interpretation

- Rule of Purposive Construction

Cases:

18. *Rev. Stainislaus v. State of M.P.*, AIR 1977 SC 108
19. *S.R. Chaudhuri v. State of Punjab*, (2001) 7 SCC 126
20. *All India Reporter Karamchhari Sangh v. All India Reporters Ltd.*, AIR 1988 SC 1325
21. *State of Mysore v. R.V. Bidap*, AIR 1973 SC 255 : (1974) 3 SCC 337

- Harmonious Construction

Cases:

22. *Sri Venkataramana Devaru v. State of Mysore*, AIR 1958 SC 255
23. *K.M. Nanavati v. State of Bombay*, AIR 1961 SC 112
24. *Calcutta Gas Co. v. State of West Bengal*, AIR 1962 SC 1044
25. *Sirsilk Ltd. v. Govt. of Andhra Pradesh*, AIR 1964 SC 160 : (1964) 2 SCR 448
26. *The Remington Rand of India Ltd. v. The Workmen*, AIR 1968 SC 224 : (1968) 1 SCR 164.

- Subsidiary Rules of Interpretation

- Ejusdem generis
- Noscitur a sociis

Cases:

27. *Hamdard Dawakhana v. Union of India*, AIR 1960 SC 55.
28. *Calcutta Municipal Corporation v. East India Hotels Ltd.*, AIR 1996 SC 419
29. *Oswal Agro Mills Ltd. v. CCE*, 1993 Supp. (3) SCC 716

Module: 3. Internal Aids to Interpretation

5 Lectures

- Short and long titles, preamble, marginal notes, parts and their captions, chapters and their captions, section headings
- Explanations, exceptions, examples, provisos and schedules
- Defining legal expressions like ‘means’ ‘includes’, ‘that is to say’, etc.
- Phrases like ‘grammatical variations and cognate expressions’

Cases

30. *Biswambhar Singh v. State of Orissa*, AIR 1954 SC 139 :
31. *M/s. Hiralal Rattanlal v. State of U.P.* (1973) 1 SCC 216.
32. *Manoharlal v. State of Punjab*, AIR 1961 SC 418 (1961) 2 SCR 343

Module: 4. External Aids to Interpretation

6 Lectures

- Parliamentary History
- Parliamentary proceeding
- Later Developments
- Dictionaries
- Foreign Judgments

Cases:

33. *Shashi Kant Laxman Kale v. Union of India*, AIR 1990 SC 2114 :(1990) 4 SCC 366
34. *S.R. Chaudhary v. State of Punjab* (2001) 7 SCC 126
35. *State of Mysore v. R.V. Bidap*, AIR 1973 SC 255

Module: 5. Applied Principles of Interpretation

5 Lectures

- Fiscal Statutes
- Interpretation of Contracts
- Interpretation of Treaties

Cases:

36. *The Empress Mills, Nagpur v. The Municipal Committee, Wardha*, AIR 1958 SC 341
37. *A.S. Sulochanav. C. Dharmalingam*, AIR 1987 SC 242

Module: 6. Principles of Constitutional Interpretation

12 Lectures

- Rule of Presumption
- Doctrine of pith and substance
- Colourable legislation
- Ancillary powers
- Residuary power
- Doctrine of repugnancy
- Doctrine of Presumption

Cases:

38. *Prufulla Kumar v. State Bank of Khulna*, AIR 1946 PC.
39. *Atiabari Tea Co. Ltd. v. State of Assam* AIR 1961 SC 232.
40. *Bengal ImmModuley Co. v. State of Bihar*, AIR 1955 SC 61.
41. *Saurabh Choudhry v. Union of India* AIR 2004 SC 361
42. *The Supreme Court Advocates on Record Association v. Union of India* AIR 1994 SC 268.

43. *Jagdish Sharan v. Union of India* AIR 1980 SC 820



LAW-401	LABOUR LAW-I	L	T	P	C
Version1.1		4	0	0	4
Pre-Requisites//Exposure	<i>Laissez faire</i> , welfare and contract				
Co-requisites					
Semester	7th				

Course Description:

This course draws attention to the march of the industrial society from *laissez faire* to welfare. It focuses on need for state intervention to maintain a healthy relationship between employer and employee, which impacts on industrial growth. It discusses on historical perspective relating to the development of trade unions of workers in various countries and struggle of the workers to replace individual bargaining by collective bargaining to achieve better economic progress and social recognition. State intervention became necessary to declare such combinations of workers as lawful bodies symbolizing their aspirations, their right to organise and right to press their demands collectively and to resort to industrial actions if their claims were not accepted. It focuses on the settlement of industrial dispute so that the production of goods and supply of various services to the society are ensured, if mutual negotiations in the form of collective bargaining fail to bring a settlement of the dispute. The state has basic duty to bring equilibrium amongst the competing and conflicting interests in the society namely, the capital, the workers and the society at large.

Objectives of the Course:

The course has been designed to make understanding amongst the students about the objectives of the labour legislations and enable them to critically examine the developments and changes that have taken place in the field of labour reform. The objective of the is course introduce to the students three important legislations, viz. the Trade Unions Act, 1926, the Industrial Disputes Act, 1947 and the Industrial Employment (Standing Orders) Act, 1946, which regulate industrial relations in India.

Course Outcomes:

The outcome of this course includes *inter alia*:

- Students would be familiar with the need for enactment of the Trade Unions Act, 1926.
- Students would be aware of the provisions of the Industrial Disputes Act, 1947 which provides for settlement of industrial disputes.
- Students would realize the need for providing uniform statutory conditions of service in the form of certified standing orders under the Industrial Employment (Standing Orders) Act, 1946.
- Students would be able to examine whether the present legal framework is adequate to meet the challenges posed by globalization.
- Students would aware be of the latest developments in the present economic order and discuss critically the resultant changes that need to be made in industrial relations and labour law.

Pedagogy:

In this course various teaching-learning methods will be used which will emphasize a cooperative learning format. Student would be encouraged to participate in class room discussions and make presentation on given subject. Discussions will be combined with instructor facilitated experiences and lectures. These methods particularly include:

- Class Room Discussion
- Case Studies
- Assignment Submission
- Individual Presentation
- Seminar Paper
- Group Discussion

Evaluation Scheme:

S.No.	Components	Weightage (Maximum Marks)
1	Continuous Assessment	30 Points
2	Attendance	05 Points
3	Mid-Term Examination	15 Points
4	End-Term Examination	50 Points

Bare Act:

- The Industrial Disputes Act, 1947
- The Trade Unions Act, 1926

Text Books:

- V.G. Goswami, *Labour and Industrial Laws* (Allahabad: Central Law Agency, 10th edition, 2015)
- S.C. Srivastava, *Industrial Relations and Labour Laws* (New Delhi: Vikas Publishing Co.)
- K.M. Pillai, *Labour and Industrial Law* (Allahabad: Allahabad Law Agency)
- S.N. Mishra, *Labour and Industrial Laws* (Allahabad: Central Law Publications)

Reference Books:

- P.L. Malik, *K.D. Srivastava's Law Relating to Trade Unions and Unfair Labour Practices in India* (Lucknow: Eastern Book Company, 4th Edition, 2002 with Supplement 2003)
- Anand Prakash, Suresh C. Srivastava and P. Kalpakam, *Labour Law and Labour Relations : Cases and Materials* (Indian Law Institute, 2007)
- E.M. Rao, *O.P. Malhotra's the Law of Industrial Disputes* (New Delhi: LexisNexis India, 6th Edition, 2004)
- Sumeet Malik, *P.L. Malik's Industrial Law* (Lucknow: Eastern Book Company, 24th Edition, 2015)

Reports:

- Report of the National Commission on Labour (1969)

- Report of the Second National Commission on Labour (2002)

Course Content:

Module I: Introduction to Industrial Relations

1. Industrial Relations: Concept and Significance
2. Role of State in Industrial Relations
3. Modern Trends and Collective Bargaining
4. Impact of globalization on Industrial Relations
5. Changing Dimensions of Industrial Relations in India and Judicial Approach

Module II: Trade Unions

1. Trade Union: Objectives and Significance
2. Trade Unionism and Trade Union Movements
3. Trade Union Movement in India
4. Law and Practise Recognizing Trade Unions
5. Legal Status of Registered Trade Unions

Module III: Individual and Industrial Disputes

1. Industrial Disputes: Meaning and Nature
2. Individual and Industrial Disputes
3. Definitions: Industry, Industrial Establishment, wages, workman and Award
4. Prevention and Settlement of Industrial Disputes
5. Unfair Trade Practices

Module IV: Strikes and Lock-outs

1. Meaning of Strikes and Lock-outs
2. Justifiability of Strikes and Lock-outs
3. Strike and Temporary Closing of Place of employment
4. Prohibition of Strikes and Lock-outs
5. Illegal Strikes and Lock-outs and Payment of wages

Module V: Lay-off, Retrenchment and Closure

1. Meaning of Lay-off and Retrenchment
2. Right of workmen laid off for compensation
3. Condition precedents to Retrenchment
4. Closure and Compensation to workmen
5. Penalty for closure without notice

Module VI: Standing Orders

1. Industrial Employments: Scope and Coverage
2. Concept and Nature of Standing Orders
3. Operation and Binding Effects of Standing Orders
4. Modification and Temporary Application
5. Enforcement and Role of Government

Case Laws:

1. *Delhi Police Non-Gazetted Karamchari Sangh v. Union of India* AIR 1987 SC 379
2. *In Re Inland Steam Navigation Worker's Union* AIR 1936 Cal. 59
3. *Chairman, SBI v. All Orissa State Bank Officers Association*, AIR 2002 SC 2279
4. *Rohtas Industries v. Its Union* AIR 1976 S.C. 425
5. *Standard Chartered Bank v. Chartered Bank Employees Union* (1997) 68 DLT 391
6. *Common Cause v. Union of India* (1996) 1 C.C.C. 242 (NCDRC)
7. *Bangalore Water Supply and Sewerage Board v. A. Rajappa* AIR 1978 SC 548
8. *General Manager, Telecom v. A. Srinivasa Rao* (1997) 8 SCC 767
9. *State of U.P. v. Jai Bir Singh* (2005) 5 SCC 1
10. *Workmen of Dimakuchi Tea Estate v. Management of Dimakuchi Tea Estate* AIR 1958 SC 353
11. *Bongalgaon Refinery & Petrochemicals Ltd. v. Samijuddin Ahmed* AIR 2001 SC 3507
12. *Municipal Corporation of Delhi v. Female Workers (Muster Roll)* AIR 2000 SC 1274
13. *Dharangadhra Chemical Works Ltd. v. State of Saurashtra* AIR 1957 SC 264
14. *Mangalore Ganesh Bidi Workers v. Union of India* (1974) 4 SCC 43 140
15. *Indian Banks Association v. Workmen of Syndicate Bank* AIR 2001 SC 946
16. *Management of Chandramalai Estate v. Its Workmen* AIR 1960 SC 902
17. *Gujarat Steel Tubes Ltd. v. Gujarat Steel Tubes Mazdoor Sabha* (1980) 2 SCC 593
18. *Mohan Lal v. The Management of M/s. Bharat Electronics Ltd.* AIR 1981 SC 1253
19. *Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court* (1990) 3 SCC 682
20. *The Workmen of Fire Stone Tyre & Rubber Co. Pvt. Ltd. v. Fire Stone Tyre & Rubber Co. Pvt. Ltd.* (1976) 3 SCC 819

School of Law and Governance
Central University of South Bihar

LAW 406	Banking Law	L	T	P	C
Version: 1.1		3	1	0	4
Pre-requisites//Exposure	Contract Act, 1872				
co-requisites	Negotiable Instruments Act, 1881				
Semester	VII				
Course Teacher	Mrs. Poonam Kumari				
	B.A. LL.B.(H) & B.Sc.LL.B.(H)				

Course Description : In the recent times, the study of Banking Law for the student interested to specialize in ‘commercial laws’ has become imperative, as banking law is a major part of law merchant. The focal point of banking law has changed, especially in India, as the complexion of banking sector over a period of time. The traditional study of banking law heavily concentrates upon ‘banking transactions’ mainly. It means the relationship between ‘bankers’ and ‘customer’ was the major aspect was always concentrated more than anything else. But today a course in Banking Law should concentrate to a great extent upon ‘regulating banking institutions’. This subject tries to provide new approach towards Baking Law to the students so that they could connect themselves with current realistic and practical scenario.

Course Objectives:

1. To understand the concept of Bank and its significance in human life.
2. To understand and examine the various principles of Banking Law.
3. To identify the role and significance of international Banking Law.
4. To assess the role of judiciary in Banking Law.

Course Outcomes:

On completion of this course, the students will be:

1. Acquainted with the concept and various functions of Bank.
2. Appreciate the relevancy of Banking Law.
3. Learn the mechanism to find out the real intent of the legislature in making of the various Statutes regarding Banking.
4. Understand the relevancy of connectivity of national and international Banking system.

5. Apply the various practical approaches with regard to Banking.

Pedagogy:

- ✚ Lecture Method
- ✚ Problem Method
- ✚ Case Study Method

Evaluation Scheme:

✚ Continuous Assessment	30 Points
✚ Attendance	5 Points
✚ Mid-Term	15Points
✚ End Term	50 Points

Module 1: Introduction

Evolution of Banking Law, Evolution of Banking Institutions, Origin of the word “Bank”, Early History of Banks, Development of British Banking, Functions of Commercial Banks, Historical Background of Banking Institutions in India, Rise of Joint Stock Banks in India, Lead Bank Scheme, Co-Operative Banks, Regional Rural Banks

Module 2: The Banking (Regulation) Act, 1949

History, Salient features of Banking Law (Amendment) Act, 2012, Powers granted by RBI by Banking Laws (Amendment) Act, 2012, Social Control, Nationalisation of 14 Major Banks, Banking and Banking Company

Case Laws:

1. R.C. Cooper v. Union of India, AIR 1970 SC 564
2. Mahaluxami Bank Ltd. v. Registrar of Companies, AIR 1961 Cal 666\
3. All India New Bank of India Employees Federation, New Delhi v. Union of India, AIR 2001 All 205

Module 3: The Reserve Bank of India

Functions of RBI, The Organisational Structure of RBI, RBI and Commercial Banks, Custodian of foreign exchange and foreign exchange control and other promotional functions

Case Laws:

1. The Jwala Bank Ltd. v. Shitla Prasad Singh AIR 1950 All 309
2. Kalipada Sinha v. Mahaluxmi Bank Ltd. (1962) 32 Com Cases 503 (Cal)
3. CRB Capital Markets Limited v. RBI, (2006) 2 BC 57 (Del)
4. Pramod Malhotra v. Union of India, (2004) 3 BC 194 (SC)

Module 4: Recent Trends of Banking System in India

Credit Card Policy and Regulation, Credit Policy, Social Security and Banking, Electronic Payment Service, E-Cheques, Internet Banking, FDI in Banking Sector, Introduction to Mutual Funds.

Module 5: Emergent Trends of International Banking

Basel I, II & III norms, Foreign Exchange, Overseas Trading Services and Other Issues.

Module 6: Other Banking Related Laws

Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [SARFAESI ACT]

- Introduction
- Definitions
- Regulation of Securitization and Reconstruction of Financial Assets of Banks and Financial Institutions
- Enforcement of Security Interest
- Central Registry
- Offences and Penalties
- Miscellaneous

The Banking Ombudsman Scheme, 2002

- Purpose
- Extent
- Definition
- Establishment and Powers
- Procedure for Redressal of Grievances
- Arbitration and Conciliation Procedure

Suggested Readings:

1. Tannan, M.L., Tannan's Banking Law, Lexis Nexis Butterworth, Student's Edition (I)2014
2. Singh, Avtar, Banking Law and Negotiable Instrument Act, Eastern Book Company, Paperback
3. Kant, Anjani; Lectures On Banking Law, Central Law Agency, Paperback
4. Chaudhary, R.N.; Banking Law, Central Law Agency, Paperback
5. Ellinger, E. P.; Modern Banking Law, Oxford University Press

Important Note:

1. The topics, legislations and cases mentioned above are not exhaustive. The teacher teaching the course shall be at liberty to add new topics/legislations/cases.
2. The students are required to study the legislations as amended up-to-date and consult the latest editions of books.



LAW501	DRAFTING, PLEADING & CONVEYANCING	L	T	P	C
Version1.1		4	0	0	4
Pre-requisites//Exposure	Code of Civil Procedure,1908, Code of Criminal Procedure,1973				
co-requisites	Limitation Act, 1963				
Semester	IX				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

Course Objectives

The objectives of the course are:

1. To introduce the general principles of drafting, pleading and conveyancing.
2. To equip the students to improve their ability to draft common legal documents
3. To introduce the forms and content of the document produced before the courts while trying cases
4. To explain the different procedure followed in drafting different types of pleadings and documents.
5. To train students in the art of drafting both for court purposes as well as for other legal forums.
6. To equip the students with proper understating of drafting legal documents for their future professional development as lawyers.
7. To keep the students updated with the latest developments and changes in the field of procedural law and the changes in drafting documents.

Course Outcomes

On completion of this course, the students will be able to:

1. Draft different types of suits, applications and petitions to be filed in various courts as per the respective jurisdictions.
2. Understand the procedural requirements to initiate civil, criminal, appellate jurisdiction, writ jurisdiction and extra ordinary jurisdiction and the procedure to be followed for filing documents before the court for the conduct of trial.
3. Draft documents like sale deed, lease deed, gift deed, etc which conveys some right over the property by one person to another.

Catalog Description

Drafting, Pleadings and Conveyancing ' has been included in the syllabus with a view to equip the students with the basic understanding of the principles of pleadings, knowledge of legal drafting abilities, legal frame work pertaining to the appearances before various courts/ tribunals/quasi judicial. This course intent to make the students understand the meaning and distinction between drafting and conveyancing, general principles of drafting of deeds, legal implications and requirements, endorsement and stamping of a deed etc. The course content of the syllabus is designed in such a way to provide practical orientation and develop necessary acumen in drafting legal documents. This paper presupposes knowledge of substantive law and hence the students are advised to have thorough knowledge of the same by referring to various Acts mentioned in the syllabus. Moreover, drafting of petitions, deeds and documents is an art and even acquiring practical knowledge which is essential for a law student to enter in to legal profession.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

Continuous Assessment	30 Points
Attendance	5 Points
Mid-Term	15Points
End Term	50 Points

Text Books

Bare Acts

1. Arbitration and Conciliation Act, 1996
2. Code of Civil Procedure, 1908
3. Code of Criminal Procedure, 1973
4. Transfer of Property Act, 1882
5. Limitation Act, 1963
6. U.P. Rent Control Act, 1972

Books:-

1. A.N. Chaturvedi , Pleading, Conveyancing and Legal Ethics , Allahabad Law Agency, 2013.
2. G.C.Mogha, Mogha's Law of Pleadings in India with Precedents, EBC, 18th Edition, 2013
3. K.N.Chandrasekharan Pillai (Rev.), *R. V. Kelkar's Criminal Procedure*, 5th ed., 2008

Reference Books

1. Sahni and B.L.Bansal, *Civil Pleadings and Art of better drafting – Principles, Procedure & Practice along with model forms of Suits, Applications, Written Statements and replies under civil law*, JBA, 2013
2. De Souza, revised by C.R.Datta& M.N.Das, *Forms and Precedents of Conveyancing*, JBA, 13th Edition, 2010, reprint 2014.

Course Content

Module I :Fundamental Rules of Drafting Pleading and Conveyancing

- Pleadings (Order 6 CPC)
- Complaint Structure
- Written Statement and Affidavit
- Application under Section 5 of the Limitation Act
- Application for Setting aside ex-parte Decree
- Writ Petitions

Module II: Civil Pleadings

- Suit for Recovery under Order XXXVII of CPC
- Suit for Permanent Injunction
- Suit for Dissolution of Partnership
- Application for Temporary Injunction Order XXXIX of CPC
- Appeal from Original Decree under Order 41 of CPC
- Revision Petition
- Review Petition

Module III : General Principles of Criminal Pleadings

- Application for Bail
- Application under Section 125 CRPC
- Compounding of Offences by Way of Compromise under Section 320 (i) CRPC
- Complaint under Section 138, Negotiable Instruments Act, 1881
- Application under Section 482, CRPC

Module IV Conveyancing

- Notice to the Tenant under Section 106 of Transfer of Property Act
- Notice under Section 80 of CPC
- Notice under Section 434 of the Companies Act
- Reply to Notice
- General Power of Attorney
- Will
- Agreement to SELL
- Sale-Deed
- Lease-Deed
- Partnership Deed
- Mortgage Deed
- Relinquishment Deed
- Deed of Gift

MODULE V Forms

- Petition for Grant of Probate / Letters of Administration
- Application for Appointment of Receiver/Local Commissioner
- Application for Compromise of Suit
- Application for Appointment of Guardian
- Application to Sue as an Indigent Person under Order 33 CPC
- Appeal from orders under order 43 of CPC
- Application for execution
- Application for caveat section 148A of CPC
- Writ Petition
- Special Power of Attorney
- Reference to Arbitration and Deed of Arbitration
- Notice for Specific Performance of Contract



LAW 500	Intellectual Property Law	L	T	P	C
Version 1.1	Date of Approval:	3	1	0	4
Pre-requisites//Exposure	Knowledge of Jurisprudence, Property law, Contract Law				
co-requisites	None				
Semester	IX				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

Course Description

Law relating to intellectual property intends protection for human creativity as well as recognition of non tangible property. ‘Intellectual Property’ is a generic term that came into regular use during the twentieth century. This generic label is used to refer to a group of legal regimes, each of which confers rights of ownership in a particular subject matter. Copyright, patents, designs, trademarks and protection against unfair competition from the traditional core of intellectual property. The subject matter of these rights is disparate. Inventions, literary works, artistic works, designs and trademarks formed the subject matter of early intellectual property law. One striking feature of intellectual property is that, despite its early historical links to the idea of monopoly and privilege, the scope of its subject matter continues to expand. The twentieth century has seen new or existing subject matter added to present intellectual property systems (for example, the protection of computer software as part of copyright, the patentability of micro-organisms as part of patent law), and new systems created to protect existing or new subject matter (for example, plant variety protection and circuit layouts). The strongly expansionary nature of intellectual property systems shows no sign of changing. Internationally, for example, special legal protection for databases remains part of the work program of the World Intellectual Property Organization (WIPO).

Course Objectives

This course is intended to attain the understanding of global practice relating to IPR:

1. To understand the harmonize system of IPR
2. To know the evolution, nature and scope of Trade Marks
3. Analyse and compare the Global System of Trade Marks Registration
4. To Know the conflict between Trademarks and GI Law
5. Issue Relating to Patent Eligibility

6. Examine conflict of substantive Condition of Patentability
7. To examine the challenges of Copyright Law
8. To understand the legal framework of Copyright Law

Course Outcomes

After completion of this paper the students will be in a position understands the challenges of Global Intellectual Property System. This paper equip the students with learning of those factors which has given impetus to its growth and more acceptances. It guides about market relevancy and impact on consumer behaviour. Particularly following specific outcomes is orientation of this paper:

1. It enables the student in understanding the basic framework of IP protection and fundamentals of IPR.
2. It ensures and explains the objectives of IP protection to creators.
3. This paper also justifies the need of global policy and harmonization of legal system.
4. An analytical comparative understanding of case law development enable student to find out what is the need of market.
5. This paper also manifests the philosophy of IP protection.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

Continuous Assessment	30 Points
Attendance	5 Points
Mid-Term	15Points
End Term	50 Points

Text Books

1. . V.K. Ahuja, *Intellectual Property Rights in India* (2009), Butterworth Publication.

Reference Books

1. Ashwani Kr. Bansal, *Law of Trade Marks in India* (2009)
2. Ashwani Kr. Bansal, *Materials on Copyright* (2004)
3. V.K. Ahuja, *Intellectual Property Rights in India* (2009)
4. V.K. Ahuja, *Law of Copyright and Neighbouring Rights: National and International Perspectives* (2007)
5. Alka Chawla, *Copyright and Related Rights : National and International Perspectives* (2007)
6. P. Narayanan, *Law of Copyright and Industrial Designs* (4th ed., 2007)
7. P. Narayanan, *Law of Trade Marks and Passing off* (6th ed., 2004)
8. P. Narayanan, *Patent Law* (4th ed., 2006)
9. *Copinger and Skone James on Copyright* by Gillian Davies, Kevin Garnett, and Gwilym Harbottle, (15th ed., 2005)
10. David Kitchin, David Llewelyn, James Mellor, Richard Meade, Thomas Moody, *Kerly's Law of Trade Marks and Trade Names* (14th Edition 2005)
11. W. Cornish and D. Llewelyn, *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights* (6th ed., 2009)
12. Bernard O'Connor, *The Law of Geographical Indications*, 2004, Camron.
13. Dev Gangjee, *Relocating the Law of Geographical Indications*, Cambridge University Press 2012.
14. P. Torremans, *Copyright Law: A Handbook of Contemporary Research*, Edward Elegar Publishing Limited, 2007.

Course Content

Module 1

Introduction, Concept, Nature and International Regime of IPR

- Concept of Intellectual Property Law
- Objectives for Protection of Intellectual Property.
- Kinds of Intellectual Property
- Evolution of Intellectual Property
- International Regime of Intellectual Property- TRIPs Agreement, Paris Convention

MODULE 2

Trademarks – Concept, Nature, Evolution, Grounds of Registration, Procedure and Remedy

- Historical development of the concept of trademark and trademark law-National and International.

Reference

1. Andrea Mangàni, *An Economic Analysis Of The Rise Of Service Marks*, Italy, pp. 1-22.
2. Dev Gangjee, 'Non Conventional Trade Marks In India', *National Law School of India Review* 2010 vol. 22(1) pp. 67-96.

- Registration of Trademarks- Conventional and Non Conventional Marks, Grounds- Relative and Absolute, Procedure

Reference:

3. Jacob Jacoby, *The Psychological Foundations Of Trademark Law: Secondary Meaning, Acquired Distinctiveness, Genericism, Fame, Confusion And Dilution*, Working Paper #CLB-00-003, pp 5- 56.
4. Arka Majumdar et all, 'The Requirement of Graphical Representability of Non Conventional Trade Marks', *Journal of Intellectual Property Rights*, Vol 11, September 2006, pp.313-317.

- Rights of Registered trademark owners- Assignment and licensing
- Remedies- Infringement and Passing off
- Trademark Issues in Cyber Space

Reference

1. Roger Leroy Miller, Fundamentals of Business Law: Excerpted Cases, 2011, pp. 108-109.
2. Abdulhadi M. Alghamdi, Law of e-commerce, 2011, pp. 201-221.

CASES:

1. *N.R. Dongre v. Whirlpool Corporation*(1996) 5 SCC 714)
2. *Balkrishna Hatcheries v. Nandos International Ltd.*, 2007(35) PTC 295 (Bom)
3. *Health & Glow Retailing Pvt. Ltd v. Dhiren Krishna Paul, Trading as Health and Glow Clinic*, 2007 (35) PTC 474 (Mad.)
4. *Satyam Infoway Ltd v. Sifynet Solutions Pvt. Ltd*, AIR 2004 SC 3540
5. *M/s Hindustan Development Corporation Ltd v. The Deputy Registrar of Trade Marks*, AIR 1955 Cal 319
6. *The Imperial Tobacco Co. of India v. The Registrar of Trade Marks*, AIR 1977 Cal 413
7. *Geep Flash Light Industries v. Registrar of Trade Marks*, AIR 1972 Del179
8. *Carrefour v. Subburaman*, 2007(35) PTC 225
9. *Parley Products v. J P & Co*, AIR 1972 SC 1359 60
9. *Cadila Health Care Ltd v. Cadila Pharmaceuticals Ltd*, 2001 PTC 541 (SC) 64
10. *Bata India Ltd. v. Pyare Lal & Co.*, AIR 1985 All 242
11. *Milmet Oftho Industries v. Allergen Inc.* (2004) 12 SCC 624 79
12. *Balkrishna Hatcheries v. Nandos International Ltd.*, 2007(35) PTC 295 (Bom) 82
13. *Health & Glow Retailing Pvt. Ltd v Dhiren Krishna Paul, Trading as Health and Glow Clinic* ,2007 (35) PTC 474 (Mad.))
14. *N Ranga Rao v. Anil Garg*, 2006 (32) PTC 15 (Del) 99
15. *Pepsi Co Inc v. Hindustan Coca Cola Ltd*, 2003 (27) PTC 305 (Del) DB) 121
16. *Dabur India Ltd. v. Colgate Palmolive*, 2004 (29) PTC 401 (Del.)

[Exceptions to Infringement S. 30] 133

17. *Hawkins Cookers Limited v. Murugan Enterprises*, 2008 (36) PTC 290

Module 3

Geographical Indications

- Concept of Appellations of Origin, Indication of Source and geographical Indication
- International Convention/agreements
- The Geographical Indications of Goods (Registration and Protection) Act, 2000
- Procedure for Registration, Duration of Protection and Renewal Infringement, Penalties and Remedies

Module 4

Copyright

- Concepts of Copyright, Idea- Expression dichotomy, Originality, Fixation.

Reference:

1. Alka Chawla, *Copyright And Related Rights National And International Perspectives*, Chapter I & II- Introduction to the Copyright Law, History and Evolution of the Copyright Law.
2. W. R. Cornish, (2009) *Intellectual Property: Patents, Copyright, Trademarks and Allied Rights*, Sweet & Maxwell Universal Law Publishing Co. Pvt., New Delhi, pp. 9-001- 9-031.
3. P. Torremans, *Copyright Law: A Handbook of Contemporary Research*, Edward Elegg Publishing Limited, 2007, pp. 1-27

- Works protected under Copyright law, Authorship and ownership
- Statutory Rights conferred on copyright owners, Moral Rights
- Related Rights- Broadcasting Rights, Performers Rights
- Internet and the Protection of Software Copyright
- Infringement of Copyrights and Licensing of Copyrights

CASES:

1. *R.G. Anand v. Delux Films*, AIR 1978 SC 1613.
2. *Zee Entertainment Enterprises v. Gajendra Singh*, 2008(36) PTC 53 (Bom)

3. *Barbara Taylor Bradford v. Sahara Media Entertainment*, 2004 (28) PTC 474.
4. *Indian Express v. Jagmohan*, AIR 1985 Bom. 229.
5. *Baker v. Seldon* 101 US 99 (1829)
6. *Walter v. Lane* (1900) AC 539 UK
7. *Feist Publication v. Rural Telephone Services Co.*, 499 US 340 1991
8. *Eastern Book Co. v. D.B.Modak*, 2008(36) PTC 1 SC
9. *Mcmillan v. K. J. Cooper*, AIR 1924 PC75.
10. *University of London v. University Tutorial Press*, 1916, 2 CH 601.
11. *Fateh Singh v. O.P.Singhal*, 1990 IPR 69 Raj.
12. *Raj Toys Industries v. Munir Printing Press*, 1982 PTC 85.
13. *Super Cassette Industries v Nirulas Corner House*, 2008 (37) PTC 237 (Del).
14. *Gramophone Co. v. Baredra Bahadur Pandey*, AIR 1984 SC 667.
15. *Garware Plastic and Polyester Ltd. v. M/S Telelink and others*,
16. *Bipinchandra Parsottamdas Patel v State of Gujrat* , 2003(4)SCC 642.
17. *Manu Bhandari v. Kala Vikas Pictures Ltd.* AIR 987 Del 13
18. *Amar Nath Sahgal v. Union of India*, 2005 (25) PTC 56.
19. *Ved Prakash v. Manoj Pocket Books*, (1990) Suit No. 1869.
20. *Microfibres v. Girdhar & Co.*,
21. *Shree Venkatesh Films Pvt. Ltd. v. Vipul Amrutlal Shah*
22. *Balwindar Singh v. Delhi Administration*, AIR 1984 Del 379.
23. *Lama Prasad v. Nabhash* AIR 1967 Assam 70.
24. *Indian Performing Rights v. Eastern India Motion*, AIR 1977 SC 1443.
25. *Najma Heptullah v. Orient Longman Ltd.* AIR 1989 Del. 6.
26. *Maganlal Savani v. Rupam Pictures*, AIR 2000 Bom. 416.
27. *Raj Video Vision v. K. Mohan Krishanaan*, AIR 1998 Mad. 294.
28. *Gee Pee Films Pvt. Ltd v. Pratteek Chaudhury*, 2002 (24)PTC 392 (Cal).
29. *Amir Raja (Cinama Script case)*

Module 5.

Patents

- Concept of Eligibility, Patentability- Novelty, Inventive steps, Utility, Evolution
- Granting of Patents- Specification, Claims, Examination of application. Opposition of Application, Sealing of Patents
- Working of Patents – Compulsory License,
- Remedies- Anton Piller Order, Marvah Injunction, Infringement., Defences to Infringement- Bolar Principles, Research exemption, First Sale Doctrine.

CASES:

1. *Bishwanath Prasad Radhey Shyam v.H.M. Industries* [A.I.R. 1982 S.C. 1444
2. *Raj Parkash v.Mangat Ram Choudhary*,
3. *Ammonia's Application*, 49 RPC 409,
4. *Kirin-Amgen Inc. v. Roche Diagnostics GmbH* [2002] RPC 1,
5. *Lallubhai Chakubhai v. Chimanlal Chunilal & Co.* A.I.R. 1936 Bom. 99
6. *Pope Alliance Corp. v. Spanish River Pulp & Paper Mills Ltd.*, A.I.R. 1929 P.C. 38,
7. *Monsanto Co. v. Coromandel Indag Products (P) Ltd.* 1986 A.I.R. 712,
8. *Ram Narain Kher v. Ambassador Industries*, (AIR 1976 Del 87
9. *Staridipack Private Limited v. Oswal Trading Co. Ltd* (1999 (19) PTC 479 (Del))
10. *Monsanto Company v. Coramandal Indag Products (P) Ltd.*, (1986) (1) SCC 642,.
11. *Franz Zaver Huemer v. New Yesh Engineers*, (1996 PTC (16) 164 Del.)
12. *M/s. Bishwanath Prasad Radhey Shyam Appellant v. M/s. Hindustan Metal Industries*,
13. *Gillette Industries Ltd., v. Yeshwant Bros.* A.I.R., 1938. Bom. 347,
14. *Rickett & Colman of India Ltd. v. Godrej Hi Care Ltd.*,(2001 PTC 637 (PO)).
15. *Surendra Lai Mahendra v. Jain Glazers* [1981 PTC 112 Del]
16. *Biogen Inc v. Medeva plc* [1997] RPC 1
17. *Lakhapati Rai & Ors. v. Srikissen Dass & Ors.* (1917),
18. *Brenner v. Manson*
19. *In re Fisher*
20. *Ajay Industrial Corporation v. Shiro Kamas of Iberaki City* (AIR 1983 Del 496.),
21. *Press Metal Corporation Limited v. Noshir Sorabji Pochkhanawalla* (1982 PTC 259
22. *Novartis AG v.Union of India*
23. *Diamond v. Anand Chakrabarty*,

24. *Dimminaco – A.G v. Controller of Patents & Designs and others (AID No.1 of 2001)*
25. *Ram Narain Kher v.. M/s. Ambassador Industries New Delhi and another [AIR 1976 Delhi 87],*
26. *Ex Parte Latimer, 1889 Comm’r, Dec. 123 (1889),*
27. *In Standipack Pvt.Ltd. v. Oswal Trading Co. Ltd*
- 28 *Graham v. John Deere Co*30. *KSR International Co. v. Teleflex Inc*

Module 6

Industrial Design

- Concept of Industrial Design, Novelty or Originality, Relation between Copyright and Industrial Design Protection.
- Condition and Procedure of Registration.
- Piracy of Industrial Design
- Protection for parts of Industrial Design
- International and Transnational practices

CASES:

1. *Mattel Inc. v. Jayant Agarwalla, IA No. 2532/2008 in CS (OS) 344/2008).*
2. *Rajesh Masrani V. Tahiliani Design Pvt. Ltd, AIR2009Delhi44*
3. *Microfibers Inc. V. Girdhar & Co. & Anr, RFA (OS) NO.25/2006*
4. *Tarun Sethi & Ors. v. Vikas Budhiraja & Ors. Delhi High Court CS(OS) 1841/2008*
5. *Chawla & Sons v. Bright Auto Industries [AIR 1981 Delhi 95]*
6. *M/S.Whirpool Of India Ltd vs M/S.Videocon Industries Ltd SUIT (LDG) NO. 1675 OF 2012 on 25 July, 2012*
7. *M/s S K INDUSTRIES v. DIPAK GHOSH @ MANA DA TRADING, 2010(42)PTC96(Del)*
8. *Dabur India Ltd. Vs. Amit Jain & Anr. 2009 (39) PTC 104*

LAW 507	Merger and Acquisition	L	T	P	C
Version: 1.1		4	0	0	4
Pre-requisites//Exposure	Contract, Constitution, Company Law				
co-requisites	Investment Law				
Semester	IX				
B.A.LL.B.(H.) & B.Sc.LL.B.(H.)					

Objectives of the Course:

- To help students to understand the basic ideas about Merger & Acquisition
- To impart students the process of M&A
- To train students the relevant legal framework for M&A
- To impart the students an working knowledge on M&A

Teaching Learning Methodology:

- ✚ Lecture Method
- ✚ Problem Method
- ✚ Case Study Method

Evaluation Scheme:

- | | |
|-------------------------|-----------|
| ✚ Continuous Assessment | 30 Points |
| ✚ Attendance | 5 Points |
| ✚ Mid-Term | 15Points |
| ✚ End Term | 50 Points |

Module-I: Introduction to Merger and Acquisition:

- Meaning of mergers and acquisitions (M & A),
- Motives behind the M & A,
- Advantages and disadvantages of M & A,
- Types of mergers and
- Steps for a successful merger.

Suggested Reading:

- A. Ramaiya, Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur,
- M.C. Bhandari, Guide to Company Law Procedures, LexisNexis Butterworths, Wadhwa, Nagpur,
- K.R. Sampath, Merger/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate restructure, Snow White Publications;
- S. Ramanujam, Mergers et al, LexisNexis Butterworths, Wadhwa, Nagpur,
- Ray, Merger and Acquisitions Strategy, Valuation and Integration, PHI
- Companies Act 2013

Module-II: Merger and Amalgamation

- Legal, Procedural, Economic, Accounting, Taxation and Financial Aspects of Mergers and Amalgamations including Stamp Duty and Allied Matters
- Interest of Small Investors
- Merger Aspects under Competition Law
- Jurisdiction of Courts; Filing of Various Forms
- Amalgamation of Banking Companies and Government Companies

Suggested Reading:

- A. Ramaiya, Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur,
- M.C. Bhandari, Guide to Company Law Procedures, LexisNexis Butterworths, Wadhwa, Nagpur,
- K.R. Sampath, Merger/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate restructure, Snow White Publications;
- S. Ramanujam, Mergers et al, LexisNexis Butterworths, Wadhwa, Nagpur,
- Ray, Merger and Acquisitions Strategy, Valuation and Integration, PHI
- Companies Act 2013

Module-III: Corporate Demerger and Reverse Merger

- Meaning & Concept of Demerger; Characteristics of demerger;
- Modes of Demerger - by Agreement, under Scheme of Arrangement
- Demerger and Voluntary Winding Up
- Legal and Procedural Aspects; Tax Aspects and Reliefs
- Reverse Mergers – Procedural Aspects and Tax Implications

Suggested Reading:

- A. Ramaiya, Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur,
- M.C. Bhandari, Guide to Company Law Procedures, LexisNexis Butterworths, Wadhwa, Nagpur,
- K.R. Sampath, Merger/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate restructure, Snow White Publications;
- S. Ramanujam, Mergers et al, LexisNexis Butterworths, Wadhwa, Nagpur,
- Ray, Merger and Acquisitions Strategy, Valuation and Integration, PHI
- Companies Act 2013

Module-IV: Takeover

- Meaning and Concept
- Types of Takeovers;
- Legal Aspects – SEBI Takeover Regulations
- Disclosure and Open Offer Requirements
- Bail Out Takeovers and Takeover of Sick Units
- Takeover Defences
- Cross Border Takeovers

Suggested Reading:

- A. Ramaiya, Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur,
- M.C. Bhandari, Guide to Company Law Procedures, LexisNexis Butterworths, Wadhwa, Nagpur,
- K.R. Sampath, Merger/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate restructure, Snow White Publications;
- S. Ramanujam, Mergers et al, LexisNexis Butterworths, Wadhwa, Nagpur,
- Ray, Merger and Acquisitions Strategy, Valuation and Integration, PHI
- Companies Act 2013

Module-V: Funding of Merger and Takeover

- Financial Alternatives; Merits and Demerits
- Funding through various Types of Financial Instruments including Equity and Preference Shares, Debentures, Securities with Differential Rights, Swaps, Stock Options; ECBs, Funding through Financial Institutions and Banks
- Rehabilitation Finance
- Management Buyouts/Leveraged Buyouts

Suggested Reading:

- A. Ramaiya, Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur,
- M.C. Bhandari, Guide to Company Law Procedures, LexisNexis Butterworths, Wadhwa, Nagpur,
- K.R. Sampath, Merger/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate restructure, Snow White Publications;
- S. Ramanujam, Mergers et al, LexisNexis Butterworths, Wadhwa, Nagpur,
- Ray, Merger and Acquisitions Strategy, Valuation and Integration, PHI
- Companies Act 2013

Module-VI: Financial Restructuring

- Reduction of Capital
- Reorganization of Share Capital
- Buy-Back of Shares – Concept and Necessity
- Procedure for Buy-Back of Shares by Listed and Unlisted Companies

Suggested Reading:

- A. Ramaiya, Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur,
- M.C. Bhandari, Guide to Company Law Procedures, LexisNexis Butterworths, Wadhwa, Nagpur,
- K.R. Sampath, Merger/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate restructure, Snow White Publications;
- S. Ramanujam, Mergers et al, LexisNexis Butterworths, Wadhwa, Nagpur,
- Ray, Merger and Acquisitions Strategy, Valuation and Integration, PHI
- Companies Act 2013

Module-VII: Post Merger Reorganization

- Factors involved in Post Merger Reorganization
- Post-merger integration model
- Strategic interdependence and autonomy
- Political and cultural aspects in integration
- Rules of integration process
- Integration of Businesses and Operations
- Assessing Accomplishment of Post Merger Objectives;
- Measuring Post Merger Efficiency

Suggested Reading:

- A. Ramaiya, Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur,
- M.C. Bhandari, Guide to Company Law Procedures, LexisNexis Butterworths, Wadhwa, Nagpur,
- K.R. Sampath, Merger/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate restructure, Snow White Publications;
- S. Ramanujam, Mergers et al, LexisNexis Butterworths, Wadhwa, Nagpur,
- Ray, Merger and Acquisitions Strategy, Valuation and Integration, PHI
- Companies Act 2013

Module-VIII: Joint Ventures

- Meaning of Joint ventures
- Characteristics of Joint ventures
- Role of Joint ventures in business strategy
- Tax aspects of joint ventures
- International Joint ventures
- Reasons for failures of Joint ventures
- Joint ventures Vis-à-vis Anti-trust policy

Suggested Reading:

- A. Ramaiya, Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur,
- M.C. Bhandari, Guide to Company Law Procedures, LexisNexis Butterworths, Wadhwa, Nagpur,
- K.R. Sampath, Merger/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate restructure, Snow White Publications;
- S. Ramanujam, Mergers et al, LexisNexis Butterworths, Wadhwa, Nagpur,
- Ray, Merger and Acquisitions Strategy, Valuation and Integration, PHI
- Companies Act 2013

BALAW2002C04	CONSTITUTIONAL LAW -I	L	T	P	C
Version: 1.2		4	0	0	4
Pre-requisites//Exposure	Legal Aptitude, Legal Methods				
co-requisites					
Semester	II				
Programme	B.A. LL.B.(H)				

1.0. Course Description

This course is designed impart the basic knowledge about the constitutional framework which covers Citizenship, Fundamental Rights and available remedial measures for the infringement of Fundamental Rights such as Writ Jurisdiction, Directive Principles of State Policy and its relationship with Fundamental Rights, Fundamental Duties and the related topics. As the subject is contemporary and relevant in all days of life, the course covers the current controversies and the contemporary issues.

Indian Constitution is the supreme legislation of India and students of LL.B. Course are expected to have in depth knowledge on the subject. It is very dynamic and ever changing subject and the very heart and soul of 'we the people of India'. Accordingly, utmost importance is being given upon the recent changes and latest development in the subject along with latest judicial decisions.

2.0 Course Objectives:

Constitutional Law carries a very important role in today's curriculum of every law school. Its study has following objectives:

1. To understand the jurisprudential aspect of the rights guaranteed to the citizens by the Constitution of India.
2. To study constitutional governance through a detailed analysis of rights, duties and directive principles of state policy enshrined in the Indian Constitution.
3. To analyze the relationship between fundamental rights and directive principles of state policy as both are indispensable elements for good governance of country.

3.0 Course Outcomes

On completion of this course, the students will be able to:

1. Understand the meaning nature and salient features of the Constitution of India.
2. Understand the jurisprudence of the fundamental freedoms guaranteed to the citizens of India
3. Learn the Fundamental rights and duties guaranteed by the constitution
4. Acquire a basic knowledge of the constitutional remedies in case of violation of fundamental rights
5. Study the interrelationship between fundamental rights, fundamental duties and Directive principles of state policy and their role in achieving the constitutional goals
6. Analyse the case law critically in the context of the ideal of a welfare state

4.0. Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Lecture Method
- Presentations
- Case Studies
- Projects
- Court Room Exercise
- Problem method

5.0. Evaluation Scheme:

- 30% - Continuous Internal Assessment (Formative in nature but also contributing to the final grades).
- 70% - End Term External Examination (University Examination).

Course Contents

MODULE 1: INTRODUCTION

Weightage 5%

- Meaning of Constitution, Constitutionalism
- Conceptualization of Constitutional Governance : Rule of Law, Separation of Powers, Federalism, Preamble and Basic Structure Doctrine

Recommended Readings:

- Seervai. H.M., “Constitutional Law of India”, 4th Edition, Universal Law Publishing Co., Pvt., Ltd, Delhi, 2010, vol. 1, Pp.276-303.
- Jain M.P., “Indian Constitutional Law”, 5th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2008, Pp. 1-20, 477, 724-735.
- Basu. DD., “Shorter Constitution of India”, 14th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2009, Pp.1-17.
- Singh. M.P., “V.N. Shukla’s Constitutional Law of India”, 11th Edition, Eastern Book Company, Lucknow, 2008, Pp.1-4.
- Granville Austine, “The Indian Constitution - Cornerstone of a Nation” 7th Edition, Oxford University Press, New Delhi, 2004.
- Dicey. A.V., “An Introduction to the study of Law of the Constitution”, 10th Edition, Universal Law Publishing Co., Pvt., Ltd., Delhi, 2008, Pp.1-36, 183-205.
- K.C. Wheare Federal Government (1947)

Case Laws:

1. *Keshavananda Bharati vs. State of Kerala AIR 1973 SC 1461*
2. *Indira Nehru Gandhi vs. Raj Narain AIR 1975 SC 2299*
3. *Minerva Mills Ltd., Union of India AIR 1980 SC 1789*
4. *S.R. Bommai vs. Union of India AIR 1994 SC 1918*
5. *MP Gopalakrishnan Nair vs. State of Kerala AIR 2005 SC 3053*
6. *Ashok Kumar Thakkur vs. Union of India 2008(6) SCC 1*
7. *State of West Bengal Vs. Committee for the Protection of Democratic Rights WB AIR 2010 SC 1476*

MODULE 2 : UNION OF INDIA, ITS TERRITORY & CITIZENSHIP Weightage 10%

- Territory of India, Admission or establishment of New States, Cession of Territory to Foreign Country
- Citizenship – Constitutional Provisions, The Citizenship Act, 1955

Recommended Readings:

- Seervai. H.M., “Constitutional Law of India”, 4th Edition, Universal Law Publishing Co., Pvt., Ltd, Delhi, 2010, vol. 1, Pp.304-348.

- Jain M.P., “Indian Constitutional Law”, 5th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2008, Pp.792-799.
- Basu. DD., “Shorter Constitution of India”, 14th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2009, Pp.21-45.
- Singh.M.P., “V.N. Shukla’s Constitutional Law of India”, 11th Edition, Eastern Book Company, Lucknow, 2008, Pp.5-22
- Subhash C Jain, “The Constitution of India: A Commemorative Edition on 50 Years of Indian Constitution”, Taxmann, Delhi, 2000, Pp.759-761.

Case Law:

1. *State of Bihar vs. Amar Singh* AIR 1955 SC 282
2. *In re Berubari vs. Union of India* AIR 1960 SC 51
3. *State Trading Corporation vs. Commercial Tax Officer* AIR 1963 SC 1811
4. *Kulathil Mammu vs. State of Kerala* AIR 1966 SC 1614
5. *Maganbhai Ishwarbhai Patel etc., vs. Union of India & Anr* AIR 1969 SC 783
6. *Consumer Education Society vs. Union of India* (2009) 11 Scale 708
7. *Baby Manji Yamada vs. Union of India and Anr* AIR 2009 SC 84
8. *Jan Balaz vs. Anand Municipality and 6 Ors.* AIR 2010 Guj 21

MODULE 3 : FUNDAMENTAL RIGHTS

Weightage 10%

- Fundamental Rights, Origin & Development
- Laws inconsistent with Fundamental Rights, Doctrine of Eclipse, Doctrine of Severability, Doctrine of Waiver & Judicial Review

Recommended Readings:

- Seervai. H.M., “Constitutional Law of India”, 4th Edition, Universal Law Publishing Co., Pvt., Ltd, Delhi, 2010, vol. 1, Pp.349-434.
- Jain M.P., “Indian Constitutional Law”, 5th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2008, Pp.827-854.
- Basu. DD., “Shorter Constitution of India”, 14th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2009, Pp.46-76.
- Singh.M.P., “V.N. Shukla’s Constitutional Law of India”, 11th Edition, Eastern Book Company, Lucknow, 2008, Pp.23-43.
- Basu. D D., “Human Rights in Constitutional Law”, 3rd edition, Lexis Nexis Butterworths Wadhwa, Nagpur, 2008, Pp.54-85.

Case Law:

1. *Bhikaji vs. State of MP* AIR 1955 SC 781

2. *RMDC Vs. Union of India AIR 1957 SC 628*
3. *Rajasthan State Electricity Board vs. Mohanlal AIR 1967 SC 1857*
4. *State of Gujarat vs. Shri Ambika Mills Ltd., AIR 1974 SC 1300*
5. *Sukhdev vs. Bhagatram AIR 1975 SC 1331*
6. *SabhajiTewary vs. Union of India AIR 1975 SC 1329*
7. *Ramanna D. Shetty vs. International Airport Authority AIR 1979 SC 1628*
8. *Som Prakash vs. Union of India AIR 1981 SC 212*
9. *Ajay Hasia vs. Khalid Mujib AIR 1981 SC 487*
10. *P.K. Ramachandra Iyer vs. Union of India AIR 1984 SC 541*
11. *Central Inland Water Transport Corporation vs. Brojo Nath AIR 1986 SC 1571*
12. *Olga Tellis vs. Bombay Municipal Corporation AIR 1986 SC 180*
13. *Unni Krishnan.J.P.vs. State of Andhra Pradesh AIR 1993 SC 2178*
14. *Narsingh Pal vs. UOI AIR 2000 SC 1401*
15. *Pradeep Kumar Biswas vs. Indian Institute of Chemical Biology and Ors., AIR 2002 SC 1963*
16. *A.C Muthaiah vs. Board of Control for Cricket in India &Anr. 2011 (5) SCALE 68*

MODULE 4 : RIGHT TO EQUALITY

Weightage 20%

- Equality before the Law and Equal Protection of Laws.
- Equality of Opportunity in Public Employment & Reservation
- Abolition of Untouchability & Titles

Recommended Readings:

- Seervai. H.M., “Constitutional Law of India”, 4th Edition, Universal Law Publishing Co., Pvt., Ltd, Delhi, 2010, vol. 1, Pp.435-692.
- Jain M.P., “Indian Constitutional Law”, 5th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2008, Pp. 855-980.
- Basu. DD., “Shorter Constitution of India”, 14th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2009, Pp.77-245.
- Singh. M.P., “V.N. Shukla’s Constitutional Law of India”, 11th Edition, Eastern Book Company, Lucknow, 2008, Pp.44-116.
- Subhash C Jain, “The Constitution of India: A Commemorative Edition on 50 Years of Indian Constitution”, Taxmann, Delhi, 2000, Pp.762-772.

Case-Law:

1. *Chiranjit Lal vs. UOI AIR 1951 SC 41*
2. *State of West Bengal vs. Anwar Ali Sarkar & Anr. AIR 1952 SC 75*
3. *MR Balaji vs. State of Mysore AIR 1963 SC 649*
4. *E.P. Royappa vs. State of Tamil Nadu AIR 1974 SC 555*

5. *State of Kerala vs. NM Thomas AIR 1976 SC 490*
6. *RD Shetty vs. International Airport Authority AIR 1981 SC 487*
7. *Central Inland Water Transport Corporation vs. Brojo Nath AIR 1986 SC 1571*
8. *Indra Sawhney vs. Union of India 1992 Supp. 2 SCR 454*
9. *Vishakha vs. State of Rajasthan AIR 1997 SC 3011*
10. *Apparel Export Promotion Council vs. AK Chopra (1999) 1 SCC 759*
11. *Sourabh Chaudhari vs. Union of India AIR 2004 SC 361*
12. *Amita vs. Union of India and Anr (2005) 13 SCC 721*
13. *M. Nagraj vs. Union of India AIR 2007 SC 71*
14. *Ashok Kumar Thakur vs. Union of India (2008) 6 SCC 1*
15. *Ashok Kumar Yadav vs. State of Haryana (1985) 4 SCC 417*
16. *Amarnath Choudhary vs. Braithwaite & Co., Ltd., (2002) 2 SCC 290*
17. *Indian Medical Association vs. Union of India AIR 2011 SC 2365*

MODULE 5 : RIGHT TO FREEDOMS

Weightage 15%

- Importance of Freedom of Speech, Freedom of the Press, Advertisement, Right to Information and its importance, Reasonable Restrictions
- Freedom to Carryout Trade & Commerce, Trading in Liquor, Betting and Gambling, Right of Street Hawkers - extent and scope and restrictions.
- Freedom to Assemble, Freedom to Form Association, Freedom of Movement & Right to Property

Recommended Readings:

- Seervai. H.M., “Constitutional Law of India”, 4th Edition, Universal Law Publishing Co., Pvt., Ltd, Delhi, 2010, vol. 1, Pp.693-947.
- Jain M.P., “Indian Constitutional Law”, 5th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2008, Pp. 980-1054.
- Basu. DD., “Shorter Constitution of India”, 14th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2009, Pp.246-347.
- Singh. M.P., “V.N. Shukla’s Constitutional Law of India”, 11th Edition, Eastern Book Company, Lucknow, 2008, Pp.117-175.

Case-Law:

1. *Ramesh Thapper vs. State of Maharashtra AIR 1950 SC 124*
2. *Brij Bhushan vs. State of Delhi AIR 1950 SC 129*
3. *Bennet Coleman vs. Union of India AIR 1973 SC 106*
4. *State of Uttar Pradesh vs. Rajnarain AIR 1975 SC 865*
5. *Tata Press Ltd., vs. MTNL AIR 1975 SC 2438*
6. *Sadan Singh vs. NDMC AIR 1985 SC 1988*
7. *Express News Paper Pvt Ltd., vs. Union of India AIR 1986 SC 515*
8. *R Rajagopal vs. State of TN AIR 1995 SC 264*
9. *Bharat Kumar K Palicha vs. State of Kerala AIR 1997 Ker 291*

10. *People's Union of Civil Liberties vs. Union of India* AIR 1997 SC 568
11. *Zee telefilms Pvt Ltd., vs. Union of India* AIR 2005 SC 2677
12. *R.K. Anand vs. Delhi High Court* (2009) 8 SCC 106
13. *Ajay Goswami vs. Union of India* (2007) 1 SCC 143
14. *Central Board of Secondary Education & Anr vs. Aditya Bandopadhyay & others* 2011 (4) JCR 14 SC

MODULE 6 – RIGHT TO LIFE & PERSONAL LIBERTY

Weightage 15%

- Protection against Ex-post facto Law, Double jeopardy, Self-incrimination
- Right to life and personal liberty, Due Process of Law and Procedure Established by Law
- Right to Education
- Preventive detention
- Right against Exploitation – Prevention of traffic in human being, Begar, Forced and Child Labour

Recommended Readings:

- Seervai. H.M., “Constitutional Law of India”, 4th Edition, Universal Law Publishing Co., Pvt., Ltd, Delhi, 2010, vol. 1, Pp.969-1258.
- Jain M.P., “Indian Constitutional Law”, 5th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2008, Pp. 1055-1199.
- Basu. DD., “Shorter Constitution of India”, 14th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2009, Pp.347-468.
- Singh. M.P., “V.N. Shukla’s Constitutional Law of India”, 11th Edition, Eastern Book Company, Lucknow, 2008, Pp.177-232.

Case Laws:

1. *AK Gopalan vs. State of Madras* AIR 1950 SC 27
2. *State of Bombay vs. Kallu Kutti Oghad* AIR 1961 SC 1808
3. *Kharak Singh vs. State of UP* AIR 1963 SC 1295
4. *Maneka Gandhi Vs. Union of India* AIR 1978 SC 597
5. *M.H. Haskot vs. State of Maharashtra* AIR 1978 SC 1548
6. *Sunil Batra vs. Delhi Administration* AIR 1978 SC 1675
7. *Nandini Satpaty vs. PL Dani* (1978) 2 SCC 424
8. *Hussainara Khatoon vs. Home Secretary, Bihar* AIR 1979 SC 1360
9. *Prem Shankar Shukla* AIR 1980 SC 1535
10. *Francis Coralie vs. Union of India* AIR 1981 SC 746
11. *People's Union for Democratic Republic vs. Union of India* AIR 1981 SC 746
12. *AK Roy vs. Union of India* AIR 1982 SC 710
13. *Rudal Shah vs. State of Bihar* AIR 1983 SC 1086
14. *Olga Tellis vs. Bombay Municipal Corporation* AIR 1986 SC 180
15. *Saheli vs. Commissioner of Police* AIR 1990 SC 513
16. *Unnikrishnan vs. State of AP* (1993) 1 SCC 645

17. *Gian Kaur vs. State of Punjab AIR 1996 SC 946*
18. *Mr.X vs. Hospital Z AIR 1999 SC 496*
19. *State of Himachal Pradesh vs. Raja Mahendra Pal AIR 1999 SC 1786*
20. *NHRC vs. Arunachal Pradesh AIR 1999 SC 343*
21. *Aneesh Malhotra vs. Union of India (2009) 6 SCC 398*
22. *Nandini Sundar & others vs. State of Chattisgarh Writ Petition (Civil) No. 250 of 2007*

MODULE 7 - FREEDOM OF RELIGION & MINORITY RIGHTS **Weightage 10%**

- Religion – Concept and meaning, Religion and Secularism.
- Constitutional Safeguards to Minorities and their Right to Establish Educational Institutions & their regulation.

Recommended Readings:

- Seervai. H.M., “Constitutional Law of India”, 4th Edition, Universal Law Publishing Co., Pvt., Ltd, Delhi, 2010, vol. 1, Pp.1259-1353.
- Jain M.P., “Indian Constitutional Law”, 5th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2008, Pp. 1200-1252.
- Basu. DD., “Shorter Constitution of India”, 14th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2009, Pp.468-517.
- Singh.M.P., “V.N. Shukla’s Constitutional Law of India”, 11th Edition, Eastern Book Company, Lucknow, 2008, Pp.238-272.
- Subhash C Jain, “The Constitution of India: A Commemorative Edition on 50 Years of Indian Constitution”, Taxmann, Delhi, 2000, Pp.773-785.

Case-Law:

1. *Sri Venkataramana Devaru vs. State of Mysore AIR 1958 SC 255*
2. *SP Mittal vs. Union of India AIR 1983 SC 620*
3. *Gulam Abbas vs. state of UP (1984) 1 SCC 81*
4. *Bijoe Emmanuel vs. state of Kerala (1986) 3 SCC 615*
5. *In re The Kerala Education Bill*
6. *St . Stephen’s college vs. university of Delhi (1992) 1 SCC 558*
7. *S.R. Bommai vs. Union of India AIR 1994 SC 1918*
8. *Lily Thomas vs. UOI (2000) 6 SCC 224*
9. *TMA Pai Foundation vs. State of Karnataka (2002) 8 SCC 481*
10. *Islamic Academy of Edn vs. State of Karnataka (2003) 6 SCC 697*
11. *Commissioner of Police vs. Acharya Jagdishwarananda MANU/SC/0218/2004*
12. *P.A. Inamdar vs. State of Maharashtra (2005) 6 SCC 537*
13. *Singhi Education Society vs. The Chief Secretary, Govt of NCT of Delhi (2010) 8 SCC 49*

MODULE 8 – RIGHT TO CONSTITUTIONAL REMEDIES **Weightage 5%**

- Enforcement of Fundamental Rights.

- Writs & Public Interest Litigation.
- Emergency and Fundamental Rights

Recommended Reading:

- Seervai.H.M., “Constitutional Law of India”, 4th Edition, Universal Law Publishing Co., Pvt., Ltd, Delhi, 2010, vol. 1, Pp.1449-1920.
- Jain M.P., “Indian Constitutional Law”, 5th Edition, Lexis NexisButterworthsWadhawa, Nagpur, 2008, Pp. 396-434,673-705,1307-1362, .
- Basu. DD., “Shorter Constitution of India”, 14th Edition, Lexis NexisButterworthsWadhawa, Nagpur, 2009, Pp.547-625, 2155-2197.
- Singh.M.P., “V.N.Shukla’s Constitutional Law of India”, 11th Edition, Eastern Book Company, Lucknow, 2008, Pp.318-340, 942-979.
- Subhash C Jain, “The Constitution of India: A Commemorative Edition on 50 Years of Indian Constitution”, Taxmann, Delhi, 2000, Pp.877-879.

Case-Law:

1. *Fertilizer Corporation Kamgar Union (Regd) Sindri& Others vs. Union of India & Others AIR 1981 SC 844*
2. *S.P. Gupta& Others vs. President of India AIR 1982 SC 149*
3. *MC Mehta vs. Union of India AIR 1987 SC 1086*
4. *Bodhisattwa vs. Subha Chakraborty AIR 1996 SC 922*
5. *Rupa Ashok Hurra vs. Ashok Hurra (2002) 4 SCC388*
6. *Kannadasan vs. Ajay Khose (2009) 7 SCC1*
7. *State of W.B. vs. Committee for Protection of Human Rights AIR 2010 SC 1476*
8. *State of Uttaranchal vs. Balwant Singh (2010) 3 SCC 402*

Module 9 - Directive Principles and Fundamental Duties

Weightage 10%

- Directive Principles - directions for social change
- Fundamental Rights and Directive Principles - inter-relationship
- Fundamental duties

Recommended Readings :

- Seervai. H.M., “Constitutional Law of India”, 4th Edition, Universal Law Publishing Co., Pvt., Ltd, Delhi, 2010, vol. 1, Pp.1921-2020.
- Jain M.P., “Indian Constitutional Law”, 5th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2008, Pp. 1363-1396 .
- Basu. DD., “Shorter Constitution of India”, 14th Edition, Lexis Nexis Butterworths Wadhawa, Nagpur, 2009, Pp.629-666.
- Singh.M.P., “V.N. Shukla’s Constitutional Law of India”, 11th Edition, Eastern Book Company, Lucknow, 2008, Pp.342-362.

- Subhash C Jain, “The Constitution of India : A Commemorative Edition on 50 Years of Indian Constitution”, Taxmann, Delhi, 2000, Pp.791-794.

Case-Law:

1. *Mohd Hanif Qureshi vs. State of Bihar AIR 1958 SC 731*
2. *Minerva Mills Ltd vs. Union of India AIR 1980 SC 1789*
3. *Sarla Mudgal vs. Union of India (1995) 3 SCC 635*
4. *State of Tamil Nadu vs. Abu Kamer Bai AIR 1984 SC 626*
5. *IR Coelho vs. State of T.N. AIR 2007 SC 861*
6. *State of Gujarat vs. Gajaji MANU/GJ/0289/2011*

Note: In each Module latest cases presumed to be the part and parcel of the syllabus.

Content Interaction Plan:

<u>Lecture cum Discussion</u> <u>(Each session of 1 Hour)</u>	<u>Unit/Topic/Sub-Topic</u>
1-2	
3-5	
6-7	
8-13	
14-17	
18-19	
20-21	
22-31	
32-33	
34-38	
39	
40	
41	
42	

School of Law and Governance

43	
44	
45	
<i>15 Hours</i>	<i>Tutorials</i>



LAW-302	PROPERTY LAW (TRANSFER OF PROPERTY)	L	T	P	C
Version 1.1		4	0	0	4
Pre-Requisites//Exposure	Rule of equity, Indian Contract and Rights and Duties				
Co-requisites	Indian Constitution				
Semester	V				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

1.0. Course Description:

The economic order of a country dominates the social order in the country. Economic order is said to be totally dependent upon concept of property. To describe the economic order, understanding of concept of property is a must. Property finds a very important place in all legal systems. At the same time it is also considered as the root of all social evils. Therefore the study of laws relating to property assumes greater significance in any legal system. Initially, the Indian Constitution considered property right as a Fundamental Right but subsequently converted the same to a Constitutional Right. It is now argue that right to property is more secure than earlier. Besides concept of property this course mainly focuses over transfer of immovable property between living persons. The Transfer of Property Act, 1882 and the Easement Act, 1882 are two legislations to be dealt in this course.

2.0 Course Objectives:

The Course aims at equipping students with the concept of property. It also explains various provisions of the Transfer of Property Act, 1882 and the Easement Act, 1882 to the students how to make transfer of immovable property operative.

3.0 Course Outcomes:

The outcome of this course includes *inter alia*:

- Students would be able to understand clear, systematic and uniform law for the transfer of immovable property.
- Students would be able to understand various provisions for transfer *inter-vivos*.
- Students would be able to apply the principles of Justice, Equity and Good Conscience if a particular case is not governed by any provision of law.
- Students would be able to know various modes of transfer of property and easements and easementary rights.

4.0 Pedagogy:

In this course various teaching-learning methods will be used which will emphasize a cooperative learning format. Student would be encouraged to participate in class room discussions and make presentation on given subject. Discussions will be combined with instructor facilitated experiences and lectures. These methods particularly include:

- Class Room Discussion
- Case Studies

- Assignment Submission
- Individual Presentation
- Seminar Paper
- Group Discussion

5.0. Evaluation Scheme:

S. No.	Components	Weightage (Maximum Marks)
1	Continuous Assessment	30 Points
2	Attendance	05 Points
3	Mid-Term Examination	15 Points
4	End-Term Examination	50 Points

6.0. Text Books:

- R.K. Sinha, *Transfer of Property Act* (Allahabad: Central Law Agency, 17th Edition, 2016)
- Poonam Pradhan Saxena, *Property Law* (New Delhi: LexisNexis, 2nd Edition 2015)
- S.N. Shukla, *Transfer of Property Act* (Allahabad: Allahabad Law Agency, 2013)
- G.P. Tripathi, *Transfer of Property Act* (Allahabad: Central Law Publications, 18th Edition, 2014)
- V.P. Sarathi, *Law of Transfer of Property* (Lucknow: Eastern Book Company, 5th Edition, 2015)

Bare Acts:

- The Transfer of Property Act, 1882
- The Easement Act, 1882

Reference Books:

- Hari Singh Gour, *Transfer of Property Act* (New Delhi: Delhi Law House, 12th Edition, Reprint 2013)
- Dinshaw Fardunji Mulla, *The Transfer of Property Act* (New Delhi: LexisNexis Butterworths Wadhwa, 11th Edition, 2013)
- Solil Paul (ed.), *Mulla's Transfer of Property Act 1882* (New Delhi: LexisNexis Butterworths, 9th Edition, 2003)
- P.M. Bakshi (Ed.), *S.M. Lahiri's Transfer of Property Act, 1882* (New Delhi: India Law House, 11th Edition, 2001)

7.0. Course Contents:

Module I: Concept of Property and Transfer

1. Meaning and Kinds of Property
2. Theories of Property: Economic, Social and Eminent Domain
3. Right to property under the Constitution of India
4. Transfer, Transferable Properties and Operation of Transfer
5. Conditions relating to Transfers

Module II: General principles of Transfer of Property

1. Rule against Perpetuity
2. Rule of Election
3. Transfer by Ostensible Owner and Unauthorized Person
4. Transfer of Property during Pendency of Suit
5. Fraudulent Transfer
6. Part-Performance

Module III: Sale of Immovable Property

1. Sale: Definition and Nature
2. Sale versus Contract for Sale
3. Rights and Liabilities of the Buyer and Seller
4. Marshalling by Subsequent Purchaser
5. Discharge of Encumbrances

Module IV: Mortgage of Immovable Property

1. Mortgage: Meaning and Kinds
2. Rights and liabilities of Mortgagor and Mortgagee
3. Redemption and Foreclosure
4. Marshalling and Contribution, and Subrogation
5. Charge

Module V: Lease of Immovable Property

1. Lease: Meaning and Modes
2. Rights and Liabilities of Lessor and Lessee
3. Determination of Lease and Waiver of forfeiture
4. Exchange and Gift of Property
5. Actionable Claim

Module VI: Easements and Easementary Rights

1. Easements: Meaning and Nature
2. Imposition, Acquisition and Transfer of Easements
3. Extinction, Suspension and Revival of Easements
4. Licenses: Meaning and Nature
5. Transfer, Revocation and Eviction of Licenses

8.0. Case Laws:

1. *State of West Bengal v. Bela Banerjee* AIR 1954 SC 170
2. *Shantabai v. State of Bombay* AIR 1958 SC 532
3. *State of Orissa v. Titaghur Paper Mills Company Ltd.* AIR 1985 SC 1293
4. *Jilubhai Nanbhai v. State of Gujarat* AIR 1995 SC 1668
5. *Rajesh Kanta Roy v. Shanti Debi* AIR 1957 SC 255
6. *Jumma Masjid Mercara v.. Kodimaniadra Deviah* AIR 1962 SC 847
7. *Nathulal v. Phoolchand* AIR 1970 SC 546
8. *JayaramMudaliar v. Ayyaswamy* AIR 1973 SC 569
9. *Mohar Singh v. Devi Charan* AIR 1988 SC 1365
10. *Pomal Kanji v. Vrajlal K Purohit* AIR 1989 SC 436
11. *Shivdev Singh v. Sucha Singh* AIR 2000 SC 1935
12. *Mrs. Saradamani Kandappan v. Mrs. S. Rajalakshmi & Others* AIR 2011 SC 3234
13. *State of Bihar v. Subodh Gopal* AIR 1968 SC 281
14. *Delta International Ltd. v. Shyam Sunder Ganerwalla* AIR 1999 SC 2607
15. *Surendra Kumar v. Nathulal & Anr* AIR 2001 SC 2040
16. *Nawal Kishore v. Dinesh chand & others* AIR 2001 SC 2542
17. *Bhagat Ram and Anr v. Suresh and others* AIR 2004 SC 436
18. *State of Rajasthan v. Basant Nahata* AIR 2005 SC 3401



LAW 410	Criminology and Victimology	L	T	P	C
Version1.1	Date of Approval:	6	0	0	6
Pre-requisites//Exposure	Law of Crimes-I, Law of Crimes-II				
co-requisites	Prevention of Corruption laws				

1. Course Description:

This course will help the students of criminal law, (specialization) to understand various theories and causes of crime which are committed and the justifications and typology of punishments awarded. Criminology is a fundamental subject for every criminal law student. It has a legal, sociological as well as psychological perspectives embedded within the discipline. Correctional system (the new terminology for penology) studies the philosophy of punishment. The designing of this syllabus has been done keeping in mind the developments in the study of criminology. The syllabus also includes aspects of prison administration which forms an inherent part of criminal justice system. Correctional system (the new terminology for penology), Victimology as well as certain aspects of forensic science have also been included within the curriculum. This aspect will help the students to go beyond the traditional theoretical base of the subject. This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problem of exercise of discretion in sentencing. In addition the course introduces students to the discipline of victimology which will shift the study from accused centric approach to much needed victim centric approach.

2.0 Course objective:

The course shall have the following objectives:

- To acquaint the students with need and importance of the study of criminology and its theories.
- To develop analytical thinking with respect to modern crimes like White color crime, blue color crime and organized crime.

- To help students understand the rationale Victimology and Correctional System (Penology).
- To make the student aware of the newer challenges and developments in criminal justice administration and forensic science.

3.0. Course Outcome:

The students will understand after completing the course

- Shall develop a conceptual understanding of the basics principles of Criminology.
- Shall be able to understand the approach of modern crimes like White color crime, blue color crime and organized crime.
- Shall be able to analyze about Victimology and Correctional System (penology).
- Shall also learn about the challenges and developments in criminal justice administration and forensic science.

4.0. Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format.

Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Lecture Method
- Presentations
- Case Studies
- Projects
- Court Room Exercise
- Problem method

5.0. Evaluation Scheme:

- 30% - Continuous Internal Assessment (Formative in nature but also contributing to the final grades).
- 70% - End Term External Examination (University Examination).

6.0. Course Content

UNIT I

A. Criminology: Nature & Scope

10 lectures

- Nature and Extent of Crime and its theories in India,
- Criminology: Nature and Scope
- Relationship between Criminology, Correctional system (the new terminology for penology) and Victimology.

B. School of Criminology

- Classical School
 - i) Pre-classical
 - ii) Classical
 - iii) Neo-classical
- Positive School
 - i) Cesare Lombroso
 - ii) Gabriel de Trade
 - iii) Enrico Ferri
- Sociological School

Theories of Causes of Crime

- Biological Theories
- Psychological Theories
- Sociological Theories

UNIT II

9 lectures

Modern Crimes

- **Organized Crime:** Definition and characteristics, Types, Organized International Crimes, Prevention and control strategies.
- **White Collar Crime:** Nature and definition, theorizing by Sutherland, Anti white color crime legislations in India

- **Blue collar crime, Brown collar crime and Pink Collar crime.**
- Juvenile delinquency

UNIT III

Victim Justice (Victimology)

7 lectures

- Meaning, Nature and Scope of Victimology and Emerging Trends in Victimology
- Victims of crime
 - a) Child victims
 - b) Female victims
 - c) Victim of sexual offences
- Victim's compensation scheme, (National as well as under State)

UNIT IV

8 lectures

Theories of Victimology

- The precipitation Theory
- Life Style Theory
- Deviant Theory
- Routine Theory

UNIT V

12 lectures

Correctional system (the new terminology for penology)

- **Sentencing**
- Rationales of sentencing
- Kinds: Custodial and Non-Custodial Sentencing
- Sentencing Process
 - a. Pre Sentencing Inquiry
 - b. Primary and Secondary decisions
 - c. Disparity in Sentencing
- Plea Bargaining
- Therapeutic Approaches: Probation and Parole

- **The Prison System**
- Prison System: Civil law and Common law
- Classification of Prisoners
- Fundamental Rights of the Prisoners: Domestic and Intentional
- Problems of Indian Prison System
- Open Prisons: Meaning and scope

7.0. Select bibliography

Text Books

- Ahmad Siddique: Criminology-Problems and Penology, Eastern Book Company
- Paranjape: Criminology and Penology, Central Law Publications.
- Sirohi, J.P.S.: Criminology and Criminal Administration, Allahabad Law Agency

Reference Books

- Don C. Gibbons: Crime, Society and Criminal Career
- Lily: Theories of Criminology
- Cathrines and Williams: Text Book of Criminology
- Andrew Ashworth, Sentencing and Criminal Justice, (2005)
- Criminology, Stephen Jones, Oxford University Press, New Delhi, 2007
- Katherine S Williams, Textbook on Criminology, 1999
- Loveland, Frontiers of Criminality, 1995
- Manheim H, comparative Criminology, 1965
- Walker, N. Crime and Criminology, 1987
- H.L.A. Hart- Punishment and Responsibility.
- S. Chabra- Quantum of Punishment in Criminal Law.
- Herbert L. Packer- the Limits of Criminal sanctions.

Law 411	Course Title: Forensic Science and Criminal Justice Administration	L	T	P	C
Version 1.1		4	0	0	4
Pre-Requisites//Exposure	Indian Penal Code, Law of Evidence, Code of Criminal Procedures, Judicial Decisions etc.				
Co-requisites	Constitution of India, Police Act, 1861, Prison Act, 1894 etc.				
Semester	VII				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B. (H.)				

1.0.Course Description:

In modern times, the infusion of technology in crime investigation has been a major breakthrough in the process of advancement of criminal justice. The Police, as a major enforcement wing of the criminal justice administration, utilize scientific tools and techniques to detect a crime, reconstruct the crime scene, identify the alleged offender and establish vital links. The Courts, as the trial wing of criminal justice administration, take account of these physical evidences, otherwise infallible, and determine with enhance accuracy the innocence or guilt of the offender. In this way, the efficiency and effectiveness of criminal justice functioning has come to be intertwined with the extent of use of technological tools in crime investigation.

In India, the criminal justice system is basically based on adversarial system whose main hypothesis is that every person is presumed to be innocent unless the contrary is proved. This system talks about the rights of the accused persons, prisoners and victims. In criminal jurisprudence, there is a presumption of innocence and right to silence of the accused and burden of proof on the prosecution. So, now the question arises that how far an accused should be given benefits and detriments regarding forensic science and criminal justice administration.

2.0. Course Objectives:

Specific objects of the course are as follows:

- To understand the basic concept of criminal justice administration.
- To know about the technological advancements related to forensic science.
- To assess and analyse the role of different wings (enforcement wing, trial wing, correction wing and execution wing) of criminal justice administration.
- To examine the challenges of criminal justice administration.

- To know about the liberal tools of criminal justice administration such as compensation to victims of crimes, plea bargaining etc.
- To assess the rights of accused persons and prisoners.

3.0. Teaching Learning Methodology:

- ✚ Lecture Method
- ✚ Seminar, presentations by students
- ✚ Individual and group drills
- ✚ Group Discussion Method
- ✚ Case Presentation and Analysis (Socio-Legal & political)

4.0. Evaluation Scheme:

✚ Continuous Assessment	30 Points
✚ Attendance	5 Points
✚ Mid-Term	15 Points
✚ End Term	50 Points

5.0. Learning Outcome:

The present course shall bring the following outcomes:

- The course shall demonstrate that how and in what manners the forensic science and criminal justice administration should be considered in proper perspectives.
- This course shall enable the students to understand the relationship between forensic science and various statutes which are important are the better functioning of criminal justice system.

6.0. Course Contents

UNIT I

Introduction

- Crime: Meaning, Nature and Elements
- Theories of Punishments
- Forensic Science: Meaning, Role of Forensic Science in Criminal Justice Administration.

UNIT II

Criminal Justice Administration

- Classification of Offences
- Historical Background of Criminal Justice Administration.
- Constitutional Foundations of Criminal Justice Administration
- Rights of the Accused Persons and Prisoners
- Plea Bargaining
- Compensation to victims of Crimes

UNIT III

Police as the Enforcement Wing of Criminal Justice Administration

- The History of Police System
- The Structure of Police Administration
- Judicial Pronouncements Regarding Police Reform

UNIT IV

Trial and Correction Wing of Criminal Justice Administration

- Hierarchy of Courts
- Trial: Bail and Personal Liberty; The Accusatorial and Inquisitorial System of Trial
- Inherent Powers of High Courts

UNIT V

Criminal Justice and Rule of Evidence

- Admission and Confession
- Dying Declaration
- Expert Evidence
- Admissibility and Inadmissibility of Evidence

7.0.Prescribed Readings:

1. B. R. Sharma, *Forensic Science in Criminal Investigation & Trials*
2. Bharat B. Das, *Victims in Criminal Justice System*
3. H. J. Walls, *Forensic Science: An Introduction to Scientific Crime Detection*
4. K. N. C. Pillai, *R. V. Kelkar's Criminal Procedure*
5. Law Commission of India, *Forty Second Report, Chapter 3*
6. M. Monir, *Law of Evidence*
7. *Malimath Committee Report, 2004*
8. Mrinmaya Chaudhari, *Languishing for Justice: A Critical Survey of Criminal Justice System*
9. N. K. Datta, *Origin and Developments of Criminal Justice in India*
10. P. D. Sharma, *Police and Criminal Justice System in India*
11. Ratan Lal & Dhiraj Lal, *Law of Criminal Procedure*
12. *Report of Committee on Reforms of Criminal Justice System, 2003*
13. Sarkar, *Law of Evidence*
14. T. Bhattacharya, *The Indian Penal Code*
15. T. K. Benarjee, *Background to Indian Criminal Law*
16. V. N. Pranjape, *Criminal Procedure Code*
17. Venugopal Rao, *Criminal Justice: Problems and Perspectives in India*

School of Law and Governance
Central University of South Bihar

	History III (Constitutional History)	L	T	P	C
Version: 1.1		4	0	0	4
Pre-requisites//Exposure	Legal Methods, History of India				
co-requisites	Constitution of England				
Semester	III				
B.A. LL.B.(H)					

Course Description: This paper is designed to bring the historical knowledge and information regarding the background of the Indian Constitution. An endeavor is made in the course to highlight over one fifty years of of British rule in India and its introduction of various administrative and legislative system in India. This paper also deals with various case laws and Acts passed during British era which led to division of power between different organs of the state in a federal structure.




Course Objectives:

1. To understand the history of administrative and legislative system of India
2. To study the different case through which Indian judicial system evolved in India.
3. To understand the shaping of Indian federalism through different Acts passed by the Britishers in India.
4. To assess the judicial and political trends which are reshaping the meaning of Constitution.


Course Outcomes:

1. Acquainted with the importance and relevancy of Constitutional History.
2. Appreciate the role of Judiciary which had a long period of evolution and contribution to the justice delivery system in India.
3. Understand the relevancy of connectivity of Indian Constitution along with other relevant and parallel Constitutions of different countries.

Pedagogy

-  Lecture Method
-  Discussion Method
-  Presentation/Case analysis

Evaluation Scheme:

- | | |
|---|----------|
|  Continuous Assessment | 30 Marks |
|  End Term | 70 Marks |

Module-1: Establishment of High Courts in India

- 1.1 Dual Judicature before 1861
- 1.2 Indian High Courts Act, 1861
- 1.3 Codification of Law: First, Second and Third Law Commissions
- 1.4 The Lex Loci Report

Module-2: The Government of India Acts

- 2.1 The Government of India Act, 1858
- 2.2 Indian Councils Act, 1861
- 2.3 Indian Councils Act, 1892
- 2.4 Indian Councils Act, 1909 (Morely Minto Reforms)
- 2.5 Government of India Act, 1919
- 2.6 Government of India Act, 1935

Module :3 The Indian Independence Act, 1947

- 3.1 Effects of the Indian Independence Act
- 3.2 Constitutional Position of the Indian States after the Independence Act, 1947

Module 4: Shaping of the Indian Constitution

- 4.1 Composition of Constituent Assembly of India
- 4.2 Constituent Assembly Debates on Fundamental Rights
- 4.3 Constituent Assembly Debates on Legislative and Administrative Relations

Suggested Readings:

1. Legal & Constitutional History of India: Ancient Legal, Judicial and Constitutional System by Justice M. Rama Jois, Universal Law Publishing Co.
2. Outlines of Indian Legal & Constitutional History by M.P. Jain, Lexis Nexis
3. Legal & Constitutional History of India: An essential revision aid for law student by Universal law series
4. V.D. Kulshrestha's Landmark in Indian Legal & Constitutional History by B.M.Gandhi, Eastern Book Company
5. Indian Legal & Constitutional History, Prof. Kailash Rai, Central Law Agency
6. Indian Legal & Constitutional History, Dr. N.V. Paranjape; Central Law Agency
7. Indian Legal & Constitutional History, J.K. Mittal, Allahabad Law Agency

LAW 503	Conflict of Laws	L	T	P	C
Version 1.1	Date of Approval:	4	0	0	4
Pre-requisites/Exposure	Basic Knowledge of Public International Law, Family Law, CPC				
Co-requisites	Study of Law of Contract, CPC, Transfer of Property Laws.				
Semester	IX				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

Course Description

Whenever a law addresses a legal problem that has a foreign element, there is a potential conflict of laws.

In today's world the distances are getting smaller, the world is becoming a global village and the inter-state transactions have enhanced manifold. The transactions include, transactions with regard to marriage, property, adoption and contracts. Legal issues with regard to these transactions are increasing day by day. Thus, the courts are facing problems in the form of cases with foreign elements. So Students should have knowledge of all the aspects of Private International Law when they go before the court to practice.

In essence, whenever conflict of laws arises, the key issues are: whose courts have jurisdiction, whose laws are to be used, and can the judgement be enforced? These questions are at the core of this subject guide, and they range across every facet of human activity in which the law may play a role.

Course Objectives

To understand the Conflict of laws and how Law for the same issue can be different in different nations, there are three main objectives of this subject.

The first two questions must be asked and answered every time we are faced with a problem which has a foreign element. The third question only arises where there is a foreign judgment.

- 1) To set out the conditions under which a court is competent to hear an action. This is the *question of jurisdiction*.
- 2) To determine by what law the rights of the parties are to be ascertained. In a contract dispute, for example, it is necessary to determine the law governing the contract (its 'applicable law'). This is the question of *choice of law*.
- 3) Where a dispute has been litigated in another country, to specify the circumstances in which the foreign judgment can be recognised and enforced by action in another nation (Eg: India). This is the question of *recognition and enforcement of foreign judgments*.

Course Outcomes

At the end of the course the students will be equipped with the skills:

1. To understand whether principles of Conflict of Laws are applicable in any case involving foreign element.
2. To identify the issue of Jurisdiction of a court in any case where foreign element is involved.
3. To identify the Law that will be applicable in any case where foreign element is involved.
4. To understand whether a foreign judgement can be recognised and executed by municipal courts.
5. To understand the conflict between norms of Private International Law in Common Legal System and Civil Law System

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

Continuous Assessment	30 Points
Attendance	5 Points
Mid-Term	15Points
End Term	50 Points

Text Books

- Paras Diwan, Private International law, Deep & Deep, 4th Edn., New Delhi (1998)
- Atul Setalwad, Conflict of Laws, Lexis Nexis, 3rd Edn., Delhi (2014)

Reference Books

- Frederic Harrison, Jurisprudence and Conflict of Laws
- Srumberg, Private International Law
- A.V.Dicey, Conflict of Laws
- Cheshire and North, Private International Law, Oxford: Oxford University Press (2006)

Course Content

PART A – GENERAL PRINCIPLES

Unit I:

Introduction

4 Lectures

- Definition of Conflict of Laws; Its Functions and why is it important.
- Difference between Public and Private International law.
- Development and History - England and India - a Comparative Study
- Modern theories:
 - Statutory, Territorial, International, Local Law and Justice.
- Stages in a Private International law
 - Choice of Jurisdiction
 - Choice of law
- Unification of Private International Law

Unit II:

Choice of Jurisdiction (First stage)

3 Lectures

- Meaning, Basis of jurisdiction, limitations like effectiveness principles - Relevant C.P.C. provisions regarding jurisdiction -ss. 15-20, 83, 84, and 86
- Kinds of jurisdiction:
 - Actions in Personam (Contract).
 - Actions in Rem (such as matrimonial causes and probate)
 - Admiralty action (S VI the Admiralty Courts Act)
 - Actions under assumed discretionary jurisdiction (inherent jurisdiction) (Indian Context: ss. 10 and 151 of C.P.C.)

Unit III:

Choice of Law (Second Stage)

5 Lectures

- Classification/Characterization/Categorization - allocation of category to the foreign element case.
- Necessity for Classification (different legal concepts with different content – matters like domicile, talaq and dower in different legal systems.
- What is Connecting factor.
- Selection of Lex Causae through Connecting Factor.
- Meaning & Application of Lex Causae - Renvoi: Partial and Total (Foreign Court Theory) - critical analysis of Renvoi - Indian position

Case Law: *Re Ross Case*

Vishwanathan (R) v. Rukn-ul-Mulk Syed Abdul Wajid

Unit IV :

Limitations on application or exclusion of foreign law

2 Lectures

- When foreign law is excluded: grounds - Public Policy, Revenue Laws and Penal Laws
- Case Laws:

1. *Schemmer v Property Resources Ltd* [1974] 3 All ER 451
2. *Bank of Ireland v Meenaghan* [1995] 1 ILRM 96
3. *United States of America v Inkley* [1989] QB 255 at 265

Unit V: Incidental Question and Time Factor in private International Law

2 Lectures

Unit VI

Concept of Domicile

3 Lectures

- Concept of Domicile, Nationality, Citizenship & Habitual Residence
- General principles/fundamental Principles
- Elements - intention and residence
- Kinds
 - Domicile of Origin
 - Domicile of Choice
 - Domicile of dependence (Married women's position in English and Indian laws)
 - Domicile of corporation.

Case Law:

1. *Sondur Gopal v. Sondur Rajini* (2013) 7 SCC 426
2. *Handerson v. Handerson* (1965) 2 W.L.R. 218
3. *Rasheed Hasan v. Union of India* 1967 All 154

PART B – LAWS OF PERSONS

Unit VII

Marriage

7 Lectures

- Concept & Kinds of Marriage
- How in India, marriage as a concept moved from partially polygamous towards monogamous type and total sacrament to secularization to some extent.
- Questions of Formal and Essential validity:
 - Formal validity by *lex loci celebrationis*
 - Essential/material/intrinsic validity

Case Law:

1. *Hassan v Hassan* [1978] 1 NZLR 385 at 390
2. *Mehta v Mehta* [1945] 2 All ER 690
3. *Chetti v Chetti*
4. *Hyde v. Hyde* [L.R. (1866) 1 P.M. 130 at P. 133]
5. *Ogden v. Ogden.*
6. *Nevada case USA – SC case*

Unit VIII

Matrimonial Causes

5 Lectures

- Concept of Matrimonial Cause (Relief)
- Available Reliefs
 - Divorce, Nullity, Judicial Separation
 - Restitution of Conjugal Rights (in English law)
 - Choice of Jurisdiction and Choice of Law to be examined.

Case Law:

1. *In the Marriage of Hanbury Brown* (1996), FLC 92-671
2. *Butler v Butler* [1997] 2 All ER

Unit IX

Legitimacy and Legitimation

4 Lectures

- What is legitimacy
- What law governs legitimacy
- Validity of marriage
- Legitimation – Meaning & Concept, Effect & Legitimation and Succession.
- Case Law:
 1. *G v United Kingdom (Children :Rights of Contract)* [2001] 1 FLR 153
 2. *Sylvester v Austria* [2003] 2 FLR 210

Unit X

Adoption:

2 Lectures

- Recognition of Foreign Adoptions
 - Adoption by foreign Parents
 - Jurisdiction under Indian and English Law
 - Inter Country Adoption & Hague Convention 1993

Re G (Foreign Adoption: Consent) [1995] 2 FLR

PART C – LAWS OF PROPERTY

Unit XI

Property

7 Lectures

- Distinction between movable and immovable property (English idea of personal and real property).
- Immovables governed by *lex situs* - exceptions in English Law - S.16 C.P.C. *lex situs* rule
- Succession to immovable property - *lex patrae*
- Movables: tangible and intangible - chooses in possession and chooses in action in English Law - Chooses in action as actionable claims in India Law with some exception (SS 3 and 130 T.P. Act 1882.)
- Transfer of Tangible Movables (Particular Assignment).
 - Different theories
 - Assignment of Intangible Movables
 - Kinds of assignment-voluntary and involuntary
 - Formal and essential validity

Unit XII

Succession

4 Lectures

- Testate and in testate (Involuntary Assignment) - relevant provisions of Indian Succession Act.
- In testate succession
- Wills- Formal and Essential Validity
- Capacity-*lex domicilii* to make will (movables generally)
- In case of immovables, *lex situs* governs

PART D – LAWS OF OBLIGATION

Unit XIII

Contracts

4 Lectures

- Contract- a leading relationship in private international law system
- Validity of contracts

- Capacity to contract-Main four theories Lex Loci, *Lex Domicilii*, *lex situs* and proper law.
- Formal validity - *lex loci contractus* governs
- Essential validity - proper law is usually accepted as governing.
- Discharge of contract - Lex loci solutions governing.
- Doctrine of "proper law" of contract subjective and objective Theories

Case Laws:

1. *Miller v. Whitworth Street Estates* (1970) 2 *W.L.R.* 728
2. *Sayers v. International Drilling Co.* (1971) 3 *All E.R.* 163

Unit XIV

2 Lecture

- Recognition and Enforcement of Foreign Judgments/Awards

Mode of Evaluation: The theory and lab performance of students are evaluated separately.

Components	Theory	
	Internal	End Term Examination(ETE)
Marks	40	60
Total	100	

Relationship between the Course Outcomes (COs) and Program Outcomes (POs)

Mapping between Cos and Pos		
Sl. No.	Course Outcomes (COs)	Mapped Programme Outcomes
1	To understand whether principles of Conflict of Laws are applicable in any case involving foreign element	1
2	To identify the issue of Jurisdiction in any case where foreign element is involved	1,2
3	To identify the Law that will be applicable in any case where foreign element is involved	1,2
4	To understand whether a foreign judgement can be recognised and executed by municipal courts.	2,3,4,5
5	To understand the conflict between norms of Private International Law in Common Legal System and Civil Law System	2,3,5

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		Integrate Theory, Doctrine and Practice	Quest for Research and Inquiry	Develop Ethical, Social and Professional Understanding	Commitment for Scholarly engagement and societal reform	Ensure Professional Preparation
		1	2	3	4	5
LLB 308	Private International Law	3	3	1	1	2

1=addressed to small extent

2= addressed significantly

3=major part of course

Model Question Paper (Make in new format)

Galgotias University, Greater Noida

School of

End Term Examination

LLB (HONS.) 2ND YEAR 3RD SEMESTER 2015

Course Name: PRIVATE INTERNATIONAL LAW

Max Marks: 100

Course Code: LLB 308

Time:03.00 hr

Instructions:

1. Attempt all sections.

Section A

(10 Marks)

Compulsory Questions

- Q.1.** (a) Define Status. **1 mark**
(b) What is the distinction between formal validity and essential validity. **1 mark**
(c) What is Action in Rem? **1 mark**
(d) Explain Concept of Renvoi. (In one Sentence) **1 mark**
(e) Elaborate briefly on Territorial Theory **1 mark**
- Q.2** Write a short on:
(a) '*Jurisdiction in Personam*'
(b) *Lex loci delictii*

(2 x 2.5 Marks Each)

Section B

(20 Marks)

Compulsory Question

- Q3.** P, whose domicile of origin was England, acquired a domicile of dependency in South Australia. At the age of 20 he married a New Zealand domicile woman. With his wife he came to England and just then completed the age of 21. His wife presented a petition for dissolution of marriage in an English Court. Under English Private International Law, under what condition would the court have jurisdiction. And would did young 20 year old under English and Indian Private International Law after attaining majority acquire his own domicile or not.

Section C

(40 Marks)

(Any 4 Questions)

- Q4.** Explain the case of “Black v. Yates” to show the use of recognition and enforcement of foreign judgments.
- Q5.** During the process of categorization of a issue a particular kind of question arises because the main problem may not, even if resolved, answer the question to be determined by the court. What is this kind of question called and describe in detail its relation with ‘lex causae’, ‘lex situs’, ‘lex domicilii’ with the help of an example
- Q6.** In brief write down the need for recognizing foreign judgments. Give the basic features of the Hague Convention on the recognition and enforcement of judgments in civil and criminal matters 1971.
- Q7.** Critically analyze the case of ‘Schemmer v. Property Resources Ltd.’ to show limited application of foreign law.
- Q8.** Critically analyze the case of ‘Hyde v. Hyde’ with respect to hardship and injustice in respect of polygamous marriages in English Law

(4 x 10 Marks Each)

Section D

(30 Marks)

Compulsory Questions

- Q9.** In a particular case, the petitioner was a minor, his father left him behind in India and went to Pakistan, acquired Pakistani Domicile and became a citizen of Pakistan. The minor remained in India, later was added in the voters list and fought elections. What is the rule by which the domicile of the abandoned child can be declared and will it change with father’s domicile or remain as the original domicile. Clearly explain these concepts with respect to the Indian Laws of Domicile
- Q10.** When a court applies its own Private International Law to determine any matter involving a foreign element a problem of Time Factor arises. Define this term and give three situations in which this problem of Time Factor arises and elaborate on alteration in the rules of conflict of laws. And also give the relevant time of applying the connecting factor.

(2 x 15Marks Each)



LAW 550	Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations	L	T	P	C
Version 2.0	Date of Approval	4	0	0	4
Pre-Requisites/Exposure	Basics of Different Laws including Consumer Protection Law				
Co-requisites	The Legal Services Act and Different Rules of Bar Council of India				
Programme	B.A.LL.B. (Hons.) & B.Sc.LL.B. (Hons.)				
Semester	Xth				

1. Course Description:

The Course has been designed to acquaint the students of law about the legal profession, professional ethics and professional etiquettes that are essentially significant for an advocate to observe while at the Bar. Accountability and transparency are imperative to every profession and legal profession is not an exception. It focuses on requirement of conducive and cordial Bar-Bench relations to send a good message in the society concerning the richness of the legal profession and it's professional. With this background, the course aims at developing insights of the students about the professional parameters.

2. Course Objective:

The course shall have the following objectives:

- To provide the conceptual understanding of the general principles of professional ethics to legal professional and their accountability towards profession;
- To elucidate the importance of legal profession and its development in India;
- To understand the about enrolment procedure and practice in India; and
- To elucidate the professional misconduct and contempt of court *etc.*

3. Course Outcome:

The course has been designed with following objectives:

- To appreciate the importance of professional ethics to legal professional and their accountability towards the profession.
- To understand different conducts as professional misconduct or contempt of court and its punishment.
- To learn the procedure of enrolment and right to practice.

4. Pedagogy:

A various teaching-learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods includes followings:

- Class room discussion
- Lecture method
- Presentations
- Case studies
- Projects/Assignments
- Court room exercise
- Problem solving method

5. Evaluation Scheme:

S. No.	Components	Weightage (Max. Marks)
1	Project Writing	25
2	Case Analysis	25
3	Viva-Voce	25
4	End Semester Examination	25
5	Total	100

6. Reading Materials:

a. Statutes and Reports:

- The Letters Patent Act, 1865
- The Legal Practitioners Act, 1879
- The Indian Bar Councils Act, 1926
- The Advocates Act, 1961
- The Contempt of Courts Act, 1971
- The India Bar Committee Report, 1923
- The All Indian Bar Committee Report, 1951
- The Law Commission of India, 14th Report, 1958

b. Text Books:

- Kailash Rai, *Legal Ethics*, Central Law Publications, Allahabad
- J.P.S Sirohi and Sunil Sirohi, *Professional Ethics, Accountancy for Lawyers & Bench Bar Relations*, Allahabad Law Agency, Allahabad
- P. Ramanatha Iyer, *Legal & Professional Ethics*, Wadhwa Publication
- Raju Ramachandran, *Professional Ethics for Lawyers-Changing Profession, Changing Ethics*, Lexis Nexis, New Delhi

c. Reference Books:

- N.R. Madhava Menon, *Legal Profession*, Bar Council of India
- M.P. Singh, *Outlines of Indian Legal and Constitutional History*, Universal Law Publications
- M.P. Jain, *Outlines of Indian Legal and Constitutional History*, Lexis Nexis
- R. Subramanian, *Professional Ethics*, Oxford University Press, New Delhi.
- Ross Cranston, *Legal Ethics and Professional Responsibility*, Oxford University Press, London.
- Morgan and Rotunda, *Professional Responsibility, Problems and Materials*

d. Articles:

- Deborah L. Rhode, "Teaching Legal Ethics", *Saint Louis Law Journal*
- Monroe H. Freedman, "Understanding Lawyer's Ethics"
- Deborah L. Rhode, "Legal Ethics in Legal Education", *Clinical Law Review*
- Stephen L. Pepper, "The Lawyer's Amoral Ethical Role"
- Stephen L. Pepper, "Lawyers' Ethics in the Gap Between Law and Justice", *South*

Texas Law Review

- Marc Galanter, “The Faces of Mistrust: The Image of Lawyers in Public Opinion, Jokes, and Political Discourse”, *University of Cincinnati Law Review*
- Veeraraghavan, “Legal Profession and the Advocates Act, 1961”, *Journal of Indian Law Institute*
- Rao, “Law Students, Lawyers and Judges in the New Millennium”, *Supreme Court Cases*
- Shah, “Roles of Lawyers in Legal Institutions: Professional Conducts and Advocacy”, *Indian Bar Review*

e. Case Laws:

- *Sardul Singh v. Pratap Singh*, AIR 1999 SC 1704
- *Mahabir Prasad Singh v. Jacks Aviation Pvt. Ltd.*, AIR 1999 SC 287
- *N.G. Dastane v. Shekhar S. Shivde*, AIR 2001 SC 2028
- *D.P. Chadha v. Triyugi Narain*, AIR 2001 SC 457
- *Shambhu Ram Yadav v. Hanuman Das Khattri*, AIR 2001 SC 2509
- *In Re Advocate on Records*, AIR 1957 SC 149
- *Kumaravelu v. Bar Council of India*, AIR 1997 SC 1014
- *Hikmat Ali Khan v. Ishwar Prasad Arys*, AIR 1997 SC 864
- *P.D. Khandelkar v. B.C.I. Maharashtra*, AIR 1984 SC 110
- *B.C.I. Maharashtra v. M.V. Dabholkar*, AIR 1976 SC 242
- *Delhi Judicial Service Association v. State of Gujrat*, AIR 1991 SC2176
- *In re Dr. D.C. Sexena v. Hon'ble Chief Justice of India*, AIR 1996 SC 2481
- *Supreme Court Bar association v. Union of India*, AIR 1998 SC 1895
- *Mrityunjay Das v. Sayed Hasibur Rahman*, AIR 2001 SC 2763

7. Course Contents:

Module-I: Introduction to Legal Profession and Ethics

- Profession and Legal Profession
- Ethics and Its Requirement in Legal Profession
- Legal Ethics in Legal Profession
- Professional Ethics and Responsibility of Legal Professionals
- Rule of Confidentiality and Conflict of Interests

Module-II: Development of Legal Profession in India and Its Regulation

- Development of Legal Profession in India
- Legal Profession in India: Pre-Independence & Post-Independence
- Regulation of Legal Profession in Post-Independence India
- Regulation of Legal Profession in Pre-Independence India
- Regulation of Legal Profession under the Advocates Act, 1961

Module-III: Regulation of Practice and Enrollment in Legal Profession in India

- Bar Council of India: Constitution, Powers and Duties
- State Bar Councils: Constitution, Powers and Duties
- Committees under Bar Council of India and State Bar Councils
- Admission and Enrollment of Advocates
- Disqualification for Enrolment of Advocates

- Rights to Practice to Legal Profession

Module-IV: Professional Responsibilities and Misconduct

- Duty of Advocates towards Courts, Clients, Opponents, and Colleagues
- Duty of Advocates towards Society and obligation to Render Legal Aid
- Professional and other Misconducts
- Complaint against Professional and other Misconducts
- Disciplinary Action against Professional and other Misconducts
- Review and Appeal against Disciplinary Actions

Module-V: Bench-Bar Relations & Contempt of Court

- Bench-Bar Relation: Nature and Importance
- Contempt of Court: Meaning, Nature and Kinds
- Contempt Jurisdiction: Basis and Extent
- Procedure against Contempt of Court
- Punishment for Contempt of Court, Defenses and Remedies

Module-VI: Emerging Issues in Legal Profession

- Legal Profession in Globalizing Context
- Right to Advertisement in Legal Profession
- Right to Strike to Legal Professionals
- Negligence by Legal Professionals
- Deficiency in Service by Legal Professionals
- Legal Our-Sourcing in India

8. Teaching Plan:

Teaching plan will be discussed in the class room.

LAW 556	Competition Law	L	T	P	C
Version1.1		3	1	0	4
Pre-requisites//Exposure	Consumer Protection Act, 1986				
co-requisites	Sector Regulators				
Semester	X				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

1. Course Description

Till 1975, there were only a handful of countries having competition laws on their statute books. Today, more than 90 jurisdictions boast some form of competition laws. The Indian parliament passed the Competition Act, 2002, which has replaced the Monopolies and Restrictive Trade Practices Act, 1969. As India transitions from a “command and control” economy to a “free- market” economy, the nascent Competition Act is supposed to act as a bulwark of necessary support structure. Competition plays a vital role in ensuring productivity, innovation and responsive market. Policies to stimulate competition are a key driver for improving the micro and macroeconomic performance of an economy. In a liberalized economy customer is equipped with the assurance of better quality of goods and services at an affordable price.

2. Course Objectives

- To serve as a foundational course on competition law and policy.
- To enable students to critically reflect upon the basic principles and policies of competition law.
- To know various business practices that may restrict competition in economic markets through private and public enforcement
- To analyze how competition law can curb anticompetitive activities and facilitate free competition.

3. Course Outcomes

On completion of this course, the students will be able

- To integrate theory, doctrine and practice by understanding the significance of Competition Law in controlling unfair practices of various business enterprises hampering interest of consumers.

- To understand the meaning and scope of various anti-competitive practices, abuse of dominant position and combinations and the rules and regulations governing them.
- To analyze the role of Competition Commission of India in regulating competition and its conflict with other sector regulators for ensuring Competition in market.

4. Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Lecture Method
- Presentations
- Case Studies
- Projects
- Court Room Exercise
- Problem method

5. Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Continuous Assessment	30
2	Attendance	5
3	Midterm Exam	15
4	Semester End Examination	50
5	Total	100

6. Text Books

- (1) Mittal D.P., Taxmann's Competition Law (2007)

(2) Vinod Dhall, *Competition Law in India Policy, Issues, and Developments*

Reference Books

- (1) T. Ramappa, *Competition Law in India: Policy, Issues and Developments*
- (2) K.S. Anantharaman, *Lectures on Competition law*
- (3) S.M. Dugar, *Commentary on MRTP Law, Competition Law & Consumer Protection Law,*
- (4) Dr. H.K.Saharay, *Textbook on Competition Law.*

7. Course Content

Unit I: Introduction to Competition Law

8 lecture hours

- Meaning of Market Structure: Perfect Market Structure, Imperfect Market Structure
- Monopoly and anti-trust policy, Monopolistic competition
- Oligopoly. Inception of Competition Laws: A comparative study
- Interface between Economics and Competition Law and economic concerns of competition law
- Definition of Competition, Competition Law
- Objectives of Competition Law, History of Competition Law (USA, UK, Europe- Relevant Provisions)
- WTO and Competition Law

CASE:

- Haridas Exports v. All India Float Glass Manufacturers. Association, AIR 2002 SC 2728

Unit II: Regulatory Framework in India

7 lecture hours

- Constitutional vision of social justice (Article 39A),
- Objectives and Recommendations of Sachar Committee and Raghavan Committee,
- MRTP Act-Salient features and its amendment in 1991,
- Competition Act 2002: Main features of Competition Act 2002

Unit III: Regulation of Competition in Market

18 lecture hours

- Anticompetitive Agreements- (Section 3): Appreciable Adverse Effect, Horizontal and Vertical Agreements, Effects Doctrine, Concerted Practices and Parallel Behaviour,

Cartel and Cartelisation, Bid-Rigging and Collusive Bidding, Tie-In Arrangements, Exclusive Supply Agreement, Resale Price Maintenance Agreement, Cartelization.

- Abuse of Dominance (Section 4): Relevant Market, Predatory Behaviour, Predatory Pricing, Discriminatory Practices.
- Regulation of combination (Section 5): Value of Assets, Turnover, Acquisition, Conglomeration, Joint Venture, Merger and Amalgamation.
- Competition Commission of India: Establishment and Composition, Duties, Procedure for Inquiry, Powers, Competition Appellate Tribunal (COMPAT): Powers and Duties.

CASES:

- Alkali Manufacturers Association of India v Sinochem International Chemicals Co. Ltd, (1999) 98 Comp Cas.
- Union of India v. Hinsuatan Development Corporation, AIR 1994 SC 988.
- Competition Commission of India v. Steel Authority of India, Civil Appeal No. 7779/2010.
- Neeraj Malhotra v. Deutsche Post Bank Home Finance Ltd, Decided on 2.12.2010.
- Belaire Owner's Association v. DLF Limited, Case No. 19 of 2010.
- MCX Stock Exchange Ltd. V. National Stock Exchange of India Ltd., Case No. 13 of 2009.
- United States v. Microsoft Corporation 253 F.3d 34.
- Indian Sugar Mills Association and others v Indian Jute Mills Association and others, Case No. 38 of 2011.
- Re: Suo-moto case LPG cylinder manufacturers, Suo Moto Case No. 03 of 2011
- Pankaj Aggarwal & Sachin Aggarwal v DLF Gurgaon Home Developers Private Limited, Case No. 13 & 21 of 2010 and Case No. 55 of 2010

Unit IV: Regulatory Interface between CCI and other Regulators

7 lecture hours

- Regulatory interface between Competition Commission and other regulators:
- Securities and Exchange Board of India,

- Telecom Regulatory Authority of India,
- Insurance Regulatory Authority of India,
- National Consumer Dispute Redressal Commission,
- Reserve Bank of India.

CASES:

- Punjab National Bank v. New Bank of India Merger: Case Analysis
- Reliance Airport Developers Pvt. Ltd. v. Airports Authority of India, 2006 (11) SCALE 208; MANU/SC/4912/2006
- Consumer Online Foundation v. Tata Sky Ltd. & Other Parties [Case 2/2009]

Unit V: Consumer Protection Act, 1986 and its Applicability to Competition Act, 2002

5 lecture hours

- Relationship of CPA and Competition Act, 2002:
- Definition of Consumer, Definition of Service,
- Deficiency in Service,
- Unfair Trade Practices



Galgotias University, Greater Noida

School of Law

End Term Examination

LLB (Hons.)/ Fifth Semester/ 2015

Course Name: Competition Law

Max Marks: 100

Course Code: LLB 516

Time: 03.00 hr

Instructions:

1. Attempt all sections.

Section A

(10 Marks)

1. (a) Identify the provision which prohibits Bid-Rigging as a form of Anti-Competitive behaviour
(b) Whether Horizontal agreements or vertical agreements are more anti-competitive in nature?
(c) What is meant by Competition Advocacy as per the Competition Act, 2002?
(d) Can the CCI take Suo-Moto Cognizance of anti-competitive behaviour by an enterprise? If yes, cite two such cases.
(e) State the provision for imposition of penalty for anti-competitive practices under Competition Act, 2002.
2. Write short notes on the following:
 - a) Appreciable Adverse Effect as a standard of anti-competitive behaviour.
 - b) Effects Doctrine

Section B

(20 Marks)

3. What are the objectives of Competition Act, 2002? Discuss the main purposes of Competition Act, 2002. Elaborate points of difference between the new law and the Monopolies and Restrictive Trade Practices Act, 1969.

Section C

(40 Marks)

4. What is a Cartel? Discuss the nature and impact of cartelization prevailing in the current Indian Business scenario.
5. Give a critical appraisal of the powers and working of the authorities established under the Competition Act, 2002. Suggest measures to reduce instances of anti-competitive behavior.
6. What is a Combination as per the Competition Act, 2002? To what extent the present law is effective in regulating them?
7. Write short notes on:
 - (a) Competition Advocacy
 - (b) Overlapping areas in the Consumer Protection Act, 1986 and the Competition Act, 2002

8. Discuss in light of relevant committee reports the need for a shift from monopolistic restrictive trade policies to competitive policies in contemporary India.

Section D

(30 Marks)

9. “An Act to regulate the anti-competitive practices, for the welfare of consumers and to promote competition in market”. In light of the statement highlight the need for competition Act, 2002. Also discuss the important provisions of the Act.

10. Enumerate the kinds of anti-competitive behaviour prohibited under section 3 of Competition Act, 2002. Also discuss the role of CCI in regulating and preventing such practices.



LAW 456	Financial Market Regulation	L	T	P	C
Version: 1.1		6	0	0	6
Pre-requisites//Exposure	Constitution-I, Company Law-I				
co-requisites	SEBI & Investment Laws				
Semester	VIII				
Programme	B.A. LL.B.(H) &B.Sc.LL.B.(H)				

1.0. Objective of the Course:

- To analyze and impart the basic principles of capital markets in India;
- To impart knowledge of legal frameworks relating to regulation of capital market;
- To impart the knowledge and skill regarding practical aspects of the capital markets;
- To train the students in facing contemporary issues development and of capital market.

2.0. Teaching Learning Methodology:

- ✚ Lecture Method
- ✚ Problem Method
- ✚ Case Study Method

3.0. Evaluation Scheme:

- ✚ Continuous Assessment 30 Points
- ✚ Attendance 5 Points
- ✚ Mid-Term 15Points
- ✚ End Term 50 Points

4.0. DETAILED SYLLABUS

Module I: An overview of Financial System

- Financial markets- it's definition and meaning;
- Role and functions of financial markets;
- Different constituents of financial markets,
- Development and growth of financial markets in India and financial reforms in India.
- Meaning, characteristics, significance and growth of capital market in India;
- Constituents of Indian Capital market;
- The capital market vis-à-vis Money Market;
- Capital Market instruments: Preference shares, Equity shares, Non-voting equity shares, Company fixed deposits, warrants, Debentures and Bonds, sweat equity.
- Money Market Instruments: Treasury Bills, Treasury bonds, Commercial papers, Participatory notes, Certificate of deposit, Bankers acceptances.

References & Readings materials:

- SEBI Manual, Taxman Publications.
- Dr. K.R Chandretre, Bipin S. Acharya, et.al. SEBI compendium (A guide to listed Companies), Bharat, 4th edition, 2011.
- Dr. V.A Avadhani, Investment and Securities Market in India, Himalya Publishing House, eighth edition, 2008.
- Securities Markets and Products, Indian Institute of Banking and Finance, 2011.
- Elis Ferran, Principles of Corporate Finance, Oxford University Press, 2009.
- K.Sekhar, Guide to SEBI Capital Issues, Debentures and Listing, 3rd edition, Lexis Nexis Butterworths Wadhwa Nagpur, 2003.
- S.R Myneni, Law of Investment and Securities, Asia Law House, 2006.
- Sumit Agarwal, Robin Joseph Baby, Amit Agarwal, Agarwal & Baby on SEBI Act, Taxmann, 2011.
- Dr. S. Gurusamy, Capital Markets, 2nd edition, Tata McGraw-Hill publication.
- Rajesh Chakrabarti, Sankar De, Capital Markets in India, Sage Publications, 2010.

Module II: New issue Market / Primary Market

- Meaning, Significance and scope;
- Government policies and new issue market;
- Advantages and disadvantages of primary market;
- Functions of new issue market;
- Methods of floating new issues;
- Problems of the new issue markets;
- General guidelines and regulatory aspects for new issues;
- The role of intermediaries- Merchant bankers, Registrars, Underwriters and brokers, Collecting and coordinating bankers, Portfolio managers, debenture-trustees.

References & Readings materials:

- SEBI Manual, Taxman Publications.
- Dr. K.R Chandretre, Bipin S. Acharya, et.al. SEBI compendium (A guide to listed Companies), Bharat, 4th edition, 2011.
- Dr. V.A Avadhani, Investment and Securities Market in India, Himalya Publishing House, eighth edition, 2008.
- Securities Markets and Products, Indian Institute of Banking and Finance, 2011.
- Elis Ferran, Principles of Corporate Finance, Oxford University Press, 2009.
- K.Sekhar, Guide to SEBI Capital Issues, Debentures and Listing, 3rd edition, Lexis Nexis Butterworths Wadhwa Nagpur, 2003.
- S.R Myneni, Law of Investment and Securities, Asia Law House, 2006.
- Sumit Agarwal, Robin Joseph Baby, Amit Agarwal, Agarwal & Baby on SEBI Act, Taxmann, 2011.
- Dr. S. Gurusamy, Capital Markets, 2nd edition, Tata McGraw-Hill publication.
- Rajesh Chakrabarti, Sankar De, Capital Markets in India, Sage Publications, 2010.

Module III: Secondary Market/Stock exchanges

- Meaning and significance;
- Functions of secondary market;
- Recognition and organization of stock exchanges in India;
- Listing of securities on the stock exchanges-advantages and disadvantages;
- Listing of securities- Procedure, rules and regulations;
- Secondary Market Intermediaries- Stock brokers- their registration and functions, sub-brokers;
- Online Trading, BSE-BOLT System, Mobile Trading, ALGO Trading.

References & Readings materials:

- SEBI Manual, Taxman Publications.
- Dr. K.R Chandretre, Bipin S. Acharya, et.al. SEBI compendium (A guide to listed Companies), Bharat, 4th edition, 2011.
- Dr. V.A Avadhani, Investment and Securities Market in India, Himalya Publishing House, eighth edition, 2008.
- Securities Markets and Products, Indian Institute of Banking and Finance, 2011.
- Elis Ferran, Principles of Corporate Finance, Oxford University Press, 2009.
- K.Sekhar, Guide to SEBI Capital Issues, Debentures and Listing, 3rd edition, Lexis Nexis Butterworths Wadhwa Nagpur, 2003.
- S.R Myneni, Law of Investment and Securities, Asia Law House, 2006.
- Sumit Agarwal, Robin Joseph Baby, Amit Agarwal, Agarwal & Baby on SEBI Act, Taxmann, 2011.
- Dr. S. Gurusamy, Capital Markets, 2nd edition, Tata McGraw-Hill publication.
- Rajesh Chakrabarti, Sankar De, Capital Markets in India, Sage Publications, 2010.

Module IV: Principal Regulator of Indian capital market

- The Securities and Exchange Board of India: establishment and incorporation;
- Powers and functions of the Board;
- Registration certificate;
- Prohibition of manipulative and deceptive devices, insider trading and substantial acquisition of securities or control;
- Securities Appellate Tribunal- establishment, jurisdiction and authority;
- SEBI (Issue of capital and disclosure requirements) Regulations, 2009:
- Green shoe option, IPO, FPO, Net worth, Offer document, QIB, Rights issue;
- Common conditions for public issues and rights issues;
- Conditions for IPO;
- Bonus issue- conditions & restrictions.

References & Readings materials:

- SEBI Manual, Taxman Publications.
- Dr. K.R Chandretre, Bipin S. Acharya, et.al. SEBI compendium (A guide to listed Companies), Bharat, 4th edition, 2011.
- Dr. V.A Avadhani, Investment and Securities Market in India, Himalya Publishing House, eighth edition, 2008.
- Securities Markets and Products, Indian Institute of Banking and Finance, 2011.
- Elis Ferran, Principles of Corporate Finance, Oxford University Press, 2009.
- K.Sekhar, Guide to SEBI Capital Issues, Debentures and Listing, 3rd edition, Lexis Nexis Butterworths Wadhwa Nagpur, 2003.
- S.R Myneni, Law of Investment and Securities, Asia Law House, 2006.
- Sumit Agarwal, Robin Joseph Baby, Amit Agarwal, Agarwal & Baby on SEBI Act, Taxmann, 2011.
- Dr. S. Gurusamy, Capital Markets, 2nd edition, Tata McGraw-Hill publication.
- Rajesh Chakrabarti, Sankar De, Capital Markets in India, Sage Publications, 2010.

Module V: Depository services

- Overview of Depository system in India, benefits of the system;
- Beneficial owner, Depository, Depository participant ;
- Significance of the system;
- Materialization, Dematerialization and Dematerialization;
- Certificate of commencement of business by depositories;

- Rights and obligations of depositories, participants, issuer and beneficial owners,
- Overview of SEBI (Depositories and participants) Regulations, 1996.

References & Readings materials:

- SEBI Manual, Taxman Publications.
- Dr. K.R Chandretre, Bipin S. Acharya, et.al. SEBI compendium (A guide to listed Companies), Bharat, 4th edition, 2011.
- Dr. V.A Avadhani, Investment and Securities Market in India, Himalya Publishing House, eighth edition, 2008.
- Securities Markets and Products, Indian Institute of Banking and Finance, 2011.
- Elis Ferran, Principles of Corporate Finance, Oxford University Press, 2009.
- K.Sekhar, Guide to SEBI Capital Issues, Debentures and Listing, 3rd edition, Lexis Nexis Butterworths Wadhwa Nagpur, 2003.
- S.R Myneni, Law of Investment and Securities, Asia Law House, 2006.
- Sumit Agarwal, Robin Joseph Baby, Amit Agarwal, Agarwal & Baby on SEBI Act, Taxmann, 2011.
- Dr. S. Gurusamy, Capital Markets, 2nd edition, Tata McGraw-Hill publication.
- Rajesh Chakrabarti, Sankar De, Capital Markets in India, Sage Publications, 2010.

Module VI: Credit Rating and Evaluation of Risk

- Concept, scope and significance;
- Benefit to investors;
- Regulatory framework;
- Credit rating agencies in India and their process.

References & Readings materials:

- SEBI Manual, Taxman Publications.
- Dr. K.R Chandretre, Bipin S. Acharya, et.al. SEBI compendium (A guide to listed Companies), Bharat, 4th edition, 2011.
- Dr. V.A Avadhani, Investment and Securities Market in India, Himalya Publishing House, eighth edition, 2008.
- Securities Markets and Products, Indian Institute of Banking and Finance, 2011.
- Elis Ferran, Principles of Corporate Finance, Oxford University Press, 2009.
- K.Sekhar, Guide to SEBI Capital Issues, Debentures and Listing, 3rd edition, Lexis Nexis Butterworths Wadhwa Nagpur, 2003.
- S.R Myneni, Law of Investment and Securities, Asia Law House, 2006.

- Sumit Agarwal, Robin Joseph Baby, Amit Agarwal, Agarwal & Baby on SEBI Act, Taxmann, 2011.
- Dr. S. Gurusamy, Capital Markets, 2nd edition, Tata McGraw-Hill publication.
- Rajesh Chakrabarti, Sankar De, Capital Markets in India, Sage Publications, 2010.

Module VII: Other Instruments

- Mutual Funds: Definition, Types, Importance, Risks involved, Net Asset Value (NAV);
- Overview of SEBI (Mutual Funds) Regulation, 1996;
- Venture capital- meaning and definition, significance, Indian venture capital industries;
- Instruments Issued Outside India- FCCBs, GDRs, ADRs, ECBs.

References & Readings materials:

- SEBI Manual, Taxman Publications.
- Dr. K.R Chandretre, Bipin S. Acharya, et.al. SEBI compendium (A guide to listed Companies), Bharat, 4th edition, 2011.
- Dr. V.A Avadhani, Investment and Securities Market in India, Himalya Publishing House, eighth edition, 2008.
- Securities Markets and Products, Indian Institute of Banking and Finance, 2011.
- Elis Ferran, Principles of Corporate Finance, Oxford University Press, 2009.
- K.Sekhar, Guide to SEBI Capital Issues, Debentures and Listing, 3rd edition, Lexis Nexis Butterworths Wadhwa Nagpur, 2003.
- S.R Myneni, Law of Investment and Securities, Asia Law House, 2006.
- Sumit Agarwal, Robin Joseph Baby, Amit Agarwal, Agarwal & Baby on SEBI Act, Taxmann, 2011.
- Dr. S. Gurusamy, Capital Markets, 2nd edition, Tata McGraw-Hill publication.
- Rajesh Chakrabarti, Sankar De, Capital Markets in India, Sage Publications, 2010.

BALAW10002C04	Moot Court and Internship	L	T	P	C
Version1.1		4	0	0	4
Pre-requisites//Exposure	Indian Contract Act, 1872				
co-requisites	Companies Act, 2013				
Semester	X				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

Objective of the Course:

Teaching Learning Methodology:

- ✚ Lecture Method
- ✚ Problem Method
- ✚ Case Study Method

Evaluation Scheme:

- ✚ Continuous Assessment 30 Points
- ✚ Attendance 5 Points
- ✚ Mid-Term 15Points
- ✚ End Term 50 Points

Course Contents:

Module I: Moot Court

Bench Memorial, Court Craft : Presentation of case, Interaction with Bench, Question Answer Court etiquette and mannerism section.

Module II : Internship

It is expected that students should observe trial at least in two cases, one civil and one criminal. A student will maintain a Journal for the year's work and the all written submissions and assignments will be written in the journal provided by the college. A student will maintain a record of all steps observed in the trials (including the facts of the case, the arguments and findings of the Court)

Module III : Corporate Legal Training

Each student should observe two interviewing sessions of clients at the lawyer's office/legal aid office/ Corporate law work environment and record the proceeding in the journal. Each student will further observe the preparation of documents and court papers by an Advocate and the procedure for filling of the suit/petition. This will be recorded in the Journal.

MODULE 4. Viva-voce

The fourth component will be viva-voce on the basis of above mentioned topics.

5.0 Select bibliography

1. [Aggarwal Prof. Nomita & Mukesh Anand](#), "*Beginners Path To Moot Court*" Universal Law Publishing Co. Pvt. Ltd.
2. Rai Kailash (Dr.), "[Moot Court, Pre-Trial Preparations and Participation in Trial Proceedings](#)"
3. Sirohi J.P.S., "*Moot Court, Pre-Trial Preparations and Participation in Trial Proceedings.*"

4. Myneni S R (Dr.) Moot Court, “*Pre-Trial Preparation and Participation in Trial Proceedings & Viva-voice*”, Edition 2013,
5. Tewari O.P., “*Moot Court Pre Trial Preparations & Viva Voce.*”
6. Deshta Sunil (Dr.) & Mrs. Kiran Deshta, “*Practical Advocacy of Law.*”
7. Mittal J.K. “*Practical Training.*”
8. Williams Glanville, “*Learning the Law*”



BALAW10001E04	Right To Information	L	T	P	C
Version1	Date of Approval:	4	0	0	4
Pre-requisites//Exposure	None				
co-requisites	None				
Semester	X				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

Course Objectives

1. To thoroughly cover the objectives and the background of the Act; the mechanism of implementation of the Act
2. To elucidate the importance of RTI in bringing transparency in various sectors and to curb corruption
3. To understand the role and responsibilities of the Judiciary, Educational Institutions, Ministry/Government, CIC, PSUs and other authorities, associated with RTI Act
4. To understand the effectiveness of the Act and related authorities

Course Outcomes

On completion of this course, the students will

1. Appreciate the importance of this Act in infusing transparency and accountability in governance, preventing abuse of power.
2. Understand the application of this Act in getting information from Government and Non-Government bodies
3. Know the procedure of filing a RTI application

Catalog Description

The right to information is implicitly guaranteed by the Constitution. However, with a view to set out a practical regime for securing information, the Indian Parliament enacted the Right to Information Act, 2005 and thus gave a powerful tool to the citizens to get information from the Government as a matter of right. The commencement of the RTI regime marked the dawn of a new era. Different stakeholders have played an important role in carrying forward the regime and have helped the government in inculcating a culture of transparency and accountability in the working of public authorities. This law is very comprehensive and covers almost all matters of governance and has the widest possible reach, being applicable to Government at all levels- Union, State and Local as well as recipients of government grants.

Text Books

1. Right to Information Act, 2005 An Analysis by Dr. Abhe Singh Yadav; Central Law Publications

Reference Books

1. Right To Information by S P Sathe, Publisher: Butterworth Heinemann
2. Right to Information: Implementing Information Regime Right by Sarbjit Sharma and Krishan Gopal, Publisher Authorspress
3. The Right to Information Act, 2005 by U.N.Gupta, Publisher Atlantic
4. A Practical Handbook on Right to Information Act, 2005 by S.R.Kaneja, Publisher The Book Line 2011

Course Content

Unit I: A General Overview of the RTI Act and Explanation of Important Concepts /Terms in the Act **1 lecture hours**

- The evolution of the Right to Information in India,
- The philosophy underlying the Right to Information Act, 2005 and the paradigm shift it envisages,
- The important terms and concepts used in the Act,
- The salient features of the Act

Unit II: Public Authorities and their Obligations under the Act **5 lecture hours**

- What is a Public Authority?
- Who are the Public Authorities covered under the Act?
- Which Public Authorities are exempted from the ambit of the Act?
- Obligations of Public Authorities.

Unit III: Role of Public Information Officers: PIOs and APIOs - Accepting an Information Request, Processing and Disposing **6 lecture hours**

- The requirement for designation of Information Officers - PIOs / APIOs - in public authorities,
- The specific Duties & Responsibilities of Information Officers.,
- The liabilities of a PIO for non-compliance with the provisions of the Act.,
- How to accept information requests and assist citizens in making information requests?,
- What is the process for disposal of requests?, The time limits for disposal of information requests., The fees and costs to be charged for providing information., The grounds on which requests can be rejected and the procedure for such rejection.

Unit IV : Exemptions from Disclosure of Information, Partial Disclosure and "Third Party" Information **8 lecture hours**

- Specific provisions of the Act which exempt certain kinds of information - the classification of such exempted information,
- Application of public interest test with respect to exempted information,

- Grounds that allow for partial disclosure of information,
- The concept of 'Third Party' and the issues and considerations revolving around its involvement.

Unit V: The roles and responsibilities of Appellate Officers within Public Authorities.

6 lecture hours

- The process involved in making first appeals to designated Appellate Officers,
- Timelines for making a first appeal and disposal of the appeal,
- First Appeals and Appellate Officers - Important Provisions

Unit VI: Information Commission: Powers and Functions

9 lecture hours

- The Role and Responsibilities of the Information Commissions,
- The relevant provisions in the RTI Act dealing with Complaints to the Information Commission and the specifications thereof,
- The "Second Appeal" process and the Commissions' mandate for the same,
- The power of Information Commissions with regard to enforcing compliance of public authorities with the provisions of the RTI Act,
- imposing penalty / recommending disciplinary action against erring PIOs etc.

Unit VII: RTI and Good Governance:

12 lecture hours

- Role of Civil Society Organisations and Media,
- Records Management for Effective Information Management,
- Implementation of the Act,
- Case Studies- How RTI helped in better administration and Good Governance

BALAW 8001C04	Labour and Industrial Law-II	L	T	P	C
Version: 1.1		4	0	0	4
Pre-requisites//Exposure	Labour Jurisprudence				
co-requisites					
Semester	VIII				
Programme	B.A. LL.B.(H) &B.Sc.LL.B.(H)				

1.0. Objective of the Course:

- To impart expert knowledge of labour laws to the students;
- To make them aware of the relevant provisions and judicial decisions,
- To train them practical knowledge on the subject.

2.0. Teaching Learning Methodology:

- ✚ Lecture Method
- ✚ Problem Method
- ✚ Case Study Method

3.0.Evaluation Scheme:

✚ Continuous Assessment	30 Points
✚ Attendance	5 Points
✚ Mid-Term	15Points
✚ End Term	50 Points

4.0. Course Content

Module: 1. Unorganised Sector

3 lecture

hours

- Problem of Definition and Identification; Unionization problems,

- Historical backdrop of proposed bills on social security for unorganized sector (2004, 2005 & 2007);
- Characteristics and constituents of social security
- Unorganized Sector Workers' Social Security Act, 2008

Case Laws:

- *Neeraja Chaudhary v State of Madhya Pradesh*, AIR 1984 SC 1099
- *M. C. Mehta v State of Tamil Nadu*, AIR 1991 SC 417
- *Jan Mohan v State of Gujarat* AIR 1966 SC 385

Module: 2. Workmen Compensation Act, 1923

8 lecture hours

- Objectives, Application and Scope, Definitions
- Employer's Liability for compensation,
 - Amount of compensation
- Concept of 'accident arising out of' and 'in the course of the employment';
 - Doctrine of notional extension and doctrine of added peril
- Total and partial disablement;
- Quantum and method of distribution of compensation.
- Employees Compensation Commissioners, their Appointment, powers
- Appeals, Rulemaking power of Government

Case Laws:

- *Golden Soap Factory (P) Ltd v Nakul Chandra Mandal*, AIR 1964 Cal 217
- *National Insurance Co. Ltd., Ernakulam, Cochin v Bhanumathy*, 2013 III LLJ 580 (Ker)
- *National Insurance Co. Ltd., Madras v Srinivasa Goods Transport, Madras*, 2003 III LLJ 254
- *National Insurance Co. Ltd.vParam Pal Singh*, 2007 LLR 984 (Del)
- *Vilas v Smt Hussainbee*, 2012 LLR 755 (MP)
- *Ram Swarup v Gurdev Singh*, 1968 I LLJ 80
- *Mohan Singh v Chairman, Railway Board*, 2011 LLR 319 (Del)
- *Shanti Rani v Anil Chandra Saha*, 2013 III LLJ 202 (Guj)
- *National Iron & Steel v Manorama*, AIR 1953 Cal 143

Module: 3. Payment of Wages Act, 1936

4 lecture hours

- Historical Background, Objective & Application
- Time of payment of wages
- Unlawful deductions, its meaning,
- Authorised Deductions
- Maintenance of Registers and records, Mode of payment
- Inspectors, powers and functions,
- Claim Applications
- Appeals, Jurisdiction of the authorities, Penal Provisions

Case Laws:

- *Arya Travels v State of Bihar*, 2008 LLR 162
- *Modi Sugar Mills v Prescribed Authority(Payment of wages Act)*, 2013 II LLJ 308 (All)
- *SinghbhumThikedarMazdoorSangh v State of Jharkhand*, 2013 IV LLJ 27
- *Abdul waheed v Authority, Payment of Wages Act*, 1995 II LLJ 1079
- *Payment of Wages Inspector, Ujjain v Surak Mal Mehta*, AIR 1969 SC 590
- *Karnataka Bank Employees Association v Commissioner of Labour and Others*, 1980 I LLJ 97

Module:4. Minimum Wages Act, 1948

5 lecture hours

- Objectives and constitutional validity of the Act;
- Types of wages, minimum rates of wages
- Procedure for fixation and revision of minimum rates of wages.
 - Overtime, Claims,
 - Penalties,
 - exemptions and exceptions,
 - Power of Government
- Payment of Bonus Act 1965; Extent and application, Eligibility,
 - Disqualification, Time limit for payment,
 - Inspectors, Penalty and exemptions;
 - Payment of Bonus (Amendment) Act, 2007

Case Laws:

- *Mohiuddin Khan v State of Jharkhand*, 2012 LLR 1119 (Jhar)
- *Imperial Tobacco Co. v State of Bihar*, 1971 (23) FLR 55
- *Bisra Lime Stone Co. Ltd v Labour Inspector, Central*, AIR 1969 Ori. 110
- *Mantec Consultant Pvt Ltd v State*, 2013 LLR 120 (Del)
- *Abraham v Induatrial Tribunal*, 1961 II LLJ 556
- *Airfreight Ltd v State of Karnataka*, AIR 1999 SC 2459
- *SopandanaSpoorty Financial Ltd. Hyderabad v Joint Commissioner of labour Zone -2*, 2013 III LLJ 796

Module: 5. Employees State Insurance Act, 1948
hours

6 lecture

- Benefits provided under the Act;
- Employees State Insurance Fund and Contributions;
- Machinery for the implementation of the Act;
- ESI court and appeal to High Court.

Case Laws:

- *ESI Corporation, Hyderabad v J. C. and Co. Products Ltd*, 1980 Lab IC 1078

- *ESI Corporation Chandigarh v Collector Bhatinda*, 2013 IV LLJ 209
- *ESI Corporation v Gopi prints*, 1990 LLR 51 (A.D)
- *Christian Medical College v ESI Corporation*, 2001 (1) SCC 256
- *ESI Corporation v Nirankari Bus Service(Regd), Patiala*, 2011 LLR 221 (P&H)
- *ESI Corporation v R. K. Swamy*, 1994 LLR 51 (SC)
- *Ashok Kumar v ESI Corporation*, 2013 LLR 124 (MP)
- *Indian Rare Earths Ltd v SubaidaBeedi*, 1981 II LLJ 293
- *ESI Corporation, Patna v R. K. Tekriwal*, 2012 LLR 842 (Pat)

Module: 6. Retirement benefits

8 lecture

hours

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

Case Laws:

- *Otis Elevator Employees Union Regd. V Union of India*, AIR 2004 SC 3264
- *Balbir Kaur v Steel authority of India*, AIR 2000 SC 1596
- *Union of India v Ogale Glass works*, AIR 1971 SC 2577
- *M/s S. K. NasiruddinBeedi Merchant Ltd v Central Provident Fund Commissioner*, AIR 2001 SC 850
- *Lakshmi Tyre Foundry v R. F. P. C.*, 2013 LLRI (Del)
- *R. F. P. C. v VivekanandVidyaMandir*, 2005 LLR 399 (Cal)
- *Changdev Sugar Mills v Union of India* , 2001 LLR 188 (SC)

Module: 7. Protection of Weaker Sections of Labour

4 lecture

hours

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

Case Laws:

- *Prakash D shah v Union of India*, 2004 LLR 218 (Bom)
- *Akbarbhai Nazarali v Md Hussain Bhai*, AIR 1961 MP 37
- *Ram Singh v Sytate of Uttar Pradesh*, 2005 LLR 349

Module: 7. Labour Welfare Scheme under theFactories Act

10 lecture hours

- Philosophy of Labour Welfare;
- Historical Development of Labour welfare legislation;
- Measures under Factories Act, 1948;
 - Health,
 - Safety and welfare
 - Welfare of women and child labour, and
 - adult workmen:
- Protective provisions under Maternity Benefit Act.

Case Laws:

- *Uttaranchal Forest Development Corporation & Another v Jabar Singh & Others*, 2007 II LLJ (SC)
- *State of Kerala v V. M. Patel*, 1961 I LLJ 549
- *J Ghandy v State of Jharkhand*, 2011 LLR 143
- *Dharangandhara Chemical Works Ltd, v State of Saurashtra*, AIR 1957 SC 264
- *Hiramanya Dutta v State of Jharkhand*, 2010 LLR 504
- *Bishop's School, Ranchi v State of Bihar*, 2009 LLR 96 (Jhar)
- *PrashanBothra v State of Jharkhand*, 2011 LLR 620

Text Books

1. V. G. Goswami, "Labour and Industrial Laws" 10th Edition, Central Law Agency, Allahabad, 2015
2. Dr. Sunil Yadav, " Labour & Industrial Laws, 1st Edition, Central Law Publications, Allahabad, 2014

Reference Books

1. S. C. Srivastava, "Industrial Relations and Labour Laws", 6th Edition, Vikas Publishing House, Gurgaon, 2012.
2. ND Kapoor, "Handbook on Industrial Laws", 14th Edition, Sultan Chand & Sons, New Delhi, 2013
3. S. N Mishra, "Labour & Industrial laws" 27th Edition, Central Law Publications,Allahabad, 2014.



SCHOOL OF LAW AND GOVERNANCE

BALAW10004H04	Law Relating to Infrastructural Development	L	T	P	C
Version1.1		4	0	0	4
Pre-requisites//Exposure	Indian Contract Act, 1872,				
co-requisites	Companies Act, 2013				
Semester	X				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

Objectives of the course:

- To impart knowledge about importance of infrastructural development;
- To impart knowledge about laws relating to infrastructural development in India;
- To impart working knowledge about infrastructural laws in India;
- To impart knowledge about the latest legislative and judicial developments in the field of infrastructural laws in India;

Teaching Learning Methodology:

- ✚ Lecture Method
- ✚ Problem Method
- ✚ Case Study Method

Evaluation Scheme:

- | | |
|-------------------------|-----------|
| ✚ Continuous Assessment | 30 Points |
| ✚ Attendance | 5 Points |
| ✚ Mid-Term | 15Points |
| ✚ End Term | 50 Points |

Course Contents:

Module 1: Regulatory Laws in specific Infrastructure sectors in India-

- Meaning and development of the concept 'Regulatory Laws';
- Meaning and development of the concept 'Laws relating to infrastructural development';
- Importance of different Infrastructure sectors in India.

Module 2: The Telecom Sector and its legal regulation:

- The Telecom Regulatory Authority of India Act, 1997
- Establishment and incorporation of Authority;
- Qualification for appointment of Chairperson and other members;
- Term of office, condition of service etc of chairperson and other members;
- Powers of Chairperson and Vice chairman;
- Removal and suspension of member from office in certain circumstances;
- Powers and functions of the authority;
- Appellate Tribunal;
- The Register of Interconnect Agreement Regulations, 1999

Module 3: The Natural Gas Sector:

- The Petroleum and Natural Gas Regulatory Board Act, 2006;
- Establishment and incorporation of Petroleum and Natural Gas Regulatory Board;
- Qualifications for appointment of chairperson and other members;
- Term of office, condition of service etc of chairperson and other members;
- Powers of Chairperson and removal of chairperson and other members from office;
- Powers and functions of the Board;
- Registration and authorisation;
- Settlement of disputes;
- Offences and Punishment.

Module 4: Electricity Sector:

- The Electricity Act, 2003;
- National electricity policy and plan;
- Generation of Electricity;
- Licensing;
- Transmission of electricity;
- Distribution of electricity;
- Central Electricity Authority: constitution and functions;

- Regulatory commissions: constitution, powers and functions;
- Offences and penalties;

Module 5: Special Economic Zones:

- Special Economic Zones Act, 2005 and SEZ Rules, 2006;
- Special Economic Zones: Definition, Meaning and Features of SEZ;
- Various SEZs in India;
- 'Domestic Tariff Area', 'Free Trade and Warehousing Zone', 'International Financial Services Centre', 'Offshore Banking Unit'.
- Establishment of 'Special Economic Zone;
- Constitution of Board of Approval,
- Development Commissioner;
- Single Window Clearance;
- Special Fiscal Provisions for SEZs;
- Special Economic Zone Authority.

Module 6: Port Sector:

- The Major Port Trusts Act, 1963
- Board of Trustees and committees: constitution, Term of office, disqualification;
- Power of board to execute works and provide appliances;
- Imposition and recovery of rates at ports;
- Borrowing powers of board;
- Supervision and control of central government;
- Penalties.
- The Airport Economic Regulatory Authority Act, 2008

Module 7: The Roads sector:

- The National Highways Act, 1956;
- The National Highways Authority of India Act, 1988
- Constitution of the Authority;
- Term of office and conditions of service of members;
- Disqualifications for appointment as member;
- Eligibility of member for reappointment;
- Meetings;
- Appointment of officers, consultants and other employees of the Authority;
- Power of the Central Government to vest or entrust any national highway in the Authority;
- Transfer of assets and liabilities of the Central Government to the Authority;
- Compulsory acquisition of land for the Authority;

- Functions of the Authority.

Module 8: Relevant Judicial Decisions [which will be discussed in the class].

Suggested Readings:

- Laws of Infrastructure Development in India; Dr Souvik Chatterji, YS Books International;
- Infrastructure and Development in India: Interlinkages and Policy Issues; Rajarshi Majumdar, Rawat Publication, 2008.
- The National Highways Act, 1956;
- The National Highways Authority of India Act, 1988
- The Major Port Trusts Act, 1963
- Special Economic Zones Act, 2005 and SEZ Rules, 2006;
- The Electricity Act, 2003;
- The Petroleum and Natural Gas Regulatory Board Act, 2006;
- The Telecom Regulatory Authority of India Act, 1997.
- Law Relating to Infrastructure Projects, Piyush Joshi, 2003, Lexis Nexis.



BALAW4003C04	Public International Law	L	T	P	C
Version 1.1		4	0	0	4
Pre-Requisites//Exposure	Concept of State				
Co-requisites	Constitution of India				
Semester	VI				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B. (H.)				

1.0. Teaching Learning Methodology:

- ✚ Lecture Method
- ✚ Discussion Method
- ✚ Presentation/Case analysis
- ✚ Court Room Exercise
- ✚ Problem Method

2.0. Evaluation Scheme:

- ✚ Continuous Assessment 30 Points
- ✚ Attendance 5 Points
- ✚ Midterm 15 Points
- ✚ End Term 50 Points

3.0. Prescribed Books:

1. Robert Jennings and Arthur Watts (eds.), **Oppenheim's International Law** [Vol. I – Peace] (9th ed., 1996)
2. I. Brownlie, **Principles of Public International Law** (7th ed., 2008)
3. I.A. Shearer, **Starke's International Law** (2007)
4. D.J. Harris, **Cases and Materials on International Law** (6th ed., 2004)
5. Gurdip Singh, **International Law** (2003)

4.0. Course Contents

Module I: Nature and Development of International Law

Definition of International Law; International Law as “Law”; Basis of International Law - Jurisprudential Theories; Codification of International Law; Sanctions of International Law; Subjects of International Law; Approach of Developing Countries towards International Law

Module II: Sources of International Law

1. Statute of the International Court of Justice, 1945, Article 38 – (a) International Treaties and Conventions; (b) International Custom; (c) General Principles of Law Recognized by Civilized Nations; (d) Judicial Decisions, Juristic Opinion; (e) **Ex aequo et bono**.
2. Other Sources of International Law: (a) Resolutions of General Assembly; (b) Resolutions of Security Council

Case Laws

1. *Lotus Case (France v. Turkey)*, PCIJ, Ser. A, No. 10 (1927)
2. *North Sea Continental Shelf Cases*, ICJ Rep. 1969, p. 3
3. *Right of Passage over Indian Territory (Merits) (Portugal v. India)*, ICJ Rep. 1960, p. 6
4. *Asylum Case (Columbia v. Peru)*, ICJ Rep. 1950, p. 266
5. *Libya v. Tunisia Continental Shelf Case*, ICJ Rep. 1982, p. 17
6. *Libyan Arab Jamahiriya v. Malta*, ICJ Rep. 1985, p. 35
7. Advisory Opinion of ICJ on the *Legality of the Threat or Use of Nuclear Weapons*, 35 *International Legal Materials* 809 (1996)
8. Advisory Opinion of ICJ on the *Effect of Awards of Compensation made by the United Nations Administrative Tribunal*, 1954 *International Law Reports* 310
9. *Island of Palmas Case (Netherlands v. United States)* (1928) *Permanent Court of Arbitration*, 2 R.I.A.A. 829
10. *Temple of Preah Vihear Case (Merits) (Cambodia v. Thailand)*, ICJ Reports 1962, p.6
11. Advisory Opinion of ICJ on *Namibia*, ICJ Rep. 1971, p. 16
12. Advisory Opinion of ICJ in *Western Sahara Case*, ICJ Rep. 1975, p. 12

Treaties

1. Charter of the United Nations
2. Statute of the International Court of Justice

Module III: Relationship between International Law and Municipal Law

1. Theories : (a) Monistic Theory (b) Dualistic Theory
2. Practice of States : India, United Kingdom, United States of America

Case Laws

13. *In Re Berubari Union No. (I)*, AIR 1960 SC 845 : (1960) 3 SCR 250

14. *Ram Kishore Sen v. Union of India* (1966) 1 SCR 430 : AIR 1966 SC 644
15. *Jolly George Varghese v. Bank of Cochin*, AIR 1980 SC 470 (1980) 2 SCC 360
16. *Gramophone Company of India Ltd. v. BirendraBahadur Pandey*, AIR 1984 SC 667 : (1984) 2 SCC 534
17. *Union of India v. SukumarSengupta*, AIR 1990 SC 1692 : 1990 Supp. SCC 545
18. *Vellore Citizens' Welfare Forum v. Union of India* (1996) 5 SCC 647
19. *Vishakha. State of Rajasthan*, AIR 1997 SC 3011 : (1997) 6 SCC 241
20. *CIT v. P.V.A.L. KulandaganChettiar*(2004) 6 SCC 235
21. *Committee of US Citizens Living in Nicaragua v. Reagan*, US Court of Appeals District of Columbia Circuit 1988, 859 Fed. Rptr. 2d 929

Module IV: State Responsibility

1. Basis of International Responsibility
2. Constituent Elements of International Responsibility: Damage Theory; Fault Theory; Absolute Liability and Risk Theory
3. The Act of State (Rules of Attribution)
4. International Crimes and Delicts
5. Forms of Reparation : (a) Restitution; (b) Indemnity; (c) Satisfaction; (d) Guarantee against Repetition
6. Expropriation of Property of Aliens: Calvo clause; Position of Shareholders and Nationality of Corporation; Nationality by Naturalisation; Rule of Exhaustion of Local Remedies
7. ILC Draft Code on Responsibility of States for Internationally Wrongful Acts, 2001

Case Laws

22. *Nottebohm(Liechtenstein v. Guatemala)* Case, ICJ Rep. 1955, p. 4
23. *Barcelona Traction, Light and Power Co. Ltd.* Case, ICJ Rep.1964, p. 6
24. *Corfu Channel* Case, ICJ Rep. 1949, p. 4
25. *Nicaragua Case (Nicaragua v. USA)* ICJ Rep.1986, p. 14
26. *LaGrandCase (Germany v. United States of America)* ICJ Reports 2001, p. 466
27. *Case concerning Avena and other Mexican Nationals (Mexico v. United States of America)* ICJ Reports 2004, p. 12

Module V: Law of the Sea

1. Maritime Zones: Territorial Sea, Contiguous Zone, Continental Shelf, Exclusive Economic Zone and the High Seas
2. Delimitation of Adjacent and Opposite Maritime Boundaries
3. Concept of “Common Heritage of Mankind” Relating to the Resources of

International Seabed Area

4. International Seabed Mining – Parallel System of Mining
5. Indian Maritime Interests, Policy and Law
6. International Tribunal for the Law of the Sea

Case Laws

28. *Anglo-Norwegian Fisheries Case (United Kingdom v. Norway)*, ICJ Rep. 1951, p. 116
29. *North Sea Continental Shelf Cases*, ICJ Rep. 1969, p. 3
30. *Libya v. Tunisia Continental Shelf Case*, ICJ Rep. 1982, p. 17
31. *Libyan Arab Jamahiriya v. Malta*, ICJ Rep. 1985, p. 35
32. *Maritime Delimitation and Territorial Questions between Qatar and Bahrain (Qatar v. Bahrain)*, ICJ Reports 2001, p. 40

Treaties and Statutes

1. Geneva Convention on Territorial Waters and Contiguous Zone, 1958
2. Geneva Convention on Continental Shelf, 1958
3. Geneva Convention on Conservation of Fishing Resources, 1958
4. Geneva Convention on High Seas, 1958
5. United Nations Convention on Law of the Sea, 1982
6. Agreement relating to the Implementation of Part XI of the United Nations Convention of 1994 on the Law of the Sea of 10 December 1982
7. The Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976

Module VI: Human Rights

1. Human Rights: Concept, Basis and Evolution
2. Traditional Human Rights: Civil and Political Rights: Economic, Social and Cultural Rights
3. Third Generation Human Rights (Solidarity Rights)
4. Implementation of Human Rights at International Level

5. Human Rights Council
6. European Convention on Human Rights
7. The Protection of Human Rights Act, 1993

Case Laws

33. *Vishakha. State of Rajasthan*, AIR 1997 SC 3011
34. *Chairman, Rly. Board v. Chandrima Das* (2000) 2 SCC 465

Treaties and Statutes

1. Universal Declaration on Human Rights, 1948
2. International Covenant on Civil and Political Rights, 1966
3. International Covenant on Economic, Social and Cultural Rights, 1966
4. Optional Protocol of International Covenant of Civil and Political Rights, 1966
5. European Convention on Human Rights, 1950, Protocol 9 of 1990 and Protocol 11 of 1994
6. The Protection of Human Rights Act, 1993 (India)



LAW 552	Human Rights Law and Practice	L	T	P	C
Version1.1	Date of Approval	4	0	0	4
Pre-requisites/Exposure	Public International Law				
Co-requisites	Constitutional Law				
Semester	X				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

1. Course Description

The Syllabus deals with developing the concept of Human Rights. How the traditional human rights began from civil and political rights and later moved to economic, social and cultural rights. The concept of human rights has totally changed and now the solidarity rights or the third generation rights are more prevalent. The different diverse perspectives and justificatory theories of Human Rights have been studied in the syllabus also. The implementation of these Human Rights by different given mechanisms will be covered, with their relation and effect on many Vulnerable Groups of the society like women, disabled, juveniles, etc. The Course will cover the importance of Human Rights in India and their relation to the International Human Rights.

2. Course Objectives

- To create an understanding among the students about the basic criteria to determine human rights, how they can be identified and how they are protected?
- To clear all misconceptions and to enable the students to identify correctly what are human rights.
- To learn the identification process of rights so that the students can have an independent analysis of each right and whether that right is a human right or not.
- To introduce Humanitarian Law among students and make them learn what is IHL, whom does it protect and how does it protect?

3. Course Outcomes

After completion of this paper student will be in a position;

- To appreciate the role of Human Rights Law in the society

- To understand the importance of Human Rights law on the Regional, National & International Level.
- To understand why certain norms are created when there is no mechanism prevalent, but later how these norms take the form of Rights for all law backgrounds around the world.
- To figure out the forums and procedures of law in case of any Human Rights Law violations.

4. Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Lecture Method
- Presentations
- Case Studies
- Projects
- Court Room Exercise
- Problem method

5. Evaluation Scheme:

Sl. No.	Components	Weightage (Max. Marks)
1	Continuous Assessment	30
2	Attendance	5
3	Midterm Exam	15
4	Semester End Examination	50
5	Total	100

6. Text Books

Reference Books

- Rhona K. M. Smith, Texts & Materials on International Human Rights (Cavendish)
- Henry J Steiner, Philip Alston, International Human Rights in Context: Law Politics Morals (Oxford) p. 925 – 1062
- Asish Kumar Das, Prasant Kumar Mohanty, Human Rights in India, (Sarup & Sons) pp. 174 – 206
- V. Vijaykumar, The Working of National Human Rights Commission: A Perspective in C. J. Nirmal (eds) Human Rights in India: Historical, Social and Political Perspectives (Oxford India) pp. 212-234

7. Course Content

Unit 1 Human Rights

- 1.1 Human Rights: Concept, Basis and Evolution
- 1.2 Traditional Human Rights
 - 1.2.1 Civil and Political Rights
 - 1.2.2 Economic, Social and Cultural Rights
- 1.3 Third Generation Human Rights (Solidarity Rights)
- 1.4 Implementation of Human Rights at International & National Level
- 1.5 Human Rights Council
- 1.6 European Convention on Human Rights
- 1.7 Protection of Human Rights in India
- 1.8 Vishaka v State of Rajasthan AIR 1997 SC 3011
- 1.9 Gaurav Jain v Union of India & Ors., AIR 1997 SC 3021

Unit 2 Jurisprudence of Human Rights

- 2.1 Significance of Human Rights
- 2.2 Problems in Conceptualization of Human Rights
- 2.3 Diverse Perspectives

2.3.1 Jurisprudential Perspective

2.3.1 International Perspective

2.3.2 Domestic Perspective

2.4 Justificatory Theories: Process of shaping concept springs from different sources

2.4.1 Theology

2.4.2 Natural Law

2.4.3 Positivism

2.4.4 Marxism

2.4.5 Sociological Process

Suggested Reading:

David P. Forsythe (eds) Encyclopedia of Human Rights (Oxford) Vol 4 p. 228

Michael Goodhart, Human Rights: Politics & Practice (Oxford) p. 11 – 42

Dr. Sreenivasulu N. S., Human Rights: Many sides to a Coin (Regal) p. 3-20

Unit 3 Implementation Mechanism

3.1 International Mechanism

3.2 Regional Mechanism

3.3 National Mechanism

Suggested Readings:

Henry J Steiner, Philip Alston, International Human Rights in Context: Law Politics Morals (Oxford) p. 746-918

Rhona K. M. Smith, Texts & Materials on International Human Rights (Cavendish) p. 95 –171

Henry J Steiner, Philip Alston, International Human Rights in Context: Law Politics Morals (Oxford) p. 925 – 1062

Rhona K. M. Smith, Texts & Materials on International Human Rights (Cavendish) p. 227-256

Unit 4 Domestic Governance of Human Rights in India: 1993 Legislation

- 4.1 Constitution of Commission at Central and State Level
- 4.2 Jurisdiction of Commission
- 4.3 Powers and Duties of the Commission

Asish Kumar Das, Prasant Kumar Mohanty, Human Rights in India, (Sarup & Sons) pp. 174 – 206

V. Vijaykumar, The Working of National Human Rights Commission: A Perspective in C. J. Nirmal (eds) Human Rights in India: Historical, Social and Political Perspectives (Oxford India) pp. 212-234

Unit 5 Vulnerable Groups and Human Rights

- 5.1 Women & Child
- 5.2 Migrant Workers
- 5.3 Refugee Workers
- 5.4 Internally Displaced Persons
- 5.5 Stateless Persons
- 5.6 Disabled Persons
- 5.7 Indigenous People
- 5.8 People belonging to National, Ethnic, and Religious Minorities.

Unit 6 International Humanitarian Law

- 6.1 Application of Humanitarian Law
- 6.2 Historical Development of Humanitarian Law
- 6.3 Character of Humanitarian Law



LAW 453	Alternate Dispute Resolution System	L	T	P	C
Version 1.1	Date of Approval:	4	0	0	4
Pre-requisites//Exposure	Knowledge of Dispute Resolution Mechanism				
co-requisites	CPC, Evidence				

Course Objectives

The main objectives of the Course are to:

1. Explain primary dispute resolution process and functions
2. Understand the strengths and weakness of various dispute resolution methods.
3. Describe and explain the ADR movement.
4. Develop techniques and skill to make effective use of ADR methods. .
5. Compare and contrast various legal implications of each method.

Course Outcomes

On completion of this course, the students will

1. Understand the concept of ADR and its importance in dispute resolution.
2. Understand the procedural aspects as well as condition precedents of Arbitration, Conciliation, and Mediation
3. Have the knowledge of practical aspects of all the techniques of ADR.
4. Appreciate the importance of Lok Adalat, Legal Services authority, online arbitration, and Institutional Arbitration and Mediation centers.
5. Be equipped with the attribute to become effective Arbitrators, Conciliators and Mediators.

Social/ Professional Outcome:

This course has following social/ professional impacts on judicial system of the country:

6. Growth and promotion of ADR will facilitate in reducing the backlog of pending cases and time pendency of the litigations.
7. Develop Case Management System.

Catalog Description

"Alternative dispute resolution" (ADR) is a term generally used to refer to informal dispute resolution processes in which the parties meet with a professional third party who helps them resolve their dispute in a way that is less formal and often more consensual than is done in the courts. While the most common forms of ADR are mediation, conciliation and arbitration, there

are many other forms: judicial settlement conferences, fact-finding, ombudsmen, special masters, etc. Though often voluntary, ADR is sometimes mandated by the courts, which require that disputants try mediation before they take their case to court.

The major concern of law is conflict resolution. Familiarization with the 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 adjudication 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 moulding the students of law to act as soldiers of justice in the ever changing socio-economic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system had its sway in the past and in the new areas of conflicts that demand resolution by alternative methods. No doubt, the course has to be taught with comparative and international perspectives with a view to bringing out the essential awareness of the national and international systems emerging at the present context.

At present there are about 30 million cases pending in the Indian Courts. The need of the hour is to create an awareness of ADR Methods among the people and to prepare a large pool of trained professionals in the field of ADR who will be able to practice these ADR Methods to resolve disputes.

Text Books

1. KSR Murthy: An introduction to ADR Mechanism, Gogia Law Agency, Hyderabad.
2. Dr. N. V. Paranjape, Law Relating to Arbitration & Conciliation in India, Central Law Agency, Allahabad
3. Bette J. Roth, Alternative Dispute Resolution Practice Guide ([Westlaw only](#))

Reference Books

1. Avtar Singh, Arbitration & Conciliation Act, Eastern Book Company (2014), New Delhi
2. B.P.Saraf and M.Jhunjhunuwala, Law of Arbitration and Conciliation (2000), Snow white, Mumbai
3. Gerald R.Williams (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration (1998), New Delhi

4. A.K.Bansal, Law of International Commercial Arbitration (1999) , Universal, Delhi
5. P.C.Rao & William Sheffield, Alternative Disputes Resolution- What it is and How it works? (1997) Universal, Delhi
6. G.K.Kwatra, The Arbitration and Conciliation Law of India (2000), Universal, Delhi
7. Basu.N.D, Law of Arbitration and Conciliation (9th edition reprint 2000), Universal, Delhi
8. Johari, Commentary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi
9. Markanda.P.C, Law relation to Arbitration and Conciliation (1998) Universal, Delhi.
10. Carrie J. Menkel-Meadow et. al., Dispute Resolution: Beyond the Adversarial Model (2011).
- 11.. *Jacqueline M. Nolan-Haley, Alternative Dispute Resolution in a Nutshell* (4th ed. 2013).

Course Content

MODULE I

Introduction, Meaning, Objectives and Importance of ADR

- Genesis and Kinds of dispute resolution process.
- Overview of ADR, History of ADR, Objectives and Importance of ADR.
- Various kinds of ADR mechanisms- Arbitration, Mediation, Conciliation, Expert Determination, Negotiation, Early Neutral Evaluation (ENE), Fact-finding, Med-Arb, or Mediation-Arbitration, Judge hosted settlement conference, Regulatory Negotiation or Reg-Neg, and Ombudsperson etc.
- Study of ADR Institutions across the World.
- Reasons behind introduction of ADR in India.
- 1940 law and 1996 law, UNCITRAL model law, and Salient Features of the Act.
- Section 89 of CPC.

CASES:

- *All India Judges Association & ors. v. Union of India & Ors.*, JT 2003 (3) SC 503, (Emphasised importance of ADR in India.)
- *N Konkan Railways Corp. Ltd. v. Mehul Construction Co.* (2000) 7 SCC 201. (Objectives of the ACT.)
- *Fuerst Day Lawson Ltd.v. Jindal Exports Ltd*, A.I.R. 2001 S.C.2293

- *Sundaram Finance Ltd v. NEPC India Ltd.* AIR 1999 S.C 565 (How to interpret the Act.)

Module 2

Arbitration –Meaning, agreement, Essentials, Arbitrators appointment and Award

- Essentials and kinds of Arbitration Agreement.
- Who can enter into arbitration agreement?
- Reference to arbitration
- Extent of judicial intervention
- Validity
- Appointment of Arbitrators
- Award
- Determination of Award
- Enforcement
- The Advantages of Arbitration Over Litigation

CASES:

- P.Anand Gajapathi Raju Vs PVG Raju, (objective of the Act), AIR 2000 SC 1886
- *Wellington Association Ltd v. Kirti Mehta*, AIR 2000 SC 1379. (S. 7 of the ACT.)
- *Jayant N.Seth v. Gyaneshwar Apartment Cooperative Housing Society Ltd*, 2000(1) RAJ 117 (Bom), (Ingredient of Arbitration Agreement).
- *Firm Ashok Traders v. Gurumukh Das Saluja*, 2004 (3) SCC 155, Arbitration clause a separate agreement)
- *Babar Ali v. Union of India*, (2000) 2 SCC 178, (constitutionality).
- *Motilal v. Kedarmal Jainarayan Bharadiya*, 2002(3) RAJ 403 (Bom), Conditions for Arbitration.)
- *Tamil Nadu Electricity Board v. Sumathi and others*, 2000(4) SCC 543, (Suo Moto arbitrators without agreement cannot be appointed.)
- *Union of India v. MAA Agency*, 2003(3) RAJ 335 (Bom), Jurisdiction of arbitrator.

- *Narayan Prasad Lohia v. Nikunj Kumar Lohia*, 2002 (3) SCC 572. (S. 10)
- *Datar Switchgears Ltd. v. Tata Finance Ltd.*(2000)8 S.C.C.151. (S. 11)
- *Ador Samia (P) Ltd.v. Peekay Holding Ltd*, A.I.R 1999 S.C. 3246, (S. 11(6)).
- *Nirma Ltd v. Lurgi Lent Jes Energietechnik GmbH*, 2002 (5) SCC 520, s. 37).
- *TDM Infrastructure Private Limited v. UE Development India Private Limited* , (2008) 14 SCC 271.
- *N Radhakrishnan v. Maestro Engineers* (2010) 1 SCC 72.
- *Bharat Rasiklal Ashra v. Gautam Rasiklal Ashra* (2012) 2 SCC 144.

Module 3

Enforcement of Foreign Awards

- New York Convention awards
- Geneva Convention awards

CASES:

Bharat Aluminium Co v. Kaiser Aluminium Technical Services ('BALCO'). Sep 6, 2012.

Bhatia International v. Bulk Trading SA¹ ('Bhatia'), (2002) 4 SCC 10.

Venture Global Engineering v. Satyam Computer Services Ltd² ('Venture Global') (2008) 4 SCC 190.

ONGC v. Saw Pipes (Public Policy Case) (2003) 5 SCC 705.

Module 4

International Commercial Arbitration

- Principle of International Commercial Arbitration
- Sources of International Arbitration Laws
- Drafting an International Arbitration Clause
- Conducting an International Arbitration
- Advantage of International Arbitration

Module 5

Conciliation Proceedings (Section 62 – 81)

- Commencement of Conciliation Proceedings (Sec- 62)
- Appointment (Sec- 64)
- Statements to conciliator (Sec- 65)
- Interaction between conciliator and parties (Sec- 71)
- Suggestions by parties (Sec- 72)
- Settlement Agreement (Sec – 73)
- Confidentiality
- Resort to judicial proceedings (Sec 77)

Cases:

- *Haresh Dayaram Thakur v. State of Maharashtra*, 2000(6) SCC 179, (s. 72).
- *Mysore Cements Ltd v. Svedal Barmac Ltd.*, 2003 (10) SCC 375, (Essential legal prerequisites for Conciliation).
- *Hassneh Insurance Co of Israel v. Steuart J Mew*, 1986 Revue de l' Arbitrage 583, (Confidentiality).
- *Atlantic Shipping and Trading Company v. Dreyfus and Company*.

Module 6

Mediation Proceedings

- Concept of Mediation
- Evolution of Mediation In India
- Types of Mediation
- Advantages of Mediation
- The Process of Mediation
- Stages of Mediation
- Role of Mediators

Module 7

Legal Services Authority Act and Lok Adalat

- Access to Justice and Lok Adalat
- Origin of Lok Adalt and its working
- Nature and scope of Legal Services Authority Act.

BALAW4002C04	FAMILY LAW-I	L	T	P	C
Version: 1.1		4	0	0	4
Pre-requisites//Exposure	Constitution				
co-requisites	Criminal Law & Evidence				
Semester	IV				
Programme	B.A. LL.B.(H) & B.Sc.LL.B.(H)				

1.0. Course Description:

Hindu law has the most ancient pedigree of any known legal system. Hindu law may be described to be the ancient law of the Hindus rooted in the Vedas and enounced in the Smritis as explained and enlarged in recognised commentaries and digests and as supplemented and varied by approved usages. The concept of Hindu law is deeply rooted in Hindu philosophy and Hindu religion. Till this day, no precise definition of the word 'Hindu' is available in any statute or judicial pronouncement; it has defied all efforts at definition. There are two main schools of Hindu law; viz. the Mitakshara school and the Dayabhaga school or Bengal school. They have emerged in the era of Digests and Commentaries. The codified Hindu law lays down uniform law for all Hindus. In the codified areas of Hindu law, there is no scope for existence of schools. The schools of Hindu law have relevance only in respect of the un-codified areas of Hindu law.

2.0 Course Objectives:

1. To know the various concepts and basis of evolution of Family Law.
2. To analyze and examine the different codified as well as uncodified family laws operating in the Indian societal set up..
3. To examine Judicial trends and its impact.
4. To discuss the contemporary issuses affecting Family Laws.
5. To understand justice dispensation in Family Law and to identify the constraints in the adoption of uniform civil code in India.

3.0 Course Outcomes

On completion of this course, the students will be able to:

1. Have conceptual clarity about marriage, divorce, parental custody, domestic abuse and children's rights.
2. Understand the establishment, composition and powers of family Courts.
3. Understand and address the various issues and problems of adoption and maintenance.
4. Understand the provisions of guardianship and minority.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Lecture Method
- Presentations
- Case Studies
- Projects
- Court Room Exercise
- Problem method

5.0. Evaluation Scheme:

- 30% - Continuous Internal Assessment (Formative in nature but also contributing to the final grades).
- 70% - End Term External Examination (University Examination).

6.0. Prescribed Legislations:

1. The Hindu Marriage Act, 1955
2. The Hindu Adoptions and Maintenance Act, 1956
3. The Hindu Minority and Guardianship Act, 1956
4. The Hindu Succession Act, 1956
5. The Special Marriage Act, 1954
6. Prohibition of Child Marriages Act, 2006
7. The Indian Succession Act
8. The Family Courts Act, 1984
9. Indian Divorce (Amendment) Act, 2001
10. Protection of Women against Domestic Violence Act, 2005

7.0. Course Contents:

Module I - Introduction to Family Law

- Concept of Family Law.

- Nature and Evolution of Hindu Personal Law.
- Sources of Hindu Law, Schools of Hindu Law.
- Application and Interpretation of Hindu Law in India.

Suggested Readings:

- 1) Gaur, H.S., *Gaur's Commentaries on Hindu Law*, Dwivedi & Co., Allahabad, 2007
- 2) Mayne, *Hindu Law and Usage*, Bharat Law House, New Delhi, 2008
- 3) Mulla, D.F., *Principles of Hindu Law*, Lexis Nexis Butterworth, Wadhwa Nagpur, 2010
- 4) Kane, P.V., *History of Dharma Shastra*, Bhandarkar Oriental Research Institute, Pune, 1972
- 5) Diwan, Paras, *Modern Hindu Law*, Universal Law Publishing Co., New Delhi, 2002

Case Laws:

1. Shastri Yagnapurushadasji v. Muldas Bhandardas Vaishya, AIR 1966 SC 1119
2. Shuganchand v. Prakash Chand, AIR 1967 SC 506
3. Kailash v. Maya Devi, AIR 1984 SC 600
4. Anbalayan v. Devarajan, AIR 1984 SC 411

Module II - Marriage under Hindu and Christian Personal Law

- Concept of Marriage
- Forms of marriages
- Grounds of valid marriages, 205th report of Law Commission of India
- Requirement of a valid marriage and consequences of marriages
- Marriage under Special Marriage Act, 1954
- Solemnization and Registration of Marriage, 211th report of Law Commission

Suggested Readings:

- 1) Mayne, *Hindu Law and Usage*, Bharat Law House, New Delhi, 2008
- 2) Mulla, D.F., *Principles of Hindu Law*, Lexis Nexis Butterworth, Wadhwa Nagpur, 2010
- 3) Diwan, Paras, *Modern Hindu Law*, Universal Law Publishing Co., New Delhi, 2002
- 4) Champappilly, Sebastian Dr., *Christian Law on Marriage, Adoption & Guardianship and Canon Law on Marriage*, Southern Law Publishers, Cochin-22, Kerala
- 5) Kane, P.V., *History of Dharma Shastra*, Bhandarkar Oriental Research Institute, Pune, 1972

Case Laws:

1. Anil Kumar Jain v. Maya Jain MANU/SC/1593/2009
2. Challamma v. Tilaga and Ors. MANU/SC/1350/2009
3. Smruti Pahariya v. Sanjay Pahariya MANU/SC/0980/2009
4. Smt. Anjali Kapoor v. Rajiv Bajjal MANU/SC/0613/2009
5. Seema v. Ashvani Kumar MANU/SC/7805/2008

6. Bhaurao v. State of Maharashtra, AIR 1965 SC 1564
7. Dr. A.N. Mukherji v. State, AIR 1969 All 489
8. P. Venkataraman v. State, AIR 1977 A.P.43
9. Santi Deb Berma v. KanchanPrava Devi, AIR 1991 SC 816
10. Veerappa v. Michael, AIR 1963 SC 933
11. Virendra Sigh Pal v. Kashibai, AIR 1998 M.P.324
12. S.P.S. Balasubramanyam v. Suruttayan, AIR 1992 SC 756
13. SurjitKaur v. Garja Singh, AIR 1994 SC 135
14. Lakshmi Sanyal v. Sachit Kumar Dhar, AIR 1972 SC 2667
15. Lily Thomas v. Union of India, AIR 2000 SC 1650 12
16. Seema v. Ashwani Kumar (2006) 2 SCC 578 51

Module III - Matrimonial Remedies

- Concept of Matrimonial Remedies.
- Restitution of Conjugal Rights.
- Judicial Separation
- Theories of Divorce under Hindu Laws, 217th Report of Law Commission
- Grounds of Divorce and Relief under:
 - a. Hindu Marriage Act, 1955
 - b. Special Marriage Act, 1954
 - c. Indian Divorce (Amendment) Act, 2001
- Protection of Women against Domestic Violence Act, 2005

Suggested Readings:

- 1) Mayne, *Hindu Law and Usage*, Bharat Law House, New Delhi, 2008
- 2) Mulla, D.F., *Principles of Hindu Law*, Lexis Nexis Butterworth, Wadhwa Nagpur, 2010
- 3) Diwan, Paras, *Modern Hindu Law*, Universal Law Publishing Co., New Delhi, 2002
- 4) ParasharArchana, Dhanda, A., *Redefining Family Law in India*, Taylor & Francis Books India Pvt. Ltd. 2007
- 5) Champappilly, Sebastian Dr., *Christian Law of Divorce*, Southern Law Publishers, Cochin-22, Kerala
- 6) Behind Closed Doors: Domestic Violence in India, **Rinki Bhattacharjee**, Sage

Case Laws:

1. Narayan Ganesh Dastane v. Sucheta Narayan Dastane, AIR 1975 SC 1534
2. T. Sareetha v. VenkataSubbaiah, AIR 1983 AP 356
3. Saroj Rani v. Sudarshan Kumar, AIR 1984 SC 1562
4. Dharmendra Kumar v. Usha Kumar, AIR 1977 SC 2218
5. HarvinderKaur v. Harmender Singh, AIR 1984 Delhi 66
6. TirathKaur v. Kirpal Singh AIR 1964 Raj 28
7. SurinderKaur v. Gurdeep Singh, AIR 1973 P&H 134

8. Gaya Prasad v. Bhagwati, AIR 1966 MP 212
9. ChetanDass v. Kamala Devi, AIR 2001 SC 1709
10. Praveen Mehta v. Inderjit Mehta, AIR 2001 SC 2582
11. Sureshtta Devi v. Om Prakash, AIR 1992 SC 1904
12. Ashok Hurra v. Rupa Bipin Zaveri, AIR 1997 SC 1266
13. V. Bhagat v. D. Bhagat, AIR 1994 SC 710
14. G.V. NkameswaraRao v. G. Jabilli, AIR 2002 SC 576
15. SwarajGarg v. K.M.Garg, AIR 1978 Del 296

Module IV - Maintenance and Adoption & Guardianship

- Provisions of maintenance in Hindu personal Laws
- The Hindu Adoption and Maintenance Act, 1956
- Provisions of for Maintenance in Cr. P.C. (Ss. 125-128)
- Maintenance under the Hindu Marriage Act, 1955
- Law of Guardianship
- Requisite of a valid adoption and Effects of adoption
- Adoption by foreign parents
- Surrogacy and Parentage Issues, 228th Report of Law Commission of India

Suggested Readings:

- 1) Mayne, *Hindu Law and Usage*, Bharat Law House, New Delhi, 2008
- 2) Mulla, D.F., *Principles of Hindu Law*, Lexis Nexis Butterworth, Wadhwa Nagpur, 2010
- 3) Champappilly, Sebastian Dr., *Christian Law on Marriage, Adoption & Guardianship and Canon Law on Marriage*, Southern Law Publishers, Cochin-22, Kerala
- 4) Row, Sanjiva, *The Indian Succession Act, 1925*, Law Book Company, Allahabad, 2001
- 5) Kane, P.V., *History of Dharma Shastra*, Bhandarkar Oriental Research Institute, Pune, 1972
- 6) Gaur, H.S., *Gaur's Commentaries on Hindu Law*, Dwivedi & Co., Allahabad, 2007
- 7) ParasharArchana, Dhanda, A., *Redefining Family Law in India*, Taylor & Francis Books India Pvt. Ltd. 2007

Case Laws:

1. Rameshwari Devi v. State of Bihar, AIR 2000 SC 735
2. Gita Hariharan v. Reserve Bank of India, AIR 1999 SC 1149
3. Lakshmi Kant Pandey v. Union of India, AIR 1984 SC 469
4. Khazan Singh v. Union of India, AIR 1980 Del 60
5. ChandanBilasini v. Afttabuddin Khan, AIR 1996 SC 591
6. Sawan Ram v. Kalawati, AIR 1967 SC 1761
7. Sitabai v. Ramchandran, AIR 1970 SC 343
8. Philips Alfred v. Y.J.Gonsalvis, AIR 1999 Ker. 187
9. HeeraLal v. Board of Revenue, AIR 2001 Raj 318

10. Jai Singh v. Shakuntala, AIR 2002 SC 1428

Module V - Succession Laws

- Hindu Joint Family
- General principles of Hindu succession law
- Intested and Testamentary Succession
- Devolution of property of Hindu male and Hindu female
- Disqualification under succession laws

Suggested Readings:

- 1) Mulla, D.F., *Principles of Hindu Law*, Lexis Nexis Butterworth, Wadhwa Nagpur, 2010
- 2) Row, Sanjiva, *The Indian Succession Act, 1925*, Law Book Company, Allahabad, 2001
- 3) The Hindu Law of Marriage and Stridhana (Tagore Law Lecture), Sir Gooroodas Banerjee, Mittal Publication
- 4) Joint Property and Partition (Tagore Law Lecture), Mitra, Kamal Law House, Kolkata
- 5) Testamentary and Intested Succession, Paras Diwan, Universal

Module VI – Family Courts

- Family Courts.
- Concept of Family Courts.
- Salient Features of Family Courts Act, 1984.
- Jurisdiction and Procedures.
- Powers and Functions.
- Achievements and Failures of Family Courts in India.
- Need for Uniform Civil Code, Implications.
- Live-in-Relationship, Gay Marriage and International scenario.
- Efforts of Judiciary and Indian Legislature, 212th Law Commission Report

Suggested Readings:

- 1) Mulla, D.F., *Principles of Hindu Law*, Lexis Nexis Butterworth, Wadhwa Nagpur, 2010
- 2) Champappilly, Sebastian Dr., *Christian Law on Marriage, Adoption & Guardianship and Canon Law on Marriage*, Southern Law Publishers, Cochin-22, Kerala
- 3) Row, Sanjiva, *The Indian Succession Act, 1925*, Law Book Company, Allahabad, 2001
- 4) Kane, P.V., *History of Dharma Shastra*, Bhandarkar Oriental Research Institute, Pune, 1972
- 5) Gaur, H.S., *Gaur's Commentaries on Hindu Law*, Dwivedi & Co., Allahabad, 2007
- 6) Parashar Archana, Dhanda, A., *Redefining Family Law in India*, Taylor & Francis Books India Pvt. Ltd. 2007
- 7) Mukherjea, B.K., *Hindu Law of Religious and Charitable Trust*, Eastern Law House, Calcutta, 2003

Case Laws:

1. Sarla Mudgal v. Union of India (1995) 3 SCC 635
2. Lily Thomas v. Union of India, AIR 2000 SC 1650

3. John Vallamatton v. Union of India, AIR 2003 SC 2902

Further Suggested Readings

1. Introduction of Modern Hindu Laws, J.D.M.Derrett, Oxford University Press, London
2. Hindu Law: Beyond tradition and modernity, Warner Menski, Oxford, New Delhi
3. Principles of Hindu Laws, D.F.Mulla, Butterworth
4. History of Dharmashastras, P.V.Kane, Bhandarkar Institute, Poona
5. Hindu Laws, Paras Diwan, Allahabad Law Agency
6. Testamentary and Intested Succession, Paras Diwan, Universal
7. An Introduction to Modern Hindu Law, J.D.M.Derret, Oxford University Press, London
8. Hindu Law: An Introduction to Legal Systems, J.D.M.Derret, Sweet & Maxwell, London
9. Essays in Classical and Modern Hindu Law, J.D.M.Derret, Leiden : Brill
10. Religion, Law and the State in India, J.D.M.Derret, Faber and Faber, London
11. General Principles of Hindu Jurisprudence (Tagore Law Lecture), Priya Nath Sen, Allahadabad Law Agency
12. The Hindu Law of Marriage and Stridhana (Tagore Law Lecture), Sir Gooroodas Banerjee, Mittal Publication
13. Law of Marriage and Divorce, Paras Diwan, Universal
14. Joint Property and Partition (Tagore Law Lecture), Mitra, Kamal Law House, Kolkata
15. Postcolonial Politics and Personal Laws, Rina Verma Williams, Oxford
16. Debating Patriarchy: The Hindu Code Bill Controversy in India (1941-1956), Chitra Sinha, Oxford University Press, 2012
17. Same Sex Marriages – An Overview, C.P.Nandini, Amicus Books / Asia Law House
18. Behind Closed Doors: Domestic Violence in India, Rinki Bhattacharjee, Sage
19. Appropriation and Invention of Tradition: The East India Company and Hindu Law in Early Colonial Bengal, Nandini Bhattacharyya-panda, Oxford University Press, 2012



LAW 457	INSURANCE LAW	L	T	P	C
Version1.1		4	0	0	4
Pre-requisites//Exposure					
co-requisites					
Semester	VIII				
Programme	B.A.LL.B.(H.) & B.Sc.LL.B.(H.)				

Course Description

All individuals as well as their tangible and intangible assets are exposed to different types of unforeseen risks. The risk can't be avoided. It has got multi-faceted dimensions and involves huge losses. No one can accurately predict the uncertainty. Life styles have changed rigorously and along with these changes, the uncertainties of lives of individuals have also increased. These uncertainties of human life, dangers and pitfalls with which human beings are surrounded and the risks accompanying the dealings of human creatures inter se may be said to be the cause for the beginning and development of insurance in all its departments. Insurance not only protects individual from the unexpected peril or loss rather it is important for the whole society, whole nation and further more for the world at large. The far sighted and long-range purpose is to accelerate the economic growth of the nation. The insurance money collected by the insurance company from a large number of people called the insured, is used in organized commerce and industry. In the way, insurance plays an important role in the development of nation.

Course Objectives

Specific objects of the course are as follows:

- To understand the need, origin and development of insurance business.
- To have the overview of the general and special nature of insurance.
- To understand the concept, role and nature of Insurance contract.
- To analyse the objectives behind the economic liberalization and its impact on the business of insurance in India.
- To have general understating of emerging areas of insurance.

Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies
- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

+ Continuous Assessment	30 Points
+ Attendance	5 Points
+ Mid-Term	15Points
+ End Term	50 Points

UNIT -I

- Origin, History and Development of Insurance Law
- Economic liberalization and Privatization of insurance business
- Definition, Meaning, Nature and Importance of Contract of Insurance
 - (1) Meaning, Definition and Importance
 - (2) Formation of Insurance Contract

Unit-II

- Nature of Contract of Insurance:-
- Insurable Interest
- Doctrine of Utmost good faith
- Doctrine of Causa-Proxima
- Doctrine of Indemnity
- Doctrine of Subrogation, Contribution & Reinstatement

Unit-III

- Life Insurance
 - Definition, Essentials, Nature and Scope
 - Even Insured

- Circumstances Affecting the Risk including suicide
- Categories of Life Insurance Policies

Unit-IV

- Marine Insurance
 - Definition, Nature and Scope
 - Categories of Marine Insurance Policies
 - Insured Perils
 - Loss and Abandonment
 - Partial Losses and General Average

Unit-V

- Fire Insurance
 - Definition, Nature and Scope
 - Meaning of the term “Fire” and “Loss by Fire”
 - Categories of Fire Insurance Policies
 - Double Insurance and Re-insurance
 -

Unit-VI

- Motor Insurance
- Public Liability Insurance
- Health Insurance
- Other emerging insurance



LAW 561	International Criminal Law				
Version1.1					
Pre-requisites//Exposure					
co-requisites					

1.0. Course Description

From the Nuremberg trial to the case against Saddam Hussein, from the prosecution of Al-Qaeda terrorists to the trial of Somali pirates – no area of law is as important to world peace and security as international criminal law. This course will educate students about the fundamentals of international criminal law and policy. We will explore the contours of international crimes such as genocide, war crimes, terrorism, and piracy. We will examine unique modes of international criminal liability and specialized defenses.

2.0. Course Objective:

- To examine the constraints and workability of the principle of Sovereignty in international crime.
- To understand the basic aspects of International Criminal Law, its development and essentials.
- To assess the impact of general principle of the International Criminal Law.

3.0 Learning Outcome:

At the end of the course the students will be able to:

1. Know various types of International Crimes
2. Understand the ingredients of International Crimes
3. The working of various International Criminal Tribunals (Past and Present)

4.0 Pedagogy:

1. Lecture Method
2. Discussion Method
3. Presentations
4. Guest Lecture/Expert Lecture
5. Seminar

Unit 1: Introduction

Nature, History, Source, Objective, Other Areas

Unit 2: International Crimes

Substantive Law of International Crimes: War Crimes, Crimes Against Humanity, Genocide, Other International Crimes (Aggression, Torture, and Terrorism)

Unit 3:

Fundamentals of International Criminal Responsibility

Unit 4:

Principles and Procedures of International Prosecutions

Unit 5

International Prosecutions

The History of International Criminal Prosecutions: Nuremberg and Tokyo

The *Ad hoc* International Criminal Tribunals

The International Criminal Court

Unit 6.

Relationship Between National and International Systems

References

Antonio Cassese, *International Criminal Law*, (2008), Oxford University Press.

William A. Schabas, *An introduction to the international criminal court* (2011). Cambridge University Press.

Andrew Novak, *The international criminal court: An Introduction*, (2015) Springer.

Robert Cryer, Darryl Robinson, and Sergey Vasiliev, *An Introduction to International Criminal Law and Procedure*, (2019), Cambridge University Press.

Schabas, William A., and Nadia Bernaz, eds. *Routledge Handbook of International Criminal Law*, (2010), Routledge.

Course Code BALAW5003C04	Course Title: JURISPRUDENCE	L	T	P	C
Version1.1		4	0	0	4
Pre-Requisites//Exposure	Legal Methods, Philosophy				
Co-requisites	Constitution of India				
Semester	V Semester				
Programme	B.A.LL.B.(Hons.)				

1.0. Course Objectives:

The significance of the study of Jurisprudence lies in the opportunity for lawyers to bring theory and life into focus as it concerns human thought in relation to society. This course deals with certain concepts which are the mainstay of law as a system, its administration and adjudication. These concepts recur every day in law, its administration and adjudication. Judges, lawyers, legislators and administrators have to constantly understand the jurisprudential basis of these concepts which are continuously being dealt with in law in all its manifestations. The reading materials being provided are original writings by various thinkers who have thrown light on the understanding and implication of these concept.

2.0. Teaching Learning Methodology:

In this course various teaching-learning methods will be used which will emphasize a cooperative learning format. Student would be encouraged to participate in class room discussions and make presentation on given subject. Discussions will be combined with instructor facilitated experiences and lectures. These methods particularly include:

- Lecture Method
- Seminar, presentations by students,
- Individual and group drills.
- Group Discussion Method
- Case Presentation and Analysis
- Moot Court Exercise

3.0. Evaluation Scheme:

- 30% - Continuous Internal Assessment (Formative in nature but also contributing to the final grades).
- 70% - End Term External Examination (University Examination).

4.0. Learning Outcome:

After the completion of this course students are expected to understand the philosophical basis of the evolution of the various types of the legal system and how the law has evolved. It will also develop an understanding of rationality related with various rights and concept of liability. In particular this course shall result following outcomes:

- To develop analytical understanding of why and how a particular concept of law has evolved.
- To enable the students to understand the various theories of laws.

- To contextualize study along with application of various school's philosophy in different cases shall equip students to understand the significance thereto.

5.0. Course Contents:

Module 1: Introduction

- Jurisprudence: Meaning and Importance
- Methods of Study of Jurisprudence
- Jurisprudence and Other Social Sciences
- Introduction to Various School of Jurisprudence

Module 2: Analytical School of Jurisprudence

- Analytical School: Introduction and Objectives
- Theory of Jeremy Bentham,
- Austin's Command Theory
- Hart's Concept of Law
- Kelson's Pure Theory of Law

Module 3: Natural and Historical Schools of Jurisprudence

- Natural and Historical Schools: Introduction and Objectives
- Decline and Revival of Natural Law
- Natural Law and Contribution of Stammler and John Rawls
- Karl Von Savigny's Theory of Law
- Henry Maine's Historical Materialism

Module 4: Sociological and Realist Schools of Jurisprudence

- Sociological and Realist Schools: Introduction and Objectives
- Roscoe Pound's Theory of Law
- Contribution of Ihering, Ehrlich, Leon Duguit
- Principal Features of Realist Approach
- Contribution of Gray, Holmes, Frank and Llewellyn

Module 5: Concept of Person, Rights, Duties and Liability

- Concept of Person and Kinds of Person
- Legal Status of Animals, Dead and Unborn Person, Idol and Mosque
- Theories of Corporate Personality
- Concept of Right and Duty
- Relationship Between Right and Duty
- Kind of Rights and Duty
- Concept of Liability

Module 6: Concept of Possession and Ownership

- Concept of Possession
- Protection of Possession by Law: Kant's Theory,

Savigny's Theory, and Ihering's Theory

- Kinds of Possession
- Concept of Ownership
- Kinds of Ownership and Modes of Acquisition

6.0. Content Interaction Plan:

Lecture cum Discussion (Each session of 1 Hour)	Module/Topic/Sub-Topic
1-2	
3-5	
6-7	
8-13	
14-17	
18-19	
20-21	
22-31	
32-33	
34-38	
39	
40	
41	
42	
43	
44	
45	
15 Hours	Tutorials

7.0. Prescribed Readings:

- Lloyds *Introduction to Jurisprudence* by M.D.A. Freeman (7thed., 2001)
- R.W.M. Dias, *Jurisprudence* (5th ed. 1985)
- P.J. Fitzgerald, *Salmond on Jurisprudence* (12th ed., 1966)
- David P. Dertam (ed.) *A Textbook of Jurisprudence* by G.W. Paton (4th ed. 1972)
- Rawls, John, *A Theory of Justice*, Universal Publications
- Bentham, Jeremy, *Bentham's Theory of Legislation*, Lexis Nexis Butterworth
- Posner, Richard, *Frontiers of Legal Theory*

, BALAW4001C04	Law of Crimes- II [Criminal Procedure Code]	L	T	P	C
Version1.1		4	0	0	4
Pre-Requisites//Exposure	Indian Penal Code, 1860				
Co-requisites	Constitution of India				
Semester	IV				
Programme	B.A.LL.B.(H.)				

1.0. Course Description:

The present course is procedural in nature and most of the provisions are contained in the Criminal Procedure Code, 1973. It provides the machinery for the investigation of crime, apprehension of suspected criminals, collection of evidence, determination of guilt or innocence of the accused person and the determination of punishment of the guilty. Additionally, it also deals with public nuisance, prevention of offences and maintenance of wife, child and parents. The functionaries of the Criminal Justice System are duty bound to ensure that those who undermine the happiness and security of the society by committing offences of any kind do not go unpunished. It is also their duty to protect the human rights of those who come in contact with them in the process of investigation and trial. Those held guilty on the basis of evidence should be adequately punished but at the same time it must be ensured that no innocent is unnecessarily punished. It expects the criminal justice system has to be geared up in such a manner that investigations are conducted by efficient personnel in a scientific manner, trial is held without delay of those charged with criminal offences with sufficient evidence against them and trials are conducted effectively, efficiently and concluded expeditiously before honest and efficient presiding officers. The Code of Criminal Procedure contains the machinery for the investigation of crime, apprehension of suspected persons, conduct of trial and the sentencing of the accused. It is further aimed at trying to provide a balance between the needs of the investigating and adjudicatory bodies to detect crime, maintain law and order and the rights of the accused. With the increasing complaints regarding abuse of powers of arrest by the police, custodial torture and death, denial of bail, etc., the course particularly focuses on investigation, arrest, bail and principles of fair trial, appeal, revision provisions, confirmation of death sentence, suspension, remission and commutation of sentence etc. The purpose of this course is to give a clear idea to the students about the procedure established by law to deal with the stages from reporting of a crime till the sentencing of criminal cases.

2.0. Objectives of the Course:

The main objectives of the Code are as follows:

- An accused person should get a fair trial in accordance with the accepted principles of natural justice;
- Every effort should be made to avoid delay in investigation and trial which is harmful not only to the individuals involved but also to society;
- The procedure should not be complicated and should, to the utmost extent possible, ensure fair deal to the poorer sections of the community.

3.0. Course Outcomes:

After completing the course the student are equipped to deal with:

- Capacity of understanding about the nature and object of the Criminal Procedure Code, the basic procedural safeguards as contained in the Code of Criminal Procedure on commission of a crime.
- Shall be able to understand the procedural requirements to initiate criminal prosecution and conduct of trial and the factors affecting the outcome of a criminal trial.
- Shall be able to analyze about ascertain scope of procedure and policy diffusion which can strengthen our Criminal Justice system.

4.0. Pedagogy:

In this course various teaching-learning methods will be used. Student would be encouraged to participate in class room discussions and make presentation on given topic. Discussions will be combined with instructor facilitated experiences and lectures. These methods particularly include:

- Class Room Discussion
- Case Studies
- Assignment Submission
- Individual Presentation
- Group Discussion

5.05.0. Evaluation Scheme:

- 30% - Continuous Internal Assessment (Formative in nature but also contributing to the final grades).
- 70% - End Term External Examination (University Examination).

6.0. Course Content:

Module I: It should be about Hierarchy of Court.

Module-II: First Information Report & Investigation

1. Classification of Offences
2. Lodging of FIR and other incidental matters
3. Investigation and Procedure of Investigation
4. Search and Seizure by Police Officer
5. Arrest of Persons: Procedure and their Rights
6. Filing of Charge Sheet/Final Report

Module-III: Complaint and Cognizance of Offences

1. Complaint: Meaning and Contents
2. Courses open to the Magistrate for Verifying the Allegations
3. Enquiry and Investigation Procedure
4. Cognizance of Offence: Meaning and Limitation
5. Scrutiny of the Complaint and Issue of Process
6. Specials Summons and Supply of Copies to Accused
7. Committal Proceedings and Consolidation of Cases

Module-IV: Bail

1. Bail: Meaning and Object
2. Bail in Bailable Cases
3. Bail in Non-Bailable Cases
4. Anticipatory Bail

Module-V: Charge

5. Charge: Meaning and Contents
6. Form of Charge and Joinder of Charges

Module-VI: Trials, Trial Procedure and Judgment

1. Trial: Meaning and Objectives
2. Trial before Court of Session
3. Trial of Warrant and Summon Cases and Summary Trial

Module-VII: Miscellaneous Provisions

1. Maintenance under Criminal Procedure
2. Maintenance of Peace and Good Behaviour
3. Compensation and Costs
4. Inherent Power of Court

Text Books:

- K.N.C. Pillai, *R.V. Kelkar's Criminal Procedure Code*, 2014
- Ratanlal and Dhirajlal, *The Code of Criminal Procedure*, 2013
- P.C. Banerjee, *Criminal Trial & Investigation*, Orient Publishing Company, Allahabad, 3rd Ed., 2001
- S.C. Sarkar, *Law of Criminal Procedure*, Indian Law House, New Delhi, 8th Ed. 2002
- S.N. Mishra, *Code of Criminal Procedure Code*, Central Law Publications, 2015

Reference Books:

- Ratanlal & Dhirajlal, Revised by B.M. Prasad & Manish Mohan, *The Code of Criminal Procedure*, LexisNexis, 2016
- Sir John Woodroffe, *Commentaries on Code of Criminal Procedure*, Law Publishers India (Pvt.) Ltd., 2014
- S.C.Sarkar, revised by Sudipto Sarkar & V.R.Manohar, *The Code of Criminal Procedure: An Encyclopaedic Commentary on the Code of Criminal Procedure, 1973*, 2016, LexisNexis, 2015
- B.B.Mitra, revised by Justice S.R.Roy, *Code of Criminal Procedure*, 2011



Code: BALAW7001C04	Course Title:Principle of Taxation	L	T	P	C
		3	1	0	4
Pre-requisites//Exposure	Basics of Commercial/ Business Laws				
co-requisites	None				
Semester	VII				
Teacher Incharge	Dr. S. P. Srivastava				

1.0. Course Description:

Power to tax had been described as the power to destroy. This idea is being floated often whenever the state introduces a new tax. In order to raise revenue and place the economy on solid foundation, it is necessary that the taxing power should be conferred on the state. The power to tax shall not go unregulated. In the context of a federal structure the distribution of the taxing powers assumes added significance. A study of the constitutional framework on taxation is also important for all these abovementioned reasons. Along with this, this course aims at an analysis of the different laws enacted in exercise of these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the Union and the States.

2.0. Course Objectives:

1. To provide students with an understanding of the general principles of taxation from a multidisciplinary perspective: legal, social and economic.
2. To familiarize students with the concepts of direct and indirect taxation.
3. To understand the procedure for imposing tax and scope of reformation, if any.

3.0. Course Outcomes

On completion of this course, the students will be able to

1. Understand the tax system prevailing in India.
2. Understand the co relation between tax and development, in a country.
3. Apply the knowledge of the provisions of direct and indirect tax laws to various situation in actual practice.

4.0. Pedagogy

A various learning methods will be used which will emphasize a cooperative learning format. Student led discussions and presentations will be combined with instructor facilitated experiences and lectures. Specific methods include:

- Class Room Discussion
- Lecture Method
- Presentations
- Case Studies
- Projects
- Court Room Exercise
- Seminar, presentations by students,
- Individual and group drills.
- Group Discussion Method
- Case Presentation and Analysis (Socio-Legal & political)
- Moot Court Exercise

5.0. Evaluation Scheme:

- 30% - Continuous Internal Assessment (Formative in nature but also contributing to the final grades).
- 70% - End Term External Examination (University Examination).

6.0. Course Content

Unit I:

1. General Perspective/ Genesis

- History of tax law in India
- Fundamental principles relating to tax laws
- Governmental financial policy, tax structure and their role in the national economy.
- Concept of tax:
- Nature and characteristics of taxes
- Distinction between:

- i. Tax and fee
- ii. Tax and cess
- iii. Direct and indirect taxes
- iv. Tax evasion and tax avoidance

Legislative power to levy taxes:

- Constitutional Provisions
- Distribution of Legislative Powers between the Union and States with particular reference to Taxing Powers
- General Scheme of Distribution of Legislative Powers (Articles 245 – 254)
- Distribution of Taxing Powers
- Entry 97 and Entry 86 of List I (Union List)
- Entry 49, List II (State List)

Cases:

1. Bacha F. Guzdar vs C.I.T. Bombay AIR (1955) SC 74
2. C.I.T. vs Sunil J. Kinariwala (2003) 1 SCC 660
3. C.I.T. vs Benoy Kumar Sahas Roy AIR (1957) SC 768
4. V.V.R.N.M. Subbayya Chettiar vs C.I.T. AIR (1951) SC 101
5. K. Lakshman & co vs CIT (1999) 239 ITR 596 SC
6. In Re: Pfizer Corporation Vs Respondent 2004(271) ITR 101 (AAR)
7. CIT Vs R. D. Aggarwal & Co. (1965) 56 ITR 20 (SC)
8. Clifford chance Vs DCIT (2009) 176 TAXMAN 458 (Bom HC)
9. CIT Vs Soundarya Nursery (2000) 241 ITR 530 (MAD)
10. Vodafone International Holdings B.V. v.UOI (2012) 1 Comp LJ 225 (SC)
11. Linklaters LLP Vs ITO, International Taxation 2010 ITAT Mumbai
12. Pradip J. Mehta Vs CIT (2008) 300 ITR 231 (SC)
13. GVK Industries Vs ITO 2011 3 SCALE 111
14. UOI v H.S. Dhillon AIR 1972 SC 1061

Unit II:

Income Tax

- Basic Concepts:

- Income [Definition : S. 2(24)]
- Capital Receipt v. Revenue Receipt -Tests to distinguish
- Agricultural Income – Meaning of Agricultural Income[S. 2(1A), 10(1)]
- Income not included in total income
- Deemed income
- Clubbing of income
- Assessee- Assessment year- Previous Year (S. 3)
- Residential status of Assessee (S. 6)
- Incidence of tax varies with residential status of an assessee
- Total income of assessee (Ss. 4 and 5)
- Income deemed to accrue or arise in India (S. 9)
- Person
- Tax Planning
- Chargeable income: Basis of charge (Receipt, Accrual, and Arisal)
- Heads of income: (S. 14), Rationale- Heads, whether mutually exclusive
- Salaries : (Ss. 15 to 17) – Chargeability - Meaning of Salary;
- Perquisites; Profits in lieu of salary
- Income from house property: (Ss. 22 to 27) - Ingredients of section
- Annual Value how to be determined - Deductions under section 24 -
- Deemed owner (S. 27)
- Income from business or profession: (Ss. 28 to 44) –Applicability –
- Deductions - Bad debts
- Capital gains: (S. 45 to 55)
- Income from other sources: (Ss. 56 to 59)
- Income of other Persons included in Assessee’s Total Income (Ss.60-64)-clubbing of income –justifiability - throwing of separate property intothe common stock of Joint Hindu Family and subsequent partition of the same.[S. 64(2)]
- Deductions, relief and exemptions
- Set Off, Carry Forward and Set off of Losses (Ss. 70-71B, 72-74A)
- Rate of income tax

Cases:

1. CIT Vs Woodward Governor (2009) 312 ITR 254 (SC)
2. ACIT Vs Elecon Engineering (2010) 189 TAXMAN 83 (SC)
3. Ram Prasad Vs C.I.T. (1972) 2 SCC 696
4. East India Housing & Land Development Trust Ltd V CIT (1961) 42 ITR SC
5. Bharat Earth Movers Vs CIT (2000) 245 ITR 428 (SC)
6. Grace Collis and others Vs CIT (2001) 248 ITR 323 (SC)
7. CIT Vs Madras Auto Services Ltd. (1998) 233 ITR 468 SC
8. CIT Vs National Storage (P) Ltd. (1967) 66 ITR 596 (SC)
9. CIT Vs Travencore Sugar & Chemicals Ltd AIR 1973 SC 982
10. ONGC Vs CIT AIR 2010 SC 1927
11. Attukal Shopping Complex P. Ltd Vs C.I.T.(2003) 259 ITR 567 SC
12. CIT Vs Infosys Technology (2008) 237 ITR 167 (SC)
13. CIT Vs Macdowell & Co. (2009) 314 ITR 167 SC
14. CIT Vs Doom Dooma India Ltd (2009) 310 ITR 392 SC
15. Navin Jindal Vs ACIT (2010) 320 ITR 708 SC
16. CIT Vs Ghanshyam (HUF) (2009) 315 ITR 1 SC
17. Techno Shares & Stocks Ltd Vs CIT 2010 SC
18. Guffic Chem P.Ltd. Vs CIT 2011 (332) ITR 602 SC
19. CIT v BC Srinivasa Setty AIR 1981 SC 972
20. CIT v Rajendra Prasad Moody (1978) 115 ITR 519 SC

Unit III:**Income Tax Authorities:**

- Power and functions
- Search and Seizure (Ss.132, 132A, 132B)
- Best Judgment Assessment; Income escaping assessment
- (Ss. 139, 142, 143, 144, 145(2), 147, 148, 149, 150, 151 and 153)
- Offences and penal sanctions:
- Settlement of grievances:

- Authorities, powers and functions

Cases:

1. D.I.T. vs. Diamondstar Exports Ltd.; (2007) 293 I.T.R. 438 SC
2. Manish Maheshwari vs. A.C.I.T.; (2007) 289 I.T.R. 341 SC
3. Rajesh Kumar. vs. Dy.CIT.; (2006) 157 Taxman 168 (SC)
4. GKN Driveshafts (India) Ltd vs ITO (2003) 259 ITR 19 SC
5. ITO vs Seth Bros (1969) 74 ITR 836 SC
6. Sahara India Vs CIT (2007) 289 ITR 473 SC

Unit IV:

Goods and Services Tax Act- .

- A. Overview of Goods and Services Tax, Implementation of GST, Liability of the Tax Payer, GST Network and GST Council.
- B. Levy of an Exemption from Tax, Levy of GST, Composition Scheme, Remission of Tax / Duty.
- C. Registration, Registration Procedure, Amendments / Cancellation.
- D. Meaning and Scope of Supply, Taxable Supply, Supply of Goods and Supply of Services, Course or Furtherance of Business, Special Transaction, Time of Supply.\
- E. Valuation in GST, Payment of GST, Input Tax Credit, Input Service Distributors.

7.0. Text Books

1. Kanga, Palkiwala and Vyas, The Law and Practice of Income Tax, 10th Edition, 2014, Vol.I & II, Lexis Nexis Butterworths.
2. V.K. Singhania, *Direct Tax Law & Practice*, 2013-14 Taxmann.

Reference Books

1. Dr.V.Gaurishanker, *Principle of Taxation*, First Print, 2007 Wolters Kluwer, New Delhi.
2. Dr. Girish Ahuja & Ravi Gupta; *Professional Approach to Direct Taxes, Law and Practice*, 19 th edition 2012-13 Bharat Publication, New Delhi
3. S.Rajatanam, "*Tax Planning(Issue,Ideas,Innovations)*", 2009 Bharat Publication, New Delhi
4. Sampat Iyenger's "Income Tax Law". 11 editions 2012, Bharat Publication.

5. Geoffrey Morse and David Williams, "Davies: Principles of Tax Law" 2010 Sweet & Maxwell Publication.
6. Chaturvedi & Pithisaria *Income Tax Law*, 5th Edition Reprint 2010 Wadhwa & Company.
7. V.K. Singhania, *Direct Tax Law & Practice*, 2013-14 Taxmann.

LAW 252	LAW OF EVIDENCE	L	T	P	C
Version: 1.1		4	0	0	4
Pre-requisites//Exposure	IPC				
co-requisites	Cr.P.C. & C.P.C.				
Semester	IV				
Programme	B.A. LL.B.(H) & B.Sc.LL.B.(H)				

Course Description:

This course will be consisted of different aspects of law of evidence. Students are expected to be expert in this course. The course will be consisted of general issues relating to law of evidence, relevancy and admissibility of facts, admission & confession, dying declaration, expert opinion, presumption and rules regarding proof, witness & examination of witness. However, importance is given upon statutory provisions as well as relevant case laws on the subject.

Course Objectives:

No one concerned with substantive rights, duties and liabilities can afford to neglect the adjectival law of procedure and evidence which provide the mechanisms for their enforcement. For greater understanding of Law of Evidence, the approach of course is strongly practical. The course offers an opportunity for penetrating in-depth study from an academic perspective supplementing teaching learning methodology with dynamic trial based approach.

The aim of the course is that students should acquire proficiency in law of evidence. Student must have an informed understanding about the theoretical base and practical context of use of law of Evidence. They must be able to appreciate facts, their relevancy, and examination of witnesses, examining documents, appreciation of various kinds of evidence and lawyerly acumen in dealing with all these aspects. Thrust area of course is to inculcate clear arguments regarding facts and principle of evidence in the potential lawyers.

Pedagogy:

The pedagogy of the course will be as below:

- Class Room Discussion
- Teaching Assignment
- Presentations
- Case Studies

- Projects
- Seminar
- Panel Discussion

Evaluation Scheme:

- | | |
|-------------------------|-----------|
| • Continuous Assessment | 30 Points |
| • Attendance | 5 Points |
| • Mid-Term | 15 Points |
| • End Term | 50 Points |

Text Books:

- RATANLAL & DHIRAJLAL, LAW OF EVIDENCE, LexisNexis.
- Batuk Lal, Law of Evidence.
- SARKAR ON LAW OF EVIDENCE, LexisNexis.
- MUNIR ON LAW OF EVIDENCE, Universal Law Pub. Co.

Reference Books:

- Peter Murphy, MURPHY ON LAW OF EVIDENCE, Oxford, 10thed.
- PHIPSON'S EVIDENCE.
- THE NEW WIGMORE: A TREATISE ON EVIDENCE, Walter Kluwer.
- Indian Evidence Act, 1870
- Indian Penal Code, 1860
- Code of Criminal Procedure, 1973
- Indian Oath Act, 1969
- Indian Police Act, 1861
- Information Technology Act, 2000
- 69th Law Commission Report
- 185th Law Commission Report

IMPORTANT NOTE:-

- The topics and cases given above are not exhaustive. The teachers teaching the course shall be at liberty to add new topics/cases.
- The students are required to study the legislations as amended up-to-date and consult the latest editions of books.

Course Contents:

Module I – General Issues Relating to Law of Evidence

- Definitions Facts, Facts in issue, Relevant Fact.
- Evidence: Oral and Documentary.
- Proved, Disproved and Not Proved.
- ‘May Presume’, Shall Presume’ and ‘Conclusive Proof’
- Circumstantial Evidence
- Electronic Evidence

Case Laws:

1. State of Maharashtra v. Prafulla B. Desai(Dr.) (2003) 4 SCC 601
2. R.M.Malkaniv v. State of Maharashtra, AIR 1973 SC 157
3. Yusuf Ali v. State: AIR 1968 SC 147
4. Ziyauddin v. Brijmohan, AIR 1975 SC 1788
5. Grant v. SothWestern and Country Properties 1975. CH.185
6. Derby v. Weldon (No.9) [1991] 1 WLR 652
7. Rollo v. H.M. Advocate’ 1997 SLT 958
8. Ziyauddin v. Brijmohan (AIR 1988 SC 1788)
9. Bater v. Bater 1950(2) All, ER 458
10. KishenchandMangal v. State of Rajasthan AIR 1982 SC 1511
11. State of UP v. Kishan Gopal AIR 1988 SC 2154
12. SharadBirdhi Chand Sarda v. State of Maharashtra, AIR 1984 SC 1622
13. Hanumant v. State of Madhya Pradesh [1952] S.C.R 1091
14. Pakala Narayana Swami v. Emperor AIR 1939 PC 47
15. All India Anna DravidaMunnetrakazhagam v. L.K. Tripathi, (2009)5 SCC 417
16. Lalliram v. State of M.P. (2008) 10 SCC 6
17. Hukam Singh v. State of Rajasthan, AIR 1977 SC 1063
18. State of U.P. v. Ashok Kuamr Srivastava, (1992) CrI. LJ 1104
19. State of Maharashtra v. Damu s/o GopinathShinde, AIR 2000 SC 1691

Module II – Relevancy and Admissibility of Facts

- Relevancy & Admissibility, S. 5 & Ss. 5 to 55
- Logically relevant facts; Res gestae – Ss. 5-9,11
- Facts forming part of same transactions, s. 6
- Facts constituting cause, occasion and opportunity, s. 7
- Facts constituting motive and conduct, s. 8.
- Explanatory facts, s. 9
- Special class of relevant facts relating to Conspiracy- section 10
- Plea of alibi, s. 11
- Test Identification Parade (TIP)

Case Laws:

20. Krishan Kumar Malik v. State of Haryana, 2011(6) SC ALE 759
21. Gentela Vijayavardhan Rao V. State of Andhra Pradesh, AIR 1996 SC 2791
22. S.C. Bahri vs. State of Bihar AIR 1994 SC 2420
23. Sukhar v. State of Uttar Pradesh, AIR 1999 SC 3883
24. Badri Rai v. State of Bihar, AIR 1958 SC 953
25. Nathuni Yadav vs. State of Bihar (1978) 9 SCC 238
26. Mohd. Khalid v. State of Bihar (2002) 7 SCC 334
27. Jayantibhai Bhenkerbhai v. State of Gujarat (2002) 8 SCC 165
28. Bishwanath Prasad v. Dwarka Prasad, AIR 1974 SC 117
29. Central Bureau of Investigation v. V.C. Shukla, AIR 1998 SC 1406
30. Mirza Akbar v. Emperor AIR 1940 PC p.176
31. Sardul Singh Caveeshar v. State of Bombay AIR 1957 SC 747
32. State v. Nalini 1999(5) SCC 253
33. Saju v. State of Kerala, 2001(1) SCC 378
34. Mohan Singh v. State of Bihar, 2011(9) SCALE 426
35. Arul Raja v. State of Tamil Nadu (2010) 8 SCC 233
36. Veera Ibrahim v. State of Maharashtra, AIR 1976 SC 1167
37. Aghnoo Nagesia v. State, AIR 1966 SC 119
38. Pulukuri Kottaya v. Emperor, AIR 1947 PC 67
39. Bodhraj v. State of J & K. (2002) 8 SCC 45
40. Khushal Rao v. State of Bombay, AIR 1958 SC 22
41. Sudhakar v. State of Maharashtra (2000) 6 SCC 671
42. Patel Hiralal Joitaram v. State of Gujarat (2002) 1 SCC 22
43. Laxman v. State of Maharashtra (2002) 6 SCC 710
44. Ram Narain v. State of U.P., AIR 1973 SC 2000 : (1973) 2 SCC 86
45. Brijlal Pd. Sinha v. State of Bihar, AIR 1998 SC 2443
46. R v. Turnbull 1977 QB 224 (CA)
47. Ramanathan v. State of TN AIR 1978 SC 1204
48. State v. Kathikalu Oghad AIR 1961 SC 1808
49. Kartar Singh v. State of Punjab 1994 CrLJ 3139 (SC)
50. R v. Nikolovski (1996) 141 DLR(4d) 647
51. R v. Pieterse and Holloway (1995)(2) Cr. App R 11(1A)

52. SevuganChettiar v. Raghunatha AIR 1940 Mad 273
53. Ram Kumar v. State of M.P. AIR 1975 SC 1026
54. Satbir v. State of Haryana, AIR 1981 SC 2074

Module III- Admission & Confession

- Admissions – sections 17-23
- Who can admit facts
- Presumed admission
- Confessions – sections 24-30
- Judicial & Extra Judicial Confession; Confession to police officer; Confession to Magistrate
- Recording of Confession by Magistrate, s. 164 Cr. PC.
- Confession and related discovery of materials evidence, s. 27
- Confessions of Accomplice; s. 306 Cr. PC r/w/s. 30/133 and 114 of Evidence Act
- Confession under special legislations, Ex. TADA, NDPA etc.
- Relevancy of statement given under s. 161 Cr. PC

Case Laws:

55. Hirachand Kothari v. State of Rajasthan AIR 1985 SC 998
56. K.M. Singh v. Secretary, Association of Indian Universities AIR 1992 SC 1356
57. Thiru John v. The Returning Officer, AIR 1977 SC 1724
58. Mohammad Koya v. Muthukoya, AIR 1979 SC 154
- 59 M/s Central Coal Fields Ltd. v. M/s Mining Construction, (1982) 1 SCC 415
60. Bharat Singh v. Bhagirathi, AIR 1966 SC 405
61. Idandas v. AnantRamchandraPhadke, AIR 1982 SC 127
62. DukhiramDey v. MrityunjoyProsad, AIR 1982 Cal 294
63. SheoParshad v. JaggarNath (1884) 10 I.A. 79 (PC)
64. PakalaNarayana Swami v. Emperor, AIR 1939 PC 47
65. Miranda v. Arizona 384 US 436
66. Niranjan Singh Karan Singh Punjabi v. JitendraBhimrajBijja, 1990 SC 1962
67. Karamjit Singh v. State, (2001) 9 SCC 161
68. Kartar Singh v. State of Punjab (1994) 3 SCC 569
69. Lal Singh v. State of Gujarat (2001) 3 SCC 221

70. State of UP v. Ram Sagar Yadav, AIR 1985 SC 416
71. BhuboniSahu v. The King, AIR 1949 PC 257
72. PulikuriKottaya, AIR 1947 PC 67
73. State of Uttar Pradesh v. DeomanUpadhyaya, AIR 1960 SC 1125
74. UdaiBhan v. State of UP, AIR 1962 S.C. 1116
75. AghnooNagesia v. State, AIR 1966 SC 119
76. Nazir Ahmed v. Emperor,. AIR 1936 PC 253
77. Chandran v. State of Tamil Nadu, AIR 1978 SC 1574
78. Dagdu v. State, AIR 1977 SC 1579
79. Kehar Singh v. State, AIR 1988 SC 1883
80. R v. Warickshall, (1783) 1 Leach. CC. 298 (168 E.R. 234)
81. R v. Lockhart (17785) 1 Leach 386 (168 ER 295)
82. State v. Self, 59 Wash 2d 62
83. Whitley v. State 78 Miss 255, 28 SO 852
84. K. Chinnaswami v. State of A.P., AIR 1962 SC 1788
85. Limbaji& others v. State of Maharashtra 2001 (8) SCALE P.522
86. Sanjay v. State of Govt. of Delhi, AIR 2001 SC 979
87. PandurangKaluPatil&Anr v. State of Maharashtra, 2002 (1) JT SC 229
88. MohmedInayatullah v. The State of Maharshtra, AIR 1976 SC 483
89. Krishnappa v. State of Karnataka, (1983) 2 SCR 552
90. GeejagandaSomaiah v. State of Karnataka, AIR 2007 SC 1355
91. Murugan v. State of Tamil Nadu, AIR 2008 SC 2876
92. State of Himachal Pradesh v. Jet Singh (1999) SCC (Crl) 539
93. Haroon Haji Abdulla v. State of Maharashtra, AIR 1975 SC 856
94. Ravinder Singh v. State of Haryana, AIR 1975 SC 856
95. MohteshamMohd. Ismail v. Spl. Director, Enforcement Directorate, (2007) 8 SCC 254

96. Queen Empress v. Babulal, ILR (1884) 6 All. 509
97. Sanwat Khan v. State of Rajasthan, AIR 1956 SC 54
98. Kashmira Singh v. The State, AIR 1952 SC 159
99. PUCL v. CBI, 1997 CrI LJ 3242 (Del)
100. BhuboniSahu v. The King, AIR 1949 PC 257

Module IV – Dying Declaration

- Dying Declarations – section 32 (1)
- ‘Circumstances under which death is caused’
- Special cases of dying declaration

Case Laws:

101. PakalaNaryana Swami v. Emperor AIR 1939 PC 47
102. State of UP v. Ramesh Prasad Misra, AIR 1996 Sc 2766
103. RatanGond v. State of Bihar, AIR 1959 SC 18
104. Kansraj v. State of Maharashtra, AIR 2000 Sc 2324
104. Sudhakar v. State of Maharashtra, AIR 2000 SC 2602
105. Ratan Singh v. State of Himachal Pradesh, (1997) 4 SCC 161
106. Kuhshal Rao v. The State of Bombay, AIR 1958 SC 22
107. Smt. Laxmi v. Om Prakash, Appeal (crl.) 717 of 1994
108. Munnu Raja v. The State of Madhya Pradesh, AIR 1976 Sc 2199
109. Kusa v. State of Orissa, AIR 1980 Sc 559
110. Ramprasad v. State of Maharashtra (1999)5 SCC 30
111. P.V. Radhakrishnan v. State of Karnataka(2003) 6 SCC 443
112. R.v. Woodcock (1789) 1 Leach 500
113. R.v. Perry, 1909(2) KB 697
114. Manish Dixit v. State of Rajasthan, AIR 2001 SC 93
115. Dal Bahadur v. Bijai AIR 1930 PC 79

116. Ramrati v. Dwarika AIR 1967 SC 1134
117. Bhim Singh v. Kansingh, AIR 1980 Sc 727
118. Du Bost v. Beresford, (1810) 2 Cambell's Reports 511

Module V – Expert Opinion

- Expert Opinion
- Who is expert?
- Opinion of Third Person when relevant
- Thumb-impression experts; Finger Prints; Opinion of Expert Trackers; Foot Prints; Court acting as an expert

Case Laws:

119. State of H.P. v. Jai Lal and Ors.(1999) 7 SCC 280
120. The State (Delhi Administration) v. Pali Ram, AIR 1979 SC 14
121. Ramesh Chandra Agrawal v. Regency Hospital Ltd., AIR 2010 SC 806
122. Tilti v. Jones, AIR 1934 ALL 237
123. Secretary of State v. Sarla Devi Chaudhrani, 5 L 227
124. Unites States Shipping Board v. Ship “St. Albans”, AIR 1931 PC 189
125. Asstt. Collector v. V.P. Sayed Mohamed, 1983 SC 168
126. Piara Singh v. State of Punjab, AIR 1977 Sc 2274
127. Abdul RazakMurtaza v. State of Maharashtra, (1969) 2 SCC 234
128. Jaspal Singh v. State of Punjab, AIR 1979 Sc 1708
129. Pritam Singh v. Punjab, 1956 Cr. LJ 805 (SC)
130. MorMahomud v. Emperor, 41 Cr. LJ 924
131. Public Prosecutor v. Virammal, 69 IC 374
132. State v. S.J. Choudhary, AIR 1996 SC 149

Module VI – Presumption & Rules regarding Proof

A. General Rules of Proof

- Facts which need not to be proved – sections 56-58
- Facts which the parties are prohibited from proving – Doctrine of Estoppel - sections 115-117
- Privileged Communications – sections 122-129

B. Documentary Proof

- Oral and documentary evidence – sections 59-78
- Exclusion of oral by documentary evidence – sections 91-92

C. Presumption

- Presumption of Facts
- Rebuttable presumption
- Irrebuttable presumption
- Sections 4,41,105,111-A, 112, 113-A,113-B, 114 and 114-A.

Case Laws:-

133. R.V.E VenkatachalaGounder v. ArulmiguVishwesaraswami& V.P. Temple and Anr. JT 2004 (6) SC 442
134. Mobarik Ali Ahmed v. State of Bombay, AIR 1957 SC 857
135. R.S. Maddanappa v. Chandramma (1965) 3 SCR 283
136. Madhuri Patel v. Addl. Commissioner, Tribal Development, AIR 1995 SC 94
137. SanatanGauda v. Berhampur University, AIR 1990 SC 1075
138. M.C. Vergheese v. T.J. Ponnamm, AIR 1970 Sc 1876
139. State of U.P. v. Raj Narain, AIR 1975 SC 865
140. GoutamKundu v. State of West Bengal, AIR 1993 SC 2295
141. J.P.Anand v. D.G. Baffna, AIR 2002 Sc 114
142. TulsiramKanu v. State, AIR 1954 SC 1
143. ParbhooAndOrs. v. Emperor, AIR 1941 All 402

Module VII – Witnesses & Examination of Witness: Appreciation of Evidence

- Child Witness – section 118

- Dumb Witness- section 119
- Hostile Witness – section 154
- Examination, cross-examination and re-examination- sections 137-139, 155.
- Irregularities during examination of witnesses, s. 460-465 Cr.P.C
- Rule against compulsive witness; recording of evidence; examination under section 313, 315 of Cr.P.C
- False testimony
- Appreciation of evidence and ‘role of judge’

Case Laws:

144. Blunt V. Park Lane Hotel Ltd (1942) 2 KB 253
145. State of Rajasthan v. Smt. Kalki and Anr., AIR 1981 SC 1390
146. Krishna Mochi and Ors. v. State of Bihar etc. JT 2002(4) SC 186
147. Munshi Prasad v. State of Bihar, AIR 2001 SC 3031
148. Leela Ram v. State of Haryana, (1999) 9 SCC 525
149. VithalPundaliZendge v. State of Maharashtra, AIR 2009 SC 1110
150. Chhotanney v. State of Uttar Pradesh, AIR 2009 SC 2013
151. ShivajiSahabraoBobade v. State of Maharashtra (1973) (2) SCC 793
152. Jal Dev. v. State of Punjab, AIR 1963 SC 612
153. Avatar Singh v. State of Punjab (2002) 7 SCC 419
154. BipinShantitalPanchal v. State of Gujarat, (2001) 3 SCC 1
155. Bharat Singh v. Bhagirathi, AIR 1966 SC 405