Andhra University

Regulations relating to

LL.B. 3 YEAR DEGREE COURSE
(Semester System)
(effective from the Academic Year 2013-2014)

The following regulations for 3 year LL.B Course shall come into force with effect from the Academic Year 2013-2014

- **Admission** into 3 Year LL.B. Degree Course is subject to LAWCET and University Rules and Regulations. Admissions are made by LAWCET Convener in accordance with the Rules prescribed by Government of Andhra Pradesh vide G.O Ms No 26 Higher Education dtd 24-2-2004

- **For the award of 3 year LL.B. Degree**, a candidate shall be required to have i) received instruction and training for the prescribed course of study as full-time students for three academic years, and ii) passed all the examinations prescribed for the award of 3 Year LL.B. Degree.

- **Duration**: 3 Year LL.B Degree Course has to be pursued in six semesters stretching over three academic years. Each academic year comprises of two Semesters.

- **Medium of Instruction** will be in English language

- **Class Room Instruction**: Class room instruction for each semester will be for 16 weeks excluding the period for conducting the examinations.

- **Attendance**: In order to be eligible to take the examination in any subject, candidate is required to put in 75% of attendance in each subject which includes lectures, tutorials and practical training.

   If a student for any exceptional reason fails to attend 75% of the classes held in any subject, he/she may be condoned for the shortage of attendance if the student concerned attended at least 66% of the classes held in the subject concerned subject to the payment of the fine prescribed from time to time by the University.
• **Credits:**

   All papers carry six credits each except the Paper on Seminar and Clinical Legal Education which carries only two credits. Total credits of the LL.B (3Year) Course are 178.

• **Question Paper Pattern**

   For papers other than Practical Papers, the question paper consists of three parts.

   - **Part A** consists of short answer questions. In this Part nine questions will be given and the candidates have to answer any six questions. Each question carries 4 marks carrying a total of 24 marks.
   - **Part B** consists of essay questions. In this part four essay questions will be given and the Candidate has to answer any two questions. Each question is 18 marks.
   - **Part C** consists of hypothetical problems. In this part four hypothetical problems will be given and the candidate has to answer any two questions. Each question carries 10 marks. The answer shall cover recitation of facts, framing of issues, reasoned decisions and citation of authority.

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For Practical Training Papers I, II and III in Sixth Semester

The Semester end paper carrying 50 Marks consists of 8 essay questions out of which the candidate has to answer any five questions.

• **Allotment of Marks:**

   All papers carry 100 Marks.

   Except for the Practical papers, 80 Marks are allotted to Semester End written examination. 20 Marks are allotted for internal sessionals, the split up of which is as follows;

   - **Test** - 10 Marks (Two midterm tests will be conducted out of which one test will be in objective mode consisting of not less than 10 questions.)
Assignment - 5 Marks (One Assignment to be given)

Semester End Viva- 5 Marks

For all practical papers 50 Marks are allotted to internal component and 50 marks are allotted to external component

Practical Papers are,

(i) Paper on Seminar and Clinical Legal Education
(ii) Practical Training Paper I (Drafting, Conveyancing and Pleading) in Sixth Semester
(iii) Practical Training Paper II, (Professional Ethics and Professional Accounting System), in Sixth Semester
(iv) Practical Paper III, (Alternate Dispute Resolution), in Sixth Semester
(v) Practical Paper IV, (Moot Court Exercise and Internship) Tenth semester

(i) Seminar and Clinical Legal Education Paper carries a total of 100 marks, breakup of which is as follows:
   • Seminar Presentation – 25 Marks
   • Seminar Write-up -25 Marks
   • Project Report on Clinical Legal Education Exercise prescribed for the concerned semester.- 25 Marks
   • Viva-25 Marks

Examination:

➢ Candidate shall take examination in each of the subjects prescribed for study at the end of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination is three hours.

➢ The semester end examination shall be based on the question paper set by an external paper setter.

➢ For qualifying in the examination the candidate has to secure a minimum of 40% in the theory papers excluding internal sessionals and a minimum of 50% in the practical papers.
Practical papers in LL.B (3YDC) are, Seminar and Clinical Legal Education papers and the Practical Training Papers I, II, III and IV of the sixth semester.

- Grafting/Grace is permitted. Eg A candidate, who secured only 35%, would fail having fallen short of the required minimum pass percentage (40%) by five marks. Permission for grafting allows such candidate an opportunity to utilize the excess marks if any he might have earned in some other paper for filling up the said deficit. Thus, if the concerned candidate happened to secure 45 marks in another paper, the extra five marks which is in excess of what is required for a pass could be notionally added to fill the deficit of 5 marks of the paper in which the candidate actually failed. and thereby declare the candidate to have been passed in such paper.

- .5 or more will be rounded up to the higher value of 1 for the purpose of class elevation, third class to second class or second class to first class. Eg. 4.96 will be treated as 5.0 or 5.45 will be treated as 5.5

- **Scheme of Grading**

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<tr>
<th>S. No</th>
<th>Range of Marks</th>
<th>Grade</th>
<th>Grade Point</th>
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<td>61-70</td>
<td>C</td>
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<td>51-60</td>
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<td>6</td>
<td>40-50</td>
<td>E</td>
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<td>7</td>
<td>&lt;40 (0-39)</td>
<td>F (Fail)</td>
<td>0.0</td>
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<tr>
<td>8</td>
<td><strong>Incomplete</strong> (Subsequently changed into pass or E to O or F grade on subsequent appearance of the examination)</td>
<td>I</td>
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- **Classification** of successful candidates is based on CGPA as follows:

  - Distinction --- CGPA 8.0 or more
  - I Class --- CGPA 6.5 or more but less than 8.0
  - II Class --- CGPA 5.5 or more but less than 6.5
Pass --- CGPA 5.0 or more but less than 5.5

Note: Only those candidates who appear and pass the examination in all the papers of the First semester, all the papers of the Second semester, all the papers of the Third semester, and similarly all the papers of the Fourth semester, at first appearance are eligible to be placed in O grade.

• Awards:
No candidate who has not passed all the papers relating to any semester at the first appearance shall be eligible for the Award of Medals or Prizes by the University and to receive certificates of rank obtained by them in the examination.

Explanation:
Credits, Grade Letter Grade Points, Credit Points
Credit means the unit by which the course work is measured. One credit means one hour of teaching work or one hour of practical work per week.
Grade Letter is an index to indicate the performance of a student in a particular course (Paper). It is the transformation of actual marks secured by a student in a course/paper. It is indicated by a Grade letter O, A, B, C, D, E. There is a range of marks for each Grade Letter.
Grade Point is Weightage allotted to each grade letter depending on the marks awarded in a course/paper
CGPA: CGPA means Cumulative Grade Point Average. It will be calculated from 2nd semester onwards.
SGPA means Semester Grade Point Average. This is calculated for each semester of the programme
CGPA x 10 will be the overall percentage of the marks obtained by the candidate

LL.B (Three Year) Degree Course Pattern
FIRST YEAR

FIRST SEMESTER

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<th>Subject</th>
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<tr>
<td>1</td>
<td>1</td>
<td>Law of Contracts (General Principles of Contract (Secs.1 to 75) including Specific Relief Act)</td>
<td>5 T 1 -</td>
<td>80 20</td>
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<tr>
<td>2</td>
<td>2</td>
<td>Constitutional Law-I</td>
<td>5 T 1 -</td>
<td>80 20</td>
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<tr>
<td>3</td>
<td>3</td>
<td>Law of Torts including MV Accident and Consumer Protection</td>
<td>5 T 1 -</td>
<td>80 20</td>
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<td>4</td>
<td>4</td>
<td>Law of Crimes-I (IPC)</td>
<td>5 T 1 -</td>
<td>80 20</td>
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<tr>
<td>5</td>
<td>5</td>
<td>Family Law-I (Family Relations)</td>
<td>5 T 1 -</td>
<td>80 20</td>
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<tr>
<td>6</td>
<td>6</td>
<td>Seminar &amp; Clinical Legal Education</td>
<td>- - 4</td>
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**SECOND SEMESTER**

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<td>3.</td>
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<td>Environmental Law including Laws for The Protection of the Wild Life and other Living Creatures including Animal Welfare</td>
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<td>80 20</td>
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<td>4.</td>
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<td>Jurisprudence (Legal Method, Indian Legal System and Basic Theory of Law)</td>
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<td>80 20</td>
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<td>5.</td>
<td>5</td>
<td>Family Law-II (Testamentary and Intestate Succession)</td>
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**SECOND YEAR**

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<tr>
<td>1</td>
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<td>Property Laws including Transfer of Property Act and Easements Act</td>
<td>5 1 -</td>
<td>80 20</td>
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<td>Labour and Industrial Law-I</td>
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<td>Company Law</td>
<td>5 1 -</td>
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<td>Interpretation of Statutes and Principles of Legislation</td>
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<td>Ethics and Values (Non Credit Paper)</td>
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<td>Public International Law</td>
<td>5 1 -</td>
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<td>Principles of Taxation Law</td>
<td>5 1 -</td>
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<td>4</td>
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<td>Intellectual Property Rights Litigation</td>
<td>5 1 -</td>
<td>80 20</td>
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<td>Land Laws including Tenure and Tenancy System/ Investment Law including Securities (Optional Paper -I)</td>
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**FIFTH SEMESTER**

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<tr>
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<td>Civil Procedure Code and Limitation Act</td>
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<td>Law of Crimes –II (Cr.P.C., Juvenile Justice Act and Probation of Offenders Act)</td>
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**SIXTH SEMESTER**

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<td>Practical Training-I (Drafting, Pleading and Conveyancing)</td>
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<td>Practical Training-II Professional Ethics and Professional Accounting System</td>
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<td>Practical Training-III Alternate Dispute Resolution (ADR)</td>
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<td>Practical Training -IV Moot Court Exercise and Internship</td>
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<td>Penology and Victimology / Women and Criminal Law (Law relating to Violence against Women) (Optional Paper-IV)</td>
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|       |          | 178            |
SYLLABUS

SEMESTER – I (LL.B. 3yr course)

Paper - I: LAW OF CONTRACT
(General Principles of Contract (Secs.1 to 75) including Specific Relief Act

Unit-1: History and nature of contractual obligations - writs of debt, covenant and account actions on the case and on assumption of consideration - moral basis for contractual obligations subjective and objective theories, sanctity of contracts.

Unit-2: Agreement and contract definitions, elements and different kinds.

Unit-3: Proposal and acceptance - their various forms, essential elements, communication and revocation-proposal and invitations for proposal-floating offers-tenders-dumping of goods,
Unit-4: Consideration- *nudum pactum*-its need, meaning, kinds, essential elements-Privity of contract and of consideration-its exceptions-adequacy of consideration-present, past and adequate consideration-unlawful consideration and its effects-views of Law Commission of India on consideration-evaluation of the doctrine of consideration.

Unit-5: Capacity to contract-meaning-incapacity arising out of status and mental defect-minor’s agreements-definition of minor - accessories supplied to a minor-agreements beneficial and detrimental to a minor affirmation-restitution in cases of minor’s agreements-fraud by a minor-ratification in cases by a person of an agreement made by him while he was a minor-agreements and estoppel-evaluation of the law relating to minor’s agreements-other illustrations of incapacity to contract.

Unit-6: Free consent-its need and definition-factors vitiating free consent , Coercion-definition-essential elements-duress and coercion-various illustrations of coercion doctrine of economic duress-effect of coercion-evaluation of Sec. 15., Undue Influence-definition-essential elements-between which parties can it exist? Who is to prove it? Illustrations of the undue influence-independent advice-pardahanash in women-unconscionable bargains effect of undue influence., Misrepresentation-definition-misrepresentation of law and of fact- their effects and illustration, Fraud-definition-essential elements-*suggestio falsi suppresio veri*-When does silence amounts to fraud? Active concealment of truth-importance of intention.

Unit-7: Legality of Object: Void agreement-lawful and unlawful considerations, objects-void, voidable, illegal and unlawful agreements their effects. Unlawful consideration and objects: Forbidden by law, Defeating the provision of any law, Fraudulent , Injurious to person or property, Immoral , Against public polity, Void Agreements, Agreements without consideration, . Agreements in restraint of marriage, Agreements in restraint of trade-its exceptions-sale of goodwill, Sec. II restriction, under the Partnership Act, trade combinations exclusive dealing agreements, restraints on employees under agreement of service., . Agreements in restraint of legal proceedings-its exceptions, Uncertain agreements, . Wagering agreements-its exceptions.


Unit-9: Quasi-contracts or certain relations resembling those created by contract.

Unit 10: Formation of E Contracts, Authentication of E Contract, Problems relating to Internet Contracts

Unit-12: Specific Relief: Specific Relief Act, 1969
Definition, Recovering possession of property, Specific performance of contracts, Rectification of instruments, Rescission of contracts, Cancellation of Instruments, Declaratory decrees, Preventive relief

Books Recommended

2. V.Kesava Rao, Contracts I- Cases and Materials, Butterworths

Paper II - CONSTITUTIONAL LAW -I


Unit-2: Making of India’s Constitution - concept of constitution and Constitutionalism-Salient features - Constituent Assembly - Sovereignty. Preamble status and its goals.

Unit-3: Concept of state and law (Articles 12 & 13)

Unit-4: Equality and Social Justice: Equality before the law and Equal protection of Laws-meaning-Constitutional provisions - Total conspectus - Articles 14, 15, 16, 17, 29 (2), 325 Classification for Differential Treatment, Gender Justice, Arts. 15(1),(2),(3), 16, 29(2), Administrative discretion and Equality, Compensatory Discrimination for Backward Class/SC & ST.

profession/business etc. Property and social control from 1950 to 1978, Property and social control -after 1978.


Unit-7: Preventive Detention-Constitutional Policy Art. 22, Preventive Detention- Safeguards under the Constitution, Art. 23

Unit-8: Secularism: Concept of Secularism-Indian Constitutional provisions, Historical Perspective of India Secularism, Religion and State-in India-State control and non-interference with Religion. Concept of Secularism; American Model - Separation of State-Church-Is it relevant to India? Tradition in India- Equal Respect for All Religions


Unit-10: Constitutional Remedies: Supreme Court & High Courts.


Books Recommended:
8. Austin, Granwille, The Indian constitution - Corner Stone of a Nation, Oxford University, Press, New Delhi (Indian Reprint 2000).
Paper - III – LAW OF TORTS INCLUDING MV ACCIDENTS AND CONSUMER PROTECTION

Unit-1: Evolution of Law of Torts, Its development by courts in England, Forms of Action, Emergence of specific remedies from case to case, Reception of Law of Torts in India, Principles of Equity, Justice and Good Conscience, Uncodified character-advantages and disadvantages.

Unit-2: Definition, Nature, Scope and Objects: A Wrongful act-violation of a duty (in rem) imposed by law, duty which is owed to people generally, Legal damage-Damnum sine injuria and Injuria sine damnum., Tort distinguished from Crime, Breach of Contract etc., The concept of unliquidated damages, Changing scope of Law of Torts: Expanding character of duties owed to people generally due to complexities of modern society-scientific and technological progress, industrialisation, urbanisation, specialization, occupational hazards, Objects- prescribing standards of human conduct, redressal of wrongs by payment of compensation, proscribing unlawful conduct by injunctions.


Unit-6: Standing: Who may sue in torts, Aggrieved individuals, Class Action, 0 1 R 8, Social Action Groups, Statutes granting standing to certain persons groups, Who may not be sued, Ambassadors, Lunatics, Infants.


Unit-8: Vicarious Liability: Basis, scope and justification, Express authorization, Ratification, Abetment, Special Relationship, Master and servant-arising out of and in the course of
employment who is master? - Control test who is servant? Borrowed servant Independent Contractor, Principal and Agent, Corporation and Principal Officer.,

Unit-9: Torts Against Persons and Personal Relations: Assault, Battery, Mayhem, False Imprisonment, Defamation-Libel, slander including law relating to privileges, Marital Relations, domestic Relations, parental Relations Master and Servant relations, Malicious prosecution, Shortened Expectation of life, Nervous shock, Defences.

Unit-10: Wrongs Affecting Property: Trespass to land, Trespass ab initio, Dispossession, Movable Property-Trespass to goods, Detinue, conversion, Torts against Business interests-Injurious falsehood, misstatements, passing off, Defences.

Unit-11: Negligence: Basic concepts, Theories of Negligence, Standards of care, Duty to take care carelessness inadvertence, Doctrine of contributive negligence, Res ipsa loquitur and its importance, Professional liability due to negligence with special reference to consumer Protection Law.


Unit-13: Nuisance: Definition, Essentials, Types, Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, interference with light and air.

Unit-14: Legal Remedies: Legal Remedies, Award of damages-simple, special, punitive, Remoteness of Damages-Foreseeability and Directness tests, Injunction, Specific Restitution of Property, Extra-Legal Remedies-self help, Re-entry in land, Recapture of goods, distress damage feasant abetment to nuisance.


Unit-16: Tort and Consumer Protection Law: Duty to take care and liability for negligence: Manufacturers and traders and providers of services such as lawyers, doctors and other professional, Caveat emptor and caveat venditor, Deceit and false advertisement. Liability for hazardous and inherently dangerous industrial activity, Product Liability - EEC directives, Right to Common Property Resources-right to pass and Trespass on pathways, Consumer Protection Act, 1986.


Books Recommended:
8. Ramaswamy Iyer: The Law Torts

**Paper IV - LAW OF CRIMES-I (IPC)**

**Unit-1:** General: Conception of Crime, State’s power to determine acts or commissions as crimes, State’s responsibility to detect, control and punish crime, Distinction between crime and other wrongs., Pre-colonial notion of crime as reflected in Hindu, Muslim and Tribal Law, The colonial reception-Macaulay’s Draft based essentially on British notions, IPC a reflection of different social and moral-values, Applicability of I.P.C., Salient Features of the I.P.C.

**Unit-2:** Elements of Criminal Liability, Author of crime-natural person and a fit subject for punishment, companies and corporations, Mens rea-Evil intention, Importance of mens rea, Recent Trends to fix liability without mens rea in certain socio-economic offences, An act in furtherance of guilty intent, An omission as specifically includes in the code, Injury to another

**Unit - 3:** Group Liability:, Stringent provision in case of combination of persons attempting to disturb peace, Common intention, Abetment, Instigation, aiding and conspiracy, Mere act of abetment punishable, Unlawful Assembly, Basis of liability, Criminal conspiracy, Rioting as a specific offence.

**Unit-4:** Stages of Crime :, Guilty intention - Mere intention not punishable , Preparation, Preparation not punishable, Exception in respect of certain offences of grave nature or of a peculiar kind such as possession, counterfeit coins, false weights and measures, Attempt, Attempt when punishable specific IPC provisions, Tests for determining what constitutes attempt proximity, equivocality and social danger, Impossible attempt

**Unit-5:** Factors Negativing Guilty Intention :, Mental incapacity, Minority, Insanity-impairment of cognitive facilities, emotional imbalance, Medical and legal insanity, Intoxication-involuntary, Private Defence-justification and limits, When private defence extends to causing of death to protect body and property, Necessity, Mistake of fact.

**Unit-6:** Types of Punishment :, Death, Social relevance of capital punishment, Alternatives to capital punishment, Imprisonment-for life, with hard labour, simple imprisonment, Forfeiture of property, Fine, Discretion in awarding punishment, Minimum punishment in respect of certain offences.
Unit-7: Specific Offence Against Human Body: Causing death of human beings, Culpable homicide, Murder, Distinction between culpable homicide and murder, Specific mental element requirement in respect of murder, Situation justifying treating murder as culpable homicide not amounting to murder, Grave and sudden provocation, Exceeding Right to Private Defence, Public servant exceeding legitimate use of force, Death in sudden fight, Death caused by consent of the deceased-Euthanasia, Death caused of person other than the person intended, Miscarriage with or without consent, Rash and negligent act causing death, Hurt-Grievous and simple, Assault and Criminal Force, Wrongful Restraint and Wrongful Confinement - Kidnapping from lawful guardianship and from outside India, Abduction.

Unit-8: Offences against Women: Insulting the modesty of a woman, Assault or criminal force with intent to outrage the modesty of a woman, Causing miscarriage without woman’s consent, Causing death by causing miscarriage without woman’s consent, Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse, Buying a minor for purposes of prostitution, Rape, Custodial rape, Marital rape, Cruelty by husband or relatives of the husband, Common law remedies to protect against obscene / indecent depiction of women, Cyber Crimes.

Unit-9: Offences Against Property: Theft, Cheating, Extortion, Robbery and Dacoity, Mischief, Criminal Misrepresentation and Criminal Beach of Trust,

Unit-10: Forgery, Defamation and Tress Pass and Offences Against the State.

Books Recommended:
2. Achutan Pillai: Criminal Law, Butterworth Co.,
3. Gour K.D.: Criminal Law - Cases and material, Butterworth Co.,

Paper - V - FAMILY LAW-I (Family Relations)

Unit-1: Concept of family, Nuclear family and Joint family, Joint Hindu Family (Mitakshara and Dayabhaga): Mitakshara joint family Mitakshara Coparcenary - formation and incidents, Property under Mitakshara law-Separate property and Coparcenary property, Dayabhaga coparcenary - Formation and incidents, Property under Dayabhaga Law, Karta of the joint family-his position, powers, privileges and obligations, Alienation of property-separate and coparcenary, Debts-doctrines of pious obligation and antecedent debt. Partition and Reunion Joint Hindu Family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.

Unit-2: Marriage And Kinship: Evolution and importance of institutions of Marriage and Family. Role of Religion, Indian Family Law, Impact of customs on marriage and family.
Unit-3: Applicability & Sources of Law: Who is a Hindu, Who is a Muslim, Who is a Christian, Sources of Hindu Law, Sources of Muslim Law, Schools of Law, Hindu and Muslim laws.

Unit-4: Essential Conditions of Marriage, State intervention through various legal measures, Essentials Conditions of valid Hindu Marriage Hindu Marriage Act, Essential conditions of valid Muslim marriage, Concept of Dower, Essential conditions of marriage for valid Christian Marriage, Indian Christian Marriage Act, 1882, Special Marriage Act, Kinds of marriages under Hindu and Muslim systems

Unit-5: Matrimonial Remedies: Annulment, RCR Judicial Separation, Divorce -Conditions for grant of matrimonial remedies under Hindu Marriage Act, Indian Divorce Act; Matrimonial Remedies for Muslims (Talaq, Ila, Zihar, Tafwiz, Khula, Mubara) Muslim wife’s grounds of divorce u/ Dissolution of Muslim Marriage Act, 1939, Bars to Matrimonial Relief.

Unit-6: Maintenance: Maintenance of divorced wives, neglected wives, minor children and parents under Hindu Marriage Act & Hindu Adoptions and Maintenance Act; Maintenance of Muslims wives during and after divorce; Protection of Rights on Divorce Act, 1986 S.125 of Cr.P.C.

Unit-7: Child and the Family: Legitimacy, Adoption, Custody and Maintenance u/ Hindu Law (HMA,1956) & Guardianship law of Hindu and Muslims.


Books Recommended:
1. Paras Divan, Modern Hindu Law, Central Law Agency
3. Flavia Agnes, Marriage, Family Law I & II, OUP
4. Tyabji, N.M Tripathi Publications, N. Delhi
5. Mohammedan Law, Dr.Mohammed Nazmi Central Law Agency
7. Maine’s Treatise on Hindu Law and Usage, Bharat Law House, Delhi
8. Vasudha, Towards Uniforms Civil Code, ILI, Delhi

Paper VI- Seminar and Clinical Legal Education
SEMESTER – II
Paper- VII – SPECIAL CONTRACTS

Unit-1: Indemnity and Guarantee: Indian Contract Act, 1872, Contract of Indemnity and guarantee (Secs. 134, 127)

Unit-2: Bailment: Definition, Essential requisites of Bailment, Kinds of Bailment, Rights and Duties of Bailor and Bailee, Termination of Bailment, Pledge, Definition, Rights and duties of Pawn or and Pawnee, Pledge by Non Owners.


Unit-5: Contracts of Partnership: (The Indian Partnership Act, 1932), Definition and nature of Partnership, Formation of Partnership, Test of Partnership, Partnership and other associations, Registration of Firm, Effect of non registration, Relation of Partners, Rights and duties of Partners, Properties of the Firm, Relation of Partners to third parties, Implied authority of a partner, Kinds of partners, Minor as partner, Reconstitution of a firm, Dissolution of firm.

Unit-6: Hire purchase

Unit-7: Negotiable Instruments Act, 1881: Definition of negotiable instrument, essential features of promissory note, Bill of Exchange and Cheque, holder, Holder in due course, payment in due course, Dishonor of cheque.

Books Recommended:
Paper VIII - CONSTITUTIONAL LAW - II


Unit-2: Federalism: Federalism-principles-Comparative study of other Federations. Why India has a federal Government, Indian Federalism-President of India-Council of State Process of Constitutional amendment. Identification of Federal Features, Legislative relations between the Centre and the States Administrative relations-Centre-States, Financial Relations-Centre-States, Governor’s position from the perspective of Federalism, Centre’s Powers over the States-Art. 356, J & K - Special Status, Critical problems of India Federalism Sarkaria Commission-Greater autonomy Vs Central Control, One party domination, Emergence of Political Federalism. Growth of Regional parties.

Unit-3: Governor under the constitution: Powers and functions

Unit-4: Independence of the Judiciary and Judicial process, Judicial process under the Constitution: Judicial Review - Art. 32, 226, 227, Nature of Judicial Review, Court system in India: Backlogs, Arrears, Alternatives, Lok Adalats etc. Judges appointments, Conditions of Service, etc. Subordinate Judiciary, Jurisdiction of Supreme Court and High Court, Advisory Jurisdiction of the Supreme Court, Public Interest Litigation.

Unit-5: Freedom of Trade and Commerce:

Unit-6: Services under the Constitution: Doctrine of pleasure (Art. 310), Protection against Arbitrary Dismissal, Removal, or Reduction in Rank (Art. 311), Tulsiram Patel case- Exceptions to Art. 311.

Unit-7: Election Commission of India: Powers and functions

Unit-9: Amendment to the Constitution: Constitutional Processes of Adaptation & Alteration: Methods of constitutional Amendment-Written-Unwritten-Rigid-Flexible Constitutions,

Provisions which can be amended by ordinary procedure, Special procedure, review of Constitutional Amendments, Limitations upon constitutional amendments, Shankari Prasad, Sajjan Singh, Golak Nath vs. Punjab - Why should Fundamental Rights be immune from the process of constitutional Amendment, Basic Structure Doctrine as a limitation- Kesavananda Bharati. Development of the Basic Structure Doctrine, Constituent power of the Supreme Court, Waman Rao, Minerva Mills, etc., Indira Gandhi vs Raj Narain; Judicial consensus on Basic Structure, Legislative and Judicial Attempts to bury the Basic Structure Doctrine; Legitimation of the Basic Structure Doctrine. Special Bench to reconsider the Basic Structure Issue. Forty-Second Constitutional Amendment. Forty-Fourth Constitutional Amendment.
Minerva Mills and subsequent developments of the Basic Structure Doctrine, Responsibility of the court, Activism vs. Restraint.

Books Recommended:


Paper - IX: ENVIRONMENTAL LAW INCLUDING LAWS FOR THE PROTECTION OF THE WILD LIFE AND OTHER LIVING CREATURES INCLUDING ANIMAL WELFARE

Unit -1: Basic Aspects: Meaning and definition of environment and pollution, kinds of pollution, sources and consequences of pollution: Significance of environmental Law: Ancient Indian Philosophy relating to environment protection.
Unit-2: Territory law, Constitution provisions concerning environment Articles 14,15,(2) (b) 19 (e),21,31,32,38,39,42,47, 48-A,49,51,51-A: Constitutional provisions about states powers concerning acquisition, regulation and distribution of natural resources (water, forests, mines, oil) with special emphasis on Arts 14, 15, 19, 31A, 31B, 31C, 39 (b) & (c): Union lists ( Entries 6,52,56,57) State list (Entries 17,18,21,23) Concurrent List (Entries17,17-I,17B,18,20) of Ninth Schedule and land reforms, Abolition of intermediaries and land ceiling.


Unit-5: Common Law & Criminal Law Remedies for Environmental Problems: Nuisance, Negligence, strict liability and absolute liability, Provisions of IPC relating to environmental problems (public nuisance u/s 268 and others (Sections 269,270,277,284,285,286,425 to 440) Section 133 of Cr.P.C.


Unit-7: Environment and Development: Meaning and concept of development - Its impact on environment; conflict between environment and development, Concept of Sustainable Development. (Principles of integration, polluter pay principle, precautionary principle, interpenetrated equity), Public Trust Doctrine. people’s movements (Chipko, Tehri, Silent valley and NBA) Land Acquisition for development projects – Social and legal problems.


Books Recommended:
1. S.C.Sastry, Environmental Law
2. Tiwari, Environmental Law
3. S.Shanta Kumar, Environmental Law
4. Armin Rosencranz, Shyam Divan, Martha L. Noble: Environmental Law
5. Leela Krishna, P, The Evolving Environmental Law and Policy in India
6. Leela Krishna, P, Environmental Law
7. Paras Diwan, Environmental Law, Policy, Administration
Paper - X: JURISPRUDENCE

(Legal Method, Indian Legal System and Basic Theory of Law)

Unit- 1
Meaning of and need to study Jurisprudence. The nature of law and its relationship with other disciplines like sociology, political science and history, political and power structures and just society.

Unit -2
Concept of Law, its difference with laws of natural sciences, social sciences, history. The differences between the ends of a legal order, a political order and a religious order. Issues concerning the dialectics of law.

The obligatory nature of law. The functions of law, law as the upholder of the moral order in the society, Concept of Dharma and connection between law and morality, Law for bringing efficiency and social stability; the utilitarian views.

Unit -3
Defining law: Natural Law theories. Contractarian theories - general will theories and free will theories, Analytical School of Law or Positive Law and autonomous theories particularly positivist theories and autonomous theories connected (Austin onwards; Reference to Dworkin, Rawls and Marxaian terms of the Doctrine of Withering away of State, Transcendental Theories.)

Unit -4
Law as a means of social control, Law as Volksgeist, the Historical School of Law, Law as practice of courts, the Realist School, Law as a system of rules, H.L.A. Hart’s Concept of Law, Law as a Normative System, What is a norm and what is a normative system. Kelsen’s Pure theory

Unit -5
Theories of Authority, Types of Authority – legislative, judicial and customary (sources of law) – their binding nature. Bindingness with regard to Precedent, Determination of ratio decedendi.

Unit- 6
Limits on the legislative authority – discuss with reference to Natural Law and Positive Law. Also with reference to Austin, Kelsen. Refer Indian cases like Golaknath and D.C. Wadhwa’s Case. Natural Law views that the limits are defined by principles of morality or natural justice – the legislation, from whatever source, must be in accordance with such principles. Discuss with reference to Aquinas, Finnis. The Rationalist views that the limits are set by rational principles of justice – Discuss with reference to Kant, Rawls.
The Basic Structure Doctrine – that the limits are set by the basic structure of the Constitution or the law itself; any legislation contrary to the basic structure is non-law (Refer Kesavananda and Coelho cases). Define and discuss the basic legal concept of reasonableness with reference to Indian cases. State of Madras V G. Row (1952 SC 196), Dwaraka Prasad Laxmi Narayan V. State of U.P. (AIR 1954 SC 224), Krishnachandra V. Commissioner of Police (1961 3 SCR 135), Hardhan Shah V. State of West Bengal (1975 3 SCC 198), Air India V. Nargesh Meerza (AIR 1987 SC 1829), Maneka Gandhi V. Union of India (1978 2 SCR 621). Judicial decisions particularly the decisions of Indian Supreme Court on contemporary socio political, legal and economic issues.

People; State – with particular reference to Directive Principles of State Policy; locus standi, Randhir Singh, Golaknath and other relevant cases.

Unit -7
Functions of the courts – Administration of Justice – need for – The purpose of civil justice; primary and sanctioning rights. Criminal justice, punishment and theories of punishment.

Unit -8
Personality, Concept of Rights, Rights in the wider sense of the term, liberty, power, Immunity and their jural correlatives.

Unit -9
Legal concepts of Ownership and Possession

Unit -10
Concept of Liability – Nature and kinds of liability, penal liability, acts and intention, Negligence, vicarious liability, the measure of criminal liability and the measure of civil liability.

Unit -11

Unit -12

Books Recommended:
2. Paton, Jurisprudence
5. Dias, Jurisprudence.
6. Lloyd, Introduction to Jurisprudence
7. S.N. Dhyani, Fundamental of Jurisprudence: Indian Approach
8. G.C.V. Subba Rao, Jurisprudence and Legal Theory
9. Friedman – Legal Theory
10. Ronald Dworkin – Taking Rights Seriously
11. Roscoe Pound – Philosophy of Law

**Paper XI - FAMILY LAW - II**

*(Testamentary and Intestate Succession)*

**Unit-1:** Concept of property: property concept, scope and evolution, New Property concepts, Such As Skill, Job, etc. as new forms of property.

**Unit-2:** Inheritance: Hindus, historical perspective of traditional Hindu law as a background to the study of Hindu succession Act, 1956. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act, 1956.

**Unit-3:** Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act, 1956.

**Unit-4:** Succession to property of Hindu female dying intestate under the Hindu succession Act, 1956. Disqualifications relating to succession, General Rules of Succession, Hindu Succession amendment Act, 2005

**Unit-5:** Disqualifications, general principles.

**Unit-6:** Muslim Law of Inheritance and Succession, Rules governing Sunni and Shia law of inheritance, Differences between Shia and Sunni Law, Administration of Estates, Wills under Muslim Law.

**Unit-7:** Indian Succession Act: Domicile, Intestate Succession, Will-Codicil, Interpretation - Revocation of Will, Bequests-conditional - contingent or void bequests, Legacies, Probate and letters of administration, Executor-administrators, Succession certificate.

**Books Recommended:**
2. Prof. G.C.V. Subba Rao: Family Law in India, S. Gogia & Company, Hyderabad
3. Tahir Mahmood: The Muslim Law of India, Law Book Company, Allahabad:
4. Aquil Ahmed: Text Book of Mohammadan

Paper XII- Seminar and Clinical Legal Education

SEMESTER – III

Paper-XIII: PROPERTY LAW INCLUDING TRANSFER OF PROPERTY ACT AND EASEMENTS ACT

Unit-1: Concept and meaning of property - kinds of property - movable and immovable property - tangible and intangible property, private and public property.

Unit-2: General Principles of transfer of property, transfer of property, what property cannot be transferred? Conditions restraining alienation, condition restraining enjoyment, vested and contingent interest, condition precedent and condition subsequent, transfer to unborn person and rule against perpetuity.

Unit-3: Doctrine of election – covenants- transfer by ostensible owner, doctrine of feeding the grant by estoppel, Doctrine of acquiescence, Doctrine of *lis pendens*, fraudulent transfer, doctrine of part- performance.

Unit-4: Sale: Definition, contract for sale, rights and liabilities of seller and buyer.

Unit-5: Mortgages: Kinds of mortgages, - when registration is necessary?, Rights of mortgagor - right to redeem, clog on redemption, partial redemption, rights and of mortgagee, right to foreclose or sale, right to sue for mortgage money, accession to mortgaged property, rights of mortgages in possession, substituted securities, liabilities of a mortgagee in possession, marshalling and contribution, subrogation - legal subrogation and conventional, "redeem up and foreclose down".

Unit -6: Lease: Definition, right and liabilities of lessor and lessee, kinds of leases. tenancy-at-will, tenancy by- holding-over, tenancy-at-sufferance.

Unit-7: Gifts: definition, essentials, onerous gift, conditional gifts, universal donee, *donatio mortis causa*.

Unit- 8: Exchange of Properties and Assignment of actionable claims.
Unit-9: Easements: Definition, nature and characteristics of easements, acquisition or creation of easements, classification or kinds of easement, termination or determination of easements, difference between easement and license.

Books Recommended:
1. Dr. R.K. Sinha, Transfer of Property, Central Law Agency
3. Krishna Menon, Law of Property
4. Sanjeev Rao, Transfer of Property
6. Grover, Transfer of Property

Paper – XIV: LABOUR AND INDUSTRIAL LAW – I

Unit-1

Historical Perspective on Labour: Labour through the ages – slave labour – guild system – division on class basis – labour during feudal days; Labour – capital conflicts: Profit motive, exploitation of labour, poor working conditions, poor bargaining power, unorganized labour, surplus labour, division of labour and super-specialisation, lack of alternative employment; From Laissez faire to Welfare State: Transition from exploitation to protection and from contract to status; 1.4 International Labour Standards and their implementation.

Unit-2: Trade Unionism: Colonial labour law and policy; Labour Movement as a counter measure to exploitation – History of trade union movement in India; Right to trade union as part of human right to freedom of association. Role of trade unions in the changing economic scenario.

Unit-3: Legal control and protection of trade unions: Indian Trade Union Act of 1926: registration, rights and liabilities of trade union, Amalgamation and dissolution of trade union; Problems: multiplicity of unions, over politicization, intra-union and inter-union Rivalry, outside leadership, closed shop and union-shop, recognition of unions. Amendments to Trade Union Act and reforms in law.

Unit-4: Collective Bargaining: Concept of collective bargaining – essential characteristics – merits and demerits – conditions for the success for collective bargaining; Bargaining process: Negotiation – Pressurization techniques: Strike and lockout, go-slow, Work to rule, Gherao; Structure of bargaining: plant, industry and national levels; 4.4. Recognition of trade union for collective bargaining;

Unit-5: Law relating to service conditions: Industrial Employment (Standing Orders) Act, 1946 - Scope and object of the Act, Model standing orders, and matters to be incorporated in standing orders (schedule to the Act) Submission of draft standing order, certification and modification of standing orders; Interpretation of standing orders and power of appropriate
Government to make rules; Concept of misconduct, disciplinary action and punishment for misconduct.

**Unit-6:** Law relating to Industrial disputes: Industrial Disputes Act, 1947 - Conceptual conundrum: industry, industrial dispute, workmen; (Sec.2’j’k’&’s’); Dispute settlement machinery: Conciliation officers, Board of Conciliation, labour court, Industrial Tribunal and National Tribunal – duties and powers; (Sec3-10); Reference for adjudication and Voluntary Arbitration (Sec.10 & 10A); Award and its binding nature and judicial review of awards. (Secs.18 & 11-A); Statutory limitations on strikes and lock-outs; unfair labour practices – prohibition and penalties. (Sec.22-31&25-T, 25U); General and special provisions relating to lay-off, retrenchment & closure (Sections 25A-25S & 25K-25R); Recommendations of Second Labour Commission on industrial disputes.

**Unit-7:** Discipline in Industry: Meaning of discipline and causes of indiscipline in industry; Doctrine of hire and fire – history of management’s prerogative; Restraints on managerial prerogatives: Fairness in disciplinary process, right to know the charge sheet and right of hearing, Domestic enquiry – notice, evidence, cross-examination, representation, unbiased inquiry officer and reasoned decision; Prenatal (permission) and Postnatal (approval) control during pendency of proceedings (Sec.33 of ID Act)

**Books Recommended:**
2. R.F. Rustomji: The Law of Industrial Disputes in India.
5. J.N. Malik: Trade Union Law.

**Paper- XV - COMPANY LAW**

**Unit-1:** Meaning of Company, essential characteristics, corporate personality and lifting the corporate veil, Forms of Corporate and non-Corporate Organisations; Corporations, partnerships and other associations of persons, state corporations, government companies, public sector private sector, their-role, functions and accountability of companies.

**Unit-2:** Incorporation, Memorandum of Association - various clauses - alteration therein - doctrine of ultra vires, Articles of Association - binding force alteration - its relations with memorandum of association - doctrine of constructive notice and indoor management exceptions, Prospectus - issue - contents - liability for misstatements - statement in lieu of prospectus, Promotors - position - duties and liabilities

**Unit-3:** Shareholders: Shares - general principles of allotment statutory restrictions - share certificate its objects and effects - transfer of shares - restrictions on transfer - procedure for transfer - refusal of transfer - role of public finance institutions - relationship between transferor
and transfers - issue of shares at premium and discount, Shareholder - who can be and who cannot be a shareholder modes of becoming a shareholder calls on shares - forfeiture and surrender of shares - lien on shares rights and liabilities of shareholder, Share capital - kinds - alteration and reduction of share capital - further issue of capital - conversion of loans and debentures into capital duties of court to protect the interests of creditors and shareholders.

**Unit-4:** Directors - position - appointment - qualifications, vacation of office - removal, resignation - powers and duties of directors - meeting, registers, loans remuneration of directors - role of nominee directors - compensation for loss of office - managing directors and other managerial personnel, Meetings - kinds procedure – voting.

**Unit-5:** Dividends, Debentures, Borrowing Powers: Dividends - payment - capitalization of bonus shares, Audit and accounts, Borrowing - powers - effects of unauthorised borrowing - charges and mortgages - loans to other companies investments - contracts by companies, Debentures - meaning- floating charge - kinds of debentures - shareholder and debenture holder - remedies of debenture holders.

**Unit-6:** Majority rule: Protection of minority rights, Prevention of oppression and miss-management, who can apply - when can he apply, powers of the court and of the Central Government.

**Unit-7:** Other Allied Aspects: Private companies - nature advantages conversion into public company foreign companies, government companies, holding and subsidiary companies, Investigations – Powers, Reconstruction and amalgamation, Defunct Companies. National company Law Tribunal, powers and functions.

**Unit-8:** Law and Multinational Companies: Collaboration agreements for technology transfer, Control and regulation of foreign companies taxation of foreign companies, share capital in such companies.

**Unit-9:** Winding Up: Winding up - types - by court - reasons - grounds - who can apply - procedure, powers of liquidator - powers of court consequences of winding up order- voluntary winding up by members and creditors winding up subject to supervision of court.

**Unit-10:** Winding up proceedings: appointment of liquidator, powers and duties of official liquidator; Liability of past members - payment of liabilities - preferential payments, unclaimed dividends - winding up of unregistered company.

**Books Recommended:**
1. Avatar Singh: Company Law, Eastern Book company, Lucknow
2. Anantha Raman, lectures on company Law, Wadhwa and Company
Paper- XVI: ADMINISTRATIVE LAW

Unit-1: Evolution, Nature and scope of Administrative Law, From a laissez faire to a social Welfare State, State as regulator of primary interest State as provider of services Other functions of modern state - relief, welfare, Evolution of administration as the fourth branch of Government Necessity for delegation of powers on administration., Evolution of agencies and procedures for settlement of dispute between individual and administration., Regulatory agencies in the United States, Conseild’ state of France, Tribunalization in England and India., Relationship between Constitutional Law and Administrative Law, Definitions of Administrative Law, Scope of Administrative Law, Emerging trends - positive duties of administration under the modern social welfare legislation and compulsions of planning.


Unit-3: Legislative Powers of Administration : Necessity for delegation of legislative power, Constitutionality of delegated legislation-powers of exclusion and inclusion and power to modify statute, Requirements for the validity of delegated legislation, Consultation of affected interests and public participation decision-making., Publication of delegated legislation, Administrative directions, circulars and policy statements, Legislative control of delegated legislation, Laying procedures and their efficacy, Committees on delegated legislation- their constitution function and effectiveness, Hearings before legislative committees, Judicial control of delegated legislation - doctrine ultra vires, sub-delegation of legislative powers.

Unit-4: Administrative Adjudicatory Process: Administrative tribunals and other adjudicating authorities their ad-hoc character - Compare administration of Justice in Courts with that of Tribunals (Ref. Robson), Nature of tribunals - constitution, procedure, rules of evidence, etc., with special reference to the following, Central Board of Customs and Excise, MRTP Commission, ESI Courts, Service Tribunals, Jurisdiction of administrative tribunal and other authorities : Distinction between quasi-judicial and administrative functions and relevance of this distinction in the light of recent decisions of the supreme court.
Unit-5: Principles of Natural Justice: The right to hearing - Essentials of hearing process, Bias (no one can be a judge in his own case) oral hearing, etc., Requirements regarding reasoned decisions, the right to counsel, institutional decisions. Exception to the rule of natural justice, violation of principles of natural justice, void or voidable. Administrative Appeals, Council of Tribunals and Inquiries in England, U.S. Regulatory Agencies and Administrative procedures Act 1946., Emerging Trends of Tribunalization in India as a relief to congestion in the courts and utilization of administrative expertise. Exceptions to the rules of natural justice, violation of principles of natural justice, void or voidable.


Unit-7: Administrative discretion and its judicial control and its judicial control,Need for administrative discretion, Administrative discretion and rule of law, Male fide exercise of discretion, Constitutional imperatives and use of discretionary authorityIrrelevant considerations, Non-exercise of discretionary power, Discretion to prosecute or to withdraw prosecution, Limiting, confining and structuring discretion-General discretion, technical discretion.


Unit-9: Corporations and Public Undertakings : , State Monopoly - Remedies against arbitrary action or for acting against public policy, Liability of public and private corporations of Departmental undertakings., Legal Remedies, Accountability - Committee on Public Undertakings, Estimates Committee, etc.


Unit-11: Right to know: Right to Information Act, 2005.

Books Recommended:
1. I.P. Massey: Administrative Law, Eastern Book Company

Paper - XVII

INTERPRETATION OF STATUTES AND PRINCIPLES OF LEGISLATION

Unit-1: Introduction: Difference Between Construction and Interpretation, Concept and Power of Interpretation, Literal Construction, Other principals of Interpretation, General Principals of interpretation: The Primary rule: Literal construction, the other main Principals of interpretation, Reading words in their context: the external aspect, Reading words in context: the statutory aspect.

Unit-2: Beneficial construction and restrictive construction, Consequences to be considered, Presumption against changes in the common Law, mens rea in statutory offences.

Unit-3: Theoretical or ideological approaches to interpretation, Judicial Restraint, Judicial activism, Juristic Restraint, Juristic activism

Unit-4: Presumptions regarding jurisdiction, Presumptions against ousting established jurisdictions, Presumptions against creating new and enlarging established jurisdictions, How far statutes affect the crown Further presumptions regarding jurisdiction, Territorial extent of British legislation, How far statutes conferring rights affect Foreigners, Presumption against violation of International Law.

Unit- 5: Construction to avoid collision with other provisions, construction most agreeable to justice and reason, Presumption against intending what is inconvenient or unreasonable, Presumption against intending injustice or absurdity, Presumption against impairing obligations, permitting advantage from ones own wrong, Retrospective operation of statutes.

Unit-6: Exceptional Construction, Modification of the Language to meet the intention, Equitable construction, Strict Construction of penal Laws, Statues encroaching on rights or imposing burdens, Construction to prevent evasion, Construction to prevent abuse of powers.

Unit-7: Intentions attributed to the legislature when it expresses none, Imperative and directory and enactments, Absolute and qualified duties, Impossibility of compliance, Waiver, Public and private remedies

Unit- 8: Rules of statutory interpretation: their judge made character, Legalism and Creativity: Mischief and Golden Rule, Rule of Construction in Fiscal and Criminal Statutes, Technicality: Rules as to necessary and implied repeal: Rule for interpretation of codifying, consolidating and
amending statute, Values and Interpretation, *countemperaneo expositto, nositur a sociis, Ejusdem Generis*. 

**Unit-9:** Constitutional interpretation, differentiation from statutory interpretation Rex Vs Burah as example, Literal interpretations, Harmonious construction, Reference to constituent assembly debates, Pith and substance, Occupied field, Residuary power, Repugnancy, Amending power Directive Principles as source of constitutional interpretation. stare decisis, the doctrine has inherited by us, Techniques of innovation (Subversion) of stare decisis, Supreme Court’s authority to over rule its own decisions

(Eg: Antulay Case), Advisory jurisdiction and its import on precedent, retrospective overruling in India, Objections to judicial review as anti-majoritarian

**Unit-10:** Principles of legislation: Principles of the civil code, principles of the penal code of punishments

**Books Recommended:**
3. Vepa P. Sarathi: Interpretation of Statutes, Eastern Book Co, Lucknow
5. Crawford: Interpretation of Statutes, Universal Publishers, Delhi
6. Chatterjee: Interpretation of Statutes.

**Paper XVIII- Seminar and Clinical Legal Education**

**SEMESTER – IV**

**Paper –XIX:  LABOUR AND INDUSTRIAL LAW – II**

**Unit-1:** Remuneration for Labour:

**Unit-2:** Law relating to wages and bonus: Theories of wages: marginal productivity, subsistence, wage fund, supply and demand, residual claimant, standard of living, Concepts of wages (minimum wage, fair wage, living wage, need-based minimum wage); Constitutional provisions; components of wages: Minimum Wages Act, 1948: Objectives and constitutional validity of the Act; procedure for fixation and revision of minimum rates of wages – exemptions and exceptions; Payment of Wages Act, 1936: Regulation of payment of wages; Authorized
Deductions, Payment of Bonus Act; Bonus - Its historical background, present position and exemptions; Payment of Bonus (Amendment) Act, 2007

Unit-3: Social security against employment injury and other contingencies: Concept and development of social security measures; Employers liability to pay compensation for employment injury; Legal protection: Workmen’s Compensation Act, 1923 - Concept of ‘accident arising out of’ and ‘in the course of the employment’; Doctrine of notional extension and doctrine of added peril; Total and partial disablement; Quantum and method of distribution of compensation. Employees State Insurance Act, 1948: Benefits provided under the Act; Employees’ State Insurance Fund and Contributions; Machinery for the implementation of the Act; ESI Court and appeal to High Court.

Unit-4: Law relating to retirement benefits: Employees Provident Fund and Miscellaneous Provisions Act, 1952; Family Pension Scheme 1971 and Employees Pension Scheme 1995; The changing rules regarding Employees Provident Fund and Pension Schemes; Payment of Gratuity Act, 1972 – Concept of Gratuity; Eligibility for payment of gratuity; Determination of gratuity; Forfeiture of gratuity.


Unit-7: Unorganised Sector: Problem of Definition and Identification; Unionization problems Historical backdrop of proposed bills on social security for unorganized sector (2004, 2005 & 2007); Unorganized Sector Workers’ Social Security Act, 2008

Unit-8: Protection of Weaker Sections of Labour: Problems of bonded labour, bidi workers, domestic workers, construction workers inter-state migrant workers; Legal protection: Bonded Labour System (Abolition) Act, 1976; Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979

Books Recommended:
1. R.F. Rustomji: The Law of Industrial Disputes in India.
Paper XX - PUBLIC INTERNATIONAL LAW

**Unit-1:** Basic Aspects of International Law: Nature and Basis of International Law, Definition of International Law, Relationship between Municipal Law and International Law, Sources of International Law (Treaties custom, general principles, recognized by civilized Nation, ICJ decisions).

**Unit-2:** State as subject of international law: Essentials of statehood- not fully sovereign states and other entities, Right and duties of states, Modes of acquisition and loss of state territory, State responsibility.

**Unit-3:** Recognition, Succession: Concept of recognition, theories, kinds and consequences of recognition, recognition


**Unit-5:** Equitable resource utilization and justification: Law of the Sea Air, Law of Outer Space, Common Heritage of Mankind.

**Unit-6:** State Jurisdiction: Basis of Jurisdiction, Sovereign Immunity, Diplomatic Privileges and Immunities.

**Unit-7:** Treaties: Making of Treaty, Reservations to treaty, Pacta sunt servanda, Modes of termination of treaty.

**Unit-8:** UNO, Principles and Purpose of UNO, Security Council (Composition, powers and functions), General Assembly (Composition, powers and functions, ECOSOC (Composition, powers and functions) Trusteeship Council, ICJ (Composition, types of jurisdiction)

**Unit-9:** International Economic Institutions: a) WTO (Organization and functions) b) IMF (Compositions, powers and functions) c) IBRD (Composition, powers & function) and d) UNCTAD.

**Books Recommended:**
1. Oppenhiem, International Law, Longman, 9th Edn
2. Ian Bronnlie, Principles of Public Internal Law Oxford University Press,
7. S.K.Varma, An Introduction to International Law, Printice Hall of India, New Delhi
9. International Law; Sir Robert Jennings and Sir Arthur Watts (ed) Longman

**Paper – XXI: PRINCIPLES OF TAXATION LAW**

**Unit-1:** Constitutional Provisions- Arts. 265 to 289 - Scope of Tax Laws: b. Tax and Fee. Capital Receipt and Revenue Receipt distinguished.

**Unit-2:** Direct Tax Laws : Income Tax Law: Historical out line, Definitions-‘Income’ ‘Agriculture Income’ Previous Year’ and Assessee’ Incidence of Tax and Residential Status. Statutory exemptions (Ss 10 to 13A) classification of Income and Heads of Income (Ss 14 to 59): b. Assessment (Ss.109 to158) Collection and Recovery of Tax (ss19A-234) Double Taxation Relief Clubbing of Incomes Ss50-66).

**Unit-3:** Income Tax Authorities, Settlement of cases (S.245). Appeals and Revisions (Ss 246-269), Penalties, offences and prosecution (Ss 270-280).

**Unit-4:** Wealth Tax Act: Definitions of Asset, Net Wealth. Valuation Date Deemed Assets, Exempted Assets.


**Unit-6:** VAT, Scope of VAT, problems and prospects in its application,

**Books Recommended:**
5. Dr. Gurish Ahuja, Systematic Approach to Income Tax, Bharat Law House Pvt. Limited, Delhi
8. Dr. GK Pillai, VAT- A Model for Indian Tax Reforms
9. Naidu’s Sales Tax Act

**Paper - XXII: INTELLECTUAL PROPERTY RIGHTS’ LITIGATION**
**Unit-1:** Introductory: The meaning of intellectual Property. The main forms of intellectual property: copy rights, marks, patents, designs. The competing rationales for protection of rights in Copyright Trade marks Patents designs Introduction to the leading international instruments concerning intellectual property rights: the Berne convention, Universal Copyright Convention, the Paris Union, the World Intellectual Property Rights Organization (WIPO) and the UNESCO; TRIPS; WIPO.

**Unit-2:** Meaning of Copyright Copyright in literacy, dramatic and musical works Copyright in Musical and Works and cinematograph films , Ownership of Copyright, Assignment of Copyright, Author’s special rights, Infringement of copyright, Fair use Provisions, Remedies.

**Unit-3:** Intellectual Property in Trademarks: The rationale of protection of trade marks as (a) an aspect of commercial and (b) of consumer rights, definition, conception of Trade Marks, Registration; Distinction Between Trade Mark and Property Mark, Geographical Indicators.

**Unit-4:** The law of intellectual property: Patents: Conception of Patent. Historical overview of the patent law in India, Patentable inventions with special reference to biotechnology products entailing creation of new forms of life, Process of obtaining a patent. Various grounds for refusing patent grant.

**Unit-5:** Rights and obligations of a patentee, limitations and patents as chose in action, Duration of Patents Law

**Unit-6:** Litigation in Copyright Law.

**Unit-7:** Litigation in Trade Mark Law

**Unit-8:** Litigation in Patents Law.

**Books Recommended:**
Unit- 1: Ownership of land - Doctrine of eminent domain - doctrine of Escheat.


Unit-3, Land Ceiling: Urban Land Ceiling and Agrarian Land Ceiling

Unit-4: Laws relating to acquisition of property and Governmental control and use of land - Land Acquisition Act of 1894.

Unit-5: Laws relating to tenancy reforms: Land to the Tiller, Rent control and protection against eviction, AP (Andhra Area) Tenancy Act, 1956.


Unit-9: Tribal Right to Land (Recent Act) and A.P. Land Revenue Code.

Books Recommended:
**Unit-1**: Securities: The concept and kinds: Government Securities, Securities issued by banks, Secured issued by corporations, Securities in mutual fund and Collective investment schemes, Depository receipts.


**Unit-3**: Securities issued by Banks: Bank notes, issue of bank notes, changing functions of banks form direct lending and borrowing to modern system, Bank draft, travelers’ cheques, credit cards, smart cards, nature of deposits, current, saving and fixed deposits, interest warrants.

**Unit-4**: Corporate Securities: Shares, Debentures, Company deposits, Control over corporate securities, a) Central government, b) National Company Law Tribunal c) SEBI guidelines on capital issues d) RBI; Protection of investor, a) Administrative regulation, b) Disclosure regulation, c) Protection by criminal sanction.: Basic features of the Securities Contracts(Regulation) Act, 1956 – recognition of stock exchange, option in securities- listing of securities, guidelines for listing of shares, debentures etc.

**Unit-5**: Basic features of the Securities and Exchange Board of India Act, 1992 – establishment of SEBI, sanctions and Powers of SEBI, powers of the Central Government under the Act, guidelines for disclosure and investors protection – SEBI Appellate Tribunal and Appeals.

**Unit-6**: Collective investment: Unit Trust of India, Venture capital, Mutual find, Control over issue and management of UTI.

**Unit-7**: Depositories: Denationalized securities, Recognition of securities, Types of depository receipts: IDR, ADR, GDR and Euro receipts, SEBI guidelines on depositories.


**Unit-9**: Foreign Exchange management in India: Concept of foreign exchange management and administration of Exchange Control.
Books Recommended:
3. Anantha Raman, Lectures on Company Law, Wadhwa and Company
4. Majumdar, Company Law, Taxman Publications.
5. Sumi Agrawal Robin, Joseph Baby, Amit Agarwal, SEBI Act
7. Taxmann’s Corporate Laws

Paper XXIV - Seminar and Clinical Legal Education

SEMESTER - V

Paper- XXV - CIVIL PROCEDURE CODE AND LIMITATION ACT


Unit-2: Suits: Concept of Law Suit, Order I, Parties to Suit, Order II, Frame of Suit, Order IV, Institution of suits, Bars & Suit: Doctrines of Sub Judice & Res Judicata, Place of Suing (Section 15, 20) - Territorial Jurisdiction., “Cause of Action” and Jurisdictional Bars, Summons (Sections 27,28,31, Orders IV,VI,IX), Service of Foreign Summons (Section 29), Power for Order (Section 30 order XI).
Unit-3: Pleadings: (Order VI), Material Facts, Forms of Pleading, Condition Precedent, Presumptions of Law, Striking Out/Amendment. Plaint: (Order VII), Particulars (esp., in money suits/suits for immovable Property), Showing of defendant’s interest and liability, Ground of Limitation, Return of Plaint, Rejection of Plaint, Production and listing of Documents, Written Statement, Counter Claim, Set off, Framing of issues; Appearance and Examination; Appearance, Ex-parte procedure, Default of Portion, Summoning and attendance of witnesses, Examination, Admissions, production, importing, return of documents, hearing, affidavit; Adjournments; Order XVII, Adjournment, Judicial Discretion& problems Arrears;

Unit-4: Judgment and decree: Concepts of judgment, Decree, and Interim Orders and stay Injunctions, Appointment of Receivers, Costs. Execution: (Order XXI), Concept of “Execution”, General Principles of Execution, Power for Execution of Decrees (Section 38-46), Procedure for Execution (Section 51-54), Enforcement: Arrest and Detention (section 55-59), Attachment (Section 60-64), Sale (Section 65-67).

Unit-5: Suits in Particular Cases: Suits by or against Government (Section 79-82), Suits by Aliens and by or Against Foreign Rulers, Ambassadors and (Section 91-93), Suits relating to public matters, Incident and supplementary proceedings (Section 75-78, 94-95), and Suits against Minors, persons with unsound mind, indigent persons etc., Inter pleader suits.

Unit-6: Appeals: Appeals from Original Decrees (Section 96-99-A) and Order XLII., Appeals from Appellate Decrees (Sections 100-101), Appeals from Orders (Sections 104-106) (Order XLII), General Provisions Relating to Appeals (Section 107-108), Appeals to the Supreme Court (Section 108).

Unit-7: Commissions: The Rationale of Commissions, Order XXVI, Socio-Legal Commissions of Inquiry in “Social Action” or “Public Interest Litigation”.


Books Recommended:
2. A.N. Saha: Code of Civil Procedure

Paper - XXVI – LAW OF CRIMES – II
(Criminal Procedure Code, Juvenile Justice Act and Probation of Offenders Act)
Unit 1: Criminal justice system: Inquisitorial and Adversary\Accusatorial; International norms regarding the basic principles of criminal justice system; Constitutional perspectives - Articles 14, 20, 21 & 22; The rationale of criminal procedure; Salient features of the Criminal Procedure Code, 1973; The organization of police, prosecution & defense and prison authorities – duties, functions and powers; Constitution of criminal courts and the significance of the segregation into judicial and executive magistrates categories under the code; Important definitions: Investigation, first information, cognizable and non cognizable offence, bailable and non bailable offences, complaint, inquiry, charge, trial, summons and warrant cases, compoundable and non compoundable offences, discharge and acquittal, appeal, revision and reference.

Unit-2: Investigation proceedings: Initiation of investigation proceedings (sec.154-157); Interrogation powers of police officer (Secs.160 & 161); evidentiary value of FIR and statements made to police officer (Sec162 of Cr.P.C. and Sec.145 &157 of Evidence Act); Arrest with and without a warrant: exercise of power and execution rules (Secs.41-60 & 70-80); Preventive powers of the Police (Sec.149-153); Rights of arrested person (Secs.50,50A,54-57,75,76,303,304 of Cr.P.C & Art.22); 2.3 Search and Seizure (Secs.51,93-103, 165,166 & 166A,166B); Proclamation and attachment (Sec.82-89) Recording of confessions and statements (sec.164); Special remand order (Secs.167); Police diary (Secs.172); Police report (Sec.173); Inquest proceedings (Secs.174-176).

Unit-3: Jurisdiction of Courts, Inquiry proceedings & Bail provisions: General principle of jurisdiction of criminal courts (Sec.177); Exceptions to the principle (sec.178-188); Initiation of Inquiry proceedings (Sec.190-194); Exceptions to the general principle of moving criminal courts (Secs.195-199); Complaint to magistrates (Secs.200-203); Inquiry proceedings before magistrates (Secs.204-209); Bail provisions (Secs.436-450)

Unit-4: Security and Maintenance proceedings: Security for keeping peace and for good behavior (Secs.106-124); 4.2 Maintenance of Public order and tranquility: Unlawful Assemblies (Secs.129-132); Public Nuisance (Secs.133-144); Disputes as to immovable property (Secs.145-148); Maintenance of wives, children and parents: Order of maintenance (Secs.125); The Muslim Women (Protection of Rights on Divorce) Act, 1986); Procedure, alteration and enforcement (Secs.127 & 128)

Unit-5: Trial Proceedings: Concept of fair trial: Presumption of innocence, right of silence & right to speedy trial; Charge: Content and form (Secs.211-217); General principle to be tried separately for every charge and its exceptions (Secs.218-224); Trial before a court of session (Secs.225-237); Trial of warrant cases before magistrates (Sec.238-250); Trial of summons cases (Sec.251-265); Summary trials (Secs.260-265); Pleas and limitations to bar trial: Principle of Autrefois acquit and autrefois convict (Secs.300 & Art20); Compounding of offences (Sec.320); Withdrawal from prosecution (Secs.321); Irregular proceedings (Secs.461,462 & 479); Limitations to take cognizance of offences
(Secs.467-473); Evidence in inquires and trials (Secs.272-283); Tender of pardon (Secs.307-309); Provisions as to Accused persons of unsound mind (Secs.328-339)

Unit-6: Judgment, Appeals, Reference, Revision and Execution: Judgment: Mode and other provisions (Secs.353-365); Confirmation of death sentence (Secs.366-371); Appeals (Secs.372-394); Reference and Revision (Secs.395-405); Transfer of criminal cases (Secs.406-412); Execution, suspension, remission and commutation of sentences (Secs.413-435).

Unit-7: Juvenile Justice System: Concept of juvenile justice; Historical perspective of juvenile justice system; Provisions relating to juvenile offenders under IPC (Secs.82&83) and Criminal Procedure Code (Secs.27&260); Juvenile Justice Act, 1986 – Distinction between juvenile offender and neglected juvenile; Constitution of Child welfare boards and juvenile courts; Observation and juvenile homes; Powers of the State Government to constitute Advisory Boards and release the juvenile from juvenile or special home; 7.3 Juvenile Justice (Amendment) Act, 2000 – major changes made to the JJ Act, 1986;

Unit-8: Probation of offenders and Parole: Concept of probation; Development of probation system in India; Probation of Offenders Act 1958: Salient features; Role of probation officers; Role of Judiciary in the implementation of the Act; Parole system: Concept and distinction with the probation system


Books Recommended:
1. R.V. Kelker, Lecturers on Criminal Procedure Code
2. S.N. Mishra, Criminal Procedure Code
3. Achutan Pillai: Criminal Law, Butterworth Co.
5. Gour K.D.: Criminal Law - Cases and material, Butterworth Co.

Paper XXVII: LAW OF EVIDENCE

Unit-2: The Doctrine of Res Gestae (Sections 6,7,8), Test identification parade(Sec.9), Evidence of Common Intention (Section 10), The problems of relevancy of “Otherwise” Irrelevant Facts (Section 11), Proof of Custom (Section 13), Facts concerning state of body and mind (Sections 14,15 & 16)

Unit-3: Admissions and Confessions:, General Principles concerning Admissions (Sections 17-23), Differences between “Admission” and “Confession”, The problems of non-admissibility of confessions caused by , “any inducement, threat or promises” (Section 24), Inadmissibility of confession made before a police officer, (Section 25), Admissibility of “Custodial” Confessions (Section 26), Admissibility of information” received from an accused person in custody; with special reference to the problem of discovery based on “joint statement” (Section 27), Confession by co-accused (Section 30), The problems with the judicial action based on a “retracted confession”

Unit-4: Statement of persons who cannot be called as witnesses: Dying declarations: The justification for reliance on dying declarations (Section 32), The judicial standards for appreciation of evidentiary value of dying declarations. Other statements by persons who cannot be called as witnesses, Sections 32(2) to (8) and 33:

Unit-5: Relevance of judgments, general Principles (Sections 40-44), Admissibility of Judgments in Civil and Criminal matters (section 43), “Fraud” and collusion” (Section 44)

Unit-6: Expert testimony: General principles (Sections 45-51), Who is on expert? Types of expert evidence, The problems with expert testimony. Evidence of character.

Unit-7: Oral evidence: general principles concerning Oral Evidence (Sections 59-60), exceptions to hearsay evidence.

Unit-8: Documentary evidence: General Principles concerning documentary evidence, primary and secondary evidence,(Ss. 61-66) Public document and private document(Sections 74-78) General Principles Regarding Exclusion of Oral by Documentary Evidence.(Sections 91-92) attested documents (Ss 67-72) Ambiguous documents (Ss93-100) presumptions regarding documents (Ss 79-90)

Unit-9: Of Witnesses: Competency and compellability of witnesses, Examination of witnesses, Competency to testify (Section 118-122),Privileges of communications: matrimonial privileges(Section 122) State Privilege (Section 123), Professional Privilege (Sections 126,127,128), Accomplice (Section 133), General Principles of Examination (Sections 135-166), Leading Questions (Sections 141-143), Lawful Questions in Cross-Examination (section 146), Hostile witness (Section154), Impeaching of the standing the credit of witnesses (Section 155), refreshing the memory (Sec. 164)

Unit-10: Burden of proof: The general conception of burden of proof (Section 101-104), General and Special Exceptions to burden of proof, Presumption as to dowry death (Sections
113-B), The Scope of the doctrine of judicial notice (Sections 56-57) Facts admitted need not be proved (Sec 58)

**Unit-11:** Estoppel: What is Estoppel? Estoppel, Res judicata and waiver; and presumption, Promissory Estoppel, (Secs. 115-117), Improper admission and of witness in civil and criminal cases. (S. 167)

**Unit-12:** Law Reform: Amendment to Indian Evidence Act by the IT Act, 2000.

**Books Recommended:**
4. V. Krishnama Chary: The Law of Evidence, S. Gogia & Company, Hyderabad

**Paper - XXVIII:**

**BANKING LAW INCLUDING NEGOTIABLE INSTRUMENTS ACT**

*(Optional Paper-II)*

**Unit-1:** Banker and customer: General relationship between banker and customer, essential features of general relationship, special relationship.

**Unit-2:** Business aspects of banking: Opening of new account, kinds of accounts; current account, savings account, deposit account, joint account, accounts of special customers. (Minor, partnership, company, trust, married women etc.)

**Unit-3:** Pass book; over-over; draft-appropriation of payments; right of set-off, combining of several accounts, receipt of valuable for safe custody, garnishee orders.

**Unit-4:** Rights of banker over securities for bank advances: Banker’s lien, pledge, guarantee, documents of title goods a) bill of lading, dock warrant, warehouse keeper certificate, delivery order, railway receipt, Bankers commercial of letters credits.

**Unit-5:** Definition of Negotiable instrument, essential features of negotiable instruments, difference between negotiability and assign ability, Promissory note-bill of exchange, cheque and other analogous instruments (Bankers draft, travelers cheque, dividend warrant).

**Unit-6:** Cheque: Kinds of Cheques, crossing of Cheques, endowments and its kinds, holder and older in due, payment in due course, marking of Cheques.
Unit-7: Liabilities of the parties to the negotiable instruments: Dishonour of Cheques, statutory protection of paying banker and collecting banker; forgeries.

Unit-8: Banking Companies Regulation Act, 1949: General and specific powers of the Reserve Bank of India and central government, restrictions and loans and advances.

Unit-9: The Reserve Bank of India Act, 1934: Functions and promotional role of the Reserve Banks of India, RBI and commercial banks.

Unit-106: Nationalisation of Banks: Effect of nationalization, achievements and drawbacks; globalization and its impact.

Unit-11: Innovations in Banking: e-Banking, off-shore banking and RBI guidelines.

Books Recommended:

1. Paget-Law of Banking
2. Sheldon-Practice and Law of Banking
3. Tannan-Law of Banking
4. Gulati- Banking Companies Act
5. Maheswari- Banking Law and Practice
6. Bashyam and Adiga-Negotiable Instruments Act

Paper - XXVIII: LAW OF INSURANCE
(Optional Paper-II)

Unit-1 Contract of Insurance: Subject matter of the insurance principles applicable - Formation of Contract.

Unit-2: Definition and meaning of the term insurance.

Unit-3: History of Insurance in England and India in brief outline.


Unit-5: Classification of Insurance - construction of Insurances policies.

Unit-6: General principle of insurance common to all branches - insurable interest -premium - risk and proximate cause-non-disclosure-representations and Warranties assignment contribution and subrogation-double insurance and over insurance-reinsurance.
Unit-7: Life Insurance: Nature and scope, definition, Kinds of life insurance, the policy formation of life insurance contract-Life insurance conditions, circumstances affecting the risk, assignment & nomination, amounts recoverable, persons entitled to payment, settlement of claims and payment of money.

Unit-8: Fire Insurance: Definition and scope of fire insurance, nature of fire insurance contract, meaning of fire, formation of contract, insurable interest, indemnity, reinstatement, causaproxima, Kinds of policies, conditions in fire policies. The and alteration, notice of abandonment, average conditions. Right after loss, amount recoverable.


Unit-10: Liability Insurance: General, defence by insurer of assured, statutory suborgation, practice, employer’s liability insurance.


Books Recommended:
1. M.N. Srinivasan: Principles of Insurance Law
2. K.S.N. Murthy, Modern Law of Insurance in India
4. Mac Gillivray, Insurance Law
5. Porter, Insurance
6. Arnold’s Marine, Insurance
7. Houseman, Life Insurance
9. Collinvaux, Insurance
MEDIA LAW INCLUDING RIGHT TO INFORMATION

(Optional Paper-III)

Unit -1: Mass Media - Types of – Press Films, Radio Television:

Unit-2: Press – Freedom of speech and Expression – Articles 19 (1) (a):

Unit-3: Films - How far included in freedom of speech and expression?:

Unit-4: Radio and Television - Government Monopoly:

Unit-5: Constitutional Restrictions
Radio and television subject to law of defamation and obscenity, Power to legislate – Article 246 read with the seventh schedule, Power to impose tax – licensing and license fee.

Unit-6. Right to Information: Development of RTI in India

Unit-7: Right to Information Act, 2005: Its implementation


Books Recommended:
9. Right to Information in India, Solu Nigam

**Paper -XXIX:**

**INTERNATIONAL HUMAN RIGHTS**

**(Optional Paper-III)**


**Unit-3:** Human Rights and Regional Arrangements: Europium Convention on Human Rights, American Convention of Human rights, African Charter of Human Rights,


**Unit-5:** Venerable Groups in International Human Rights Law: International human rights law relating to women - CEDAW, international human rights law relating to children - UN Declaration and Charter on Right of Child, Indigenous groups and UNO, Refugees and international law of human rights

**Unit-6:** International Humanitarians Law (IHL): Basic principles of IHL, Geneva conventions, Rights of POW, Rights of civilians, Woman and IHL

**Unit-7:** International Enforcement of Human Rights: International Court of Justice, International Criminal Court, Role of European Court of Justice

**Unit-8:** Indian and International Human Rights Law: Constitutional mechanism for implementation of international human rights law, protection of Human Rights Act.

**Books Recommended:**

1. Dr. H.O. Agarwal, international Law on Human Rights, Central Law Agency, Allahabad
2. U.Chandra, Human Rights

Paper XXX - Seminar and Clinical Legal Education

SEMESTER – VI

Paper-XXXI- Practical Training I:
DRAFTING, PLEADING AND CONVEYANCING

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

(a) Drafting:
General principles of drafting and relevant substantive rules shall be taught.

(b) Pleadings:

(c) Conveyancing:

Drafting and Pleadings will include 15 exercises and carries 45 marks.

Conveyancing will include 15 exercises and carries 45 marks.

These 30 exercises shall be recorded. Each student shall be served with different problems for the purpose of exercise.

These exercises shall be evaluated by a Board of Examiners consisting of one Teacher of the University College concerned, Principal/Head and Teacher concerned.

The same Board will also conduct Viva Voce on the above concepts. It carries 10 marks. The proceedings of the Viva Voce shall be recorded.

The candidate shall get a minimum 1/3 of marks allocated for each component and 40% on the aggregate in order to qualify and pass in the above paper.

Books Recommended:
(2) De Souza : Conveyancing, Eastern Law House.
(3) Tiwari : Drafting, Pleading and Conveyancing, Central Law Agency.
Paper-XXXII - Practical Training II:

PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM

(Out line of the Course: Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations)

**Unit-1:** Law and Legal profession - Development of Legal profession in India, Right to practice a right or privilege? - Constitutional guarantee under Article 19(g) and its scope.

**Unit-2:** Regulation governing enrolment and practice - Practice of Law -Whether a business?, Solicitors firm - Whether an industry , Elements if Advocacy

**Unit-3:** Ethics, Seven lamps of advocacy, Advocates duties towards Public, Clients, Court, towards other advocates and Legal Aid, Bar Council of Ethics

**Unit-4:** Disciplinary proceedings, Professional misconduct - disqualifications, Functions of Bar Council of India/State Bar Council in dealing with the Disciplinary proceedings, Disciplinary Committee, Disqualifications and removal from rolls

* 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgements of the Supreme Court on the subject to be covered.

**Unit-5:** Bar-Bench Relations.

**Unit-6:** Accountancy of Lawyers: Nature and functions of accounting, important branches of accounting.

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

**Books Recommended:**
7. The Contempt of Law and Practice
8. The Bar Council Code of Ethics
9. 50 Selected Opinions of the Disciplinary Committees of Bar Councils and 10 Major Judgments of the Supreme Court on the subject

**Paper-XXXIII, Practical Training III:**

**ALTERNATE DISPUTE RESOLUTION (ADR)**

Alternate Dispute Resolution (ADR) paper is by written examination for 60 marks and for 30 marks, a student is required to participate and learn a) Negotiation skills b) Conciliation skills c) Arbirtrational practice including international arbitralional and arbitration rules by simulation programmes and case studies to be conducted by either by a legal practioner or a senior teacher.

The third component of this paper will be Viva Voce examination on all the above two aspects. This will carry 10 marks.

**Unit-1**: Judicial dispute resolutions: Characteristics, Operating Principles, Party participation and Control, Short focus on issue, Reasoned Decision, Finality, Adversary Process, What course do and do not do effectively? Advantages and Disadvantageous of such resolution

**Unit-2**: Alternative dispute resolution: Alternative to formal adjudication - Techniques processes, Unilateral - Bilateral - Triadic (Third party) Intervention, Advantages – Limitations, Distinction between arbitration - conciliation and negotiation, Distinction between judicial settlement and alternative dispute resolution.

**Unit-3**: Self-help, avoidance and limping, Negotiation, mediation, Conciliation, Arbitration; Distinction between, Alternate models of dispute resolutions: Role of Panchayat, Role of Grama Sabhas, Lokpal, Lakayukta, Lok Adalats, Family Courts.


Unit-6: Section 89 and O-10, R-1-AB and C of CPC Conciliation, Meaning and definition conciliation agreement, appointment of conciliator, powers and function of conciliator, techniques of successful conciliation proceedings, enforceability.

Unit-7: Other Alternative modals of dispute resolution, Family Courts, Family Courts Act, 1984, family council ling techniques, Tribunals, Motor Accent Tribunals, MV Act, relevant provisions, Administrative Tribunals, Consumer Forms.

Unit-8: Legal Services Authority

Unit-9: Role of N.G.Os in dispute resolutions

Books Recommended:


Paper- XXXIV- Practical Training - IV:
MOOT COURT EXERCISE AND INTERNSHIP

This paper will have three components of 30 marks each and Viva Voce for 10 marks.
A) Moot Court - 30 Marks

Requirements:
1. Three Moot Courts in a year
2. Each 10 Marks
3. Moot Courts shall be based on assigned problems to be prepared by the faculty concerned
4. Evaluation by Principal/Head concerned an advocate and Teacher concerned
5. Out of ten marks allotted for each problem. 5 marks are to be allotted for written submissions and five for oral advocacy
   (a) Written submissions shall include brief summary of facts, issues involve provisions of Land agreements, citation, Prayer, etc.,
   (b) Marks for oral advocacy may be awarded for communication skills, presentations, language, provisions of law, authorities quoted court manners, etc.

   B) Observance of Trial in Two Cases, one civil and the criminal case - 30 marks
   Student has to attend courts to observe one civil and one criminal case minimum and record his observations step by step of different stages of litigations/proceedings in the 2/3rd year of 3-year Law Course.
   This court assignment should be evaluated by an internal Teacher and an advocate and average be taken. Court attendance shall be compulsory and attendance has recorded in a register kept therefore. This may be carried under the supervision of a Teacher of the college.

   C) Interviewing Techniques and Pre-trial Preparation and Internship Diary - 30 Marks
   Requirements:
   1. Each student has to maintain a diary to record interactions with clients, preparation of documents and court papers.
   2. The student should observe two ‘interview sessions’ with clients either in the Lawyers office or in the legal aid office. This shall be recorded in the Diary. This carries 15 marks.
   3. Each student has to observe the preparation of documents and court papers and record such observance in the diary. This carries 7 1/2 marks.
   4. Each student shall observe the procedure for filing suit/petition and record the same in the diary. This carries 7 1/2 marks.

   D) The fourth component of this paper will be Viva Voce examination on all the above three aspects. This will carry 10 marks.

   Internship: Each registered student shall have completed minimum of 12 weeks internship for Three Year Course during entire period of legal studies. The internship can be done under NGO, Trial and Appellate Advocates, Judiciary, Legal Regulatory authorities, Legislatures and Parliament, other Legal functionaries, Market Institutions, Law Firms, Companies, Local Self Government etc and such other at district level, where the concerned law college is situated. Internship in any year cannot be for a continuous period of more than Four Weeks and all students shall at least go through once in the entire academic period with Trial and Appellate Advocates. Each student shall keep internship diary and the same shall be evaluated by the Guide in Internship and also a Core Faculty member of the staff and external examiner each time
Books Recommended:

(1) Dr. Kailash Rai: Moot Court Pre-Trial Preparation and Participation in Trial Proceedings.


(3) Blackstone's: Books of Moots, Oxford University Press.

(4) Mishra: Moot Court Pre-Trial Preparation and Participation in Trial Proceedings.

(5) NRM Menon, Clinical Legal Education, Pre.Law Education Series, EBC

Paper - XXXV:

PENOLOGY AND VICTIM LOGY

(Optional Paper-IV)


Unit-2: The Police and to Criminal Justice The Police system, Structural organisation of police at the centre and the states, Mode of recruitment and training, Powers and duties of police under the police acts, Criminal Procedure Code and other laws, Arrest, search and seizure and Constitutional imperatives, Methods of police investigation, Third degree methods, Corruption in police, Relationship between police and prosecution, Liability of police for custodial violence, Police Public relations., Select aspects of National Police Commission Report.

Unit-3: Punishment of Offenders Some discarded modes of punishment, Corporal punishment: Whipping and flogging : Mutilation and Branding, Transportation Exile, Public execution, An appraisal of these modes of punishment, Punishments under the Indian Criminals Law, Capital punishment, Imprisonment, Fine, Cancellation or withdrawal of licences, etc., The prison system, Administrative organisation of prisons, Mode of recruitment and training, The Jail

Unit-4: Treatment and correction of Offenders, The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment, Classification of offenders through modern diagnostic techniques, The role of psychiatrists, psychoanalysts and social workers in the prison, Vocational and religious education and apprenticeship programmes for the offenders, Group counselling and resocialisation programmes, Prisoners organisations for self-government, Participation of inmates in community services, An appraisal of reformatory techniques, Suggested forms of treatment of offenders under the IPC (Amendment) Bill, 1972, Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.


Unit-6: Nature and Development, its expanding dimensions, typology of victims, compensation, compensation by application of Article 21 and 300A, victim and criminal justice, emerging trends and policies

Books Recommended:
1. Ahmmad s, Criminology and Penology, Central Law Agency, Alhabad
2. Iyer, Prospective in Criminology, Law and Social Change;
3. Ross, H. Lawrence (Ed.), Law and Deviance (1981);
4. Sutherland, E. and Cressy, Principles of Criminology (1978);
8. E. Sutherland, White Collar Crime (1949);

Paper - XXXV:
WOMEN AND CRIMINAL LAW
(Law relating to Violence against Women)
(Optional Paper-IV)

Unit-2: Protection under IPC: Protective provisions under IPC: Definition of rape (Sec.375); Criminal Law Amendment Act, 1983 – Incorporation of new sections 376(A-D); Landmark cases: Mathura rape case; Bandit Queen case.; Marital offences: Cohabitation by a man with a woman other than his wife (Sec.493); Bigamy (Secs.494 & 495), Mock marriages (Sec.496); Adultery (Sec.497); Enticing a married woman (Sec.498); Offences against minor girls (Secs. 366, 366A, 366B,372,373)


Unit-5: Domestic violence and the law: Different forms of domestic violence; Amendments made to IPC (304B, 406 and 498A) and Dowry Prohibition Act, 1961(1983 and 1986 Amendments) dealing with domestic violence. Legal protection: Protection of women from Domestic Violence Act, 2005 - Civil remedy; Definition of domestic violence; Role of Police officers, Protection officers and Service providers.

Unit-6: Sexual Harassment: Definition and types of Sexual harassment; IPC provisions dealing with Sexual harassment (Sec.294, 354,509); Land mark cases: VisakhaVs. State of Rajasthan; Apparel Export Promotion Council Vs. A.K. Chopra; Guidelines formulated by the SC: Formation of Complaints Committees; Preventive and Remedial measures; Legislative attempts made and reasons for failure to bring a comprehensive legislation; Sexual Harassment of women at work place (Prevention) Bill, 2003 (National Commission for Women); The Protection against sexual harassment of women at the workplace and other establishments Bill, 2005; Reforms in law.

Unit-7: Role of Statutory bodies: National Commission for Women and State Commissions for Women; constitution, powers and functions; National Commission for Women Act, 1990, Free legal aid to women,

Books Recommended
1. R.N.Choudhary, Law relating to Juvenile Justice
2. Dipanshu Chakrobarty, Atrocities on Women
3. Indira Jaisingh, Prenatal and Diagnostics Act
4. A.S.R.Myneni, Women and Law
5. Mamata Rao, Law relating to Women and Children

Paper XXXVI - Seminar and Clinical Legal Education

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