

**KARNATAKA STATE LAW UNIVERSITY**

Navanagar, Hubballi-580025

Accredited with 'A' Grade by NAAC

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Sl. No	Semester	Subject Code	3 yrs LL.B Programme 2020-21
1	1 <sup>st</sup> Semester	4001	Constitutional Law –I <b>Syllabus as per Appendix-IX</b>
2		4002	Contract – I
3		4003	Law of Torts
4		4004	Family Law - I: Hindu Law
5		4005	Criminal Law - I: Indian Penal Code
6		4006	English (For those who write examinations in Kannada) - <b>Syllabus as per Appendix-II</b>
7	2 <sup>nd</sup> Semester	4007	Constitutional Law –II <b>Syllabus as per Appendix-X</b>
8		4008	Contract -II
9		4009	Labour Law I - <b>Syllabus as per Appendix-XI</b>
10		4010	<b>Property Law.</b>
11		4011	Family Law -II: Mohemmadan Law & Indian Succession Act.
12		4012	Kanoon Kannada / Kannada kali (for non- Kannadig's Students)
13	3 <sup>rd</sup> Semester	4014	<b>Jurisprudence</b>
14		4015	Labour Law II
15		4016	Law of Taxation
16		4017	Criminal Law-II: CR.P.C., JJ Act & Probation of Offenders Act
17		4018	Administrative Law.
18	4 <sup>th</sup> Semester	4019	Public International Law.
19		4020	Optional-I: Human Rights Law and Practice
20		4021	Optional-I: Insurance Law
21		4022	Optional-II: Banking Law
22		4023	Optional-II: Right to Information
23		4024	Clinical Course-I: Professional Ethics and Professional Accounting System.
24		4025	Clinical Course-II: Alternative Dispute Resolution Systems
25		5 <sup>th</sup> Semester	4026
26	4027		Civil Procedure Code and Limitation Act.
27	4028		Optional-III: Intellectual Property Rights-I
28	4029		Optional-III: Penology & Victimology.
29	4030		Optional-IV: Interpretation of statues & principle of Legislation
30	4031		Optional-IV: Competition Law
31	4032		Clinical Course-III: Drafting, Pleading and Conveyance
32	6 <sup>th</sup> Semester	4033	Law of Evidence.
33		4034	Environmental Law
34		4035	Optional-V: Intellectual Property Rights-II
35		4036	Optional-V: White Collar Crimes.
36		4037	Optional-VI: Land Law
37		4038	Optional-VI: Law Relating to International Trade Economics
38		4039	Clinical Course-IV: Moot Court Exercise and Internship

## **Objectives:**

**For 3yrs LL.B. Programme for the year 2018-19 onwards**

## **I semester**

### **COURSE I: Constitutional Law - I**

The purpose of the course is to acquaint the students with the idea that the Indian Constitution is a normative Constitution with value aspirations. The Indian Constitution envisages to establish a justice system with legal technique. The basic postulate of Constitution like the Constitutional Supremacy, Rule of law and Concept of Liberty are emphasized in this paper. Exhaustive analysis of Fundamental Rights and committed approach to Directive principles would form the essence of the course.

#### **UNIT-I**

Meaning & Definition of Constitution: kinds of Constitution, Constitutionalism, Salient features of Indian Constitution.

Preamble: Meaning, Scope, Importance, Objectives and Values enshrined in the Preamble.

Citizenship- modes of acquisition & termination

#### **UNIT- II**

State: Definition under Article 12, New Judicial trends on concept of State Action- need for widening the definition.

Definition and Meaning of Law: Pre- Constitutional and Post- Constitutional Laws, Doctrine of Severability and Doctrine of eclipse, Judicial Review and Article 13.

Equality and Social Justice: General Equality Clause under Article 14, New Concept of Equality, Judicial Interpretation on Equality.

#### **UNIT- III**

Protective Discrimination and Social Justice under Articles 15 and 16, New Judicial trends on Social Justice, Constitutional Provisions on Untouchability under Article 17.

Right to Freedom: Freedom of Speech and Expression, Different dimensions - Freedom of Assembly, Association, Movement and Residence, Profession, Occupation, Trade or business, Reasonable restrictions.

#### **UNIT-IV**

Rights of the Accused: Ex-post facto Law - Double jeopardy - Right against self incrimination (Article 20). Rights of the arrested person, Preventive Detention Laws (Article 22), Right to Life and Personal Liberty, Various facets of Life and Liberty (Article 21), Right against Exploitation, Secularism - Freedom of Religion, Judicial interpretation, Restrictions on freedom of religion,

#### **UNIT-V**

Cultural and Educational Rights of minorities - Recent trends - Right to Constitutional Remedies : Article 32 and 226 - kinds of writs - Right to property (prior to 1978 and the present position), Directive Principles of State Policy and Fundamental Duties- inter relation between

fundamental rights and directive principles.

**Prescribed Book:**

1. Dr. V. N. Shukla - Constitution of India
2. M. P. Jain- Indian Constitutional Law

**Reference Books:**

1. H. M. Seervai - Constitutional Law of India
2. T. K. Tope - Constitutional Law
3. D.D. Basu Shorter Constitution of India
4. S. Shiva Rao- Framing of Indian Constitution
5. Subhash. C. Kashyap - Parliamentary Procedure
6. Subhash. C. Kashyap- History of Indian Parliament
7. R. C. Agarwal-Constitutional Development and National Movement
8. A. B. Keith- Constitutional History of India.
9. D.J. De - The Constitution of India Vol. I and II.

**COURSE II:**

**CONTRACT-I: LAW OF CONTRACT**

**Objectives:**

Contracts are at the basis of majority of transactions especially transactions dealing with the property. Whether the transaction is in the ordinary course of life or in the electronic world (e-commerce) the general principles governing contracts remain same. For this reason it is very important to introduce the students to the basic principles governing contracts and lay a powerful foundation for their study of other transactional and related laws in subsequent semesters.

**Course contents:**

**UNIT-I**

Formation of Contract - Agreement and Contract - Definitions - Classification - Offer and Acceptance - Communication - Revocation - Essential elements - Invitation to Offer - Tenders.

Consideration - *Nudum Pactum* - Essential elements - Privity of Contract and of Consideration - Exceptions - Unlawful Consideration and its effect - e-contract.

**UNIT-II**

Capacity to Contract - Minor's Agreements and its effects - Agreement of Persons of unsound mind and Persons disqualified by Law.

Free Consent - Coercion - Undue influence - Misrepresentation - Fraud - Mistake - Legality of Object - Void Agreements -and Contingent Contracts.

**UNIT-III**

Modes of Discharge of Contracts - Time and place of performance - Performance of reciprocal promises - Appropriation of Payments - Discharge by Agreement, operation of Law, frustration (Impossibility of Performance) and by Breach (Anticipatory and Actual).

**UNIT-IV**

Remedies for Breach of Contracts - Damages -Kinds of damages - Remoteness of damages - Ascertainment of damages - Quasi Contracts.

**UNIT-V**

*The Specific Relief Act* -Sections 9-16, Sections 21, Section 24, Sections 36-42.

Nature of Specific Relief - Recovery of Possession of movable and immovable Property - Specific performance when granted and not granted - Who may obtain and against whom - Discretionary remedy - Power of Court to grant relief - Rectification of instruments - Cancellation - Declaratory decrees - Preventive relief - Temporary injunctions - Perpetual and Mandatory Injunctions.

**Prescribed Books:**

1. Singh, Avtar, *Law of Contract and Specific Relief*, 11<sup>th</sup> Edition, (Lucknow: Eastern Book Company, 2013)

**Reference Books:**

1. Pollock and Mulla, *Indian Contract and Specific Relief Act*, 14<sup>th</sup> Edition, (New Delhi: Lexis Nexis, 2013)
2. Smith, Stephen A and P.S Atiyah, *Atiyah's Introduction to the Law of Contract*, 6<sup>th</sup> Edition,

(Oxford University Press: Clarendon Law Series, 2006)

3. G. C. Cheshire and Fifoot *Law of Contract*, 10<sup>th</sup> Edition, (New Delhi: Lexis Nexis, 2010)
4. Anson, William, *Law of Contract*, 29<sup>th</sup> Edition (Oxford University Press, 2010)
5. Maine, Henry *Ancient Law*, 4<sup>th</sup> Edition (London: Chancery Lane, 1870)

## **COURSE-III: LAW OF TORTS**

### **Objectives:**

This course is designed to study the principles of Tortious liability, the defences available in an action for torts, the capacity of parties to sue and be sued and matters connection there with. Further, this course is designed to study specific torts against the individual and property. With rapid industrialization, inadequacy of the law to protect the individual is exposed . An attempt shall be accorded to the individuals against mass torts and industrial torts. Keeping in the expensive character of judicial proceedings the students should reflect on the alternative forms, and also the remedies provided under the *Consumer Protection Act, 1986*.

### **Course contents:**

#### **UNIT-I**

Evolution of law of torts- Nature and scope of law of torts- Meaning- Torts distinguished from Contract- Crime- Development of *Ubi jus ibi Remedium*- Mental elements-Intention, Motive, Malice in Law and in Fact.

#### **UNIT-II**

General Defences, Vicarious Liability.

#### **UNIT-III**

Negligence; Nuisance; Absolute and Strict liability.

Legal Remedies-Awards -Remoteness of damage.

#### **UNIT-IV**

Torts against person: Torts affecting body- Assault, Battery, Mayhem and False Imprisonment; Torts affecting reputation-Libel and Slander, Torts affecting freedom-Malicious Prosecution, Malicious Civil Action and Abuse of Legal Process; Torts affecting domestic and other rights-Marital Rights, Parental Rights, Rights to Service, Contractual Rights, Intimidation and Conspiracy; Torts against property.

#### **UNIT-V**

Salient features of Consumer Protection Act, 1986, Who is consumer, Defect in goods, Deficiency in services, Medical services, Remedies to consumers, Consumer Disputes Redressal Agencies, Limitation for filing complaints, Penalties.

Salient features of MV Act, 1988, Liability without fault in certain cases, Insurance of Motor Vehicles against third party risks, Claims Tribunal, Offences, Penalties and Procedure.

### **Prescribed Books:**

Ratanlal and Dhirajlal, *The Law of Torts*, 26<sup>th</sup> Edition, (New Delhi: Lexis Nexis, 2013)  
Kurban, Singh, *Law of Consumer Protection*. (Jaipur: Bharat Law Publications, 1992)

**Reference Books:** Rogers, W.V.H, *Winfield and Jolowicz on Tort*, 15<sup>th</sup> Edition, (London: Sweet and Maxwell, 1999).

Howarth, David and Janet O' Sullivan, *Hepple, Howarth and Matthew's Tort: Cases and Materials*, 5<sup>th</sup> Edition, (New Delhi :Lexis Nexis, 2000)

Baxi Upendra and Danda Arnita, *Valiant victims and Lethal Litigation-The Bhopal Case*, Indian Law Institute (Bombay: 1990)

Heuston R.F.V and R. A. Buckley, *Salmond and Heuston on the Law of Torts*, 26<sup>th</sup> Edition, (U.K: Sweet and Maxwell Ltd,1996)

Singh, Avtar, *Introduction to the Law of Torts (and Consumer Protection)*, (Lexis Nexis Butterworths: 2009)

SarafD. N, *Law of Consumer Protection in India*, (Bombay: N.M. Tripathi, 1990)

**COURSE-IV:**  
**FAMILY LAW-I HINDU LAW**

**Objectives:**

The course is designed to endow the students with knowledge of both the codified and uncodified portions of Hindu law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc.

**Course contents:**

**UNIT-I**

*The Concept of Dharma - Sources of Hindu Law -Ancient and Modern - Importance of Dharma Shastra on Legislation - Mitakshara and Dayabaga Schools of Hindu Law - Application of Hindu Law.*

**UNIT-II**

Marriage and Kinship - Evolution of the Institution of Marriage and Family- Law Prior to Hindu Marriage Act -A detailed study of Hindu Marriage Act, 1955 -Matrimonial Remedies - Maintenance and Alimony; Customary Practices and legislative provisions relating to dowry prohibition.

**UNIT-III**

Hindu undivided family - Mitakshara Joint Family - Formation and Incidents - Property under both Schools - Kartha: His Position, Powers, Privileges and Obligations - Debts - Doctrine of Pious Obligation - Partition and Reunion -Religious and Charitable Endowment.

**UNIT-IV**

Inheritance and Succession - Historical perspective of traditional Hindu Law relating to Inheritance - Hindu Succession Act, 1956. Stridhana- Woman's Property - Amendments to Hindu Succession Act; Gifts and Testamentary Succession - Wills.

**UNIT-V**

Law relating to Hindu Minority and Guardianship: Kinds of Guardians; Duties & Powers of Guardians; A detailed study of Hindu Adoption and Maintenance Act, 1956; Maintenance: Traditional Rights and Rights under Hindu Adoption & Maintenance Act 1956.

**Prescribed Books:**

Diwan, Paras, *Modern Hindu Law*, (Faridabad: Allahabad Law Agency, 1993)

**Reference Books:**

John D. Mayne, *A Treatise on Hindu Law and Usage*, 9<sup>th</sup> Edition, (Madras: Higginbotham, 1922)

Mulla, *Principles of Hindu Law*, (New Delhi: Lexis Nexis Butterworths, 2007)

Diwan, Paras, *Law of Adoption, Minority, Guardianship and Custody* (Universal: 2000)

J. D. M. Derrett *Hindu Law -Past and Present*, (Calcutta: A Mukherjee & Co.. 1957)

N. Raghavachar, *Hindu law*



## **COURSE-V:**

### **CRIMINAL LAW-I: INDIAN PENAL CODE**

#### **Objectives:**

This course is designed to understand the meaning of crime, methods of controlling them and the essential principles of criminal liability by a study of a range of offences under the Indian Penal Code.

#### **Course contents:**

#### **UNIT-I**

General Principles of Crime; Conceptions of Crime; Distinction between Crime and other wrongs under common Law.

Principles of criminal liability - *Actus reus* and *mens rea* (also statutory offences) and other maxims; Variations in liability - Mistake, intoxication, compulsion, legally abnormal persons; Possible parties to the crime: Principal in the I degree; Principal in the II degree; Accessories before the fact; Accessories after the fact.

Indian Penal Code: General Explanation: From Section 1 to 5, Sections 6, 7, Sections 21 to 30, 32 to 37 and section 52 & 52A, Punishment: From Sections 53 to SSA, 63, 64, 65, Section 73 to 75.

#### **UNIT-II**

General Exceptions: Sections 76 - 106; Abetment: Sections 107 - 120; Criminal Conspiracy: Sections 120A & 120B; Offences against State: Sections 121 -130; Offences against the public tranquility: Sections 141 - 160; Difference between Section 34 & 149- Offences relating to election: Contempt of lawful Authority and Public Servants (Brief discussion): Sections 172 - 190.

False evidence: Sections 191 - 197, 208 - 212; Offences relating to coins and Government Stamps: Sections 230 to 240 & 263A; Public Nuisance & Private Nuisance: Offences relating to religion: Section 295 - 298.

#### **UNIT-III**

Offences affecting human life: (Section 299 to 311) - Hurt, Grievous Hurt - Wrongful restraint - Wrong confinement - Criminal force and Assault.

#### **UNIT-IV**

Kidnapping, Abduction - Sexual offences: Rape: custodial rape, marital rape (Sections 375 - 377) - Offences against property: Theft, robbery and dacoity - Criminal Misappropriation of property - Criminal breach of trust - Receiving of stolen property - Cheating - Fraudulent deeds and disposition of property.

## **UNIT-V**

Mischief - Criminal Trespass - Offences relating to document and property marks - Offences relating to marriage (Sections 493 - 498 A) - Defamation (Sections 499 - 502); Criminal intimidation and annoyance and attempt to commit such offences (Sections 506 - 511).

### **Prescribed Books:**

Rathanlal and Dhirajlal, *The Indian Penal Code*, (New Delhi: Lexis Nexis Butterworths Wadhwa Nagpur 2012)

Turner, Cecil J.W., *Kenny's Outlines of Criminal Law*, (New York: Cambridge University Press 2013).

### **References Books:**

K. D. Gaur, *A Text Book on the Indian Penal Code*, (New Delhi: Universal Publishing Co., 2012)

Vibhuti, P. S. Achuthan P./lai's *Criminal Law*, (Lexis Nexis Butterworths Wadha Nagpur: 2012)

Williams, Glanville *Text Book of Criminal Law*, (New Delhi: Universal Law Publishing Co., 2012)

## **Appendix-II**

### **COURSE-VI ENGLISH**

(For those who write examinations in Kannada)

### **Objectives:**

English is a forceful language with a rich vocabulary that can make a positive impact on the outcome of a case. Knowledge of English is essential to understand the precepts, principles and underlying meaning of the Law . Some judgments may come in vernacular languages at the lower courts, but the importance of English both at the lower and higher courts cannot be denied. A budding lawyer with a good command over the regional as well as English language can become a competent judicial officer as well as a successful lawyer. So, the need of the hour is to perform well **in** the field of Law.

The prose text introduces a student to the nuances of the legal profession and the social responsibilities of a lawyer. The syllabus also aims to strengthen the basic features of the English language, as well as the importance of vocabulary and their usage. Comprehension of unseen passages helps to understand important ideas and paves the way for logical thinking. Translation is an intellectual and demanding task, as it fine-tunes the drafting skills and facilitates learning as well. Translations of old vernacular legal documents are vital for the outcome of a case.

### **UNIT-1**

I. Law and Lawyers - M . K. Gandhi .

### **UNIT-2**

1. Articles, Parts of Speech/their usage, same word used as different parts of speech.
2. Identification of errors.
3. Types of sentences, transformation of sentences.
4. Change of voice.
5. Reported Speech.
6. Idioms.
7. Legal words and their usage.

### **UNIT-3**

Applied writing.

1. Paragraph writing.
2. Report writing/Press report.
3. Precis writing , Summarizing.
4. Essay writing.
5. Cohesive devices.

6. Comprehension passages.
7. Letter writing.

### **UNIT-4**

Professional writing:-

- ]. Petitions.

2. Notices.
3. Refutation.
4. Essay writing on topics of legal interest.
5. Comprehension legal content.
6. Legal words and their usage.
7. Use of Cohesive legal devices.

## UNIT-5

Translation:-

1. Principles of Translation.
2. Translation exercises (Translation from legal texts and decided cases.)

### Text and reference books:

1. The law and lawyers by M. K. Gandhi, compiled and edited by S. B. Kher, Navajivan Publishing House, Ahmedabad.
2. Contemporary English Grammar, David Green, Macmillan Ltd.
3. Legal Language Writing and General English by Dr. S. C. Tripathi. Central Law Publications.
4. Wren and Martin English Grammar and Composition.
5. Legal Language, Legal Writing and General English by Dr. S. C. Tripathi. Central Law Publications.
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## II semester

Appendix-X

### COURSE I - CONSTITUTIONAL LAW -II

#### **Objectives:**

This course gives the students a picture of Constitutional Parameters regarding the organization, powers and functions of the various organs of the Government. The emphasis is also on the study of the nature of federal structure and its functioning. A critical analysis of the significant judicial decisions is offered to highlight judicial restraint, judicial activism and judicial balancing. Finally, the students should be able to articulate their independent views over contemporary crucial Constitutional issues.

#### **UNIT-I**

Federal system: Organization of State.

Relationship between the Centre and the State: Legislative, Financial and Administrative, Co-operative Federalism and recommendation of Commission.

Freedom of Trade and Commerce, Official Language. Local self-government with special emphasis on 73<sup>rd</sup> and 74<sup>th</sup> Amendment.

Constitutional provision of Jammu and Kashmir (Art. 370).

Special provisions relating to specific states (Articles 371-A to 371-J)

#### **UNIT-II**

Executive: Centre and State; President and Governor; powers and functions.

Parliament and State Legislature: Bicameralism, Composition, powers and function.

Councils of ministers: collective responsibility, Position of Prime Minister and Chief Minister.

#### **UNIT-III**

Speaker: Parliament and State Legislature, Powers and Functions, Privileges Anti-Defection Law.

Judiciary: Union and States, appointment, powers, jurisdiction and Transfer of judges.

#### **UNIT-IV**

Subordinate Judiciary, Administrative Tribunals.

Public Service Commission: services under the center and the state, Constitutional protection to Civil Servants.

Election Commission: Powers and functions.

State liability for Torts and Contract.

#### **UNIT-V**

Emergency: Types, Effects and effects on Fundamental Rights.

Constitutional Interpretation

Amendment: Basic structure theory.

Schedules .

Review of working of the Constitution.

#### **Prescribed Book:**

1. M. P. Jain - Indian Constitutional Law Vol I& II

**Reference Books:**

1. H. M. Seervai - Constitutional Law of India
2. V. N. Shukla - Constitution of India
3. T. K Tope - Constitutional Law
4. S. Shiva Rao - Framing of Indian Constitution
5. Subash .C. Kashyap - Parliamentary Procedure
6. Subash. C. Kashyap - Constitution of India
7. D.J. De - the Constitution of India, vol.I and II.
8. J.N. Pandey - Constitutional Law of India
9. D.D. Basu - Constitutional Law of India

**COURSE II:**  
**CONTRACT-II (SPECIAL CONTRACTS)**

**Objectives:**

This course enables the students to better appreciate the law governing special contracts like, indemnity, guarantee, agency, etc. which are more relevant in the contemporary society. Law contained in several legislations apart from the Indian Contract Act is taught in this Course.

**Course contents:**

**UNIT-I**

Contract of Indemnity -Definition, Nature and Scope - Rights of indemnity holder - Commencement of the indemnifier's liability - Contract of Guarantee - Definition, Nature and Scope - Difference between contract of indemnity and Guarantee - Rights of surety - Discharge of Surety - Extent of Surety's liability - Co-surety.

**UNIT-II**

Contract of Bailment - Definition - Kinds - Rights and Duties of Bailor and Bailee - Rights of Finder of goods as Bailee - Contract of pledge - Definition - Comparison with Bailment - Rights and duties of Pawnor and Pawnee

**UNIT-III**

Agency - Definition - Creation of Agency - Kinds of Agents - Distinction between Agent and Servant - Rights and Duties of Agent - Relation of Principal with third parties - Delegation - Duties and Rights of Agent - Extent of Agents authority - Personal liability of Agent - Termination of Agency.

**UNIT-IV**

*Indian Partnership Act* - Definition - Nature, Mode of determining the existence of Partnership - Relation of Partner to one another - Rights and duties of partner - Relation of partners with third parties - Types of partners - Admission- Retirement , and Expulsion of partners  
Dissolution of Firm -Registration of Firms.

**UNIT-V**

*Sale of Goods Act* - The Contract of sale - Agreement to sell - Conditions and Warranties - Passing of property - Transfer of title - Performance of the Contract - Rights of Unpaid Seller - Remedies for Breach of Contract.

**Prescribed Books:**

Singh, Avtar, *Law of Contract and Specific Relief*, 11th Edition, (Lucknow: Eastern Book Company, 2013)

Verma J.P (ed.,) Singh and Gupta, *The Law of Partnership in India*, (New Delhi: Orient Law House, 1999)

Saharay H. K, *Indian Partnership and Sale of Goods Act*, (Universal, 2000)

Nair, Krishnan, *Law of Contract*,( New Delhi: Orient Law House, 1999)

Hire Purchase Act

**Reference Books:**

Pollock and Mulla, *Indian Contract and Specific Relief Act*, 14th Edition, (New Delhi: Lexis Nexis, 2013)

Anson, William, *Law of Contract*, 29th Edition, (Oxford University Press, 2010)

Avtar Singh, *Principles of the Law of Sale of Goods and Hire Purchase*, (Lucknow; Eastern Book House Ltd, 1998)

Sir Frederick Pollock and Muiila, *Pollock and Mulla on the Sale of Goods Act*, 9<sup>th</sup> Edition, (Lexis Nexis: 2014)

J. P. Verma (ed.), Singh and Gupta, *The law of partnership in India*,(New Delhi: Orient Law House, 1999)



**COURSE III- LABOUR LAW- I**

**OBJECTIVES**

In this course, the students are to be acquainted with the Industrial relations frame work. Further, the importance of the maintenance of industrial peace and efforts to reduce the incidence of strikes and lockouts are to be emphasised. The main objective is to critically examine the provisions in the Trade Unions Act, 1926; the machineries contemplated under the Industrial Disputes Act, 1947 for the prevention and settlement of industrial disputes and other matters. Further, the objectives underlying the Industrial Employment (Standing Orders) Act , 1946 and Disciplinary Enquiry for misconduct are to be studied with a view to acquaint misconduct and the procedure to be followed before imposing punishment for misconduct alleged and established.

Referring wherever necessary to the Constitutional provisions and the ILO Conventions and recommendations will do learning of these legislations. We will be looking at the judicial response, legislative response and probable amendments required to the industrial relations laws to meet the challenges posed by economic liberalisation. In order to understand the above mentioned legislations in their proper perspective, a brief historical background of these legislations will also be examined.

In this course, students shall also acquaint with legal frame-work relating to social security and welfare. The concept of social security, its importance and also Constitutional basis for the same are introduced. The importance of ensuring health, safety and welfare of the workmen, social assistance and social insurance schemes and the regulation of wages under various legislations are to be emphasised. The objective is also to understand the provisions of the Employees Compensation Act, 1923, the Employees' State Insurance Act, 1948, the Payment of Wages Act, 1936, the Factories Act, 1948. These legislations are to be studied with a view to acquaint the students regarding various rights and benefits available to the workmen there under. Legislations are to be analysed by examining historical background, objectives underlying these legislations, judicial interpretations and effectiveness of these legislations in the changed economic policies .

**UNIT-I**

Historical aspects - Master and Slave Relationship, Trade Unionism in India and UK - Enactment of the Trade Unions Act, 1926- ILO Conventions relating to Trade Unions and relevant Constitutional provisions.

A bird's eye view of the Act - Definitions - Trade Union, Trade Dispute, etc. - Provisions relating to registration, withdrawal and cancellation of registration - Funds of Trade

Union, Immunities, problems of Trade Union, Amalgamation of Trade Union -Recognition of Trade Unions - Methods, need and efforts in this regard , Collective Bargaining - Meaning, methods, status of collective bargaining settlements , collective bargaining and liberalisation.

## **UNIT-II**

Historical Background and Introduction to the Industrial Disputes Act , 1947 - Definitions - Industry, Workman, Industrial Dispute, Appropriate Government, etc., - Authorities/ Industrial Dispute resolution machinery - Works Committee, Conciliation and Board of Conciliation - Powers and Functions, Court of Inquiry, Grievance Settlement Authority,

Voluntary Arbitration U/S 10-A, Compulsory Adjudication- Government's power of reference U/S- 10 - Critical analysis with reference to decided cases. Compulsory Adjudication - Composition, Qualification, Jurisdiction, powers of adjudication authorities, - Award and Settlement - Definition, Period of operation, binding nature and Juridical Review of award.

## **UNIT-III**

Law relating to regulation of strikes and lockouts- Definition of strikes and lockouts, Analysis with reference to Judicial Interpretations, Regulation U/Ss 22, 23, 10-A(4-A), and 10 (3), Illegal strikes and lockouts, penalties. - Regulation of Job losses- concepts of Lay-off, Retrenchment, Closure and Transfer of undertakings with reference to statutory definition and Judicial Interpretations - Regulation of job losses with reference to the provisions of chapter V A and V B of the ID Act, 1947 - Regulation of managerial prerogatives - Ss. 9A, 11 A, 33 and 33A of ID Act, 1947 - Certified Standing Orders - Meaning and Procedure for Certification, Certifying officers- Powers and Functions, etc.

## **UNIT-IV**

Concept and Importance of Social Security - Influence of I.L.O. - Constitutional Mandate. The Employees' Compensation Act, 1923 - Definitions - employee, employer, dependent, partial disablement , total disablement, etc. - Employer's liability for compensation -Conditions and Exceptions - Procedure for claiming compensation. Computation of Compensation. Commissioner- Jurisdiction, Powers, etc.

The Employees' State Insurance Act, 1948 - Definitions - Employment injury, contribution, dependent , employee, principal employer, etc. - Employees' State Insurance Funds - contribution, Benefits available - Administrative Mechanism - E.S.I Corporation, Standing Committee, Medical Benefits Council - Composition, Powers, Duties - Adjudication of Disputes - E.S.I Courts. Comparative analysis of the E.S.I. Act, 1948 with the Employees' Compensation Act, 1923

## **UNIT-V**

The Payment of Wages Act, 1936 - Definitions - employed person, factory, industrial and other establishment, wages, etc. - Deductions - Authorities - Inspectors and Payment of Wages Authority.

The Factories Act, 1948 - Definitions - factory, manufacturing process, occupier, worker, hazardous process, etc. - Provisions of the Factories Act relating to health, safety and welfare of workers - Provisions relating to Hazardous process - Provisions relating to working conditions of employment - Working Hours, Weekly leave, Annual leave facility - Provisions relating to regulation of employment of women, children and young persons.

### **Books Prescribed:**

- S.C. Srivastava - Industrial Relations and Labour Laws.
- Dr. V.G. Goswami - Labour Industrial Laws
- S.N.Mishra - Labour and Industrial Laws.
- S.C.Srivastava, Treatise on Social Security.
- The Trade Unions Act, 1926
- The Industrial Disputes Act, 1947
- The Industrial Employment (Standing Orders) Act, 1946
- The Employees Compensation Act, 1923
- The Employees' State Insurance Act, 1948
- The Payment of Wages Act, 1936
- The Factories Act, 1948

### **Reference Books:**

- O.P. Malhotra - Law of Industrial Disputes.
- G. Ramanujam - Indian Labour Movements.
- P.L. Malik - Industrial Law.
- Mamoria and Mamoria - Dynamics of Industrial Relations.
- First National Labour Commission Report, 1969.
- Second National Labour Commission Report, 2002.
- International Labour Conventions and Recommendations.

## COURSE-IV PROPERTY LAW

### Objectives:

The focus of this course is on the study of the concept of 'Property', the 'nature of property rights' and the general principles governing the transfer of property. A detailed study of the substantive law relating to particular transfers, such as sale, mortgage, lease, exchange, gift and actionable claims will also be undertaken. The course also includes an exposure into the concept of trust.

### Course contents:

#### UNIT-I

General principles of Transfer of Property by act of parties *inter-vivas*- Concept and meaning of immovable property- Transfer of Immovable Property- Persons Competent to transfer - Operation of Transfer- Conditions restraining alienation and restrictions repugnant to the interest created- rule against perpetuity and exceptions- Direction for accumulation- Vested and Contingent interest, void conditions, Rule of acceleration, fulfillment of conditions subsequent.

#### UNIT-II

Doctrine of election- transfer by ostensible and co-owner- Apportionment- Priority of rights- Rent paid to holder under defective title- Improvements made by *bonafide* holder- Doctrine of *Lis pendens*- Fraudulent transfer and part-performance.

#### UNIT-III

Mortgages of immovable property: Definition- Kinds of mortgages and their features- Rights and liabilities of mortgagor and mortgagee- Priority of securities- Marshalling and contribution- Charges.

#### UNIT-IV

Sale of immovable property: Rights and liabilities of seller and buyer before and after completion of sale- Difference between sale and contract for sale; Leases of immovable property: Definition- Scope- creation of lease- rights and liabilities of lessor and lessee- Determination and holding over; Exchange: Definition and mode- Actionable Claims; Gifts: Scope- meaning- mode of transfer- universal gifts- onerous gifts.

#### UNIT-V

Law of Trusts with Fiduciary Relations: Definitions of Trust and its comparison with other relationships like Debt, Ownership, Bailment, Agency and Contract; Kinds of Trusts- Creation of Trust- Appointment of Trustees- Duties and Liabilities of Trustees- Rights and Powers of Trustees- Disabilities of Trustee- Rights and Liabilities of the Beneficiary- Vacating the office of trustee and Extinction of Trusts.

### Prescribed Books:

Mulla, *Transfer of Property Act*, (Delhi: Universal, 1999)

Tandon, M.P., *Indian Trust Act, 1882*, 21<sup>st</sup> Edition, (Allahabad Law Agency, 2012)

**Reference Books:**

Subbarao, *Transfer of Property*, (Madras: Subbiah Chetty, 1994)

Shukla, S.N., *Transfer of Property Act*, 28<sup>th</sup> Edition, (Jain Book Agency, 2014)

Tripathi, G.P., *The Transfer of Property Act*, 18<sup>th</sup> Edition, (Jain Book Agency, 2014)

**COURSE-V: FAMILY LAW-II: MOHAMMEDAN LAW AND  
INDIAN SUCCESSION ACT**

**Objectives:**

The knowledge of family laws is important for lawyers. This course is designed to endow the students with knowledge of both the codified and uncodified portions of Mohammedan Law. The course concerns itself with the sources, schools, institutions, succession, maintenance, menace of dowry, etc. In addition the students have to familiarize themselves with the provisions of the Indian Succession Act.

**Course contents:**

**UNIT-I**

Development of Islamic Law: Advent of Islam & development of Muslim Law, Schools of Islamic Law, Whos is a Mohammedan; Conversion and its consequences on family: Marriage, Guardianship, Succession; Child and Family: the *Shariat Act, 1937*; Sources of Islamic Law; Concept of Marriage: Definition, object, nature, essential requirements of a Muslim marriage, classification of marriage - Legal effects of valid, void and irregular marriage - Muta marriage; Customary practices and State regulation: Polygamy; Child marriage; .Option of Puberty; Dower; Kinds of Dower: Dower when confirmed; Widow's Right of Retention

**UNIT-II**

Parentage Legitimacy, and Acknowledgement of Paternity Custody, Maintenance and education, Guardianship and parental rights. Matrimonial Remedies under Islamic Law and Indian Divorce Act, 1869(Amended Act) - Modes of Talak - Effects of Talak - Iddat - Nullity of marriage - Bar to matrimonial relief; Alimony and Maintenance: Alimony and Maintenance as an independent remedy- A review under Muslim law, Indian Divorce Act, I 869, provisions under the *Criminal Procedure Code, 1973*; Maintenance of divorced Muslim Women under the *Muslim Women (Protection of Rights on Divorce) Act, 1986*.

**UNIT-III**

Will-Meaning, Limitations on a Mohammedan in making a will; Difference between will and gift, Will made in death bed or during illness; Gifts(Hiba) : Essentials of Valid Gift; Kinds of Hiba; Revocation of Gifts; Wakf; Essentials of valid Wakf: Mutawalli - Appointment - Powers and Duties of Mutawalli; Law relating Pre-emption; Nature of Right of Pre-emption; Who can Pre-empt; Formalities; When the Right of Pre-emption is lost.

**Unit IV**

Muslim law of Inheritance- Shia and Sunni schools; Distribution of property under Indian Succession Act of 1925(Of Christians, Parsis)- Domicile- Kinds of Domicile - Modes of acquisition of Domicile; Parsis Intestate succession and Non Parsis Intestate succession, Succession certificate, Probate and letters of administration, Powers and Duties of Executor,

#### *UNIT-V*

*Wills - Privileged and unprivileged wills - Construction of Wills in brief - Void bequests, void wills, Kinds of Legacies; Specific and Demonstrative Legacy; Ademption of Legacies; - Protection of property of the deceased; Appointment of Curator - Powers and Duties Family Courts Act, 1984- Constitution, powers, and its functions; Need for Uniform Civil Code- Article 44 of Indian Constitution.*

#### **Prescribed Books:**

Mulla, *Principles of Mohammedan Law*, (New Delhi: Lexis Nexis, 1906).

Paras Diwan, *Law of Intestate and Testamentary Succession*, 4<sup>th</sup> Edition, (New Delhi: Universal Law Publishing Co. Ltd, 2013)

#### **Reference Books:**

B. B. Mitra, *Indian Succession Act, 1925*. 15<sup>th</sup> Edition, (New Delhi: Jain Book Agency, 2013)

A. A. A Fyzee, *Outlines of Mohammedan Law*, (Oxford University Press, 1974)

Basu, N.D., *Law of Succession*, 5<sup>th</sup> Edition, (Calcutta: Eastern Law House, 1974)

Paras Diwan, *Family Law: Law of Marriage and Divorce in India*, (New Delhi: Universal Law Publishing Co. Ltd, 2011)

A. M. Bhattacharjee, *Muslim Law and the Constitution* (Calcutta: Eastern Law House, 1994)

Tahir Mohamood, *The Muslim Law of India*, (Law Book Company, 1980)

Indian Divorce Act, 1869 - Bare Act

### **III semester**

#### **Objectives:**

#### **COURSE-I: JURISPRUDENCE**

Any academic discipline, worthy of the name, must develop in the student the capacity for critical thought. Legal education needs to teach both law and its context- social, political and theoretical.

At the heart of legal enterprise is the concept of law. Without deep understanding of this concept neither legal practice nor legal education can be a purposive activity. This course in Jurisprudence is designed, primarily, to induct students into a realm of questions concerning nature of law. Therefore, the first part of the course is concerned with important questions like, what is law, what are the purposes of law?, the relationship between law and justice and the like. The second part is concerned with the important sources of law. The emphasis is on important issues concerning law with reference to ancient and modern Indian Legal Thought.

One important branch of Jurisprudence consists in analysis of legal concepts. The law of contract and tort is concerned with different rights which one person may have against another. Jurisprudence, on the other hand, studies the meaning of the term "rights" in the abstract and seeks to distinguish various kinds of rights which are in theory possible under a legal system. Similarly, it investigates other legal concepts and tries to build up a general and more comprehensive picture of each concept as a whole. This course is designed primarily on English model but native India Orientation is given wherever possible.

#### **Course contents:**

##### ***UNIT-I***

Meaning and nature of 'Jurisprudence' - Purpose and value of Jurisprudence -Schools of Jurisprudence: Natural law, Imperative Theory, Legal Realism, Historical School, Sociological School.

##### ***UNIT-II***

Functions and purpose of law, questions of law, fact and discretion - Justice and its kinds - Civil and Criminal Administration of Justice - Theories of Punishment and Secondary functions of the Court.

##### **UNIT-III**

Sources of Law: Legislation, Precedent and Custom - A Comparative study

##### **UNIT-IV**

Legal Concepts: Right and Duty, Kinds, Meaning of Right in its wider sense; Possession: Idea of Ownership, kinds of Ownership, Difference between Possession and Ownership; Nature of Personality, Status of the Unborn, Minor, Lunatic, Drunken and Dead Persons.



## ***UNJT-V***

Liability: Conditions for imposing liability - Wrongful act: *Damnum Sine Injuria*, causation, *mens rea*, intention, malice, negligence and recklessness, strict liability, vicarious liability, obligation. Substantive Law and Procedural Law.

### **Prescribed Books:**

Fitzgerald, *Salmond on Jurisprudence*, (Bombay: Tripathi, 1999).

Dias, *R.W.M, Jurisprudence*, (Delhi: Aditya Books, 1994)

### **Reference Books:**

W. Friedman, *Legal Theory*, (New Delhi: Universal, 1999)

V. D. Mahajan, *Jurisprudence and Legal Theory*, (Lucknow; Eastern, 1996 Reprint)

Paton, G. W., *Jurisprudence*, ELBS, (Oxford, 1972)

Bodenheimer, Edgar, *Jurisprudence*, (Harvard University Press, 1974)(Revised Edition)

## **Labour Law- II**

### **Objectives**

In this course, students are to be acquainted with legal frame-work relating to social security and welfare. It is necessary to know the concept of social security, its importance and also Constitutional basis for the same. The importance of ensuring health, safety and welfare of the workmen and social assistance and social insurance schemes under various legislations are to be emphasised. The main theme underlying the programme is to critically examine provisions of the Factories Act, 1948, the Child Labour (Prohibition and Regulation) Act, 1986, the Contract Labour (Regulation & Abolition) Act 1970, the Minimum Wages Act, 1948, the payment of Bonus Act, 1965, the Payment of Gratuity Act, 1972, the Employees' State Insurance Act, 1948, the Employees' Provident Fund (Family Pension Fund and Deposit Linked Insurance Fund) Act, 1952, the Maternity Benefit Act, 1961, the Unorganised Sector Workers ' Social Security Act, 2008, These legislations are to be studied with a view to acquaint the students regarding various rights and benefits available to the workmen thereunder. These legislations are to be analysed by examining historical background, objectives underlying these legislations, judicial interpretations and effectiveness of these legislations in the changing times.

### **Unit-I Constitutional Dimensions of Industrial Relations and Labour**

Constitution and Labour welfare - The Bonded Labour System Abolition Act , 1976 - The Equal Remuneration Act, 1976 - the Inter-State Migration of Workers Act, 1979 - the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

### **Unit II - Wages, Bonus and Gratuity**

Concept of Wages - Theories of wages and Kinds of wages. The Minimum Wages Act , 1948 - Definitions - appropriate government, employer, employee, Scheduled employment, etc. - Fixation of Minimum rates of wages- Methods - Regulation of working conditions - Payment of Wages , Working Hours, etc.

Bonus - Context -a claim for share in profits even after payment of wages according to contract of employment? Is it a breach of contract or an implied term of the contract? - concepts of bonus and right to share in profits - The payment of Bonus Act, 1965 - definitions - provisions relating to payment of bonus - judicial interpretations and constitutionality of the provision relating to Govt's power to exempt.

Gratuity - Context - reward for long drawn loyal service -employers' liability or good gesture? Historical developments. The payment of Gratuity Act, 1972 - definitions - judicial interpretation and parliamentary amendment of the definition of employee. - payment of gratuity - determination of the amount of gratuity- authorities.

### **Unit III - Protection of Child Labour and contract labour**

Child labour - practice and reasons for child labour - competing views on necessity and feasibility of abolition of child labour - Human rights perspective and constitutional provisions for the protection of child - the Child Labour (Prohibition and Regulation) Act, 1986 - definitions - provisions relating to prohibition of child labour in certain establishments and processes - regulation of conditions of work - penalties - judicial interpretations. Amendments made through The Child Labour (Prohibition and Regulation) Amendment Act, 2016 and Criticisms.

Abolition and regularisation of contract labour, regulation of contract labour under the Contract Labour (Regulation & Abolition) Act 1970 - judicial decisions relating absorption of sham practice of contract labour - evaluation of the working of the Act in the present days.

### **Unit-IV Social Security**

The Employees' Provident Fund (Family Pension Fund and Deposit Linked Insurance Fund) Act, 1952 - Definitions- contribution, employee, employer, factory, fund, etc. - Provident Fund Scheme, Family Pension Scheme, Employees' Deposit Linked Insurance Scheme - Scope, Contributions - Benefits - Authorities under the Act - Powers. Latest judicial pronouncements.

The Maternity Benefit Act, 1961- Object and Scope of the Act, Definitions - appropriate government, employer, establishment, factory, maternity benefit, wages, etc. - Benefits under the Act - Inspectors.

### **Unit -V Protection of unorganised labour**

Features and scheme of protection of workers in unorganised sector under the Unorganised Workers' Social Security Act, 2008

Necessity of protection of unorganised labour in shops and establishments by regulating their working conditions - the Karnataka Shops and Commercial Establishments Act, 1961 - application of the Act, Hours of work, annual leave with wages - wages and compensation - employment of children and women - authorities and penalties.

Globalisation, Privatisation and Open Economy- Effects of Globalisation on Industry and Labour - Constitutional Mandate of Welfare State and effectiveness of Social Security and Social welfare legislations in India under new economic policy - Review of laws to meet new challenges - Legislative and Judicial response/trend towards application of Labour laws- Emergence of laws relating SEZs, etc.

### **Prescribed books**

- .M. Pillai - Labour and Industrial Laws.
- S.N.Mishra - Labour and Industrial Laws.
- S.C.Srivastava, Treatise on Social Security.
- Sairam Bhat, Privatisation and Globalisation: The Challenging Legal Paradigm

- Jwitesh Kumar Singh, Labour Economics: Principles, Problems and Practices
- Joanne Conagham, Labour Law in an Era of globalisation, Transformative Practices and possibilities
- C. S. Venkata Ratnam, Globalisation and Labour-Management Relations, Dynamics of Change

**Reference books:**

- Dr.V.G.Goswami - Labour Industrial Laws.
- O.P. Malhotra - The Law of Industrial Dispute.
- N.G.Goswami - Labour and Industrial Laws.
- Khan and Khan - Labour Law.
- Bhargava, V.B. - Industrial and Labour Laws.
- Pai, G.B.-Labour Law in India.
- Srivatava, S.C. - Industrial Relations and Labour Laws.
- Singh, S.N. - Law and Social change: Essays on Labour Laws and Welfare research methodology and environmental protection.
- Report of the First National Commission on Labour (1966-69).
- Report of the National Commission on Labour, Government of India, 2002.
- ILO Recommendations.

### III (3Yr) /VII (5Yr)-SEMESTER - COURSE-III: TAXATION

#### OBJECTIVES

Legal regime of Tax encompasses the policies, Laws and rules for Taxation process. Income Tax Law is concerned with tax imposed on various sources of income. With regard to indirect tax latest in the pipeline of fiscal policy is introduction of uniform Goods and Service Tax (G S T) regime by July 1, 2017. Tax Policy is related to duties on imports from foreign countries and all compulsory levies imposed by the Government on Individuals firms, limited companies, Govt. organizations, Local Authorities and others for the benefit of the State. The object here is imparting conceptual understanding to the students of the provisions of both direct and indirect tax laws. The students of law are required to know the impact of taxation on business transactions.

#### COURSE

#### CONTENTS UNJT-I

##### General

Concept of Tax- Nature and characteristics of different types of taxes- Direct and Indirect taxes- Distinction between tax and fees, tax and Cess-Tax evasion, Tax planning and Tax avoidance- Retrospective Taxation-Federal Base of Taxing Power -Power of Taxation under the Constitution, Immunity of State agencies/Instrumentalities- Fundamental Rights and the power of Taxation- Commerce Clause, Inter-State Commerce and Taxation, Scope of Taxing powers of Parliament. Delegation of taxing power to State Legislatures and Local bodies

#### UNIT-II: Direct Tax Regime

The Income Tax Act 1961: Basis of taxation of Income -Basic concepts, Person, Residential Status and incidence of tax, Income from Salaries-Income from House Property-Income from Business or profession and vocation-Capital gains, Income from other sources-Deemed assessee, Set off and carry forward Loss; Incomes exempt from tax, permissible deductions & Chapter VJA deductions, Assessment, Kinds of assessment, Income tax authorities- Appointment-powers and functions, Provisions relating to collection and recovery of tax- filing of returns, electronic filing, LT Portal working and Refund of tax, appeal and revision provisions, offences and penalties.

#### UNIT-III: Indirect Tax Regime

Concept of Goods and Service Tax (GST)-The Constitution (122<sup>nd</sup> Amendment) Act 2017. The Central Goods and Services Tax Act, 2017- Dual GST model taxation- GST Council - Central GST (CGST); GST levy on transactions-sale, transfer, Purchase, barter, lease, or import of goods and/or services. IGST /SGST /UTGST/ compensation Law to State Governments GSTN-Goods and Services Tax Network Portal; Tax Invoice, GST

on Imports & Exports, benefits of GST to trade, industry, e-commerce & Service Sector and the consumers at large, impact of GST on GDP of India and Inflation.

#### UNIT-IV: Indirect Tax Regime:

IGST- Integrated GST (IGST) levied by the Central Government. Inter-state transactions and imported goods or services- State GST (SGST) ; The State Goods & Service tax Law, Power of Central government to levy tax on interstate taxable supply, Impact of GST on State revenue; Indemnifying State Revenue Loss; UTGST-Union Territory Goods and Service Tax Law-GST Exemption on the sale and purchase of securities, Securities Transaction Tax (STT)

#### UNIT-V: Custom Law

Legislative Background of the levy-ports-Warehouses-Nature and restrictions on exports and imports-Levy, exemption and collection of customs, duties and overview of law and procedure-Clearance of goods from the port, including baggage-Goods imported or exported by post and stores and goods in transit-Duty drawbacks provisions, Authorities-Powers and functions and SEZ Units.

#### Prescribed Books:

Sumit Dutt Majumder, GST in India, 2<sup>nd</sup> edn., (New Delhi: Centax Publications Pvt. Ltd., 2016/2017).

Taxmann's Income Tax Act, 60<sup>th</sup> edn., (New Delhi: Taxmann Publications Pvt. Ltd., 2016/2017).

R. K. Jha and P.K.Singh, A Bird's Eye view of GST, 1<sup>st</sup> edn., (Hyderabad: Asia Law House, 2017).

#### Reference Books/websites/Portals

Arvind P Datar, Kanga and Palkhivala's The Law and Practice of Income Tax, 10<sup>th</sup> edn., (Nagpur: LexisNexis, 2014).

Sampath Iyengar's, Law of Income Tax, 11<sup>th</sup> edn., (New Delhi: Bharat Law House Pvt. Ltd., 2011).

Income-Tax Act, 1961 and Income-Tax Rules, 1962 as amended by latest Finance Act, 2016-17.

**COURSE IV: CRIMINAL LAW-II:  
CRIMINAL PROCEDURE CODE, 1973, JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000 AND PROBATION OF OFFENDERS ACT, 1958.**

**Objectives:**

Procedural Law providing for a fair procedure is significant for a just society. The course is aimed at driving home the students how the pre-trial, trial and the subsequent process are geared up to make the administration of criminal justice effective. The course will acquaint the student with organisation of the functionaries under the Code, their power and functions at various stages and the procedure according to which these powers and functions are to be exercised. The students will also undertake the study of two cognate Acts as a part of this course viz.; *Juvenile Justice Act* and *Probation of Offenders Act*. In addition the course teacher shall endeavour to familiarise the students with the case paper like FIR, Police statement, charge sheet, etc.

**Course contents:**

**UNIT-I**

**Introductory and Pre-trial Process**

Meaning of procedure; The organization of the functionaries under the Code; their duties, functions and powers; First Information Report, complaint; Arrest; Inquest, Inquiry, Investigation and Trial ; Features of a fair trial

**UNIT - II Trial**

**Process-I:**

1. Magisterial Powers to take cognizance.
2. Commencement of proceedings.
3. Dismissal of complaints.
4. Charge.
5. Processes to compel appearance and production of things.
6. Bail.
7. Preliminary pleas to bar trial .
8. Security for keeping peace and good behaviour

**UNIT - III**

**Trial Process-II**

1. Provisions as to Inquiries and Trials.
2. Types of trial
3. Judgment.
4. Appeals, Revision and Reference.
5. Maintenance.

**UNIT-IV**

**Miscellaneous**

1. Transfer of cases.
2. Execution, suspension, remission and commutation of sentences.
3. Disposal of property.

4. Irregular proceedings.
5. Limitation of taking cognizance.
6. Compounding of offences and plea bargaining.

#### **UNIT- V**

1. Salient features of the Juvenile Justice (Care & Protection of Children) Act, 2000.
2. Salient features of the Probation of Offenders Act, 1958.

#### **Prescribed Books:**

Ratanlal&DhirajLal- The Code of Criminal Procedure.

Juvenile Justice (Care & Protection of Children) Act, 2000 -Bare Act

Probation of Offenders' Act, 1958-Bare Act

#### **Reference Books:**

R.V.Kelkar- Criminal Procedure.

Report of the Committee on Reforms of Criminal Justice System.



## **COURSE V: ADMINISTRATIVE LAW**

Objective:

Administrative law is basically concerned with triple function of administrative authorities, their constitutional limits and statutory limitations, the procedure to be followed in the exercise of their functions and the necessity to study in depth relevant remedies. Constitutional or otherwise in case of administrative arrogance and consequent abuse of power.

### **Course content**

**Unit I** - Definition of Administrative Law - Nature and scope - The impact and implications of the Doctrine of Separation and the Rule of Law on Administrative Law, Classification of Administrative Action - the necessity

**Unit II** - Legislative Power of Administration - Doctrine of Vice of excessive Delegation - Judicial and Parliamentary control over delegative legislation - Advantages and disadvantages of delegated legislation - Exclusion of Judicial Review of Delegated Legislation, Administrative directions.

**Unit III** - Judicial power of Administration - Tests to determine when an administrative authority required to act judicially - Doctrine of Bias - Doctrine of Audi Altrem Partem - Reasoned decision - Exceptions to Natural Justice - Effect of non-compliance with rules of Natural Justice - grounds on which decision of quasi-judicial authority can be challenged before Supreme Court

**Unit IV** - Administrative Discretion - Grant and exercise of discretion - Judicial review of Administrative Discretion, Control of Administrative Action - Judicial Control - Public Law and Private Law Remedies - distinction

Writs - Theory, Practice and Procedure - ouster clause

Liabilities of the state in the province of Contract and Tort - Constitutional Tort  
Doctrine of Promissory Estoppels - Doctrine of legitimate expectation - Doctrine  
of proportionality

**Unit V** - Corporate and Public Undertakings - Control of statutory corporations  
and public undertakings - Administrative deviance - Corruption and mal  
administration - Control mechanism

Ombudsman in India (Lokpal and Lokayukta) - Central Vigilance Commission -  
Parliamentary Committees - Commission of Enquiry

**Prescribed Books**

M.P.Jain & S.N.Jain, Principles of Administrative law, latest edition

**Reference Books**

Wade, Administrative Law, latest edition

S.P.Sathe, Administrative Law, latest edition

LP.Massey, Administrative Law, latest edition

## IV semester

### COURSE-I: PUBLIC INTERNATIONAL LAW

#### Objectives:

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

#### Course contents:

##### **UNIT-I**

Nature, definition, origin and basis of International Law; Sources of International Law; Relationship between Municipal and International Law; Subjects of International Law.

##### **UNIT-II**

States as subjects of International Law: States in general; Recognition; State territorial sovereignty.

##### **UNIT-III**

State Jurisdiction: Law of the sea; State Responsibility; Succession to rights and obligations.

##### **UNIT-IV**

State and Individual - Extradition, Asylum and Nationality; the agents of international business; diplomatic envoys, consuls and other representatives; the law and practice as to treaties.

##### **UNIT-V**

The United Nations Organisation - Principal organs and their functions; World Trade Organisation- Main features; International Labour Organisation.

#### **Prescribed Books:**

Starke, J.G, *An Introduction to International Law* (Oxford University Press, 2013).

Sands Philippe and Pierre Klein, *Bowell's Law of International Institutions*, 6<sup>th</sup> Edition, (Sweet & Maxwell, 2009)

#### **Reference Books:**

Clapham, Andrew, *Brierley's Law of Nations: An Introduction to the Role of International in International Relations*, 11<sup>th</sup> Edition, (Oxford: 2012)

Harris, D.H, *Cases and Materials on International Law*, 11<sup>th</sup> Edition, (Sweet and Maxwell, 2010)

Oppenheim , *International Law*, 9<sup>th</sup> Edition, (Oxford, 2008)

Kapoor, S.K, *International Law, Human Rights* (Central Law Agency, 2009).

Das, Bhagirathlal, *An Introduction to World Trade Organization Agreements* (Zed Books, 1998).

## **COURSE-II: OPTIONAL-I**

### **HUMAN RIGHTS LAW AND PRACTICE**

#### **Objectives:**

The objectives of the course are to prepare for responsible citizenship with awareness of the relationship between Human Rights, democracy and development; to foster respect for international obligations for peace and development; to impart education on national and international regime of Human Rights; to sensitize students to human suffering and promotion of human life with dignity; to develop skills on human rights advocacy and to appreciate the relationship between rights and duties and to foster respect for tolerance and compassion for all living creatures.

#### **Course contents:**

##### **UNIT-I**

Jurisprudence of Human Rights; Nature, definition, origin and theories of human rights.

##### **UNIT-II**

Universal protection of human rights- United Nations and Human Rights- *Universal Declaration of Human Rights*, 1948; *International Covenant on Civil and Political Rights*, 1966 ; *International Covenant Economic, Social and Cultural Rights*, 1966.

##### **UNIT- III**

Regional Protection of Human rights- European system- Inter American System- African System

##### **UNIT-IV**

Protection of Human Rights at national level; Human rights and the Constitution; The Protection of Human rights Act, 1993

##### **UNIT- V**

Human Rights and Vulnerable Groups: Rights of Women, Children, Disabled, Tribals, Aged and Minorities - National and International Legal Developments.

#### **Prescribed Books:**

Theodor, Meron, Human Rights and International Law: Legal and Policy Issues, 2 Vols .

Kapoor ,S.K. , International Law and Human Rights, Central Law Agency, 2014 ).

#### **Reference Books:**

Luis, Henkin, "The Rights of Man Today", *University of Miami Inter- American Law Review*, Vol.,11, Spring 1979 (p.229-244)

Singh, Nagendra, *Enforcement of Human Rights in Peace and War and the future of humanity*, (Calcutta: Eastern Law House 1986)

**Relevant International Instruments.**

*United Nations Charter, 1945.*

*Universal Declaration of Human Rights, 1948.*

*International Convention on the Elimination of All Forms of Racial Discrimination, 1948.*

*International covenant on civil and Political Rights, 1966.*

*International covenant on Economic and Cultural Rights, 1966.*

*Convention on Elimination of All forms of Discrimination against Women, 1979.*

*Convention on the Rights of the Child, 1989.*

## COURSE-II: OPTIONAL-I:

### INSURANCE LAW

#### Objectives:

The insurance idea is an old-institution of transactional trade. The main objective of every insurance contract is to give financial security and protection to the insured from any future uncertainties. Hence, insurance is considered as an inevitable component of economic development. Even from olden days merchants who made great adventures, gave money by way of consideration to other persons who made assurance, against loss of their goods, merchandise ships and things adventured. The rates of money consideration were mutually agreed upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures. The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the light of various legislations regulating insurance sector in India.

Course contents:

#### UNIT-I

Introduction: Nature - Definition - History of Insurance - History and development of Insurance in India, Contract of Insurance: Classification of contract of Insurance: (Life insurance - General insurance and Re-insurance - A brief overview), Nature of Insurance Contract, Overview of Insurance laws in India: Insurance Act, 1938 - Insurance Regulatory and Development Authority Act, 1999: Its role and functions.

#### UNIT-II

Principles of Insurance law: Principles of good faith (*uberrimae fidei*) - Non disclosure - Misrepresentation in Insurance Contract, In u rab le l ntere l, Principle of Indemnity - Difference between Indemnity and Guarantee, Principle of ontributi n, Principle of ubrogation, Principle of Loss in imization, The risk - Meaning and scope of risk, Causa Proxima. Premium: Definition - Method of payment - Days of grace - Forfeiture - Return of premium, Assignment of the subject matter.

#### UNIT-III

Life Insurance: Nature and scope of Life Insurance, Kinds of Life Insurance, The policy and formation of a Life Insurance contract. Event insured against Life Insurance contract, Circumstance affecting the risk, Amount recoverable under the Life Policy - Persons entitled to

payment - Settlement of claim and payment of money - Life Insurance Corporation Act, 1956 (overview) - General Insurance Business (Nationalization) Act, 1972 (overview) - Health and Medical Insurance, The Motor Vehicles Act, 1988 - Sec. (140-176) - Nature and scope - Absolute or no fault liabilities, Third party or compulsory insurance of motor vehicles - Claims Tribunal - Legal aspects of Motor Insurance.

#### UNIT-IV

Fire Insurance: Nature and scope of Fire Insurance - Basic Principles- Conditions & Warranties - Right & Duties of Parties - Claims - Some Legal Aspects, Introduction to Agriculture Insurance - History of Crop Insurance in India - Crop Insurance Underwriting, Claims, Problems associated with Crop Insurance, Cattle Insurance in India, Micro Insurance, Public Liability Insurance: Public Liability Insurance Act, 1991 (overview) - Claims, Consumer courts and Insurance Ombudsman.

#### UNIT-V

Marine Insurance: Nature and Scope - Classification of Marine policies - Insurable interest - Insurable values - Marine Insurance and policy - Conditions and express Warranties - Voyage Deviation - Perils of sea - Loss - Kinds of Loss - The Marine Insurance Act, 1963 (Sections 1 to 91).

#### Prescribed Books:

Murthy K.S.N and K. V. S. Sharma , *Modern Law of Insurance in India*, (New Delhi:Lexis Nexis,2009)

Srinivasan, M.N., *Principles of Insurance Law*, 11<sup>th</sup> Edition, (Nagpur: Wadhwa and Co., 2004).

#### Reference Books:

Singh,Avtar, *Law of Insurance*, (Jain Book Agency,2004)

Birds, John, *Bird's Modern Insurance Law*,8<sup>th</sup> Edition, (London: Sweet & Maxwell, 1997)

W.Patterson, Edwen, *Cases and Materials on Law of Insurance* (New York: Foundation Press, 1955)

*Insurance Act, 1938.*

*The Marine Insurance Act, 1963.*

*General Insurance (Business) (Nationalization) Act, 1972.*

*The Life Insurance Corporation Act, 1956.*

*Motor Vehicle Act, 1988.*



## **COURSE-III: OPTIONAL-II:**

### **BANKING LAW**

#### **OBJECTIVES:**

A Vitrally important economic institution the banking is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had molded and the affected the banking structure, policies, patterns and practices. A significant development in the banking system is diversification in banks financing. The Commercial banks entered into the field of wide ranging financial assistance to industry, both large and small scale , requiring the need for social control of the banking system eventually leading to the nationalization of banks.

The conventional banking system, found to be deficient for planned developmental purposes, paved the way for developmental banking. The fag of the last millennium witnesses influx of foreign banking companies into India and a shift in the banking policy as part of the global phenomenon of liberalization. The legal system is adopting itself into the new mores.

This course is designed to acquaint the student with the conceptual and operational parameters of banking law, the judicial interpretation and the new and emerging dimensions of the banking system.

#### **UNIT-I**

**NATURE AND DEVELOPMENT OF BANKING** - History of banking in India and elsewhere-indigenous banking-evolution of banking in India - different kinds of banks and their functions.- Multi-functional banks- growth and legal issues.

**LAW RELATING TO BANKING COMPANIES IN INDIA:** Controls by government and its agencies: On management-On accounts and audit-Lending-Credit policy-Reconstruction and reorganization-Suspension and winding up.

#### **UNIT-II**

**BANKING REGULATION ACT, I 949:** Evolution of Central Bank, Characteristics and functions, Economic and social objectives, The Central bank and the State- as banker's bank, The Reserve Bank of India as the Central Bank.

**ORGANISATIONAL STRUCTURE** - Functions of the RBI- Regulation of monitory mechanism of the economy - Credit control - Exchange control-Monopoly of currency issue - Bank rate policy formation. Control of RBI over non- banking companies, Financial companies, Non financial companies.

**THE DEPOSIT INSURANCE CORPORATION ACT,1961:** Objects and reasons- Establishment of Capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors. Relations between insured banks, DIC and Reserve Bank ofIndia.

### UNIT-III

RELATION SHIP OF BANKER AND CUSTOMER: Legal character, Control between banker and customer, Banker's lien, Protection of bankers, Customers - Nature and type of accounts- Special classes of customers- lunatics, minor, partnership, corporations, local authorities, Right and duties of Banker & customer. Consumer protection-banking as service.

### UNIT-IV

LAW RELATING TO NEGOTIABLE INSTRUMENTS, 1881 ACT (read with the amended act of 2002) Negotiable Instrument - Kinds- Holders and holder in due course - Parties - Negotiable - Assignment - Presentment - Endorsement - Liability of parties - Payment in due course - Special rules of evidence - material alteration - Noting and protest - Paying banker and collecting banker- Bills in sets - Penal provisions under NJ Act- banker's book evidence Act

### UNIT-V

LENDING BY BANKS: Good lending principles- Lending to poor masses- Securities for advances- Kinds and their merits and demerits - Repayment of loans: rate of interest, protection against penalty- Default and recovery - debt recovery tribunal.

RECENT TRENDS OF BANKING SYSTEM IN INDIA: New technology, Information technology , Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit cards.

#### Prescribed Books:

Tannan,M.L., *Banking Law and Practice*, (Lexis Nexis,2014).

M. S. Parthasarathy (Ed.), Khergamvala, *Negotiable Instruments Act* (Bombay: N.M.Tripathi Pvt Ltd, 1955)

Justice Bhaghabati Prasad Banerjee, *Guide to Securitisation and Reconstruction al Financial Assets and Enforcement o\_fSecurity Interest Act, 2002.*

#### Reference Books:

Singh, Avtar, *Laws o\_/Banking and Negotiable Instruments*, (Eastern Book Co., 2007)

Basu , Saroj Kumar and Alak Ghosh, *A Review of Current Banking Theo,y and Practice*, ( Mc Millan, 1974)

Paget, *Lmv o\_f Banking*, 13<sup>th</sup> Edition, (UK: Lexis Nexis,2007)

Gayle, L.C., *The Law o\_f Banking and Bankers*, (Eastern Law Ho use , 1995)

Relevant provisions of Information Technology Act, 2000

## **COURSE-III OPTIONAL-II: RIGHT TO INFORMATION**

### **Objectives:**

Free exchange of ideas is a basic pillar of a democratic society. Corruption thrives in sacred places, therefore it is stated that sunlight is the best disinfectant. There should be governance in sunshine. The course is designed to convince the students how the right to information infuses transparency and accountability in governance, preventing abuse of power.

### **Course contents:**

#### **UNIT-I**

Historical development of Freedom of Information in Sweden, USA & UK. Right to Information before Right to Information Act, 2005 in India. Significance in democracy; Constitutional basis; Supreme Court on right to information.

#### **UNIT-II**

RTI Act- definitions; Right to information and obligations of public authorities.

#### **UNIT-III**

Central information commission; State information commission; Powers and functions of information commissions; Appeals and penalties.

#### **UNIT-IV**

Other related laws - The Official Secrets Act, 1923; The Public Records Act, 1993; The Public Records Rules, 1997; The Freedom of Information Act, 2002; The Commission of Inquiry Act, 1952; The Commission of Inquiry (Central) Rules, 1972.

#### **UNIT-V**

RTI Judicial response: Supreme Court & High Court decisions on RTI: Best practices - A study of decisions rendered by state commissions and central Commission in the following areas of - Police, Revenue, PWD, Irrigation, Secretariat, BSNL, Posts and Telegraphs, Scheduled Banks, CPWD, Income Tax Department, Central Excise Department, Local Authorities.

**Prescribed Books:** J.H.Barowalia, *Commentary on the right to Information Act* (Universal Law Publications).

Karnath, Nandan, *A Guide to Cyber Laws and IT Act, 2000 with Rules and Notifications*, 3<sup>rd</sup> Edition, (Universal Law Publisher, 2007)

**Reference Books:**Dr. Farooq Ahmed, *Cyber Law in India*, 3<sup>rd</sup> Edition, (New Era Law Publisher, 2008)

Joga Rao, S.V., *Law Relating to Right to Information-A Comprehensive and Insightful Commentary with comparative Perspectives*,(Jain Book Agency, 2009)

*Dr. Madubhushi Sridhar: Right to Information, Law & Practice (latest edition).*

## COURSE-IV: CLINICAL COURSE-I:

### PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

#### Objective:

Professions are noble. The movement of all professions, hitherto, has been from chaos to organization, organization to consolidation and consolidation to autonomy and monopoly. Same is true of the law profession also. The prime reason for conferring autonomy and monopoly by the society on the professionals is the fact that they are a body of learned persons and the interest of society and individuals is safe in their hands. The Bar should set enviable standards of ethics and scrupulously adhere to them as also enforce them. It is too good of the society to trust the learned body of the professionals to regulate themselves and not to empower an outsider to sit in judgment over their activities. The trust reposed by the society in profession is to be zealously guarded. The Bar should live up to the expectations of the society. The society has a right to expect of the professionals such ideal behaviour. The course is designed to imbue students with these high values forming the basis of the profession so that they can live up to those standards in their professional life.

#### Course contents:

##### UNIT-I

The legal profession and its responsibilities; The equipment of the lawyer; Conduct in Court; Professional conduct in general; Privileges of a lawyer; Salient features of the *Advocates Act, 1961*.

##### UNIT-II

Duty to the Court; Duty to the profession; Duty to the opponent; Duty to the client; Duty to the self; Duty to the public and the State.

##### UNIT-III

Contempt of Court Act, 1972.

Selected major judgments of the Supreme Court:

1. *In the matter of D, An Advocate* , AIR 1956 SC 102.
2. *P..J.Ratnam v. D.Kanikaram*, AIR 1964 SC 244.
3. *N.B.Mirzan v. The disciplinary committee of Bar Council of Maharashtra and Another*, AIR 1972 SC 46.
4. *Bar Council of Maharashtra v. M.V.Dabholkar. etc.*, AIR 1976 SC 242.
5. *V.C.Rangadurai v. D.Goplan and others*. AIR 1979 SC 201.
6. *Chandra ShekharSoni v. Bar Council of Rajasthan and Others*, AIR 1983 SC 1012.

7. *In Re an Advocate*, AIR 1989 SC 245.
8. *In Re Vinay Chandra Mishra*, 1995 (Vol-I) IBR 118.
9. *Supreme Court Bar Association v. Union of India*, AIR 1998 SC 1895.
10. *Ex-Capt. Harish Uppal v. Union of India*, AIR 2003 SC 739.

#### UNIT-IV

Selected opinions of the Bar council of India

1.	DC Appeal No. 16/93	1998	(Vol.1)	IBR 135
2.	BCI Tr. Case No.40/91	1998	(Vol.I)	IBR139
3.	DC Appeal No. 8/94	1998	(Vol.1)	IBR 153
4.	DC Appeal No. 20/94	1997	(Vol. 3 &4)	IBR 193
5	BCI Tr. Case No. 76/95	1997	(Vol. 3 &4)	IBR 201
6	DC Appeal No.43/96	1997	(Vol. 3 &4)	IBR 207
7	DC Appeal No.18/91	1997	(Vol. J & 2)	IBR 271
8	DC Appeal No.24/90	1996	(Vol.1)	IBR 135
9	DC Appeal No.19/93	1996	(Vol.I)	IBR 152
10	BCI Tr. Case No. I 04/90	1996	(Vol. I)	IBR 155
11	BCI Tr. Case No.52/89	1994	(Vol. I)	IBR 187
12	BCI Tr. Case No.127/88	1992	(Vol. 3 &4)	IBR 125
13	BCI Tr. Case No.39/87	1992	(Vol. 3 &4)	IBR 147
14	BCI Tr. Case No.39/89	1992	(Vol. 3 &4)	IBR 149
15	BCI Tr. Case No.16/88	1989	(Vol. I)	IBR 99
16	BCI Tr. Case No.2/88	1989	(Vol. I)	IBR 102
17	BCI Tr. Case No.52/88	1989	(Vol.2)	IBR 110
18	DC Appeal No.41/87	1989	(Vol.2)	IBR 122
19	BCI Tr. Case No.29/81	1989	(Vol.2)	IBR 245
20	DC Appeal No.14/88	1989	(Vol.2)	IBR 258
21	BCI Tr. Case No.14/80	1989	(Vol.2)	IBR 264
22	DC Appeal No.24/87	1989	(Vol.2)	IBR 273
23	DC Appeal No.46/86	1989	(Vol.2)	IBR 280
24	DC Appeal No.3 /88	1989	(Vol.2)	IBR 285

25	BCI Tr. Case No.2/80	1989	(Vol.2)	IBR 289
26	BCI Tr. Case No.10/86	1989	(Vol. 3 &4)	IBR 520
27	BCI Tr. Case No.101/88	1989	(Vol. 3 &4)	IBR 524
28	DC Appeal No.23/88	1989	(Vol. 3 &4)	IBR 532
29	DC Appeal No.35/87	1989	(Vol. 3 &4)	IBR 536
30	BCI Tr. Case No.27/88	1989	(Vol. 3 &4)	IBR 542
31	BCI Tr. Case No.6/84	1989	(Vol. 3 &4)	<b>IBR 560</b>
32	BCI Tr. Case No.24/86	1989	(Vol. 3 &4)	IBR 563
33	DC Appeal No.10/88	1989	(Vol. 3 &4)	IBR 572
34	DC Appeal No.45/74	1988	(Vol. 1 &2)	IBR 182
35	DC Appeal No.23/87	1989	(Vol.I& 2)	IBR 187
36	DC Appeal No.6/81	1988	(Vol.1 & 2)	IBR 193
37	BCI Tr. Case No.16/86	1988	(Vol.I & 2)	IBR 197
38	DC Appeal No.41/86	1988	(Vol.I& 2)	IBR 200
39	DC Appeal No.33/86	1988	(Vol. 3 &4)	IBR 354
40	DC Appeal No.21/85	1988	(Vol. 3 &4)	IBR 359
41	BCI Tr. Case No.43/82	1988	(Vol. 3 &4)	IBR 364
42	DC Appeal No.28/86	1988	(Vol.3& 4)	IBR 374
43	DC Appeal No.64/74	1987	(Vol.2)	IBR 314
44	DC Appeal No.30/84	1987	(Vol.2)	IBR 319
45	DC Appeal No.40/86	1987	(Vol.3)	IBR 488
46	DC Appeal No.10/86 &10A/86	1987	(Vol.3)	IBR 491
47	DC Appeal No.7/86	1987	(Vol.3)	IBR 496
48	DC Appeal No.7/81	1987	(Vol.4)	IBR 735
49	DC Appeal No.12/86	1987	(Vol.4)	IBR 745
50	BCI Tr. Case No.57/87	1987	(Vol.4)	IBR 753

## UNIT-V

Accountancy for lawyers:

Need for maintenance of accounts- Books of accounts that need to be maintained- Cash Book, journal and ledger Elementary aspects of bookkeeping: Meaning, object, journal, double entry system, closing of accounts

The cash and bulk transaction- The Cash book- Journal proper especially with reference to client's accounts- Ledger, Trial balance and final accounts- Commercial mathematics.

1. **Mode of assessment:** The scheme of evaluation for **Clinical Course-1: Professional ethics and Professional accounting system** shall be as under:

- a. There shall be a viva for 20 Marks at the end of the semester. Viva shall be conducted by the course teacher and the principal or a senior faculty member designated by the principal.
- b. Two Written Tests shall be conducted for 40 marks each.
- c. The questions in the test papers should be spread over whole syllabus.
- d. I test shall be at the end of 9 weeks of the semester and the II test shall be by the end of the semester.

### Prescribed Books:

Iyer, K.V., Krishnaswamy, *Professional Conduct and Advocacy*, (Oxford University Press, 1945)

B.S.Raman, *Financial Accounting*, "Elements of Accountancy", (Mangalore: United Publishers, 1998)

### Reference Books:

Menon, N.R. Madhava, *Clinical Legal Education*, (Eastern Book Co., 2008)

Dr. B. Malik, *Art of Lawyer*, (New Delhi: Universal Book Agency, 1999)

Contempt of Court Act, 1971

**COURSE-V: CLINICAL COURSE-II:  
ALTERNATIVE DISPUTE RESOLUTION SYSTEMS**

**Objectives:**

Today alternative disputes resolution systems have become more relevant than before both at local, national and international levels. Certain of the disputes, by nature are fit to be resolved through specific method of resolution. Each of these dispute resolution systems involves different style of planning and execution. The skills involved are also different as also preparation. This course trains the students in ADRs. The course teacher shall administer simulation exercises for each of the methods.

**Course contents:**

UNIT-I

General; Different methods of dispute resolution; Inquisitorial method; Adversarial method; Other methods- both formal and informal- like Arbitration, Conciliation, Negotiation, Mediation, etc.; Advantages and disadvantages of above methods; Need for ADRs; International commitments; Domestic needs; Suitability of ADRs to particular types of disputes; Civil Procedure Code and ADRs

UNIT-II

Arbitration: Meaning of arbitration; Attributes of arbitration; General principles of arbitration; Different kinds of arbitration; Qualities and qualifications of an arbitrator; Arbitration agreement and its drafting; Appointment of arbitrator; Principal steps in arbitration; Arbitral award; Arbitration under Arbitration and Conciliation Act, 1996.

UNIT-III

Conciliation: Meaning; Different kinds of conciliation- facilitative, evaluative, court-annexed, voluntary and compulsory; Qualities of a conciliator; Duties of a conciliator; Role of a conciliator; Stages of conciliation; Procedure; Conciliation under statutes- Industrial Disputes Act, 1947; Family Courts Act, 1984; Hindu Marriage Act, 1955; Arbitration and Conciliation Act, 1996.

UNIT-IV

Negotiation: Meaning; Different styles of negotiation; Different approaches to negotiation; Phases of negotiation; Qualities of a negotiator; Power to negotiate.

UNIT-V

Mediation: Meaning; Qualities of mediator; Role of mediator; Essential characteristics of the mediation process - voluntary, collaborative, controlled, confidential, informal, impartial & neutral, self-responsible; Different models of mediation; Code of conduct for mediators.

**Prescribed Books:**

Madabhushi, Sridhar, *Alternative Dispute Resolution*, (New Delhi:Lexis Nexis,2006)



Rajan R.D., *A Primer on Alternative Dispute Resolution*, (New Delhi: Jain Book Agency, 2005)

**Reference Books:**

Sampath D.K., *Mediation concept and technique in support of Resolution of Disputes*, (National Law School of India University, 1991)

Gold Neil, et.al., *Learning Lawyers Skills*, (London: Butterworths in conjunction with the Commonwealth Legal Education Association, 1989) (Chapter-7).

Michael Noone, *Mediation*, (Cavendish Pub., 1996) (Chapters-I, 2&3).

**Note: Mode of Assessment:** The scheme of evaluation for Clinical **Course-11:Alternative Dispute Resolution Systems** shall be as under:

- a. Two Written Tests shall be conducted for 30 marks each.
- b. The questions in the test papers should be spread over whole syllabus.
- c. I. test shall be at the end of 9 weeks of the semester and the II test shall be by the end of the semester.

There shall be four simulation exercises conducted for 10 marks each (one exercise each in negotiation, mediation, arbitration and conciliation).

## V SEMESTER

### COURSE-I: COMPANY LAW

#### **Objectives:**

In view of the important developments that have taken place in the corporate sector, the course is designed to understand the formation, management and other activities of the companies. Important regulations pertaining to the issue of shares and the capital raising have come into force. This course aims to impart the students, the corporate management, control, possible abuses, the remedies, and government regulation of corporate business and winding up of companies.

#### **Course contents:**

#### UNIT-I

##### **Introduction and Concept**

Company - historical development - nature and characteristics of company - kinds of company - Corporate personality - limited liability- lifting of corporate veil - promoters - duties and liability of promoters

#### UNIT- II

##### **Incorporation**

Procedure of incorporation - certificate of incorporation - MOA - AOA - Doctrine of indoor management - prospectus

#### UNIT-III

##### **Management and Control of Companies**

Board of Directors - powers and functions: Distribution of powers between Board of Directors and general meeting

Directors: appointment - qualification - position of directors - types of directors - powers and duties of directors - remuneration - removal

Meetings: Meetings of Board and Committees - kinds of meetings - procedure relating to convening and proceedings at General and Other meetings - resolutions - Prevention of oppression and Mismanagement

Corporate social responsibility

## UNIT-IV

### **Financial structure of company**

Sources of capital : Shares - types - allotment - transfer of shares - rights and privileges of shareholders - dividends - declaration and payment of dividends, prohibition of buy back-private placement -

Debentures - floating charge - appointment of debenture trustees and their duties - kinds - remedies of debenture holders - redemption

Acceptance of Deposit by Companies, charge on assets

## UNIT-V

### **Reconstruction and amalgamation and winding up**

Reconstruction, rehabilitation and amalgamation : concept - jurisdiction and powers of courts and NCLT - vesting of rights and transfer of obligations - takeover and acquisition of minority interest

Winding up: concept - modes of winding up -who can apply- procedure under different modes.

#### **Prescribed Books:**

Taxman, *Companies Act 2013*.

Singh,Avtar, *Company Law*, (Lucknow: Eastern Book Company,2007)

#### **Reference Books:**

Ramaiah,A, *Guide to Companies Act*, (Nagpur: Wadhwa, 1998)

Shah, S.M., *Lectures on Company Law*, (Bombay: Tripathi, 1988)

Kucha), S.C, *Corporation Finance: Principles and problems*, 10<sup>th</sup> Edition, (Chaitanya Publishing House, 1973)

Y. D. Kulshreshta, *Government regulation o.ffinancial management of private corporate sector in India*, Indian Law Institute, (1986)

S. K. Roy, *Corporate Image in India A Study of Elite Attitudes towards Public and Private Induslly*, (Shri Ram Centre for Industrial Relations and Human Resources,1974)

Gower, L.C.B, *Principles of Modern Company Law*, (London: Sweet & Maxwell, 1997)

D. L. Majumdar, *Towards a philosophy of Modern Corporation*. (Asia Publishing House, 1967)

Pennington, Robert R., *Pennington's Company Law*, (U.K: Oxford University Press, 2001)

Rajiv Jain, *Guide on foreign collaboration -Policies & Procedures* (Vidhi Publication, 2007).

C. Singhanian, *Foreign collaborations and Investments in India - Law and procedures*, (Fred B. Rothman & Co, 1999)

Joyant M Thakur, *Comparative Analysis of FEMA - FEMA Act, 1999 with FERA*.

Sanjiv Agarwal, *Bharat's guide to Indian capital*, 2nd Edition, (New Delhi: Bharat Law House Pvt Ltd, 2001)

**Note :** The course teachers have to keep track of the notification regarding enforcement of the Companies Act, 2013 and teach the provisions enforced. For the provisions not enforced, the parallel provisions from the Act of 1956 are to be taught.

**COURSE-II:**  
**CIVIL PROCEDURE CODE AND LIMITATION ACT**

**Objectives:**

Study of procedural law is important for a Law student. This course is designed to acquaint the students with the various stages through which a civil case passes through, and the connected matters. The course also includes law of limitation. The course teacher shall Endeavour to familiarise the students with the case papers (like plaints, written statements, Interlocutory applications, etc.) involved in civil cases and touch upon the provisions of Evidence Act wherever necessary.

**Course contents:**

**UNIT-I**

*Civil Procedure Code*

Introduction; Distinction between procedural law and substantive law- History of the code, extent and its application, definition; Suits: Jurisdiction of the Civil Courts- Kinds of jurisdiction- Bar on suits- Suits of civil nature (Sec.9); Doctrine of *Res sub Judice* and *Res judicata* (Sections 10, 11 and 12); Foreign Judgment (Sections 13-14); Place of Suits (Sections. 15 to 20); Transfer of Cases (Sections. 22 to 25).

**UNIT-II**

Institution of suits and summons: (Sections. 26, 27, 28, 31 and 32); Interest and Costs (Sections. 34, 35, 35A, B); Pleading: Fundamental rules of pleadings- Plaint and Written Statement- Return and rejection of plaint- Defences- Set off- Counter claim; Parties to the suit (Order 1): Joinder, misjoinder and non-joinder of parties- Misjoinder of causes of action- Multifariousness.

**UNIT-III**

Appearance and examination of parties (Order 9, Order 18) - Discovery, inspection and production of documents (Order 11 & 13) - First hearing and framing of issues (Order 10 and 14) - Admission and affidavit (Order 12 and 19) - Adjournment (Order 17) - Death, marriage-Insolvency of the parties (Order 22) - Withdrawal and compromise of suits (Order 23) - Judgment and Decree (Order 20); Execution (Sections 30 to 74, Order 21): General principle of execution- Power of executing Court- Transfer of decrees for execution- Mode of execution- a) Arrest and detention, b) Attachment, c) Sale.

**UNIT-IV**

Suits in particular cases; Suits by or against Governments (Sections 79 to 82, Order 27); Suits by aliens and by or against foreign rulers, ambassadors (Sections 85 to 87); Suits relating to public matters (Sections 91 to 93); Suits by or against firms (Order 30); Suits by or against minors and unsound persons (Order 32); Suits by indigent persons (Order 33); Inter-pleader suits (Sec. 88, Order 35); Interim Orders; Commissions (Sec. 75, Order 26); Arrest before judgment and attachments before

judgment (0.38); Temporary injunctions (0.39); Appointment of receivers (0.40); Appeals (Sections 90 to 109, 0.41, 42, 43, 45); Reference- Review and Revision (Sections. 113, '1 14, 115, 0.46, 0.46); Caveat (Sec. 144.A)- Inherent powers of the Court (Sections 148, 149, 151).

#### **UNIT-V**

Limitation Act, 1963.

#### **Prescribed Books:**

Bakshi, P.M., *Mulla's Civil Procedure Code, 12<sup>th</sup> Edition*, (Bombay: Tripathi, 1990).

Tandon, M.P, *Code of Civil Procedure*, (Allahabad Law Agency, 2005)

Karnataka Civil Rules of Practice- Bare Act.

#### **Reference Books:**

Malik, M.R, *Ganguly's Civil Court, Practice and Procedure*, (Eastern Law House, 2012)

Takwani,C.K, *Civil Procedure Code*.(Eastern Book Co., 2010)

**COURSE-III: OPTIONAL-III:  
INTELLECTUAL PROPERTY RIGHTS-I**

**Objectives:**

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that "knowledge is property". The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative work is useful to society and law relating to innovation/creativity i.e. Intellectual Property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India. The subject Intellectual Property Law divided into two Papers namely Paper - J and Paper - II of 100 marks each.

**Course contents:**

**UNIT I**

**Introductory Aspects:** Overview of the concept of property; Industrial property and non-industrial property; Historical background of IPR; Importance of human creativity in present scenario; Different forms of Intellectual Property and its conceptual analysis.

**Patents:** Introduction and overview of patent protection; History of Patent protections; Meaning and definition of patent; Object of patent; Scope and salient features of Patent Act; How to obtain a patent; Product patent and Process patent; Specification - Provisional and complete specification; Opposition proceedings to grant of patents; Register of patents and Patent Office; Rights and obligations of patentee; Transfer of Patent Rights; Compulsory licences; Government use of inventions; Revocation and surrender of patents; Infringement of Patents; Offences and Penalties.

**UNIT II**

**Trade Marks:** Introduction and overview of trade mark; Evolution of trade mark law; Meaning and definition of Trade mark; Object of trade mark; Features of good trade mark; Different forms of trade mark; Trade marks registry and register of trade marks; Property in a trade mark; Registrable and non-registrable marks; Basic principles of registration of trade mark; Deceptive similarity; Assignment and transmission; Rectification of register; Infringement of trade mark; Passing off; Domain name protection and registration; Offences and penalties.

**UNIT III**

Introduction and overview of Cyber Intellectual Property; Intellectual property and cyberspace; Emergence of cyber crime ; Grant in software patent and Copyright in software; Software piracy; Trade marks issues related to Internet (Domain name); Data protection in cyberspace; E-

commerce and E-contract; Salient features of Information Technology Act; IPR provisions in IT Act; Internet policy of Government of India.

#### UNIT IV

Geographical Indications: Introduction and overview of geographical indications; Meaning and scope of geographical indications; Important geographical indications of India and their features; Salient features of the Protection of Geographical Indications Act; Protection of geographical indications; Misleading use of geographical indications; Registration of geographical indications; Right to use geographical indications; Infringement; Remedies against infringement; Role and functions of Registrar of Geographical indications; Conflict between Trade mark and geographical indications.

#### UNIT V

International Convention and Treaties: Paris Convention: Background; Salient features of Paris Convention; Governing rules of Paris Convention; Patent Cooperation Treaty: Background; Objectives of PCT; Salient features of PCT; Madrid Convention: Salient features; International registration of marks; World Intellectual Property Organisation: Background; Salient features WIPO; Organisation of WIPO.

#### Prescribed Books:

1. Narayan, S., *Intellectual Property Law in India*, (Hyderabad: Gogia Law Agency, 2005)
2. Cornish, William, *Intellectual Property: Patents Copyright, Trademark and Allied Rights*, 2<sup>nd</sup> Edition, (London: Sweet & Maxwell, 1998)
3. Ganguli, Prabuddha, *Intellectual Property Rights: Unleashed the knowledge Economy*, (Tata Mc GrawHill Publishing Co., 2001)
4. Caddick, Nicholas et (al)., *Copinger & Skone James, Copyright*, 16<sup>th</sup> Edition, (U.K: Sweet & Maxwell, 2013).
5. Unni, *Trade Marks and the Emerging concepts of Cyber Property Rights*, (Kolkata: Eastern Law House, 2002)
6. Ryder, Rodney, *Intellectual Property and the Internet*. (Jain Book Agency: 2002)
7. Matthan, Rahul, *The law relating to Computers and the Internet*, (Butterworths India Ltd, 2005).
8. Verkey, Elizabeth, *Law of Plant Varieties Protection*, 1<sup>st</sup> Edition, (Eastern Book Co., 2007)
9. Duggal, Pavan, *Cyber Law: the Indian Perspective*, (Saakshar Law Publications, 2002)
10. Mittal, D.P., *Taxmann's Law of Information Technology (Cyber Law)* (Taxmann Allied Services, 2000).



**COURSE-III OPTIONAL-III:  
PENOLOGY & VICTIMOLOGY**

**Objectives:**

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.

**Course contents:**

**UNIT-I**

Introduction: Notion of punishment in law; Difference between crime prevention and control; Theories of punishments.

**UNIT-II**

Kinds of punishment; Sentencing policies and processes; the riddle of capital punishment.

**UNIT- III**

Prison reforms; Alternatives to imprisonment; Victimology- Introduction, history and philosophy.

**UNIT-IV**

Victimology- European experience; American experience; Victim witness assistance programmes; Restitution.

**UNIT-V**

Victimology - Indian experience; Legal framework; Role of Courts; Role of NHRC.

**Prescribed Books:**

Sutherland, Edwin H., *Principles of Criminology*, 11<sup>th</sup> Edition, (Rowan & Little field, 1992)

Qadri, Syed M. Afzal, *Ahmad Siddique 's Criminology and Penology*, (Eastern Book Co., 2009)

Rajan, V.N., *Victimology in India: Perspectives beyond Frontier*, (APH Publishing, 1995)

**Reference Books:**

H.L.A. Hart, *Punishment and Responsibility*.

S. Chabra, *Quantum of Punishment in Criminal Law*.

Herbert L. Packer, *The Limits of Criminal sanctions*.

## **COURSE-IV: OPTIONAL-IV:**

### **INTERPRETATION OF STATUTES & PRINCIPLES OF LEGISLATION**

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

As it is difficult to have legislations without ambiguous provisions, there is a need to make proper study of the rules and principles relating to interpretation of statutes. Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. What are the techniques adopted by courts in construing statutes? How far are they successful in their strategy? With the above problems and perspectives in view, this paper is framed.

#### **UNIT I : Interpretation of Statutes**

Meaning of the term 'statutes', Commencement, operation and repeal of statutes, Purpose of interpretation of statutes, Restrictive and beneficial construction, Taxing statutes, Penal statutes, Welfare legislation Law, Interpretation of substantive and adjunctival statutes, Interpretation of directory and mandatory provisions, Interpretation of enabling statutes, Interpretation of codifying and consolidating statutes, Interpretation of statutes conferring rights, Interpretation of statutes conferring powers

#### **UNIT II Aids to Interpretation**

Internal aids, Title, Preamble, Headings and marginal notes, Sections and sub-sections, Punctuation marks, Illustrations, exceptions, provisos and saving clauses, Schedules, Non-obstante clause

External aids, Dictionaries, Translations, Travaux Preparatoires, Statutes in parimaterial, Contemporanea Exposito, Debates, inquiry commission reports and Law Commission reports

#### **UNIT III Rules and Principles of Statutory Interpretation**

Primary Rules, Literal rule, Golden rule, Mischief rule (rule in the Heydon's case), Rule of harmonious construction, Secondary Rules, Noscitur a sociis, Ejusdem generis, Reddendo singulis

Principles of Constitutional Interpretation, Harmonious construction, Doctrine of pith and substance

Colourable legislation, Ancillary powers, "Occupied field", Residuary power, Doctrine of repugnancy

#### **UNIT IV Presumptions in statutory interpretation**

Statutes are valid, Statutes are territorial in operation, Presumption as to jurisdiction, Presumption against what is inconvenient or absurd, Presumption against intending injustice, Presumption against impairing obligations or permitting advantage from one's own wrong, Prospective operation of statutes

#### **UNIT V Principles of Legislation**

Law-making - the legislature, executive and the judiciary, Principle of utility, Operation of these principles upon legislation, Distinction between morals and legislation

#### **Select bibliography**

G.P.Singh, *Principles of Statutory Interpretation*, (7th Edition) 1999, Wadhwa, Nagpur.  
P. St. Langan (Ed.). *Maxwell on The Interpretation of Statutes* (1976) N.M.Tripathi, Bombay  
K.Shanmukham, *N.S.Bindras's Interpretation of Statutes*, (1997) The Law Book Co. Allahabad.  
V.Sarathi, *Interpretation of Statutes*, (1984) Eastern, Lucknow  
M.P.Jain, *Constitutional Law of India*, (1994) Wadhwa & Co.  
M.P.Singh, (Ed.) *V.N.Sukla's Constitution of India*, (1994) Eastern, Lucknow.  
Jeremy Bentham, *Theory of Legislation*, Wadhwa, Nagpur.

**COURSE-IV: OPTIONAL-IV:  
COMPETITION LAW**

**Objectives:**

The competition plays a key role in ensuring productive, efficient, innovative, and responsive markets. The consumers are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. But if the anti-competitive practices take precedence in the market, the consumers and the economy of the nation both will be adversely affected. Hence, to prevent such situation and to ensure fair competition in the market the Competition Act, 2002 was enacted. This Course is designed to give the students an insight into the Competition Act, 2002. It enables the students to understand the role of competitive market in the economic development of the country, anti-competitive practices and its impact on socio-legal scenario of the country.

**Course contents:**

**UNIT-I**

Competition policy and economics, the function of Competition Law, Overview of the Practices Controlled by Competition Law, Constitutional provisions regulating trade.

**UNIT-II**

Sherman Antitrust Act, 1890; Relevant provisions of Clayton Act, 1914; Relevant provisions of the Federal Trade Commission Act, 1914; Salient features of U.K. Competition Act, 1998; (U.K.) Enterprise Act, 2002.

**UNIT-III**

Overview of the Monopolies and Restrictive Trade Practices Act, 1969; the relevant provisions of Consumer Protection Act, 1986; the Competition Act, 2002; definitions; prohibition of anti-competitive agreements, abuse of dominant position and regulation of combinations.

**UNIT-IV**

Competition Commission of India; composition of Commission; duties, powers and functions of Commission.

**UNIT-V**

Duties of Director general; Penalties; Competition advocacy; Case Law

**Prescribed books:**

1. Richard Whish & David Bailey, *Competition Law*, 11<sup>th</sup> ed., (New York: Oxford University Press, 2012).

2. Mittal D. P., *Competition Law and Practice*, 3<sup>rd</sup> ed., (New Delhi: Taxmann Publications (P.) Ltd, 2010).
3. Roy Abir & Jayant Kumar, *Competition Law in India*, (Kolkata: Eastern Book House, 2008).

**Reference books:**

1. Dugar S. M., *Commentary on the MRTP Law, Competition Law & Consumer Protection Law*, Vol. I & II, 4<sup>th</sup> ed., (Nagpur: Lexis Nexis Butterworths Wadhwa, 2006).
2. Dhall Vinod (ed.), *Competition Law today - Concepts, Issues & the Law in Practice*, (New Delhi: Oxford University Press, 2007).

**COURSE-V: CLINICAL COURSE-III:  
DRAFTING, PLEADING AND CONVEYANCE**

**Objectives:**

Translation of thoughts into words- spoken and written is an essential ingredient of an effective lawyer. The students should be trained in drafting of pleadings and conveyances and other essential documents. The skill of drafting can be acquired and sharpened by undertaking the exercises under the supervision of an expert in the field. The course aims at equipping the students with drafting skills.

**Course contents:**

1. General principles of drafting and relevant substantive rules.
2. Pleadings- Civil: plaint, written statement, interlocutory application, original petition, affidavit, execution petition, memorandum of appeal and revision, petition under Art.226 and A11.32 of the Constitution of India.
3. Pleadings- Criminal: complaint, criminal miscellaneous petition, bail application, memorandum of appeal and revision.
4. Conveyance: sale deed, mortgage deed, lease deed, gift deed, promissory note, power of attorney, will, trust deed, partition deed, etc.
5. Drafting of writ petition and Public Interest Litigation petition.

This course shall be taught through class room instructions and simulation exercises preferably with the assistance of practicing lawyers or retired judges.

**Examination and allocation of marks:**

- Each Student shall undertake 15 practical exercises in drafting of Pleadings carrying 45 marks (3 marks for each exercise).
- 2 Each student shall undertake 15 practical exercises in Conveyancing, which carries 45 marks (3 marks each).
- 3 The above-mentioned drafting of Pleadings and Conveyancing exercises shall be in the handwriting of the students on one side of the bond size papers. The papers shall be bound accompanied by a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned candidate.
- 4 The cover shall indicate the name of the examination, subject, seat number, and the center code number.
- 5 There shall be a contents page.

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks.

Viva- to be conducted by the Principal and the course teacher.

**VI SEMESTER**  
**COURSE-I:**  
**LAW OF EVIDENCE**

**Objectives:**

The law of Evidence has its own significance amongst Procedural Laws. The knowledge of law of Evidence is indispensable for a lawyer. The course is designed to acquaint the students with the rules of evidence in relation to relevancy of facts and proof. In addition they are introduced to law relating to production of evidence. The course teacher shall familiarize the students with appreciation of evidence and use innovative techniques like simulation exercises wherever necessary.

**Course contents:**

**UNIT- I**

Introduction: Distinction between substantive and procedural law- Salient features of the Indian Evidence Act, 1861.

- Facts - Facts in issue and relevant facts- Evidence- Circumstantial and direct evidence- Presumptions, proved, disproved, not proved- Witness- Appreciation of evidence. Relevancy of Facts- Facts connected with facts in issue-Doctrine of *Res gestae*; Sections 6, 7, 8 and 9 of Evidence Act- Evidence of Common Intention-Section 10, Relevancy or otherwise irrelevant facts- Facts to prove right or custom (Section 13)-Facts concerning state of mind/state of body or bodily feelings (Sections 14 and 15) - Relevancy and admissibility of admissions, privileged admissions- evidentiary value of admissions (Sections 17 to 23).

**UNIT-II**

Relevancy and admissibility of confessions- Admissibility of information received from an accused person in custody- Confession of co-accused (Sections 24 to 30) - Admitted facts need not be proved (Section 58); Dying declaration- Justification for relevance-Judicial standards for appreciation of evidentiary value-Section 32 (1) with reference to English Law -Other statements by persons who cannot be called as witnesses- (Sections 32(2) to (8), 33)- Statement under special, circumstances (Sections 34 to 39); Relevance of judgments- General principles - Fraud and collusion (Sections 40 to Sec. 44); Expert testimony: General principles (Sections 45-50) - Who is an expert- Types of expert evidence - Problems of judicial defence to expert testimony.

**UNIT-III**

Character evidence- Meaning - Evidence in Civil Criminal cases; English Law (Sections 52-55)- Oral and documentary Evidence -Introduction on Proof of facts-General principles concerning oral; Evidence (Sections 59-60)- General principles concerning documentary; Evidence (Sections 61-90)- General principles regarding exclusion by evidence (Sections 91-100).

**UNIT-IV**

Burden of Proof- The general conception of *onus probandi* (Section 10 I)- General and special exception to *onus probandi* (Sections 102-106)- The justification of presumption and burden of proof (Sections 107 to 114) with special reference to presumption to legitimacy of child and presumption as to dowry death- Doctrine of judicial notice and presumptions.

Estoppel: Scope of Estoppel - Introduction as to its rationale (Section 115)- Estoppel distinguished from *Res judicata* - Waiver and Presumption- Kinds of Estoppel- Equitable and Promissory Estoppel- Tenancy Estoppel (Section 116).

#### **UNIT-V**

Witness, Examination and Cross Examination:

Competence to testify (Sections 118 to 120)-Privileged communications (Sections 121 to 128)- General principles of examination and cross examination (Sections 135 to 166)-Leading questions (Sections 141- 145)- Approver's testimony (Section 133)- Hostile witnesses (Section 154)- Compulsion to answer questions (Sections 147, 153)- Questions of corroboration(Sections 156-157)- Improper admission of evidence.

#### **Prescribed Book:**

Ratanlal and Dhirajlal, *Law of Evidence*, (New Delhi: Lexis Nexis, 2011).

#### **Reference Books:**

Sarkar, *Law of Evidence*, 1 8<sup>th</sup> Edition, (Lexis Nexis Butterworths, 2014)

Lal, Batuk, *Law of Evidence*, (Central Law Agency, 1990).



## **COURSE-II:**

### **ENVIRONMENTAL LAW**

#### **Objective:**

Environmental problems have attained alarming proportions. It is essential to sensitize the students to environmental issues and the laws. The important principles in the field like inter-generation equity, carrying capacity, sustainable development, and precautionary principle, polluter pay principles are to be appreciated. The law in practice is to be analysed and evaluated. The course is designed towards these objectives.

#### **Course contents:**

##### **UNIT-I**

The Idea of Environment:

Environment: meaning and components- Pollution: meaning, sources, Kinds, and effects of pollution - Ancient and Medieval Writings - Environmental jurisprudence - National environmental policy.

##### **UNIT-II**

Environmental Policy and Law: Pre & Post Independence Period -Constitutional provisions on Environment and its Protection: Right to Environment - Duty to protect environment - Public interest litigation and environment -Role of Judiciary on Environmental issues -Doctrines of Environmental Pollution: Evolving new Principles - Absolute Liability -Polluter pays principle - Precautionary principle - Inter generational equity principle -Public trust doctrine.

##### **UNIT-III**

International Law and Environmental Protection: Sustainable Development -International conventions in the development of Environmental Laws and its Policy: Stockholm - Rio & Johannesburg Declaration -Trans-boundary Pollution hazards & Regulation; Common Law aspects of Environmental Protection - Criminal Law and environment.

##### **UNIT-IV**

Prevention and Control of Water & Air Pollution: Water Act,1974 and Air Act,1981 -Pollution Control Boards and its powers and functions- offences and penalties -Remedies in case of water and air pollution - Noise Pollution and its control: Noise Pollution (Regulation & Control) Rules, 2000 - Wildlife Protection Act, 1972: Hunting - Trade in Animal articles - Authorities under wild life protection Act- Role of Judiciary on wild life protection - Forest Conservation Act, 1980 - judicial approach.

## **UNIT- V**

Environment Protection Act, 1986 - ECO-Mark, Environmental Audit - Coastal Regulation Zone, Environment Impact Assessment: Discretionary Model and Mandatory Model, - Regulation on Bio-Medical Waste - Disposal of Solid Waste.

### **Prescribed Books:**

1. P. Leela Krishnan, Environmental Law in India, Third Edition, Lexis Nexis

Armin Rosencranz - Environmental Law and Its Policy in India.

2. S. C. Shastri, Environmental Law, Third Edition, Eastern Book Company.

### **Reference Books:**

1. Lal's Encyclopedia on Environment Protection and Pollution laws , Fifth Edition, Volume I & 2, Delhi Law House.

2. Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India (Cases, Materials and Statutes), Second Edition, Oxford University Press.

3. Relevant Bare Acts/Notifications.

## **COURSE-III: OPTIONAL-V: INTELLECTUAL PROPERTY RIGHTS-II**

### **Objectives:**

Intellectual Property Law has assumed a great importance in recent times as a result of the recognition that "knowledge is property". The creations of the human brain as IP are required to be understood and protected. The syllabi encompassing all relevant IP legislations in India with a view to understand and adjust with changing needs of the society because creative works useful to society and law relating to innovation/creativity i.e. intellectual property is one of the fastest growing subjects all over the globe because of its significance and importance in the present era. Disseminate information on national and international IPR issues. The course is designed with a view to create IPR consciousness; and familiarize the learners about the documentation and administrative procedures relating to IPR in India.

### **Course contents:**

#### **UNIT I**

**Indian Copyright Law:** Introduction and overview of copyright: History of the concept of copyright and related rights; Nature of copyright: Salient features of Copyright Act; Subject matter of copyright; Literary work; Dramatic work; Musical works; Artistic works; Cinematographic films; Sound recordings; Term of copyright; Computer software and copyright protection; Author and ownership of copyright; Rights conferred by copyright; Assignment, transmission and relinquishment of copyright; Licences; Infringement of copyright; Remedies against infringement of copyright.

#### **UNIT II**

**Biological Diversity Law:** Introduction and overview of Biological Diversity; Meaning and scope of Biological Diversity; Biological resources and traditional knowledge; Salient features of Biological Diversity Act 2002; Regulation of access to Biological Diversity; National Biodiversity Authority; Functions and powers of Biodiversity Authority; State Biodiversity Board; Biodiversity Management Committee and its functions.

#### **UNIT III**

**Protection of Plant Varieties and Farmers Rights Law:** Legal concepts relating to the protection of plant varieties rights; Legal concepts relating to the protection of plant breeders rights; IPR in new plant varieties; Policy and objectives of protection of plant varieties and farmers rights Act; Plant varieties and Farmers rights protection authority; National register of plant varieties; Procedure for registration; Rights and privileges; Benefit sharing; Compensation to communities; Compulsory licence; Infringement; Relief against infringement; National Gene Fund.

## UNIT IV

**Designs Law:** Introduction and overview of Designs Law; Salient features of Designs Law; Procedure for registration; Rights conferred by registration; Copyright in registered designs; Infringement; Powers and duties of Controller; Distinction between design, trade mark, copyright & patent.

## UNITY

**International Treaties / Conventions on IPR: TRIPS Agreement:** Background; Salient Features of TRIPS; TRIPS and Indian IPR; **Berne Convention:** Background; Salient features of Berne Convention; **Convention on Biological Diversity: Objectives of CBD; Salient features of CBD;** International IPR agreements affecting protection of plant varieties: The WTO Doha round of trade negotiations; International Treaty on Plant Genetic Resources ("ITPGR").

### Prescribed Books:

1. Narayan, S., *Intellectual Property Law in India*, (Hyderabad: Gogia Law Agency, 2005)
2. Cornish, William, *Intellectual Property: Patents, Copyright, Trademark and Allied Rights*, 2<sup>nd</sup> Edition, (London: Sweet & Maxwell, 1998)

### Reference Books:

1. Ganguli, Prabuddha, *Intellectual Property Rights: Unleashed the knowledge Economy*, (Tata Mc GrawHillPublishing Co., 2001)
2. Caddick, Nicholas et (al)., *Copinger&Skone James, Copyright*, 16<sup>th</sup> Edition, (U.K: Sweet & Maxwell, 2013) .
3. Unni, *Trade Marks and the Emerging concepts of Cyber Property Rights*, (Kolkata: Eastern Law House, 2002)
4. Yerkey, Elizabeth, *Law of Plant Varieties Protection*, 1<sup>st</sup> Edition, (Eastern Book Co., 2007)
5. Acharya, N.K, Text Book on *Intellectual Property Rights*, 1<sup>st</sup> Edition, (Asia Law House, 2014)
6. Das, J.K., *Intellectual Property Rights*, 1<sup>st</sup> Edition, (Kamal Law House, 2008)

## **COURSE-III: OPTIONAL - V:**

### **WHITE COLLAR CRIMES (PRIVILEGED CLASS DEVIANCE)**

#### **Objectives:**

This course focuses on the criminality of the privileged classes - the wielders of all forms of state and social power. The course focuses on the relation between privilege, power and deviant behaviour. The traditional approaches which highlight white collar offences, socio-economic offences or crimes of powerful deal mainly deal with the deviance of the economically resourceful. The dimension of deviance associated with the bureaucracy, the new rich, religious leaders and organisations, professional classes are to be addressed. In teaching this course, current developments in deviants reflected in press and media, law reports and legislative proceedings are to be focussed.

#### **Course contents:**

##### **UNIT-I**

Introduction - Concept of white collar crime - Indian approaches to socio-economic offences- forms of privileged class deviance - official deviance (Legislators, judges and bureaucrats), professional deviance, trade union deviants, land law deviance, upper class deviance, police deviance, gender based deviance, deviance by religious leaders and organisations.

##### **UNIT- II**

Official deviance; Prevention of Corruption Act, 1988.

##### **UNIT- III**

Police and politicians' deviance; N.N.Vorha Committee Report; Lokpal and Lokayukta institutions.

##### **UNIT-IV**

Professional deviance; Medical profession - The Lentin Commission Report; Legal profession - Opinions of Disciplinary Committee of Bar Council of India.

##### **UNIT-V**

Gender based deviance - sexual harassment; Offences against scheduled castes and scheduled tribes

#### **Prescribed Books:**

Edwin H. Sutherland- Criminology.

Ahmad Siddique. Criminology.

#### **Reference Books:**

Upendra Baxi- The Crisis of Indian Legal system.

Upendra Baxi- Law and Poverty.

Upendra Baxi- Liberty and Corruption.

A.R.Desai- Violation of Democratic Rights in India.

**COURSE-IV: OPTIONAL- VI:  
LAND LAW**

Land plays an important role in the lives of individuals because of which it is elevated to the level of a constitutional status. Of late there is a shift in the approach of the State towards land which is reflected in the laws and their interpretation. Apart from introducing the students to the basic legal regime applicable to land, it is important to introduce them to diverse aspects of land dealings like land revenue, prohibition of transfer, acquisition, conversion, compensation, rehabilitation, resettlement etc. This course is designed towards this end.

**UNIT-I**

*The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*- Determination of social impact and public purpose; provision to safeguard food security; notification and acquisition; rehabilitation and resettlement award and procedure.

**UNIT-II**

*The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*-Utilisation, conversion ; National Monitoring Committee; Acquisition, Rehabilitation and Resettlement Authority; apportionment of compensation and payment of compensation.

**UNIT-III**

*The Karnataka Land Revenue Act 1964*- Revenue officers and their procedure, *Revenue Appellate Tribunal, Appeal and Revision*, Land and land revenue, Record of rights, realisation of land revenue.

**UNIT-IV**

*The Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 and Rules 1979*

*The Karnataka Land Reforms Act, 1961* - general provisions regarding tenancies, conferment of ownership on tenants, ceiling on land holdings, restrictions on holding or transfer of agricultural lands, co-operative farms, fragmentation and consolidation of holdings.

**UNIT-V**

*The Real Estate (Regulation and Development) Act, 2016*- registration of real estate project and registration of real estate agents, functions and duties of promoter, rights and duties of allottees, the real estate regulatory authority, the real estate appellate tribunal, offences, penalties and adjudication.

*The Karnataka Real Estate (Regulation and Development) Rules, 2017*

**Books Prescribed.**

S.G.Biradar, *Land Acquisition-A Paradigm Shift*, KAS Officers' Research and Training Institute, Bangalore.

Relevant Statutes and Rules.

**COURSE-IV: OPTIONAL - VI:**  
**LAW RELATING TO INTERNATIONAL TRADE ECONOMICS.**

**Objectives:**

International trade has assumed great importance in 21<sup>st</sup> century and its regulation under law has become a necessity to prevent exploitation of the weaker people. A new legal regime to regulate international trade is emerging. Students of law should have understanding of these developments. This course is worked out to provide the future lawyers basic inputs in the area of international trade law.

**Course contents:**

**UNIT I**

Historical perspectives of International Trade, Institutions - UNCTAD, UNCITRAL, GATT (1947-1994); World Trade Organization-Objectives, Structure, Power; Most Favored Nation Treatment and National Treatment; Tariffs and Safeguard measures.

**UNIT II**

Technical Barriers to Trade; Sanitary and Phyto- sanitary measures; Trade Related Investment Measures(TRIMs); Anti- Dumping, Subsidies and Countervailing Measures; Dispute Settlement Process.

**UNIT III**

International Sales of Goods Formation and Performance of International Contracts, Various Forms and Standardization of Terms; Acceptance and Rejection of Goods, Frustration of Contract, Invoices and packing, Product liability.

**UNIT IV**

Exports - Insurance of Goods in Transit; Marine Insurance and kinds; Law on Carriage of goods by sea, land and air, Container transport, Pre-Shipment Inspection; Licensing of Export and Imports.

**UNITY**

Laws Governing Finance and Investments; Foreign Collaboration and Investment Policy; Foreign Direct Investment in Industries and Governing Policies; Foreign Institutional Investors (Fils): Investment by Non-resident Indians (NRIs) and Overseas Corporate Bodies (OCBs); Foreign Collaboration Agreement- Foreign Technology Agreement; Foreign Companies and Foreign Nationals in India.

**Prescribed Books:**

Bhalla, Raj, *International Trade Law: Theory and Practice*, 2<sup>nd</sup> Edition,( Lexis Nexis, 2001)

Kaul A.K., *Guide to the WTO and GATT: Economics, Law and Politics*, (Kluwer Law International , 2006)

**Note: The course teacher should down load the latest materials from the net and impart the information to the students.**



**COURSE-V: CLINICAL COURSE-IV:  
MOOT COURT EXERCISE AND INTERNSHIP**

**Objectives:**

This course is designed to hone advocacy skills in the students. Moot Courts are simulation exercises geared up to endow students with facility in preparation of written submissions and planning, organising and marshalling arguments in the given time so as to convince the presiding officer.

The students should familiarize themselves with the various stages of trial in civil and criminal cases. They should be exposed to real court experience. Further they should imbibe the skills of client interviewing. This component may be planned to be part of the internship. Each student enrolled in 3 year course shall undergo an internship for minimum 12 weeks (20 weeks for 5 year LL.B. course) during the entire course under NGO , trial and appellate advocates, legal regulatory authorities, legislatures and parliament, other legal functionaries, market institutions , law firms, companies, local self government and other such bodies as the university may stipulate. However, the internship shall not be for a period of more than four weeks continuously in an academic year.

**Course contents:**

**Moot Court (30 marks)**

1 Each student shall participate in at least 3 moot courts. Each Moot court exercise shall carry 10 marks, which shall be divided as under:

for oral advocacy: 5 marks, and  
Written submission: 5 marks.

The student shall make written submission on behalf of the party for whom he makes oral advocacy as assigned by the course teacher.

The written submissions for the three moot courts shall be neatly written on one side of the bond size papers and bound together with a certificate signed by the course teacher and the principal to the effect that it is the bonafide work of the concerned student.

The cover shall indicate the name of the examination, subject, seat number and the center code number.

**Observation of Trial (30 marks)**

Each student shall attend trial in two cases one civil and one criminal in the course of last two or three years .

The student shall maintain a record and enter the various steps observed during their attendance on different days in the Court.

1 . 3 The record shall be neatly written on one side of the bond size paper and bound. It will carry a certificate by the course teacher and principal to the effect that it is the bonafide work of the concerned student.

The record shall be valued for 30 marks.

The cover page shall indicate the name of the examination, subject, seat number and the center code number.

**Client Interviewing (30 marks)**

Each student shall observe two session of client interviewing at the Lawyer's Office/Legal Aid Office and record the proceedings in a diary, which shall carry 15 marks.

Each student shall further observe the preparation of documents and Court papers by the Advocate and the procedure for the filing of the suit/petition. This shall be recorded in a diary, which shall carry 15 marks.

The Diaries shall be neatly written on one side of bond size papers and bound with a certificate signed by the course teacher and the Principal to the effect that it is the bonafide work of the concerned student.

The cover page of the diary shall indicate the name of the examination, subject, seat number, and the center code number.

**Viva (10 marks)**

At the end of the semester, the student shall appear for a viva voce, which shall carry 10 marks.

**Method of assessment:** The submissions of Moot courts shall be valued by the course teacher. The diaries relating to trial observation and client interviewing and pre-trial preparations shall be valued by the professional under whose supervision the student has completed internship and the course teacher if it is so planned. If internship is with an Authority wherein trial observation and client interviewing is not possible, the student shall undertake these exercises separately and it shall be evaluated by the course teacher. The viva shall be conducted by the Principal of the college and the course teacher.

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