

# SEMESTER – I

## LAW OF CONTRACT - I

### INTRODUCTION:

#### The Indian Contract Act, 1872

A contract is an agreement giving rise to obligations which are enforced or recognized by law. The factor which distinguishes contractual from other legal obligations is that they are based on the agreement of the contracting parties. This proposition remains generally true, even though it is subject to a number of important qualifications.

Law of Contract in India is a species of common law of England. English principles of law of contract are almost entirely the creation of the courts, the legislature later, played a relatively small role in its development. They are, for the most part, development of last 200 years, for contract law is a child of commerce, and has grown through agricultural to industrial nation. The growth of international trade further led to the creation of international commodity, shipping, insurance, and money market, many of which were centered in Europe. All of these commercial developments depend and still do depend for their successful operation upon contract.

The law of contracts touches equally upon the lives of ordinary persons and the activities of small and big business. This branch of law deals with law relating to promises, their formation, performance and enforceability. Apart from the General Principles of Contract contained in the Indian Contract Act, 1872, it further scattered over several legislations. There are special legislations dealing with particular contractual relationships, e.g. The Sale of Goods Act, 1930, The Partnership Act, 1932, Negotiable Instruments Act, 1889, the Marine Insurance Act, 1963, the Life Insurance Corporation Act, 1956, the Motor Vehicle Act, 1988, the Transfer of Property Act, 1882 etc.

### LEARNING OBJECTIVES

#### (Knowledge, Skills and Outcomes)

The overall objective of this course is to enable learners to; demonstrate knowledge and understanding of the wide range of legal concepts, customs, principles, rules and procedures surrounding the Law of Contract and Specific Relief.

#### A. Lectures:

Lecture outlines, principally in the form of PowerPoint slides, and relevant study/reading material will be made available in the Library. Law of Contracts learners must attend regular classes keeping in view the two norms. (a) Everybody

must carry their personal copy of the Bare Act(s). (b) Everybody is supposed to come with a reading of the judgments of the cases mentioned in the list of selected cases. As per Mahatma Gandhi University Regulations, please note, “Students are expected to attend minimum 75% of all scheduled sessions and other forms of instruction as defined by the programme of study.” The student will not be eligible to appear for the examination if he / she fail to put in the required attendance.

### B. Scheme and Structure:

| Sr. No. | Topic  |
|---------|--|
| 1       | <p>The Indian Contract Act, 1872</p> <p>1.1 Brief History of the Indian Contract Act, 1872</p> <p>1.2 Basic Concepts under the Act-Sec. 2</p> <p>1.3 Provisions relating to essentials of valid proposal, acceptance, Communication and revocation of offers and acceptances</p> <p>1.4 E- Contracts</p> <p>1.5 Consideration Ss.2 d, 25,23</p> <p>1.6 Privity of contract and exceptions to the rule</p> <p>1.7 Kinds of agreements</p> <p>1.8 Essentials of contract -Section 10</p> <p>1.9 Competence of parties and consequences of agreements entered into by a minor</p> <p>1.10 Free consent – coercion, undue influence, fraud, misrepresentation, mistake fact and law.</p> <p>1.11 Unlawful consideration</p> <p>1.12 Void agreement – agreements in restraint of marriage, trade, legal proceedings, uncertain agreements, frustration of contracts.</p> <p>1.13 Contingent contracts</p> <p>1.14 Performance of Contract – Offer/Tender of performance and essentials of a valid tender, by whom contracts should be performed, time and place of performance, Contracts which need not be performed, anticipatory breach of contract, Clayton’s rule</p> <p>1.15 Discharge of contracts</p> <p>1.16 Quasi Contracts or certain relations resembling those created by contract</p> <p>1.17 Breach of contracts and effects of breach</p> <p>1.18 Liquidated damages and penalty</p> <p>1.19 Standard forms of Contract</p> |
| 2.      | <p><b>The Specific Relief Act, 1963</b></p> <p>2.1 Specific performance of contracts – Relevant Sections 9, 10, 14, 15, 16, 20, 21, 22, 23 and 24</p> <p>2.2 Rectification of instruments: Relevant Sections 26 and 27</p> <p>2.3 Injunctions –Relevant Sections 36, 37, 38, 39 and 40</p>   |

Skill developing exercise – Drafting a contract  
List of Cases

### C. Lecture Outline:

| Week Lecture          | Topics   |
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| <p><b>Week 01</b></p> | <p><b>Teaching Plan:</b> Discussion and Deliberation</p> <p><b>Lecture 1</b><br/><b>Topic 1. Introduction to Law of Contract</b><br/>Syllabus Preview, Underlying principles and philosophy of Law of Contract.</p> <p><b>Lecture 2</b><br/><b>Topic 2. Brief History of the Indian Contract Act</b></p> <p><b>Lecture 3</b><br/><b>Topic 3: Basic concepts under the Indian Contract Act.</b></p> <p><b>Lecture 4:</b><br/>Definition of contract, Agreement.- Section-2 (b), What agreements are contracts.-Section-10</p> |
| <p><b>Week 02</b></p> | <p><b>Topic 4. Provisions relating to essentials of valid proposal, acceptance, communication and revocation</b></p> <p><b>Lecture 5 and 6:</b> Proposal or Offer Section 2, Section 3 and Section 9.</p> <p><b>Lecture 7:</b> Communication when complete. Section – 4, Intention to contract,</p> <p><b>Lecture 8:</b> General Offers. (Section 8)</p>   |
| <p><b>Week 03</b></p> | <p><b>Topic 4. Provisions relating to essentials of valid proposal, acceptance, communication and revocation</b></p> <p><b>Lecture-9:</b><br/>Acceptance, Communication of Acceptance Section 3 and 4.</p> <p><b>Lecture 10:</b></p>   |

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|                | <p>Acceptance by Conduct Section 8 and 9.</p> <p><b>Lecture 11 and 12:</b><br/>Absolute and Unqualified Communication.</p>  |
| <b>Week 04</b> | <p><b>Lecture-13:</b> Revocation, Lapse of offer, Sections 6,4,5.</p> <p><b>Lecture-14:</b> Standard form of contracts.<br/>General Rule, Protective Devices.</p> <p><b>Topic 5: Consideration:</b><br/><b>Lecture 15:</b> Section 2(d), 25, 23, promissory estoppel, privity of consideration, past consideration, Present consideration, Executor consideration, Adequacy of consideration.</p> <p><b>Topic 6-standard form of contract</b><br/><b>Topic 7: Performance of existing duties.</b><br/><b>Lecture 16:</b> Exceptions to consideration. Section 25.</p> |
| <b>Week 05</b> | <p><b>Topic 8: Privity of Contract</b><br/><b>Lecture-17:</b> General rules and exceptions to the rule of privity.<br/><b>Lecture 18: Topic 9: Capacity to contract</b> Section 11:<br/>Minor, Effect of minor's agreement, Beneficial Contracts.<br/>Ratification. supplied<br/>section25(b)-<br/>necessaries<br/>supplied<br/>Section – 68, of unsound mind (English law,<br/>Person's<br/>Position in India. Section – 12)<br/><b>Lecture-19:</b> Free Consent.<br/><b>Lecture 20:</b> Coercion Section 15.</p>  |
| <b>Week 06</b> | <p><b>Lecture-21:</b> Undue influence Section 16.<br/><b>Lecture 22:</b> Misrepresentation Section 18<br/><b>Lecture 23:</b> Fraud Section 17<br/><b>Lecture 24:</b> Recession Section 19 A.<br/><b>Lecture 25:</b> Comparative analysis.</p>   |
| <b>Week 07</b> | <p><b>Lecture-26:</b> Mistake.<br/><b>Topic 11: Unlawful agreement.</b><br/><b>Lecture 27:</b> Unlawful agreement-lawful object, sec. 23<br/><b>Lecture 28:</b> Continued Unlawful agreement.<br/><b>Lecture 29:</b> Injurious to persons/ property.<br/><b>Lecture 30:</b> Practical examples and identification of such contracts.</p>  |
| <b>Week 08</b> | <p><b>Topic 12: Void Agreements.</b><br/><b>Lecture-31:</b> Agreement in restraint of legal proceeding./ Wagering.<br/>Section 30 and 294-A IPC.</p>  |

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|                | <p><b>Lecture-32:</b>Contingent Contracts: Section 31-36</p> <p><b>Lecture 33:</b> Events linked with human conduct- Section 34. Void on contingent.</p> <p><b>Lecture 34:</b> Contingent on impossible events. Section 36.</p> <p><b>Topic 14: Performance of Contracts:</b></p> <p><b>Lecture 35:</b> General Rule Section 37, Offer of performance, Section 38, By whom performance of contracts must be performed.</p>  |
| <b>Week 09</b> | <p><b>Lecture-36:</b> Performance of reciprocal promises. Section 51-54, Promises comprising illegal and legal parts. Section 57 and 58. Time for performance section 46-50.</p> <p><b>Lecture-37:</b> Impossibility of performance/ Doctrine of frustration Section 56</p> <p><b>Lecture-38:</b> Effect of frustration. Theories of frustration.</p> <p><b>Lecture-39:</b> Appropriation of payments. Section 59-61. Assignment of contracts. Section 37-Clayton's Rule.</p> <p><b>Topic 15: Discharge of Contracts:</b></p> <p><b>Lecture-40:</b> Contracts which need not be performed. Section 62 and 67.</p> |
| <b>Week 10</b> | <p><b>Lecture-41:</b> Remission of performance. Accord and Satisfaction. Section 62-63.</p> <p><b>Topic 16: Quasi Contracts.</b></p> <p><b>Lecture 42:</b> Quasi Contracts Section 69.</p> <p><b>Lecture 43:</b> Liability for payment of non-gratuitous acts Section 70</p> <p><b>Lecture 44:</b> Finder of goods Section 71</p> <p><b>Lecture 45:</b> Quantum Meriut.</p>   |
| <b>Week 11</b> | <p><b>Topic 17: Breach of Contract and Effect of Breach.</b></p> <p><b>Lecture 46:</b> Anticipatory Breach Section 39.</p> <p><b>Lecture 47:</b> Remoteness and Measure of damage.</p> <p><b>Lecture 48:</b> Liquidated damages and penalty section 74</p> <p><b>Lecture 49:</b> English Law and Indian Law Section 74. Jurisdiction Section 75.</p> <p><b>Topic 19: E Contracts</b></p> <p><b>Lecture 50:</b> Essentials, Shrink Wrap/ Click Wrap.</p>   |
| <b>Week 12</b> | <p><b>Lecture-51:</b> Email purchase agreement, domain purchase agreement.</p> <p><b>Lecture 52:</b> Online share trading agreement. Online shopping agreement.</p> <p><b>Lecture 53:</b> Introduction to Specific Relief Act.</p> <p><b>Lecture 54:</b> Brief History.</p> <p><b>Lecture 55:</b> Defences Section 9.</p>   |

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| <b>Week 13</b> | <p><b>Lecture-56:</b> Specific performance of contracts enforceable under section 10.</p> <p><b>Lecture-57:</b> Contract not enforceable under section 14.</p> <p><b>Lecture-58:</b> Who may obtain specific performance, personal bars to relief s. 22. Liquidation of damages S. 23. Bar of suit s. 24.</p> <p><b>Lecture 59:</b> Rectification of instruments s. 26.</p> <p><b>Lecture 60:</b> When rescission may be adjudged or refused section 27.</p> |
| <b>Week 14</b> | <p><b>Lecture-61 and 62:</b> Injunctions s. 36 and 37.</p> <p><b>Lecture-63:</b> Perpetual injunction section 38</p> <p><b>Lecture-64:</b> Mandatory injunction s.39.</p> <p><b>Lecture-65:</b> Damages section 40.</p>  |
| <b>Week 15</b> | <p><b>Lecture-66:</b> Injunctions (practice).</p> <p><b>Lecture-67:</b> Lecture-68 - Revision</p> <p><b>Lecture-69:</b> Revision</p> <p><b>Lecture-70:</b> Revision</p>  |
| <b>Week 16</b> | <p><b>Lecture 71:</b> Workshop on contract drafting.</p> <p><b>Lecture 72:</b> Workshop on contract negotiations</p> <p><b>Lecture 73:</b> Workshop on vetting of contracts</p> <p><b>Lecture 74:</b> Group activity on contract drafting</p> <p><b>Lecture 75:</b> Group Activity on contract drafting.</p>   |

## READING AND MATERIALS

### Textbook

#### Law of Contract -Suggested Readings:

1. Treitel, The Law of Contract 12th Ed. 2007 Edwin Peel, Sweet & Maxwell
2. Pollock & Mulla: *Mulla Indian Contract And Specific Relief Acts (Vol 1 & 2)*, LexisNexis Butterworth Wadhwa, Nagpur (2011)
3. Arthur Linton Corbin, Joseph M. Perillo, Corbin on Contracts, Lexis-Nexis Butterworth Publisher
4. Beatson J., *Anson's Law of Contract, 28th Edition*, Oxford University Press (2002)
5. M.P.Furmston, Cheshire, Fifoot and Furmston's Law of Contract (15th ed., 2007)
6. Singh, Avtar, *Law of Contract*, Eastern Book Company, Lucknow (2009)
7. Pollock & Mulla: *Mulla Indian Contract And Specific Relief Acts (Vol 1 & 2)*, Anirudh Wadhwa, 13th Edition, LexisNexis Butterworth Wadhwa, Nagpur (2011)
8. Iyer T. S. Venkatesa, Law of Contracts and Tenders, S. Gogia & Co. (2010)

9. H.K. Saharay, Dutt on Contract – The Indian Contract Act, 1872 (10th ed., 2010)
10. Soni, Ashok, Universal's Digest of Cases on Law of Contract, Universal Law Publishing Co. Pvt. Ltd.
11. Burrows, Andrew, A Casebook on Contract, Hart Publishing, Oxford and Portland, Oregon, 2007.

### Specific Relief Act - Suggested Readings:

1. Sarkar on Specific Relief Act, Lexis-Nexis Butterworth Publisher, Ed.2007
2. Pollock and Mulla: Mulla Indian Contract And Specific Relief Acts (Vol. 1 and 2)
3. Commentary on The Specific Relief Act, 1963, 11th Edn., Single Vol. R/P by Anand, Iyer, Pub.: Delhi Law House
4. Law Relating to Specific Relief Act, by K. Mani
5. Research project is aimed at improving the writing, research, and communication and presentation skills to make students learning academically more challenging and rigorous than standard lecture and test format courses.
6. It also aims at promoting scholarship in this significant field of law, which has gained much momentum in practice but often lacks solid theoretical underpinnings due to lack or inadequacy of statutory provisions. It further aims to enhance learning capability by research amongst the learners, create a forum for enhancing a greater dialogue between the scholarly community, policymakers and practitioners.

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### Online site

For supplementary reading, you could, for instance, begin by consulting the relevant sections of the alternative texts placed on loan in the law library. Thereafter you could engage in your own research, with particular reference to journals on online databases including **SCC Online**.

## Family Law-1(Hindu Law)

Total Teaching Hours for Semester:90

No of Lecture Hours per Week:6

Max Marks:100

### Unit-I :

Sources of Hindu Law – Scope and application of Hindu Law – Schools of Hindu Law - Mitakshara and Dayabhaga Schools – Concept of Joint Family, Coparcenary, Joint Family Property and Coparcenary Property – Institution of Karta- Powers and Functions of Karta - Pious Obligation - Partition – Debts and alienation of property

Teaching Hours: 10

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| <b>Key Indicators</b> | <ol style="list-style-type: none"><li>1. Sources of Hindu Law</li><li>2. Scope and application of Hindu Law</li><li>3. Schools of Hindu Law</li><li>4. Mitakshara and Dayabhaga Schools</li><li>5. Concept of Joint Family and Coparcenary, Joint Family Property and Coparcenary Property</li><li>6. Institution of Karta</li><li>7. Powers and Functions of Karta</li><li>8. Pious Obligation</li><li>9. Partition – Debts and alienation of property</li></ol> <p><b>Method of Teaching :</b><br/>Lecture, Power point presentation, quiz. Group discussions', Student Presentation regarding the certain topics.</p> |
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### Unit-II :

Marriage - Definition - Importance of institution of marriage under Hindu Law – Conditions of Hindu Marriage – Ceremonies and Registration – Monogamy – Polygamy.

Teaching Hours: 10

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| <b>Key Indicators</b> | <ol style="list-style-type: none"> <li>1. Definition of Marriage –</li> <li>2. Importance of institution of marriage under Hindu Law</li> <li>3. Conditions of Hindu Marriage –</li> <li>4. Ceremonies and Registration of marriage under Hindu Law</li> <li>5. Concept of Monogamy and Polygamy.</li> </ol> <p><b>Method of Teaching :</b><br/>Lecture, Power point presentation , Group discussions’, Case law- Presentations</p> |
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### Unit-III:

Matrimonial Remedies under the Hindu Marriage Act, 1955 - Restitution of Conjugal Rights – Nullity of marriage – Judicial separation – Divorce – Maintenance pendente lite – importance of conciliation..

**Teaching Hours: 10**

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| <b>Key Indicators</b> | <ol style="list-style-type: none"> <li>1. Matrimonial Remedies under the Hindu Marriage Act, 1955</li> <li>2. Restitution of Conjugal Rights</li> <li>3. Nullity of marriage</li> <li>4. Judicial separation</li> <li>5. Divorce</li> <li>6. Maintenance pendente lite</li> <li>7. Importance of conciliation.</li> </ol> <p><b>Method of Teaching :</b><br/>Lecture, power point presentations, debts. Case laws- presentations, Group discussions’.</p> |
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### Unit-IV:

Concept of Adoption - Law of Maintenance - Law of Guardianship - Hindu Adoption and Maintenance Act, 1956 – Hindu Minority and Guardianship Act 1956.

**Teaching Hours: 15**

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| <b>Key Indicators</b> | <ol style="list-style-type: none"> <li>1. Concept of Adoption and Maintenance</li> <li>2. Law of Maintenance</li> <li>3. Law of Guardianship</li> </ol> |
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|  | <p>4. Hindu Adoption and Maintenance Act, 1956 Hindu Minority and Guardianship Act 1956.</p> <p><b>Method of Teaching :</b><br/>Lecture, power point presentations, Case laws presentations, Group discussions, Live examples- Explanation.</p> |
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### Unit-V :

Succession – Intestate succession – Succession to the property of Hindu Male and Female; Dwelling House – Hindu Succession Act, 1956 as amended by the Hindu Succession (Andhra Pradesh Amendment) Act, 1986 & the Hindu Succession (Amendment) Act, 2005 – Notional Partition – Classes of heirs – Enlargement of limited estate of women into their absolute estate.

**Teaching Hours: 20**

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| <p><b>Key Indicators</b></p> | <ol style="list-style-type: none"> <li>1. Succession</li> <li>2. Intestate succession</li> <li>3. Succession to the property of Hindu Male and Female;</li> <li>4. Dwelling House under Hindu Succession Act, 1956 as amended by the Hindu Succession (Andhra Pradesh Amendment) Act, 1986 &amp; the Hindu Succession (Amendment) Act, 2005</li> <li>5. Notional Partition</li> <li>6. Classes of heirs</li> <li>7. Enlargement of limited estate of women into their absolute estate.</li> </ol> <p><b>Method of Teaching :</b><br/>Lecture, Case laws presentations, Live Examples - Explanation, Project Works, Workshops.</p> |
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### Suggested Readings:

1. Paras Diwan : Modern Hindu Law, 13th Edition 2000, Allahabad Agency, Delhi.
2. Paras Diwan : Family Law, 1994 Edition, Allahabad Agency, Delhi.
3. Mayne: Hindu Law - Customs and Usages , Bharat Law House, New Delhi.
4. Sharaf: Law of Marriage and Divorce , 1999.
5. Diwan, Paras (Dr). Law of Marriage & Divorce, 5th Ed. Delhi: Universal Law Publishing Co, 2008.
6. Diwan, Paras (Dr). Law of Intestate and Testamentary Succession. 3rd ed. New Delhi: Universal Law Publishing, 2006.
7. Mulla. Hindu Law, 20th ed. New Delhi: LexisNexis Butterworths, 2007.
8. Kusum. Cases and Materials on Family Law. New Delhi: Universal Law Publishing Co., 2007.
9. Chmpappilly, Sebastian (Dr). Marriage, Adoption and Guardianship and Canon Law on Marriage, Cochin: Southern Law Publishers.
10. Bakshi P. M. Law of Succession, 6th Edition, 1997.
11. Paruck. The Indian Succession Act, 9th ed. New Delhi: LexisNexis Butterworths, 1995.

## CONSTITUTIONAL LAW-I

**Total Teaching Hours for Semester: 85**

**Max Marks: 100**

### Course Objectives/Course Description:

This paper is designed with a view to educate the pupil about the History of the Constitution ,Constitutional Assembly debates, The Constitutional rights, duties and policies of the government underlining the relevant legislations which are having wider ramification on the interpretation of the provisions of the Constitution.

#### Unit -1

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Constitution-Meaning and Significance - Evolution of Modern Constitutions - Classification of Constitutions-Indian Constitution - Historical Perspectives - Government of India Act, 1919 - Government of India Act, 1935 -Drafting of Indian Constitution - Role of Drafting Committee of the Constituent Assembly.

**Teaching Hours: 20**

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| <p><b>Key Indicators</b></p> | <p>1.1 Introduction to the Indian Constitution.</p> <p>1.2 Meaning and Significance.</p> <p>1.3 Evolution of Modern Constitution.</p> <p>1.4 History of Indian Constitution.</p> <p>1.5 Government of India Act, 1919 &amp; 1935.</p> <p>1.6 Drafting of Indian Constitution.</p> <p>1.7 Role of Drafting Committee of the Constituent Assembly.</p> <p><b>Method of Teaching :</b></p> <p>Lecture, Constituent Assembly Video visuals, Power point presentation, quiz. Group discussions', Student Presentation regarding the concerned topics.</p> |
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## Unit-II:

Nature and Salient Features of Indian Constitution - Preamble to Indian Constitution - Union and its Territories-Citizenship – General Principles relating to Fundamental Rights(Art.13) - Definition of State.

**Teaching Hours: 15**

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| <p><b>Key Indicators</b></p> | <p>2.1 Nature and Salient Features of Indian Constitution.</p> <p>2.2 Preamble and its significance.</p> <p>2.3 Preamble of the Constitution and its implication with reference to Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties.</p> <p>2.3 Basic principles relating to the Citizenship Rights.</p> <p>2.4 Evolution of Fundamental Rights- Concepts of Fundamental Rights- Importance of Fundamental Rights, Limitations of FR. Natural rights and Human Rights</p> <p>2.5 "State" and its Importance - Article 12&amp;13</p> <p>2.6 Doctrine of Waiver, Doctrine of Severability, Doctrine of Eclipse,</p> |
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|  | <p>scope of definition of law under Art.13.</p> <p><b>Method of Teaching :</b><br/>Lecture, Power point presentation , Group discussions', Case law Presentations</p> |
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### Unit-III:

Right to Equality(Art.14-18) – Freedoms and Restrictions under Art.19 - Protection against Ex-post facto law - Guarantee against Double Jeopardy - Privilege against Self incrimination - Right to Life and Personal Liberty - Right to Education – Protection against Arrest and Preventive Detention.

**Teaching Hours: 15**

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| <b>Key Indicators</b> | <p>3.1 Right to Equality Art. 14-18</p> <p>3.2 Relationship between Art 14, 15, 16, 17, And 18.</p> <p>3.2 Right to equality Art.14- Doctrine of Classification, Doctrine of Arbitrariness, Doctrine of Legitimate Expectation, Wends bury Principle, etc</p> <p>3.3 Protection against Ex-post facto law – Guarantee against Double Jeopardy</p> <p>3.4 Right to Freedom Art 19-22 and its Restrictions under Art.19.</p> <p>3.4 Art-21 Protection of life and personal liberty; Right to Education Art 21(A); safeguards against ordinary arrest and preventive detention; Right against Exploitation (Art 23&amp;24).</p> <p><b>Method of Teaching :</b><br/>Lecture, power point presentations, debates, Case laws presentations, Group discussions' Live examples - explanation. Recent updates with relating to the Subject. quiz. etc.</p> |
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### Unit-IV:

Rights against Exploitation - Right to Freedom of Religion - Cultural and Educational Rights - Right to Constitutional Remedies - Limitations on Fundamental Rights(Art.31-A,B and C)

Teaching Hours:15

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| <p><b>Key Indicators</b></p> | <p>4.1 Ambit of Religious Freedom Art-25-28, Cultural and Educational rights Art 29- 31.</p> <p>4.2 Right to Constitutional remedies Art 32- 35;</p> <p>4.3 Limitations on Fundamental Rights(Art.31-A, B and C) Saving of Certain Laws.</p> <p><b>Method of Teaching :</b><br/>Lecture, power point presentations, Case laws presentations, Group discussions' Live examples Explanation.</p> |
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**Unit-V:**

Directive Principles of State Policy – Significance – Nature – Classification - Application and Judicial Interpretation - Relationship between Fundamental Rights and Directive Principles - Fundamental Duties –Significance - Judicial Interpretation.

Teaching Hours: 16

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| <p><b>Key Indicators</b></p> | <p>5.1 Relative importance of Directive Principles of State Policy (DPSP) and Fundamental Rights.</p> <p>5.2 Nature, significance ,classification And Justifiability of Directive Principles of State Policy.</p> <p>5.3 Social security and welfare provisions under Directive Principles of State Policy; economic rights</p> <p>5.4 Judicial Interpretation on DPSP.</p> <p>5.5 Directive Principles of State Policy that were read into Fundamental Rights</p> <p>5.6 Fundamental Duties – Evolution, relationship between Fundamental Rights and Duties</p> <p><b>Method of Teaching :</b><br/>PPT presentations, Case laws presentations, Live examples explanation, Video visuals. Project Works, Workshops.</p> |
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### List of Important Case Laws:

- Kesavanada Bharati vs. State of Kerala , AIR 1973 SC 1461. (1973) 4 SCC 225.
- Ajay Hasia vs. Khalid Mujib Sehravardi AIR 1981 SC 487.
- Aruna Roy vs. Union of India, AIR 2002 SC 3176.
- Ashoka Kumar Thakur vs. Union of India (2008) 6 SCC 1.
- D.S Nakara vs. Union of India, AIR 1983 SC 130, (1983) 1 SCC 305.
- In Re Berubari Union, AIR 1960 SC 845.
- Indira Sawhney vs. Union of India, AIR 2000 SC 498.
- Indra Sawhney vs. Union of India, AIR 1993 SC 477.
- Kharak Singh vs. State of UP , AIR 1963 SC 1295.Unni Krishnan Case
- Kuldip Nayar vs. Union of India AIR 2006 Sc 3127.
- Maneka Gandhi vs. Union of India AIR 1978 SC 597.
- Ministry of Information and Broadcasting vs. Cricket Association of Bengal AIR 1995 SC 1236.
- Mullaperiyar Environmental Protection Forum vs. Union of India AIR 2006 SC1428.
- Olga Tellis vs. Bombay Municipal Corporation, AIR 1986 SC 180
- People,s Union of Civil Liberties vs. Union of India, AIR 1997 SC 568.
- Pradeep Kumar Biswas vs. Indian Institute of Chemical Biology , (2002) 5 SCC 111.
- Ramana Dayaram Shetty vs. International Airport Authority of India, AIR 1979 SC 1628.
- Randhir Singh vs. Union of India, AIR 1982 SC 879.
- Rao Shiv Bahadur Singh vs. State of Vindhya Pradesh AIR 1953 SC 394.
- S. Rangarajan vs. P Jagjevan Ram (1989)2 SCC 574.
- S.R Bommai vs. Union of India, AIR 1994 SC 1918.
- Vishaka vs. State of Rajasthan, AIR 1997 SC 3011.
- Aruna Ramchandra Shanbaug vs Union of India & Ors on 7 March, 2011.
- I.R.Coelho V. State of Tamil Nadu AIR 2007 SC 861

### Suggested Readings:

1. M.P.Jain, Indian Constitutional Law, Wadhwa & Co, Nagpur
2. V.N.Shukla, Constitution of India, Eastern Book Company, Lucknow
3. Granville Austin, Indian Constitution-Cornerstone of a Nation, OUP, New Delhi
4. H.M.Seervai, Constitutional Law of India (in 3 Volumes), N.M.Tripathi, Bombay
5. G.C.V.Subba Rao, Indian Constitutional Law, S.Gogia & Co., Hyderabad

6. B.Shiva Rao: Framing of India's Constitution (in 5 Volumes), Indian Institute of Public Administration, New Delhi
7. J.N.Pandey, Constitutional Law of India, Central Law Agency, Allahabad
8. Pylee M.V, Our Constitution, government & politics
9. M. Hidayatullah (Ed.), Constitution of India.
10. Making of India's Constitution, Eastern Book Co

## LAW OF TORTS INCLUDING MOTOR VEHICLE ACCIDENTS AND CONSUMER PROTECTION LAWS

| Topic No | Topic Name  | No of Periods |
|----------|---|---------------|
| 1        | Nature of Law of Torts  | 1             |
| 1.1      | Definition of Tort  | 2             |
| 1.2      | Elements of Tort  | 3             |
| 1.3      | Development of Law of Torts in England and India  | 1             |
| 1.4      | Wrongful Act and Legal Damage   | 1             |
| 1.5      | Damnum Sine Injuria and Injuria Sine Damnum   | 2             |
| 1.6      | Tort distinguished from Crime and Breach of Contract  | 1             |
| 1.7      | General Principles of Liability in Torts  | 2             |
| 1.8      | Fault   | 1             |
| 1.9      | Wrongful intent - Malice  | 1             |
| 1.10     | Negligence  | 1             |
| 1.11     | Liability without fault   | 1             |
|          | <ul style="list-style-type: none"> <li>• Assignment on relevancy of law of torts in India.</li> <li>• Case study on Sec.9 of C.P.C and its relevancy with torts.</li> <li>• Whether fault is relevant under tort law while fixing liability.</li> </ul> |               |
| 1.12     | Statutory liability   | 1             |

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|------|---|---|
| 1.13 | Parties to proceedings  | 1 |
| 2.0  | General Defences to an action in Torts  | 3 |
| 2.1  | Vicarious Liability   | 2 |
| 2.2  | Liability of the State for Torts  | 2 |
| 2.3  | <ul style="list-style-type: none"> <li>Defence of Sovereign Immunity</li> </ul>   | 2 |
| 2.4  | Joint Liability   | 2 |
| 2.5  | Liability of Joint Tortfeasors  | 1 |
| 2.6  | Rule of Strict Liability (Ryland's V Fletcher)  | 1 |
| 2.7  | Rule of Absolute Liability (MC Mehta vs. Union of India)  | 2 |
| 2.8  | Occupiers liability   | 1 |
| 2.9  | Extinction of liability   | 1 |
|      | <ul style="list-style-type: none"> <li>Assignment on defences available in India.</li> <li>Case study on State's liability for torts in India.</li> <li>Impact of Absolute liability principle in India.</li> </ul> |   |
| 2.10 | Waiver and Acquiescence   | 1 |
| 2.11 | Release   | 1 |
| 2.12 | Accord and Satisfaction   | 1 |
| 2.13 | Death   | 1 |
| 3.0  | Specific Torts  | 1 |
| 3.1  | Torts affecting the person  | 1 |

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|------|---|---|
| 3.2  | Assault   | 1 |
| 3.3  | Battery   | 1 |
| 3.4  | False Imprisonment  | 1 |
| 3.5  | Malicious Prosecution   | 3 |
| 3.6  | Nervous Shock   | 1 |
| 3.7  | Torts affecting Immovable Property  | 1 |
| 3.8  | Trespass to land  | 1 |
| 3.9  | Nuisance  | 1 |
| 3.10 | Public Nuisance and Private Nuisance  | 1 |
| 3.11 | Torts relating to movable property  | 1 |
|      | <ul style="list-style-type: none"> <li>• Assignment as to wrongs against person under civil law and criminal law.</li> <li>• Case study on "nervous shock". Case study as to public and private nuisance.</li> <li>• Internship with Motor Vehicle Tribunal.</li> </ul> |   |
| 3.12 | Liability arising out of accidents (Relevant provisions of the Motor Vehicles Act).   | 3 |
| 4    | Defamation  | 2 |
| 4.1  | Negligence  | 1 |
| 4.2  | Torts against Business Relations  | 1 |
| 4.3  | Injurious falsehood   | 1 |
| 4.4  | Negligent Misstatement  | 1 |
| 4.5  | Passing off   | 1 |

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| 4.6    | Conspiracy   | 1  |
| 4.7    | Torts affecting family relations   | 1  |
| 4.8    | Remedies   | 1  |
| 4.9    | Judicial and Extra-judicial Remedies   | 3  |
|        | <ul style="list-style-type: none"> <li>• Assignment as to distinction between Civil law and Criminal law as to Defamation.</li> <li>• Assignment on law relating to Parents.</li> <li>• Assignment on " Passing off" with reference to IPR.</li> <li>• Case studies on assessment of damages.</li> </ul> |    |
| 4.10   | Damages  | 3  |
| 4.11   | Kinds of Damages   | 1  |
| 4.12   | Assessment of Damages  | 1  |
| 4.13   | Remoteness of damage   | 1  |
| • 4.14 | Injunctions  | 1  |
| 4.15   | Death in relation to tort  | 2  |
| 4.16   | Action personalize moritur cum persona   | 1  |
| 5      | Consumer Laws  | 26 |
| 5.1    | Common Law and the Consumer  | 2  |
| 5.2    | Duty to take care and liability for negligence   | 2  |
| 5.3    | Product Liability  | 1  |
| 5.4    | Consumerism  | 1  |

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| 5.5  | Consumer Protection Act, 1986   | 20 |
| 5.6  | Salient features of the Act   | 2  |
| 5.7  | Definition of Consumer  | 1  |
| 5.8  | Rights of Consumers   | 1  |
| 5.9  | Defects in goods and deficiency in services   | 6  |
| 5.10 | Unfair trade practices  | 1  |
|      | <ul style="list-style-type: none"> <li>• Internship with consumer forum.</li> <li>• Critical review on Consumer Protection Council through regional study.</li> </ul> |    |
| 5.11 | Redressal Machinery under the Consumer Protection Act   | 4  |
| 5.12 | Liability of the Service Providers  | 1  |
| 5.13 | Manufacturers and Traders under the Act   | 1  |
| 5.14 | Remedies  | 3  |

## ENVIRONMENTAL LAW

### Module-1:

- Definition of Environment-scope, importance & significance. 2 periods
- Concept, structure and principles of eco-systems-functions and classification of eco systems. 3 periods
- Bio diversity – value and utilization. 2 periods
- Bio-geographical classification of India- hotspots-Global National and local appreciation. 2 periods
- Threats to biodiversity- Endangered and endemic species of India- conservation and its kinds. 3 periods

### Activities:

- Lectures & discussions.
- Guest lecture & internship with BiO diversity authorities consisting of national, state and regional committees.
- Quiz competitions.

## Module-2:

- Natural resources and its concept, scope and functions. 1 period
- Forest as a resource- utilization and exploitation-Tribals 5 periods
- Water as a resource- utilization and exploitation- Conservation strategies. 5 periods
- Food as a source- utilization and exploitation- mis-management. 3 periods
- Environmental parameters and welfare measures 1 period
- Factors contributing for evaluation of components of Environment. 1 period
- Economic approach to preservation and conversation of Environment 1 period
- Property rights & externalities 1 period
- Management of natural resources 1 period

## Activities:-

### **Lectures & verification of regional issues:**

Guest lecture from Forest, Water, food and irrigation dept for proper appreciation of topics studied under this module.

## Module-3:

- Causes, effects and control measures of air, water, soil, marine and noise pollution. 5 periods
- Effects of human activities on the quality of life, water, river & Ground water 4 periods
- Wasteland reclamation. 1 period

## Activities:

- Internship with pollution control boards.
- Policy documents from the respective authorities-assignments.
- Reports submitted to UNEP by GOI on environment aspects.
- Assignments.

## Module-4:

- Regional & Sectoral issues like Urbanisation, Drylands, Goods and services, Mountains, Rivers, Tourism 5 periods
- Solutions: Agro-forestry, Sustainability, Zonal management like coastal areas etc. 3 periods
- Economics & Environment 1 period
- Equitable utilization of resources- population. 1 period
- Role of individual in prevention of pollution, concerning Environment. 2 periods

### Activities:-

TLP methods like preaching, advocating through required from of activities identified basing on the perception of the students in the respective batch.

### Module-5:-

- |  |           |
|--|-----------|
| • Social issues like sustainable development   | 2 periods |
| • Resettlement and Rehabilitation- items for consideration in development activities | 4 periods |
| • Environmental ethics Vs Modern ethics  | 1 period  |
| • Consumerism- Public awareness  | 2 periods |
| • Sustainable Resource management- Scheme  | 2 periods |
| • Designing environmental policy   | 2 periods |
| • Control and command mechanism/ instrumentation                                     | 2 periods |
| • Direct regulation by Govt  | 2 periods |

### Activities:-

- Case studies of regional issues of resettlement etc.
- Designing environmental policy for our institute.
- Study on methods of administration by Govt as part of TLP methods.

## **SEMESTER-II**

### **LAW OF CONTRACT-II**

#### **Introduction:**

The Indian Contract Act, 1872, has laid down special rules for particular species of contracts like indemnity, guarantee, agency, bailment and pledge. Sale of goods is the common transaction in day-to-day life and so a separate Act has been enacted. Specific provisions and various definitions have to be learned.

The Indian Partnership Act deals with a type of special contract which is necessary to deal with the business carried out by persons jointly, on a small scale. The Negotiable Instruments Act provides to satisfy the need for a special law dealing with documents evolved by businessmen as a substitute for money.

#### **1. Learning Objectives (Knowledge, Skills and Outcome):**

##### **A. Knowledge:**

- To provide foundation of law and various legal concepts and enable the student to understand at the outset the basics of Indian legal system, foundation of theory of Law.

- To equip the students use various legal reasoning and research techniques, various methods of interpreting a statute and analysis of cases like identifying the facts, issues and how to analyze both in line with legal theories.
- To equip the students to take up systematic legal research and make them aware about various techniques used in legal research including how to provide proper citations.

## B. Skills:

- The overall objective of this undergraduate course is to inculcate students with the following set of skills: general cognitive intellectual skills; general communicative/employability skills; and subject specific skills.
- **Cognitive:** This present course on special contract would help students to improve their mental process and to develop a reflective mind so as to have their own perceptions and understanding. It would also help them to bind their own value judgment, to have independent and critical thinking and more importantly to have just reasoning behind decisions.
- **Employability:** This course will contribute to the employability of the students by teaching them basic principles of doing research might that be doctrinal or Non-doctrinal. It would help students in analyzing cases, finding out ratio of the case, interpreting several codified statutes, citation rules, etc.
- **Subject Specific:** This present course would help students to understand particular rules for special species of contracts and the approach of law towards them. It also enhances the ability of the students in knowing Indian Legal system, judiciary, judicial gloss and other wings of the government. It would polish interpretative and research skills of the students and would help them understand the intricacies of legal aspects of the contractual dealings.

## 2. Lectures:

### A. Scheme and Structure:

| S. NO. | TOPIC  |
|--------|--|
| 1.     | <b>Contract of Indemnity</b><br>1.1] The Concept<br>1.2] Definition and Nature<br>1.3] Right of Indemnity — Holder When Sued<br>1.4] Commencement of Liability |

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|    | <ul style="list-style-type: none"> <li>1.5] Situation of Various Types of Indemnity Creations</li> <li>1.6] Specified Time for Notice</li> <li>1.7] Documents/Agreements of Indemnity</li> <li>1.8] Indemnity in Cases of International Transactions</li> <li>1.9] Indemnity by Governments during Inter-State Transactions</li> </ul>  |
| 2. | <p><b>Contract of Guarantee</b></p> <ul style="list-style-type: none"> <li>2.1] Definition</li> <li>2.2] Economic Function of Guarantee</li> <li>2.3] Essential Features of Guarantee</li> <li>2.4] Extent of Surety's Liability</li> <li>2.5] Discharge of Surety from Liability</li> <li>2.6] Release or Discharge of Principal Debtor</li> <li>2.7] Rights of Surety</li> <li>2.8] Rights against Principal Debtor</li> <li>2.9] Rights against Creditor</li> <li>2.10] Rights against Co-sureties</li> <li>2.11] Continuing Guarantee</li> <li>2.12] Liability under a Bank Guarantee</li> <li>2.13] Consideration in Guarantee Contract</li> <li>2.14] Difference between Indemnity and Guarantee</li> </ul> |
| 3. | <p><b>Bailment</b></p> <ul style="list-style-type: none"> <li>3.1] Definition</li> <li>3.2] Essential Features</li> <li>3.3] Duty of Bailor</li> <li>3.4] Duties of Bailee</li> <li>3.5] Finder of Goods as Bailee</li> <li>3.6] Rights of Bailee</li> <li>3.7] Particular Lien</li> <li>3.8] General Lien</li> <li>3.9] Rights to Sue</li> <li>3.10] Obligation to Keep the Goods Safe</li> </ul>  |
| 4. | <p><b>Pledge</b></p> <ul style="list-style-type: none"> <li>4.1] Definition</li> <li>4.2] Rights of Pawnee</li> <li>4.3] Who can Pledge</li> <li>4.4] Pledge by Pledgee</li> <li>4.5] Requirement of Notice</li> <li>4.6] Pawnee's Rights to Redeem</li> <li>4.7] Commercial Utility of Pledge Transaction</li> <li>4.8] Difference between Pledge, Mortgage and Hypothecation</li> </ul>   |

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| <p>5.</p> | <p><b>Agency</b></p> <p>5.1] Definition</p> <p>5.2] Essentials of Agency</p> <p>5.3] Kinds of Agent</p> <p>5.4] Creation of Agency</p> <p>5.5] Relations of Principal and Agent</p> <p>5.6] Relations of Principal with Third Person</p> <p>5.7] Determination of Agency</p> <p>5.8] Termination of Sub Agent</p>   |
| <p>6.</p> | <p><b>Law relating to Sale of Goods</b></p> <p>6.1] Concepts of Sale as a Contract</p> <p>6.2] Definition – Subject Matter, Goods, Price, Seller, Buyer, Stipulations</p> <p>6.3] Sale and Agreement to Sell</p> <p>6.4] Conditions and Warranties</p> <p>6.5] Implied terms in Contract of Sale as to title, Description of Goods, Quality and Condition of Goods [Caveat Emptor and the Exceptions to the Rule] and Sale by Sample</p> <p>6.6] Transfer of Property and Passing of Risk from Seller to Buyer with Respect to Generic and Specific Goods</p> <p>6.7] Performance of Contracts, Delivery of Goods and Rules Relating to Delivery, Contracts Involving Sea Transit (FOB, CIF Contracts)</p> <p>6.8] Unpaid Seller</p> <p>6.9] Unpaid Seller's Rights</p> <p>6.10] Remedies for Breach of Contract</p> <p>6.11] Auction Sales</p> <p>6.12] International Sale of Goods</p> <p>6.13] Inco terms 2000</p> |

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| 7. | <p><b>Partnership Act, 1932</b></p> <p>7.1] Definition</p> <p>7.2] Nature</p> <p>7.3] Advantages and Disadvantages</p> <p>7.4] Mutual Relationship between Partners, Duties, Rights and Liability of a Partner, Property of a Firm, Goodwill, Effect of Change in the Firm or its Business</p> <p>7.5] Relation of Partners to Third Parties, Implied Authority of a Partner, Partner's Authority in Emergency, Effect of Admission by Partner, Effect of Notice to Partner, Torts or Misapplication by a Partner, Liability by Holding Out or Pretended Partner</p> <p>7.6] Transferee of a Partner's Interest</p> <p>7.7] Minor Admitted to Benefits of Partnership</p> <p>7.8] Incoming and Outgoing Partners</p> <p>7.9] Registration of Partnership</p> <p>7.10] Dissolution of Partnership</p>                                 |
| 8. | <p><b>Negotiable Instruments Act, 1881</b></p> <p>8.1] Origin of Negotiable Instruments, Law Relating to Negotiable Instruments</p> <p>8.2] Definition</p> <p>8.3] Requirements to Make an Instrument Negotiable</p> <p>8.4] Various Kinds of Instruments and the Differences between them</p> <p>8.5] Acceptance of the Instrument (Meaning, Essentials, Rights and Privileges)</p> <p>8.6] Holder and Holder in Due Course</p> <p>8.7] Payment in Due Course</p> <p>8.8] Cheques — Rules regarding Payment of Cheque, Types of Cheques</p> <p>8.9] Liability of the Collecting Banker and Paying Banker</p> <p>8.10] Dishonour of Cheque and its Effects</p> <p>8.11] Parties to Negotiable Instruments</p> <p>8.12] Liabilities of Parties</p> <p>8.13] Dishonour of Negotiable Instruments</p> <p>8.14] Discharge of Parties</p> |

**C. Lecture Outline:**

|               |  |
|---------------|--|
| <b>Week 1</b> | <p><b>Topic 1 :Introduction and Overview of the Course</b></p> <p><b>Lecture 1:</b> General Introduction and Brain Storming; Discussion on Teaching Plan</p> |
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|---------------|---|
| <b>Week 2</b> | <p><b>Topic 2: Contract of Indemnity</b></p> <p><b>Lecture 2:</b> The Concept; Definition and Nature; Right of Indemnity-Holder when sued; Commencement of liability; Indemnity-Holder when sued;</p> <p><b>Lecture 3:</b> The Concept; Situation of various types of indemnity creations; Specific time for notice;</p> <p><b>Lecture 4:</b> Documents/ agreements of Indemnity; Indemnity in cases of international transactions; Indemnity by governments during Inter- State Transactions</p> |
| <b>Week 3</b> | <p><b>Lecture 5:</b> Documents/Agreements of Indemnity; Indemnity in Cases of International Transactions; Indemnity by Governments during Inter-State Transactions</p> <p><b>Topic 3: Contract of Guarantee</b></p> <p><b>Lecture 6:</b> Definition; Economic Function of Guarantee; Essential Features of Guarantee</p> <p><b>Lecture 7:</b> Extent of Surety's Liability; Discharge of Surety from Liability</p>  |
| <b>Week 4</b> | <p><b>Lecture 8:</b> Release or Discharge of Principal Debtor; Rights of Surety; Rights against Principal Debtor; Rights against Creditor; Rights against Co-sureties</p> <p><b>Lecture 9:</b> Release or Discharge of Principal Debtor; Rights of Surety; Rights against Principal Debtor; Rights against Creditor; Rights against Co-sureties</p> <p><b>Lecture 10:</b> Continuing Guarantee; Liability under a Bank Guarantee</p>  |
| <b>Week 5</b> | <p><b>Lecture 11:</b> Consideration in Guarantee Contract; Difference between Indemnity and Guarantee</p> <p><b>Topic 4: Bailment</b></p> <p><b>Lecture 12:</b> Definition; Essential Features</p> <p><b>Lecture 13:</b> Duty of Bailor; Duties of Bailee</p>   |
| <b>Week 6</b> | <p><b>Lecture 14:</b> Finder of Goods as Bailee; Rights of Bailee</p> <p><b>Lecture 15:</b> Particular Lien; General Lien</p> <p><b>Lecture 16:</b> Rights to Sue; Obligation to Keep the Goods Safe</p>  |
| <b>Week 7</b> | <p><b>Topic 5: Pledge</b></p> <p><b>Lecture 17:</b> Definition; Who can Pledge; Rights of Pawnee; Pledge by Pledge; Requirement of Notice; Pawnee's Rights to Redeem</p> <p><b>Lecture 18:</b> Definition; Who can Pledge; Rights of Pawnee; Pledge by Pledge; Requirement of Notice; Pawnee's Rights to Redeem</p>   |

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|                | <b>Lecture 19:</b> Commercial Utility of Pledge Transaction; Difference between Pledge, Mortgage and Hypothecation  |
| <b>Week 8</b>  | <b>Topic 6: Agency</b><br><b>Lecture 20:</b> Definition; Essentials of Agency;<br><b>Lecture 21:</b> Kinds of Agent; Creation of Agency;<br><b>Lecture 22:</b> Kinds of Agent; Creation of Agency;  |
| <b>Week 9</b>  | <b>Lecture 23:</b> Relations of Principal and Agent; Relations of Principal with Third Person<br><b>Lecture 24:</b> Relations of Principal and Agent; Relations of Principal with Third Person<br><b>Lecture 25:</b> Determination of Agency  |
| <b>Week 10</b> | <b>Lecture 26:</b> Termination of Sub Agent<br><b>Topic 7: Law relating to Sale of Goods</b><br><b>Lecture 27:</b> Concepts of Sale as a Contract; Definition – Subject Matter, Goods, Price, Seller, Buyer, Stipulations<br><b>Lecture 28:</b> Sale and Agreement to Sell; Conditions and Warranties   |
| <b>Week 11</b> | <b>Lecture 29:</b> Implied terms in Contract of Sale as to title, Description of Goods, Quality and Condition of Goods [Caveat Emptor and the Exceptions to the Rule] and Sale by Sample<br><b>Lecture 30:</b> Transfer of Property and Passing of Risk from Seller to Buyer with Respect to Generic and Specific Goods<br><b>Lecture 31:</b> Performance of Contracts, Delivery of Goods and Rules Relating to Delivery, Contracts Involving Sea Transit (FOB, CIF Contracts)  |
| <b>Week 12</b> | <b>Lecture 32:</b> Unpaid Seller; Unpaid Seller's Rights<br><b>Lecture 33:</b> Remedies for Breach of Contract;<br><b>Lecture 34:</b> Remedies for Breach of Contract; Auction Sales; International Sale of Goods; Inco terms 2000  |
| <b>Week 13</b> | <b>Topic 8:Partnership Act, 1932</b><br><b>Lecture 35:</b> Definition; Nature; Advantages and Disadvantages<br><b>Lecture 36:</b> Mutual Relationship between Partners, Duties, Rights and Liability of a Partner, Property of a Firm, Goodwill, Effect of Change in the Firm or its Business<br><b>Lecture 37:</b> Mutual Relationship between Partners, Duties, Rights and Liability of a Partner, Property of a Firm, Goodwill, Effect of Change in the Firm or its Business |
| <b>Week 14</b> | <b>Lecture 38:</b> Relation of Partners to Third Parties, Implied Authority of a Partner, Partner’s Authority in Emergency, Effect of Admission by Partner, Effect of Notice to Partner, Torts or Misapplication by a Partner, Liability by Holding Out or  |

|                |   |
|----------------|---|
|                | <p>Pretended Partner</p> <p><b>Lecture 39:</b> Transferee of a Partner's Interest; Minor Admitted to Benefits of Partnership; Incoming and Outgoing Partners</p> <p><b>Lecture 40:</b> Registration of Partnership; Dissolution of Partnership</p>  |
| <b>Week 15</b> | <p><b>Topic 9: Negotiable Instruments Act, 1881</b></p> <p><b>Lecture 41:</b> Origin of Negotiable Instruments, Law Relating to Negotiable Instruments; Definition</p> <p><b>Lecture 42:</b> Requirements to Make an Instrument Negotiable; Various Kinds of Instruments and the Differences between them</p> <p><b>Lecture 43:</b> Acceptance of the Instrument (Meaning, Essentials, Rights and Privileges); Holder and Holder in Due Course; Payment in Due Course</p> |
| <b>Week 16</b> | <p><b>Lecture 44:</b> Cheques — Rules regarding Payment of Cheque, Types of Cheques; Liability of the Collecting Banker and Paying Banker; Dishonour of Cheque and its Effects</p> <p><b>Lecture 45:</b> Parties to Negotiable Instruments; Liabilities of Parties</p> <p><b>Lecture 46:</b> Dishonour of Negotiable Instruments; Discharge of Parties</p>  |
| <b>Week 17</b> | <p><b>Lecture 47:</b> Revision</p> <p><b>Lecture 48:</b> Revision</p>   |

### 3. Suggested Reading and Material:

- Beatson J., *Anson's Law of Contract*, Oxford University Press, (2002)
- Beatson J., Burrows, Andrew and Cartwright John, *Anson's Law of Contract*, Oxford University Press, New York (2010)
- Chandiramani Neelima, *Law of Contracts*, Avinash Publications Bombay, (2000)
- Faizi OP and Agarwal Khergamvala Ashish, *The Negotiable Instruments Act*, LexisNexis, 20 Edition, (2008)
- Francheschin, Francesco Misuraca, India: Commercial Custom and Taxation, Kluwer Law International, (2011)
- Iyer T.S. Venkatas, Krishnamachari V & Gogia Surender K., *Law of Contracts and Tenders*, Vol. 1 & 2, S. Gogia & Co., Hyderabad (2011)
- Kapoor S.K., *Contract- I and Specific Relief Act*, Central Law Agency, Allahabad, (2010)
- Pathak H.S. Mulla, *Sale of Goods Act and the Indian Partnership Act*, Lexis Nexis (2005)
- Pollock & Mulla, *The Indian Partnership Act*, GC Bharuka, Lexis Nexis Butterworths 7th Edition (2007)
- Pollock & Mulla, *Indian Contract and Specific Relief Acts*, Padia R. G., Lexis Nexis Butterworths Wadhwa, Nagpur (2011)

- Rai, Kailash, *Contract – 1: General Principles of Contract (Sec 1 – 75) & Specific Relief Act*, Central Law Publications, Allahabad (2011)
- Singh Avtar, *Negotiable Instruments*, Eastern Book Company, Lucknow, 4th edition,(2012)
- Singh, Avtar, *Law of Contract*, Eastern Book Company, Lucknow (2012)

### Research Project:

Research project is aimed at improving the writing, research, and communication and presentation skills to make students learning academically more challenging and rigorous than standard lecture and test format courses. It also aims at promoting scholarship in this significant field of law, which has gained much momentum in practice but often lacks solid theoretical underpinnings due to lack or inadequacy of statutory provisions. It further aims to enhance learning capability by research amongst the learners, create a forum for enhancing a greater dialogue between the scholarly community, policymakers and practitioners. The details about the rules of submission are annexed with this document.

### Online site:

For supplementary reading, you could, for instance, begin by consulting the relevant sections of the alternative texts placed on loan in the law library. Thereafter you could engage in your own research, with particular reference to journals on online databases including **SCC Online**.

## FAMILY LAW-II (Muslim Law & other personal laws)

| Topic No | Topic Name                                    | No of Periods |
|----------|---|---------------|
| 1        | Origin and development of Muslim Law          | 1             |
| 1.1      | Sources of Muslim Law                         | 1             |
| 1.2      | Schools of Muslim Law                         | 1             |
| 1.3      | Difference between the Sunni and Shia Schools | 1             |
| 1.4      | Sub-schools of Sunni Law                      | 1             |
| 1.5      | Operation and application of Muslim Law       | 1             |
| 1.6      | Conversion to Islam                           | 1             |

|      |   |   |
|------|---|---|
| 1.7  | Effects of conversion   | 1 |
| 1.8  | Law of Marriage, nature of Muslim Marriage  | 1 |
| 1.9  | Essential requirements of valid Marriage  | 1 |
| 1.1  | Kinds of Marriages  | 1 |
| 1.11 | distinction between void, irregular and valid marriage  | 1 |
| 1.12 | Dower (Mahr) -Origin, nature and importance of dower, object of dower and classification of dower | 1 |
|      | <b>Assignment-Holy books of Muslims.</b>  |   |
| 2    | Divorce   | 1 |
| 2.1  | Classification of divorce   | 1 |
| 2.2  | different modes of Talaq  | 1 |
| 2.3  | Legal consequences of divorce   | 1 |
| 2.4  | Dissolution of Muslim Marriage Act, 1939  | 1 |
| 2.5  | Maintenance, Principles of maintenance, Persons entitled to maintenance                           | 1 |
| 2.6  | The Muslim Women (Protection of Rights on Divorce) Act, 1986                                      | 1 |
| 2.7  | Effect of conversion on maintenance and difference between Shia and Sunni Law                     | 1 |
|      | <b>Debate on Muslim Marriage&amp; essential elements.</b>   |   |
| 3    | Parentage   | 1 |
| 3.1  | Maternity and Paternity   | 1 |

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| 3.2  | Legitimacy and acknowledgment  | 1 |
| 3.3  | Guardianship   | 1 |
| 3.4  | Meaning  | 1 |
| 3.5  | Kinds of guardianship  | 1 |
| 3.6  | Removal of guardian- Difference between Shia and Sunni Law               | 1 |
| 3.7  | Gift   | 1 |
| 3.8  | Definition of Gift   | 1 |
| 3.9  | Requisites of valid gift   | 1 |
| 3.1  | Gift formalities   | 1 |
| 3.11 | Revocation of gift-Kinds of gift   | 1 |
| 3.12 | Wills  | 1 |
| 3.13 | Meaning of Will  | 1 |
| 3.14 | Requisites of valid Will   | 1 |
| 3.15 | Revocation of Will   | 1 |
| 3.16 | Distinction between Will and Gift  | 1 |
| 3.17 | Difference between Shia and Sunni Law.                                   | 1 |
|      | <b>Guest lecture on will by any member of Muslim personnel law board</b> |   |
| 4    | Waqf _ Definition  | 1 |
| 4.1  | Essentials of Waqf   | 1 |
| 4.2  | Kinds of Waqf  | 1 |
| 4.3  | Creation of Waqf   | 1 |
| 4.4  | Revocation of Waqf   | 1 |

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|      | lecture by muslim wakf board member  |   |
| 4.5  | Salient features of the Waqf Act, 1995   | 1 |
| 4.6  | Mutawalli  | 1 |
| 4.7  | Who can be Mutawalli   | 1 |
| 4.8  | Powers and duties of Mutawalli-Removal of Mutawalli and Management of Waqf property Succession | 1 |
| 4.9  | Application of the property of a deceased Muslim   | 2 |
| 4.1  | Legal position of heirs as representatives   | 1 |
| 4.11 | Administration-Waqf Tribunals and Jurisdiction   | 2 |
| 5    | Special Marriage Act, 1954   | 1 |
| 5.1  | Salient features of Indian Divorce Act, 1869   | 1 |
| 5.2  | Domicile   | 2 |
| 5.3  | Maintenance to dependents/ Spouses   | 1 |
|      | problem solving on law of inheritance  |   |
| 5.4  | Intestate succession of Christians under the Indian Succession Act, 1925.                      | 2 |

## Constitutional Law-II

Total Teaching Hours for Semester: 85

Max Marks: 100

### Course Objectives/Course Description:

This paper is designed with a view to educate the pupil about the Legislature of the Constitution, Powers and Functions of the president, Judiciary under Constitution, Centre State Relations, also it focuses upon educating them about the Legislative, Administrative and Financial relations between the Centre and the States.

## Unit-I

Legislature under Indian Constitution - Union and State Legislatures - Composition, Powers, Functions and Privileges - Anti-Defection Law - Executive under Indian Constitution - President and Union Council of Ministers - Governor and State Council of Ministers - Powers and position of President and Governor.

Teaching Hours: 20

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | <ol style="list-style-type: none"><li>1.1 The Nature and Scope of the legislative under Indian Constitution.</li><li>1.2 Union and State Legislature- Powers Functions, Privileges and Compositions.</li><li>1.3 Extent of Executive Powers.</li><li>1.4 Relation between Legislative and Executive powers</li><li>1.5 Anti –Defection Law- Executive under Indian Constitution.</li><li>1.6 President, Union Council Ministers, - Powers and Functions, Position.</li><li>1.7 Governor, State Council Ministers- Powers and Functions and its Position.</li></ol> <p><b>Method of Teaching :</b><br/>Lecture, Power point presentation, quiz. Group discussions’, Student Presentation regarding the concern topics.</p> |
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## Unit-II:

Judiciary under Constitution - Supreme Court - Appointment of Judges, Powers and Jurisdiction - High Courts - Appointment and Transfer of Judges - Powers and Jurisdiction - Subordinate Judiciary - Independence of judiciary - Judicial Accountability

Teaching Hours: 15

|                       |  |
|-----------------------|--|
| <b>Key Indicators</b> | <ol style="list-style-type: none"><li>2.1 Judiciary under Indian Constitution</li><li>2.2 Supreme Court - Appointment of Judges, Powers and Jurisdiction.</li><li>2.3 High Court - Appointment of Judges, Powers and Jurisdiction, Transfer of Judges.</li><li>2.3 Independence of judiciary - Judicial Accountability</li></ol> |
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|  | <p><b>Method of Teaching :</b><br/>Lecture, Power point presentation ,<br/>Group discussions', Case law<br/>Presentations</p> |
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**Unit-III:**

Centre State Relations - Legislative, Administrative and Financial Relations - Cooperation and Coordination between the Centre and States - Judicial Interpretation of Centre-State Relations - Doctrines evolved by Judiciary.

**Teaching Hours: 20**

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| <b>Key Indicators</b> | <p><b>3.1 Centre- State Relations</b></p> <p>3.1.1 Doctrine of Territorial Nexus</p> <p>3.1.2 Delegated Legislation-permissible limits of delegation</p> <p>3.1.3 Scheme of distribution of legislative powers between Union and States</p> <p>3.1.4 Principles of interpretation of lists- Doctrine of Pith and Substance; Doctrine of Colorable Legislation; Doctrine of harmonious construction; Ancillary legislation</p> <p>3.1.5 Residuary Powers</p> <p>3.1.6 Parliament's power to legislate on the State List</p> <p>3.1.7 Inconsistency between laws passed by Parliament and State legislature</p> <p><b>3.2 Administrative Relations Between The Union And States</b></p> <p>3.2.1 Distribution of executive powers</p> <p>3.2.2 Inter-governmental delegation of powers</p> <p>3.2.3 Centre's directive to State &amp; other Constitutional provisions</p> <p>3.2.4 All India services</p> <p>3.2.5 Co-operative federalism; disputes relating to waters, Inter-State Council</p> <p><b>3.3. Financial Relations Between The Union And The States</b></p> <p>3.3.1 Introduction to Allocation of taxing powers-Central taxes, State Taxes, Concurrent Taxes, No tax outside the</p> |
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|  | <p>tax entries</p> <p>3.3.2 Funds-Consolidated and Contingency funds- Public Accounts</p> <p>3.3.3 Tax and Fees, Restrictions on taxing powers</p> <p>3.3.4 Inter-Government Tax immunities<br/>Tax-sharing, Grants-Grants-in-lieu;<br/>Grants-in-aids; Specific Purpose<br/>Grants -Finance Commissions,<br/>Borrowing Powers</p> <p><b>Method of Teaching :</b><br/>Lecture, power point presentations, debts.<br/>Case laws presentations, Group discussions’.</p> |
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#### Unit-IV:

Liability of State in Torts and Contracts - Freedom of Interstate Trade, Commerce and Inter course - Services under the State - All India Services - Public Service Commissions.

Teaching Hours: 15

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| <b>Key Indicators</b> | <p>4.1 Liability of State in Torts and Contracts.</p> <p>4.2 Freedom of Interstate Trade, Commerce<br/>and Inter course (Art. 301-307)</p> <p>4.3 Recruitment and Regulations of Conditions of Services</p> <p>4.4. Doctrine of Pleasure-Restrictions on Doctrine of Pleasure</p> <p>4.5. Constitutional Safeguards to Civil Servants (All India Services).</p> <p>4.6. Public Service commission- Appointment of Member of Public service commission</p> <p>4.7.Functions of Public Service Commission</p> <p><b>Method of Teaching :</b><br/>Lecture, power point presentations, Case laws presentations, Group discussions’ Live examples Explanation.</p> |
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#### Unit-V:

Emergency – Need of Emergency Powers - Different kinds of Emergency - National, State and Financial emergency - Impact of Emergency on Federalism and Fundamental Rights - Amendment of Indian Constitution and Basic Structure Theory.

Teaching Hours: 10

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| <b>Key Indicators</b> | 5.1 Emergency and its kinds of<br>Emergency powers Art 352-360<br>5.2 National Emergency<br>5.3 State Emergency<br>5.4 Financial emergency<br>5.5 Impact of Emergency on Federalism<br>And Fundamental Rights.<br>5.6 Amendment of Indian Constitution and<br>Basic Structure Theory.<br><b>Method of Teaching :</b><br>Lecture, Case laws presentations, Live<br>Examples - Explanation, Project Works,<br>Workshops. |
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### List of Important Case Laws:

1. Kesavanada Bharati vs. State of Kerala, AIR 1973 SC 1461. (1973) 4 SCC 225.
2. Ajay Hasia vs. Khalid Mujib Sehravardi AIR 1981 SC 487.
3. Aruna Roy vs. Union of India, AIR 2002 SC 3176.
4. Ashok Kumar vs. Ajoy Biswas, AIR 1985 SC211.
5. Ashoka Kumar Thakur vs. Union of India (2008) 6 SCC 1.
6. Atiabari Tea co.Ltd vs. State of Assam, AIR 1961 SC 232.
7. Automobile Transport Ltd vs. State of Rajasthan, AIR 1962 SC1406.
8. Bijayanand vs. President of India, AIR 1974 ori 52.
9. Chandra Kumar vs. Union of India, AIR 1997 SC 1125.
10. D.S Nakara vs. Union of India, AIR 1983 SC 130, (1983) 1 SCC 305.
11. Gibbons vs. Ogden, 5Wheat, 1(1824).
12. Madras vs. Nataraja Mudaliar, AIR 1969 SC 147.
13. In Re Berubari Union, AIR 1960 SC 845.
14. Indian Cement Ltd. Vs State of Tamil Nadu, AIR 1990SC 85.
15. Indira Nehuru Gandhi vs. Rajarain.
16. Indra Sawhney vs. Union of India, AIR 1993 SC 477.
17. Jindal Stainless ltd vs. State of Haryana, AIR 2006 SC 2550.
18. John Vallamattom vs. Union of India, AIR2003 SC 2902.
19. Kasturi Lal Harlal vs. State of Uttar Pradesh, AIR 1987 SC27.
20. Kharak Singh vs. State of UP, AIR 1963 SC 1295.Unni Krishnan Case
21. Kuldip Nayar vs. Union of India AIR 2006 Sc 3127.
22. Kuldip Nayar vs. Union of India, 2006 7SCC 1.
23. M. Karunanidhi vs. Union of India, AIR 1979 SC 898.
24. Maneka Gandhi vs. Union of India AIR 1978 SC 597.
25. Marbury vs Madison, 1 Cranch 137.2 Led.60

26. Minerva Mills Case, AIR 1980 SC 1789
27. Ministry of Information and Broadcasting *vs.* Cricket Association of Bengal, AIR 1995 SC 1236.
28. Mullaperiyar Environmental Protection Forum *vs.* Union of India , AIR 2006 SC1428.
29. Nakara *vs.* Union of India, AIR 1983 SC 130.
30. Olga Tellis *vs.* Bombay Municipal Corporation, AIR 1986 SC 180
31. People,s Union of Civil Liberties *vs.* Union of India, AIR 1997 SC 568.
32. Pradeep Kumar Biswas *vs.* Indian Institute of Chemical Biology , (2002) 5 SCC 111.
33. R.S Joshi *vs.* Ajit Mills , AIR 1977 SC 2279.
34. Rajasthan *vs.* Union of India, AIR 1977SC1361.
35. Ramana Dayaram Shetty *vs.* International Airport Authority of India, AIR 1979 SC 1628.
36. Rameshwar Prasad *vs.* Union of India, AIR 2006 SC 980.
37. Randhir Singh *vs.* Union of India, AIR 1982 SC 879.
38. Rao Shiv Bahadur Singh *vs.* State of Vindhya Pradesh AIR 1953 SC 394.
39. S. Rangarajan *vs.* P Jagjevan Ram (1989)2 SCC 574.
40. S.R Bommai *vs.* Union of India, AIR 1994 SC 1918.
41. S.R Bommai *vs.* Union of India, AIR 1994 SC 1918.
42. State of Bombay *vs.* RMDC, AIR 1957 SC699.
43. State of Haryana *vs.* Darshana Devi, AIR 1979 Sc 857.
44. Unni Krishnan *vs.* State of Andhra Pradesh, AIR 1993 SC 2178.
45. Vishaka *vs.* State of Rajasthan, AIR 1997 SC 3011.

### Suggested Readings:

1. M.P.Jain, Indian Constitutional Law, Wadhwa & Co, Nagpur
2. V.N.Shukla, Constitution of India, Eastern Book Company, Lucknow
3. Granville Austin, Indian Constitution-Cornerstone of a Nation, OUP, New Delhi
4. H.M.Seervai, Constitutional Law of India (in 3 Volumes), N.M.Tripathi, Bombay
5. G.C.V.Subba Rao, Indian Constitutional Law, S.Gogia & Co., Hyderabad
6. B.Shiva Rao: Framing of India's Constitution (in 5 Volumes), Indian Institute of Public Administration, New Delhi
7. J.N.Pandey, Constitutional Law of India, Central Law Agency, Allahabad
8. Pylee M.V, Our Constitution, government & politics
9. M. Hidayatullah (Ed.), Constitution of India.

10. A.G. Noorani, (ed.), Centre State Relations in India, Bombay: Lesley SaehneyProgrammeforTraining, 1972.
11. G.C.V Subbarao, Legislative powers in Indian Constitutional Law.
12. K.P. Krishna Shetty, the Law of Union-State Relations and Indian Federalism.
13. Kabbur, A.S. Centre-State Relations in India, New Delhi: Trust Books, 2004
14. L.M Singhvi, Union-State Relations in India
15. O. P. Sharma, Financial Relations Between Centre & States and Local-Self Governments in India
16. Pal, Chandra Centre-State Relations and Cooperative Federalism, New Delhi: Deep & Deep Publication, 1983
17. Prasad, Anirudh Centre-State Relations in India, New Delhi: Deep & Deep Publications,1985.
18. Tope T K ,Constitutional law of India by Justice Sujata Manohar, Eastern book company
19. V.D. Sebastian, Indian Federalism: the Legislative Conflict.

#### ARTICLES:

1. Federalism In India, Benjamin N. Schoenfeld, [Http://Www.Jstor.Org/Stable/42743497](http://www.jstor.org/stable/42743497)
2. Federalism : A Conceptual Analysis, S. A. Paleker, The Indian Journal Of Political Science, Vol. 67, No. 2 (Apr.- June, 2006), Pp. 303-310, Indian Political Science Association, [Http://Www.Jstor.Org/Stable/41856217](http://www.jstor.org/stable/41856217)
3. United In Diversity? Asymmetry In Indian Federalism,Louise Tillin, [Http://Www.Jstor.Org/Stable/4624781](http://www.jstor.org/stable/4624781)
4. Coalition Government And Federal System In India, M.G. Khan [Http://Www.Jstor.Org/Stable/41855780](http://www.jstor.org/stable/41855780)
5. The Nature Of Indian Federalism: A Critique, H. M. Rajashekara,[Http://Www.Jstor.Org/Stable/2645661](http://www.jstor.org/stable/2645661)
6. The Indian Union And Emergency Powers, Krishna K. Tummala, [Http://Www.Jstor.Org/Stable/1601275](http://www.jstor.org/stable/1601275)
7. Finance Commission In A Federal Set-Up,Vinod Vyasulu, [Http://Www.Jstor.Org/Stable/4404650](http://www.jstor.org/stable/4404650)

8. Dr. B. R. Ambedkar And Making Of The Constitution: A Case Study Of Indian Federalism, K. H. Cheluva Raju, [Http://www.jstor.org/stable/41855548](http://www.jstor.org/stable/41855548)
9. Ramaswamy R. Iyer, Inter-State Water Disputes Act 1956: Difficulties And Solutions, [Http://www.jstor.org/stable/4412360](http://www.jstor.org/stable/4412360)
10. Federalism And Water Resources, Ramaswamy R. Iyer, [Http://www.jstor.org/stable/4400999](http://www.jstor.org/stable/4400999)
11. Ga.Akerlof, [Centre-State fiscal relations In India - www.jstor.org/stable/29794022](http://www.jstor.org/stable/29794022)
12. H. M. Rajasekhara, [The Nature Of Indian Federalism: A Critique - www.jstor.org/stable/2645661](http://www.jstor.org/stable/2645661)
13. Balveer Arora, India's Experience With Federalism: Lessons Learnt And Unlearnt, [www.uni-bielefeld.de/midea/pdf/balveer.pdf](http://www.uni-bielefeld.de/midea/pdf/balveer.pdf)

## LAW OF CRIMES (IPC)

### PAPER-I:

| Topic No | Topic Name   | No Of Periods |
|----------|--|---------------|
| 1.0      | Meaning of Crime   | 2             |
| 1.1      | Essential elements of Crime  | 3             |
| 1.2      | Crime and Tort   | 2             |
| 1.3      | Crime and Breach of Contract   | 1             |
| 1.4      | Stages of Crime  | 5             |
| 1.5      | Historical Background of Indian Penal Code   | 3             |
| 1.6      | Territorial operation of the Code  | 1             |
| 1.7      | Punishment of Offences committed beyond India -<br>Extra-territorial operation of the Code | 2             |
|          | Extension lecture from Investigating Agency  |               |
|          | Collection of cases under extra – territorial jurisdiction                                 |               |

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| 2.0 | General Explanations                                       | 8 |
| 2.1 | Punishments  | 4 |
| 2.2 | General Exceptions   | 6 |
| 2.3 | Abetment   | 3 |
| 2.4 | Criminal Conspiracy  | 4 |
|     | Survey in jails ( Convicts)                                |   |
|     | Extension lecture from Jail Dept                           |   |
| 3.0 | Offences against the State                                 | 2 |
| 3.1 | Offences relating to Army, Navy and Air force              | 2 |
| 3.2 | Offences against Public Tranquility                        | 3 |
|     | Assignment on Martial Law                                  |   |
|     | Data analysis of Offences against Peace in NALGONDA Town   |   |
| 4.0 | Offences by or Relating to Public Servants                 | 1 |
| 4.1 | Offences Relating to Elections                             | 3 |
| 4.2 | Contempt of the Lawful Authority of Public Servants        | 2 |
|     | Extension lecture from Electoral officer of Nalgonda       |   |
|     | Public Servant's interview sessions through Questionnaire. |   |
| 5.0 | False Evidence   | 2 |
| 5.1 | Offences against Public Justice                            | 3 |
| 5.2 | Offences relating to Coin and Government Stamps            | 1 |
| 5.3 | Offences relating to Weights and Measures                  | 1 |

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|-----|---|---|
| 5.4 | Offences relating to Public Health, Safety, Convenience, decency and Morals   | 1 |
| 5.5 | Offences relating to Religion   | 2 |
|     | Extension lectures from Depts. of Judicial, Stamps, weights & measures, Endowments / wakf and by Executive Magistrate |   |
|     | Law Commission of India's Reports and Debate over them.   |   |

## LAW OF EVIDENCE

| Topic No | Topic Name  | No Of Periods |
|----------|---|---------------|
| 1.0      | The Indian Evidence Act, 1872                     | 73            |
| 1.1      | Salient features of the Act                       | 2             |
| 1.2      | Meaning and kinds of Evidence                     | 2             |
| 1.3      | Interpretation clause                             | 2             |
| 1.4      | May Presume, Shall presume and Conclusive proof   | 3             |
| 1.5      | Fact, Fact in issue and Relevant facts            | 2             |
| 1.6      | Distinction between Relevancy and Admissibility   | 2             |
| 1.7      | Doctrine of <i>Res Gestae</i>                     | 2             |
| 1.8      | Motive, preparation and conduct                   | 2             |
| 1.9      | Conspiracy  | 2             |
| 1.10     | When Facts not otherwise relevant become relevant | 2             |
| 1.11     | Right and custom                                  | 1             |

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| 1.12 | Facts showing the state of mind etc  | 1 |
| a    | Assignment on scope of Evidence Act  |   |
| 2.0  | Admissions & Confessions   |   |
| 2.1  | General Principles concerning Admissions   | 2 |
| 2.2  | Differences between "Admission" and "Confession"   | 2 |
| 2.3  | Confessions obtained by inducement , threat or promise   | 1 |
| 2.4  | Confessions made to police officer   | 1 |
| 2.5  | Statement made in the custody of a police officer leading to the discovery of incriminating material       | 2 |
| 2.6  | Admissibility of Confessions made by one accused person against co-accused                                 | 2 |
| 2.7  | Dying Declarations and their evidentiary value   | 2 |
| 2.8  | Other Statements by persons who cannot be called as Witnesses  | 1 |
| 2.9  | Admissibility of evidence of witnesses in previous judicial proceedings in subsequent judicial proceedings | 2 |
| a    | Study of 2 Judgements each, with reference to Dying Declarations, admissions & Confessions.                |   |
| 3.0  | Relevancy of Judgments   | 1 |
| 3.1  | Opinion of witnesses   | 1 |
| 3.2  | Expert's opinion   | 1 |
| 3.3  | Opinion on Relationship especially proof of marriage   | 1 |

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| 3.4  | Facts which need not be proved   | 1 |
| 3.5  | Oral and Documentary Evidence  | 2 |
| 3.6  | General Principles concerning oral evidence and documentary evidence   | 2 |
| 3.7  | Primary and Secondary evidence   | 2 |
| 3.8  | Modes of proof of execution of documents                               | 1 |
| 3.9  | Presumptions as to documents   | 2 |
| 3.10 | General Principles regarding Exclusion of Oral by Documentary Evidence | 1 |
| a    | Internship with Forensic Dept. as to Documents and other issues.       |   |
| 4.0  | Rules relating to Burden of Proof                                      | 1 |
| 4.1  | Presumption as to Dowry Death  | 1 |
| 4.2  | Estoppel — Kinds of estoppel   | 2 |
| 4.3  | <i>Res Judicata</i>  | 1 |
| 4.4  | Waiver   | 1 |
| 4.5  | Presumption  | 1 |
| a    | Assignment on the nature, scope and application of “Burden of Proof”.  |   |
| 5.0  | Competency to testify  | 1 |
| 5.1  | Privileged communications  | 1 |
| 5.2  | Testimony of Accomplice  | 1 |
| 5.3  | Examination in Chief, Cross examination and Re-examination             | 2 |

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| 5.4  | Leading questions                             | 1 |
| 5.5  | Lawful questions in cross examination         | 1 |
| 5.6  | Compulsion to answer questions put to witness | 1 |
| 5.7  | Hostile witness                               | 2 |
| 5.8  | Impeaching the credit of witness              | 2 |
| 5.9  | Refreshing memory                             | 1 |
| 5.10 | Questions of corroboration                    | 1 |
| 5.11 | Improper admission and rejection of evidence  | 1 |
| a    | Case study on “Hostile evidence”.             |   |
| b    | Simulation recording of evidence.             |   |

## SEMESTER – III

### JURISPRUDENCE

| Topic No | Topic Name  | No of Periods |
|----------|---|---------------|
| 1        | Meaning and Definition of Jurisprudence   | 2             |
| 1.1      | General and Particular Jurisprudence  | 1             |
| 1.2      | Elements of Ancient Indian Jurisprudence  | 3             |
| 1.3      | Schools of Jurisprudence  | 1             |
| 1.4      | Analytical, Historical, Philosophical and Sociological Schools of Jurisprudence | 7             |
| 1.5      | Theories of Law   | 6             |

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|------|--|---|
| 1.6  | Meaning and Definition of Law  | 2 |
| 1.7  | The Nature and Function of Law   | 2 |
| 1.8  | The Purpose of Law   | 2 |
| 1.9  | The Classification of Law  | 1 |
| 1.10 | Equity, Law and Justice  | 1 |
|      | <ul style="list-style-type: none"> <li>• Study on Ancient Indian Jurisprudence.</li> <li>• Application of schools of jurisprudence to any legislation.</li> <li>• Analyse an enactment as to its nature and function along with purpose.</li> <li>• Examine the changes took place in concept of Sovereignty.</li> </ul> |   |
| 1.11 | Theory of Sovereignty  | 2 |
| 2.0  | Sources of Law   | 3 |
| 2.1  | Legal and Historical Sources   | 1 |
| 2.2  | Legislation  | 2 |
| 2.3  | Definition of legislation  | 1 |
| 2.4  | Classification of legislation  | 1 |
| 2.5  | Supreme and Subordinate Legislation  | 2 |
| 2.6  | Direct and Indirect Legislation  | 1 |
| 2.7  | Principles of Statutory Interpretation   | 6 |
| 2.8  | Precedent  | 2 |
| 2.9  | Definition of Precedent  | 1 |

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|------|---|---|
| 2.1  | Kinds of Precedent  | 1 |
| 2.1  | Stare Decisis   | 2 |
| 2.12 | Original and Declaratory Precedents   | 1 |
| 2.13 | Authoritative and Persuasive Precedents   | 1 |
| 2.14 | Custom  | 1 |
| 2.15 | Definition of Custom  | 1 |
| 2.16 | Kinds of Custom   | 1 |
| 2.17 | General and Local Custom  | 1 |
| 2.18 | Custom and Prescription   | 1 |
| 2.19 | Requisites of a valid custom  | 1 |
| 2.20 | Relative merits and demerits of Legislation   | 1 |
|      | <ul style="list-style-type: none"> <li>• Study sources of any law.</li> <li>• Analyse any legislation as to its classification, supremacy etc.</li> <li>• Case study for every principle of interpretation.</li> <li>• Critical analysis of Doctrine of Precedent.</li> </ul> | • |
| 2.21 | Precedent and Custom as a source of Law   | 1 |
| 2.22 | Codification  | 2 |
| 2.23 | Advantages and disadvantages of codification  | 2 |
|      | Assignment on advantages and disadvantages of codification.   |   |
| 3.0  | Persons   | 1 |
| 3.1  | Nature of personality   | 1 |

|      |   |     |
|------|---|-----|
| 3.2  | Legal Status of Lower Animals, Dead Persons and Unborn persons  | 1   |
| 3.3  | Legal Persons   | 1   |
| 3.4  | Corporations  | 1   |
| 3.5  | Purpose of Incorporation  | 1   |
| 3.6  | Nature of Corporate Personality Rights and Duties   | 1   |
| 3.7  | Definition of Right   | 1   |
| 3.8  | Classification of Rights and Duties   | 1   |
| 3.9  | Absolute and Relative Rights and Duties   | 3   |
| 3.10 | Rights and Cognate concepts like Liberty, Power, Immunity, Privilege etc.   | 2   |
|      | <ul style="list-style-type: none"> <li>• Classify persons under law.</li> <li>• Relate duties with rights.</li> </ul> |     |
| 4    | Obligation  | 1   |
| 4.1  | Nature of Obligation  | 1   |
| 4.2  | Obligation arising out of Contract, Quasi Contract, trust and breach of obligation etc                                | 2   |
| 4.3  | Liability   | • 1 |
| 4.4  | Nature and kinds of liability   | 1   |
| 4.5  | Acts  | 1   |
| 4.6  | Men's Rea   | 1   |
| 4.7  | Intention and Motive  | 1   |
| 4.8  | Relevance of Motive   | 1   |
| 4.9  | Negligence  | 1   |
| 4.1  | Strict Liability  | 1   |

|      |  |   |
|------|--|---|
| 4.11 | Accident   | 1 |
| 4.12 | Vicarious Liability  | 1 |
|      | <ul style="list-style-type: none"> <li>• Obligation and its scope in modern law- study.</li> <li>• Study of liability in law.</li> </ul> |   |
| 4.13 | Measure of Civil and Criminal Liability.   | 2 |
| 5    | Ownership  | 1 |
| 5.1  | Definition and kinds of Ownership  | 1 |
| 5.2  | Possession   | 1 |
| 5.3  | Elements of Possession   | 1 |
| 5.4  | Relation between Ownership and Possession  | 1 |
| 5.5  | Possessory Remedies  | 1 |
| 5.6  | Property   | 1 |
| 5.7  | Meaning  | 1 |
| 5.8  | Kinds of Property  | 1 |
| 5.9  | Modes of Acquisition of Property   | 2 |
| 5.10 | Legal Sanctions  | 2 |
| 5.11 | Meaning of Sanction  | 1 |
| 5.12 | Classification of Sanctions  | 1 |
| 5.13 | Civil and Criminal Justice   | 1 |
| 5.14 | Concept of Justice   | 2 |
| 5.15 | Theories regarding purpose of Criminal Justice   | 2 |
| 5.16 | Deterrent, Preventive, Reformative and Retributive theories.   | 2 |

- |  |   |  |
|--|---|--|
|  | <ul style="list-style-type: none"><li>• Study on rights relating to property.</li><li>• Justice and its limitations- study.</li><li>• Theories of punishments under modern India.</li></ul> |  |
|--|---|--|

## LAW OF PROPERTY

### UNIT -1

- 1.1 –Meaning and concept of property Kinds of property, transfer of property
- 1.2 –Transferable and non-transferable property who can transfer operation of transfer laws?
- 1.3 –Mode of transfer and conditional transfer
- 1.4 -Void and unlawful conditions, Condition precedent and condition subsequent
- 1.5 –Vested and contingent interest, Transfer to unborn person.

#### Way of Teaching: (12 hrs)

- Revenue Authority- study.
- assignments, recent cases

### UNIT -2

- 2.1 –Doctrine of Election, covenants
- 2.2 –Transfer by ostensible owner
- 2.3 –Doctrine of feeding the Grant by Estoppel
- 2.4 –Doctrine of Lis Pendence
- 2.5 –Fraudulent Transfer
- 2.6 –Doctrine of part- performance

#### Way of Teaching: (15 hrs)

- Registration of property- study.
- assignments, recent case
- laws and oral discussion etc.

### UNIT -3

- 3.1 –Meaning and definition of sale, Essential features.
- 3.2 –Mode of sale, Rights and Liabilities of parties.
- 3.3 –Meaning and definition of Mortgage, Kinds of mortgages.
- 3.4 –Rights and Liabilities of mortgagor and mortgagee.
- 3.5 –Marshalling and contribution, Charges.

#### Way to Teaching: (12 hrs)

- Internship with Registration Dept.
- Discussion, conducting debates etc.

- Recent case laws.

#### UNIT -4

- 4.1 –Meaning and definition of Lease Essential features.
- 4.2 -Kinds of Leases, Rights and Liabilities of Lessor and lessee
- 4.3 –Termination of lease, forfeiture, Exchange.
- 4.4 –Meaning and definition of Gifts.
- 4.5 –Different types of Gifts, Registration of Gifts.
- 4.6 –Transfer of Actionable claims.

#### Way of Teaching: (15 hrs)

- Survey of lease issues- society.
- Assignments, discussion, debate Etc.
- recent case laws

#### UNIT -5

- 5.1 –Meaning and definition of Easements.
- 5.2 –Distinction between Lease and Licence.
- 5.3 –Dominant and Servient Tenements
- 5.4 –Acquisition of property through testamentary succession.
- 5.5 –Meaning and definition will, codicil
- 5.6 –Capacity to execute will, Nature of bequests
- 5.7 –Executors of will, Rights and obligations of Legatees.

#### Way of Teaching: (15 periods)

- local survey.
- Assignments, oral discussion, debates etc.
- case laws.

### Administrative Law

Total Teaching Hours for Semester: 60-80 Hrs

Max Marks: 100

#### Course Objectives/Course Description:

The objective of studying of Administrative law is to understand nature of the administration and the role of law. Earlier, the functions of the state were so defused and were dealing with sporadic issues such as policing and protection from external aggression. There is a sea change in the philosophy of governance of the state and there is a paradigm shift from laissez faire to welfare state. The welfare state is now to show concern for every issue of the subjects almost from cradle to grave. It proliferates into every aspect of life. The three wings of the state established under the

Constitution functions to ensure welfare of the subjects. There is an unprecedented rise in state intervention in an individual's (whether citizen or non-citizen) life. The Executive play a vital role in administration of state. It is to execute the decisions of the other two wings of the state besides functioning independently. Therefore, the functions of it have increased manifold and continue to increase further. Thus, there has been increase in scope for accumulation of power and functions which has the tendency to corrupt. On the other hand, the legislature functions only for a limited period. It has limited its role to perform formative role and delegate rule making power to the executive. Further, the executive is to play the role of the judiciary inter alia due to piling up of cases and technically different matters paving the way for constitution of special judicial cum administrative bodies called Tribunals. Thus, there is manifold increase in the affairs of the executive and the scope for arbitrary and whimsical exercise of power. But, equally significant is the role of the ensuring administration of justice even in the parallel systems being developed in the form of administration besides the traditional institutions. In this scenario, to ensure the effective functioning of the wings of the state and other instrumentalities of the executive within the umbrella of the Constitution there has been evolution of the subject of study namely, the Administrative Law.

Therefore, administrative law has evolved into a separate branch of law taking into its fold complex and intricate issues and exercise of fundamental principles of law and justice. Its rapid growth in the 20th century is regarded as the most significant development in the field of law. It deals with the adjective form of the legal framework governing public administration and the principles to control executive power to avoid arbitrariness.

The Objectives of the course are to ensure students understand -

1. The special features of the law distinct from the Constitutional Law.
2. The basic principles which are specifically followed to render justice i.e., Principles of natural justice, their kinds and exceptions.
3. The reasons and evolution of delegated legislation and the functioning of the delegated authorities within the ambit of the power conferred to them.
4. The functioning of the special bodies constituted as alternative means for administering justice viz., Administrative Tribunals, Ombudsman, Lokayukta, Lokpal.

With the help of the principles laid down by the Courts of law with special reference to the exercise of power by the administrative authorities providing insights with the latest updates.

## Unit-I:

Nature and scope of Administrative Law — Meaning, Definition and Evolution of Administrative Law—Reasons for the growth of Administrative Law — Relationship between Administrative Law and Constitutional Law.

Teaching Hours: 20

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | <p>1.1 Evolution, definition, nature, scope and significance of Administrative Law in various system of governance from ancient to modern.</p> <p>1.2 Development of Administrative law in USA, UK and India, and <i>Droit Administratif</i> and <i>Conseil d'Etat</i> in France.</p> <p>1.3 Constitutional dimensions of administrative law and its relationship, Role of administrative law in welfare state and relationship between constitutional and administrative law.</p> <p><b>Method of Teaching :</b><br/>Lecture, Power point presentation, quiz. Group discussions', Student Presentation regarding the concern topics.</p> |
|-----------------------|---|

## Unit-II:

Basic concepts of Administrative Law — Rule of Law — Interpretation of Dicey's Principle of Rule of Law — Modern trends - Theory of Separation of Powers — Position in India, UK and USA.

Teaching Hours: 15

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | <p>1. Basic Concepts of Administrative Law.</p> <p>2. Rule of Law – Dicey's Principle of Rule of Law and its Modern Trends.</p> <p>3. Separation of powers- Position in India , UK and USA.</p> <p>4. Classification of power, delegation of legislative power and control.</p> <p><b>Method of Teaching :</b><br/>Lecture, Power point presentation , Group discussions', Case law Presentations</p> |
|-----------------------|---|

### Unit-III:

Classification of Administrative functions — Legislative, Quasi-judicial, Administrative and Ministerial functions — Delegated Legislation — Meaning, Reasons for the growth and Classification of delegated legislation— Judicial and Legislative Control of Delegated litigation.

Teaching Hours: 20

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | <ol style="list-style-type: none"><li>1. Classification of Administrative Functions.</li><li>2. Legislative, Quasi – Judicial, Administrative and Ministerial Functions.</li><li>3. Delegated Legislation – Meaning, Reasons for the growth and Classification of delegated legislation.</li><li>4. Judicial and Legislative Control of Delegated Legislation.</li></ol> <p><b>Method of Teaching :</b><br/>Lecture, power point presentations, debts. Case laws presentations, Group discussions’.</p> |
|-----------------------|---|

### Unit-IV:

Judicial Control of Administrative Action - Grounds of Judicial Control — Principles of Natural Justice — Administrative discretion and its control.

Teaching Hours: 15

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | <ol style="list-style-type: none"><li>1. Evolution and significance of principle of Natural justice</li><li>2. Right to fair hearing – Audi Alteram partem – Administrative cases – statutory hearing- reasoned decision and its exceptions :<br/><i>nemojudeX in causa sua</i> -Rule against bias , Kinds of bias and exceptions</li><li>3. Administrative Discretionary power – definition, its scope, nature and relevance in the present day context, with the support of right to information Act, 2005.use, misuse, abuse and non-use of discretionary power.</li><li>4. Judicial control over Administrative</li></ol> |
|-----------------------|---|

|  |   |
|--|---|
|  | <p>Discretionary power – Retention, Dictation and Abuse of Administrative power.</p> <p>5. Ombudsman - Lokpal and Lokayukta</p> <p><b>Method of Teaching :</b><br/>Lecture, power point presentations, Case laws presentations, Group discussions' Live examples Explanation.</p> |
|--|---|

### Unit-V:

Remedies available against the State — Writs — Lokpal and Lok yukta — Liability of the State in Torts and Contracts — Rule of Promissory Estoppels — Administrative Tribunals - Commissions of Inquiry — Public Corporations.

**Teaching Hours: 10**

|                              |  |
|------------------------------|--|
| <p><b>Key Indicators</b></p> | <ol style="list-style-type: none"> <li>1. Remedies available against the State</li> <li>2. Writs</li> <li>3. Lokpal and Lok yukta</li> <li>4. Liability of the State in Torts and Contracts</li> <li>5. Rule of Promissory Estoppels</li> <li>6. Administrative Tribunals</li> <li>7. Commissions of Inquiry</li> <li>8. Public Corporations.</li> </ol> <p><b>Method of Teaching :</b><br/>Lecture, Case laws presentations, Live Examples - Explanation, Project Works, Workshops.</p> |
|------------------------------|--|

### Suggested Readings:

1. Basu, Durga Das, Administrative Law.
2. De Smith - Judicial Review of Administrative Action, 6th Revised Edition 2006, Sweet and Maxwell Publication.
3. Garner's – Administrative Law, 8th Edition 1996, Oxford University press
4. H.W.R. Wade and C.F. Forsyth - Administrative Law, 10th Edition 2009, Publication-Oxford University Press, New York.

5. I. P. Massey - Administrative Law, 7th Edition 2008. Publication-Eastern Book Company, Luck now.
6. Jain, M.P., Cases and Materials on Indian Administrative Law, Nagpur: Lexis Nexis, India.
7. M. P. Jain & S. N. Jain, Principles of Administrative Law, Nagpur: Lexis Nexis, India, 2010.
8. Richard J Pierce & Kenneth Culp Davis, Administrative Law treatise
9. S. P. Sathe - Administrative Law, 7th Edition 2006. Lexis Nexis, Butterworth's Publication.
10. Subba Rao, G C V, Administrative law

### ARTICLES:

1. Ajoy P.B., Administrative Action and the Doctrine of Proportionality in India, <http://www.iosrjournals.org/iosr-jhss/papers/Vol1-issue6/D0161623.pdf>
2. Justice MarkandeyKatju., Administrative law and judicial review of administrativeaction, [http://www.ebcindia.com/lawyer/articles/2005\\_8\\_25.htm](http://www.ebcindia.com/lawyer/articles/2005_8_25.htm)
3. Anupa V. Thapliyal, Central Administrative Tribunals and Their Power to Issue Directions, Orders or Writs Under Articles 226 and 227 of the Constitution, <http://www.ebc-india.com/lawyer/articles/92v4a4.htm>
4. ShubhamManojKhare, Administrative Discretion & Limitation on Administrative Discretion By Article 14 & 16 of the Indian Constitution, [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1465519](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1465519)
5. D.Y.Chandrachud,Constitutional and Administrative Law in India, <http://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1142&context=ijli>
6. Prof. S.S. Vishweshwaraiah, Emerging Trends In Administrative Law, <http://elearning.vtu.ac.in/P3/CIP71/5.pdf>
7. A. T. Markose, 'Judicial Control of Administrative Action in India. A Study in Methods.'<http://www.jstor.org/stable/pdfplus/1337434.pdf?acceptTC=true>

8. Y Pardhasaradhi, Ravinder Kaur, Administrative Reforms for Good Governance, <http://socialsciences.in/article/administrative-reforms-good-governance>
9. 162nd Report of the Law Commission on Central Administrative Tribunal, <http://lawcommissionofindia.nic.in/101-169/report162.pdf>

## COMPANY LAW

### Unit-I:

Definition and attributes of Company — Distinction between Partnership Firm and Company — Kinds of Companies including Multinational Companies — Advantages and Disadvantages of Incorporation —Consequences of non-compliance of the provisions of the Companies Act in matters of incorporation.

**Teaching Hours: 20**

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | 1.1 Definition and attributes of Company<br>1.2 Distinction between Partnership Firm and Company<br>1.3 Kinds of Companies including Multinational Companies<br>1.4 Advantages and Disadvantages of Incorporation<br>1.5 Consequences of non-compliance of the provisions of the Companies Act in matters of incorporation. |
|                       | <b>Method of Teaching :</b><br>Lecture, Power point presentation. Group discussions', Student Presentation regarding the concerned topics.  |

### Unit-II:

Promoters and Registration - Pre-incorporation contracts - Memorandum of Association - Articles of Association.

**Teaching Hours: 15**

|                       |  |
|-----------------------|--|
| <b>Key Indicators</b> | 2.1 Promoters and Registration<br>2.2 Pre-incorporation contracts<br>2.3 Memorandum of Association<br>2.4 Articles of Association. |
|                       | <b>Method of Teaching :</b><br><br>Lecture, Power point presentation ,<br>Group discussions', Case law<br>Presentations            |

### Unit-III:

Prospectus - Members - Shareholders - Share Capital - Shares and Dividends  
Debentures - Directors - Powers and Liabilities of Directors.

**Teaching Hours: 15**

|                       |  |
|-----------------------|--|
| <b>Key Indicators</b> | 3.1 Prospectus<br>3.2 Prospectus and its members<br>3.3 Shareholders and Share Capital<br>3.4 Shares and Dividends Debentures<br>3.5 Directors<br>3.6 Powers and Liabilities of Directors.     |
|                       | <b>Method of Teaching :</b><br><br>Lecture, power point presentations, debats.<br>Case laws presentations, Live examples -<br>explanation. Recent updates with relating to<br>the Subject etc. |

### Unit-IV:

Director, Manager and Secretary - Meetings - Majority powers and minority  
rights - Prevention of Oppression and Mismanagement.

**Teaching Hours: 15**

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | 4.1 Position of Director<br>4.2 Manager and Secretary<br>4.3 Meetings<br>4.4 Majority powers and minority rights<br>Prevention of Oppression and<br>Mismanagement |
|                       | <b>Method of Teaching :</b><br><br>Lecture, power point presentations, Case laws presentations, Group discussions' Live examples Explanation.                     |

### Unit-V:

Modes of winding up of companies - Consequences of winding up - Functions of Official Liquidator.

**Teaching Hours: 16**

|                       |  |
|-----------------------|--|
| <b>Key Indicators</b> | 5.1 Modes of winding up of companies<br>5.2 Consequences of winding up<br>5.3 Functions of Official Liquidator                                     |
|                       | <b>Method of Teaching :</b><br><br>PPT presentations, Case laws presentations, Live examples explanation, Video visuals. Project Works, Workshops. |

### Suggested Readings:

1. Shah : Lectures on Company Law, N.M.Tripati, Bombay.
2. Avtar Sing : Company Law, Eastern Book Company, 13th Edn. 2001.
3. Charlesworth: Company Law, Sweet and Maxwell, 1996.
4. Ramaiah: Company Law, Wadhwa & Co. 15th Edn. 2001.
5. Dutta: Company Law, Eastern Law House, Calcutta

# LABOUR LAW- 1

## UNIT-1

- 1.1-What is Trade union and introduction to Trade union?
- 1.2- History of Trade Union movement.
- 1.3- Meaning and definition of Trade Unions.
- 1.4- Registration of Trade unions Act 1926.
- 1.5- Registration of Rights and Liabilities under Trade unions.
- 1.6- Immunities
- 1.7- Amalgamation and dissolution of unions.
- 1.8- Reorganization of trade unions.

**Way of Teaching:** (15 hours).

- Simulation exercise-Trade dispute - assignments,
- Group discussions, Debates, Case laws, live Examples etc.

## UNIT-2

- 2.1- How to prevent and settle the industrial disputes in India?
- 2.2- Role of the State in industrial relations.
- 2.3-What is industrial disputes act 1947.
- 2.4-Definition of industry
- 2.5 -Relationship between industrial dispute and individual dispute.
- 2.6 -Workman, Lay-off, retrenchment.
- 2.7 -Closure, Award, strikes and lockouts.

**Way of Teaching:** (15 hours)

- By Group discussions, conducting debates,
- Giving important points, case laws, live Examples, assignments some lecture Etc.

## UNIT-3

- 3.1-The authorities under ID Act, works committee, conciliation.
- 3.2- Court of inquiry, Industrial Tribunal cum labour courts.
- 3.3- powers and functions of authorities, voluntary arbitration.
- 3.4-Provisions under chapter v-a and v-b of the act.
- 3.5 -Alteration of conditions of service.
- 3.6-Management rights of action during pending of proceedings.
- 3.7 -Recovery of money due from employer.
- 3.8-Unfair labour practices, miscellaneous provisions of the Act.

**Way of Teaching:** (15 hours)

- Extension lecture, group Discussions, debates, case laws Live examples etc.

## UNIT-4

- 4.1-What are standing orders?
- 4.2 -Significance and nature of standing orders, scope and coverage.
- 4.3- Certification processes its operation and binding effect.
- 4.4- Modification and Temporary application of model standing orders.
- 4.5 -Interpretation and enforcement of standing orders.
- 4.6-Provisions contained in the Industrial Employment (Standing Orders) Act 1946.

## UNIT-5

- 5.1 -Disciplinary proceedings in industries.
- 5.2 -Charge sheet, Explanation.
- 5.3 -Domestic enquiry, Enquiry officer, Enquiry report.
- 5.4- Punishment, principles of natural justice.

[Disciplinary proceeding authority- interview](#)

## SEMESTER – IV

### LABOUR LAW -2

#### UNIT -1

- 1.1 The Remunerative Aspects
- 1.2 What is wage, wages
- 1.3 Concepts of wages, Minimum ,Fair, Living wages,
- 1.4 Wage and industrial policies
- 1.5 White Commission, Recommendations
- 1.6 Provisions of payment of wages Act 1936
  - Timely payment of wages
- 1.7 Authorised deductions ,Claims
- 1.8 Minimum Wages Act-1948
- 1.9 Definitions, Types of wages
- 1.10 Minimum rates of wages
- 1.11 Procedure for fixing and revising minimum wages
- 1.12 Claims, Remedy.

**Way of Teaching:** (15 hours)

- By delivering lecture, Giving some examples, some recent case laws etc.

#### UNIT -2

- 2.1- What is Bonus and concept of bonus?
- 2.2 –Right to claim to bonus.
- 2.3 –Full bench formula, Bonus commission
- 2.4 –Payment of Bonus Act 1965
- 2.5 –Application, computation of Gross Profit,

- 2.6 –Available, Allocable Surplus.
- 2.7 – Eligibility of Bonus.
- 2.8 – Disqualification of Bonus, set on, set off of allocable surplus.
- 2.9 –Minimum and maximum Bonus, Recovery of Bonus.

**Way of Teaching:** (15 hrs)

- Survey for verification of adoption of labour laws.
- Assignments, Giving some examples
- Some recent case laws.

**UNIT -3**

- 3.1 –Employees Security and Welfare aspect, Social Security.
- 3.2- Meaning and concept of social security.
- 3.3 –Social Insurance, Social Assistance Schemes.
- 3.4 –Social Security Legislations.
- 3.5 –Law relating to workmen’s compensation.
- 3.6 –The workmen’s compensation Act 1923.
- 3.7 –Definitions, Employer’s liability for compensation.
- 3.8 – News between injury and employment, payment of compensation.
- 3.9 – Penalty for default, Employees state insurance Act 1948.
- 3.10- Application, Benefits under the Act.
- 3.11 –Adjudication of disputes and claims
- 3.12 –ESI Corporation.

**Way of Teaching:** (15 hrs)

- Labour welfare office- internship.
- Assignments, live examples and case Laws

**UNIT-4**

- 4.1 –Employees Provident Fund and Miscellaneous provisions Act 1952.
- 4.2- Contributions, schemes under the Act, Benefits.
- 4.3 –The Maternity Benefit Act 1961.
- 4.4- Definitions, Application, Benefits
- 4.5 –The payment of Gratuity Act 1972.
- 4.6 –Definitions, Application, payment of gratuity
- 4.7 –Eligibility, forfeiture, nomination, is controlling authorities.

**Way of Teaching:** (15hrs)

- PF Officer Lecture.
- Giving assignments, live Examples and case laws.

**UNIT -5**

- 5.1 –The Factories Act 1948
- 5.2 –Chapters dealing with Health, Safety, and Welfare of Labour.
- 5.3 –Child Labour. Rights of child and the Indian constitution.
- 5.4 –Salient features of the child labour (Prohibition and Regulation) Act 1986

### Way of Teaching: (15hrs)

- Internship with factory inspector.
- Giving assignments, live Examples and case laws.

## PUBLIC INTERNATIONAL LAW

| Topic No | Topic Name   | No Of Periods |
|----------|--|---------------|
| 1.1      | Definition, Nature, Scope and Importance of International Law  | 4             |
| 1.2      | Relation of International Law to Municipal Law                 | 2             |
| 1.3      | Sources of International Law                                   | 2             |
| 1.4      | Codification   | 4             |
| a        | Assignment on International Law Commission                     |               |
| b        | Guest / extension lecture                                      |               |
| 2.1      | State Recognition  | 4             |
| 2.2      | State Succession   | 4             |
| 2.3      | Responsibility of States for International delinquencies       | 3             |
| 2.4      | State Territory — Modes of acquiring State Territory           | 4             |
| a        | Assignment on India's political relations with other states.   |               |
| b        | Debate over India's role r/w Art. 51- C of Indian Constitution |               |
| 3.1      | Position of Individual in International Law                    | 1             |
| 3.2      | Nationality  | 2             |
| 3.3      | Extradition  | 2             |
| 3.4      | Asylum   | 2             |

|       |  |   |
|-------|--|---|
| 3.5   | Privileges and Immunities of Diplomatic Envoys                     | 2 |
| 3.6   | Treaties   | 1 |
| 3.6.1 | Formation of Treaties  | 1 |
| 3.6.2 | Modes of Consent, Reservation and termination                      | 2 |
| a     | Internship either with Embassy or with Office of Foreign Relations |   |
| 4.1   | The Legal Regime of the Seas                                       | 1 |
| 4.2.1 | Evolution of the Law of the Sea                                    | 1 |
| 4.2.2 | Freedoms of the High Seas  | 4 |
| 4.2.3 | Common Heritage of Mankind   | 1 |
| 4.2.4 | United Nations Convention on the Law of the Seas                   | 2 |
| 4.3   | Legal Regime of Airspace   | 1 |
| 4.3.1 | Important Conventions relating to Airspace                         | 2 |
| 4.3.2 | Paris, Havana, Warsaw and Chicago Conventions                      | 2 |
| 4.3.3 | Five Freedoms of Air – Legal Regime of Outer space                 | 4 |
| 4.3.4 | Important Conventions such as Outer space Treaty                   | 2 |
| 4.3.5 | Agreement on Rescue and Return of Astronauts                       | 2 |
| 4.3.6 | Liability Convention   | 2 |
| 4.3.7 | Agreement on Registration of Space objects                         | 2 |
| 4.3.8 | Moon Treaty  | 2 |
| 4.3.9 | Unispace   | 2 |
| a     | Workshop to be organised by students with experts                  |   |

|       |  |   |
|-------|--|---|
| 5     | International Organizations                    | 1 |
| 5.1   | League of Nations and United Nations           | 1 |
| 5.2   | International Court of Justice                 | 4 |
| 5.3   | International Criminal Court                   | 4 |
| 5.4   | Specialized Agencies of the UN                 | 1 |
| 5.4.1 | WHO  | 1 |
| 5.4.2 | UNESCO   | 1 |
| 5.4.3 | ILO  | 1 |
| 5.4.4 | IMF  | 1 |
| 5.4.5 | WTO  | 4 |
|       | <b>Simulation Exercises on important cases</b> |   |

## **INTERPRETATION OF STATUTES (IOS)**

### **1. INTRODUCTION:**

It is a known fact that the legislature is highest law making body and the court is merely an interpreter of the law. In fact there is a vast difference between the legal phraseology and the ordinary phraseology. Sometimes it is difficult to ascertain the true meaning of the words used in a Statute. In such a case the Court resorts to various methods in ascertaining true meaning, which process is called Interpretation, The very concept of 'interpretation' connotes the introduction of elements which are necessarily extrinsic to the words in the statute

Such art as popularly known as the rules of interpretation has been evolved in about all legal jurisprudence. Such an evolution is a result of many considerations starting from general scope, purpose of the legislation mingled with intention of legislatures and from the legal rights of the parties independent of the instrument or law in question to many other factors.

The art of correct interpretation only depend on the ability to read what is stated in plain language, read between the lines, read 'through' the provision, examining the intent of the Legislature and call upon case laws and other aids to interpretation.

In simple words, this evolution is a logical process which is adopted for determining the true sense of any form of language, the sense which their author intended to convey and to ensure justice as the end resulting the true meaning of the word.

## **2. LEARNING OBJECTIVES:**

1. Study of Interpretation of statutes gives the student the art of finding out the true meaning of the words used in a statute, so that the ambiguity in the words used, hardship created can be avoided.

2. During the course of learning this Subject the learners will know various kinds of tendencies resorted by the Court in finding out the true meaning of the words used in the Statutes.

3. After successfully completing this course, the candidate shall be able to identify the methods of interpretation according to the nature/type of legislation as beneficial laws, penal laws, taxing laws etc.,

4. The students will come to know about the various components of a statute and their use in the interpretation of statutes.

5. The Students will come to know about the art of interpretation in their career as advocate, draftsman or a Judicial Officer

6. The students, after listening to the classes on this subject will know and learn the need to draft different kinds of pleadings for different situations in the courts of law.

7. Another benefit will be that the learners will be typically well-versed in understanding tendency of the judiciary in deciding cases.

The specific objective would be to take all the students to make them understand the system of Interpretation of Statutes which is the core function of the Court. Hence, the institute thinks it to be very imperative for the student to be able to understand the importance and use the knowledge to further his/her career.

## **3. LECTURES:**

### **A. Scheme and Structure**

#### **➤ HISTORY OF IOS**

- How judges decide? The Method of Philosophy; The Method of Sociology

- Why Interpret? The need for interpretation; Divergence and convergence between legal and non-legal interpretation; Intention in interpretation; Why original intent is important
- Debunking the intention thesis; Questions of impracticability in light of the nature of legislative history
- Text and meaning; Expression, purpose and intent; Pragmatism in interpretation
- Making sense of Precedent; Determining 'ratio decidendi'

#### ➤ INTRODUCTION

- Meaning and Definition of Statutes
- Classification of Statutes
- Meaning and Definition of Interpretation
- General Principles of Interpretation
- Rules of Construction under the General Clauses Act, 1897

#### ➤ REPORTS OF LAW COMMISSIONS ON LAW OF INTERPRETATION

- Law Commission of India – 60<sup>th</sup> Report on the General Clauses Act, 1897
- Law Commission of India – 183<sup>rd</sup> Report on 'A continuum on the General Clauses Act, 1897 with reference to the admissibility and codification of external aids to interpretation of statutes'

#### ➤ Canons of Statutory Interpretation

##### 1. Grammatical Rule of Interpretation

- On the holistic reading of statutes
- Literal construction
- Golden Rule
- Mischief Rule of construction
- Rule of purposive construction
- Construction *Ut res magis valeat quam pereat*

##### 2. Interpretation of Penal Statutes and Statutes of Taxation

- Rule of strict interpretation (Tax and penal statutes)
- Harmonious construction
- Principles of *Ejusdem generis* and *Nocitur a sociis*

➤ **Internal and external aids to statutory interpretation**

- External Aids to Interpretation
- Statement of objects of legislation, Legislative debates, and identification of purpose sought to be achieved through legislation
- Internal Aids to Interpretation
- Preamble, title, interpretation clause, marginal notes, explanations etc.
- Presumptions.

➤ **Effect of Repeal**

- Effect of amendments to statutes
- Conflict between parent legislation and subordinate legislation
- Methods of interpreting substantive and procedural

|                     |   |
|---------------------|---|
| <b>Week 1</b>       | Meaning & Need of Interpretation of Statutes<br>Differences between Interpretation & Construction<br>Parts of a Statute- Role in Interpretation   |
| <b>Week 2</b>       | How judges Decide: Do they Declare what is stated by law or Make the Law? –Methods of Philosophy<br>The need for interpretation; Divergence an convergence between legal and non-legal interpretation; Intention in interpretation; Why original intent is important  |
| <b>Week 3</b>       | Debunking the intention thesis; Questions of impracticability in light of the nature of legislative history<br>Making sense of Precedent: Kinds   |
| <b>Week 4</b>       | Determining ‘ratio decidendi’. Difference between “Ratio decidendi” and “Obiter dicta”<br>Principle of “Stare decisis”- Over ruling power of Supreme Court  |
| <b>Week 5 and 6</b> | Meaning and Definition of Statutes<br>Classification of Statues<br>Meaning and Definition of Interpretation<br>General Principles of Interpretation<br>Rules of Construction under the General Clauses Act, 1897  |
| <b>Week 7</b>       | <b>General Clauses &amp; Interpretation</b><br><b>Law Commission of India – 60<sup>th</sup> Report on the General Clauses Act, 1897</b><br><b>Law Commission of India – 183<sup>rd</sup> Report on ‘A continuum on the General Clauses Act, 1897 with reference to the admissibility and codification of external aids to interpretation of statutes’</b> |

|                       |   |
|-----------------------|---|
| <b>Week 8 and 9</b>   | <b>Topic 3 -Canons of Statutory Interpretation</b><br><b>Basic Rules of Interpretation</b><br>Literal Interpretation -Rules<br>Golden Rule of Interpretation<br>Mischief Rule<br>Rule of purposive construction<br>Construction <i>Ut res magis valeat quam pereat</i>  |
| <b>Week 10 and 11</b> | Rule of Strict Construction (Tax/Fiscal statutes)<br>Rule of Strict Construction ( Penal Statues)<br>Rule of Harmonious construction<br>Principles of Ejusdem generis and Nocitur a soiis, Causus Omisus<br>Beneficial Construction<br>Liberal Construction   |
| <b>Week 12</b>        | Case study based on rules   |
| <b>Week 13 AND 14</b> | Internal and external aids to statutory interpretation<br>Statement of objects of legislation<br>Legislative debates<br>identification of purpose sought to be achieved through legislation<br>Internal Aids to Interpretation<br>Preamble, title, interpretation clause, marginal notes, explanations etc.<br>Presumptions |
| <b>Week 15</b>        | Effect of amendments to statutes<br>Conflict between parent legislation and subordinate legislation<br>Methods of interpreting substantive and procedural   |
| <b>Week 16</b>        | Revision and Evaluation of assignments  |

#### 4. READING MATERIALS

- Vepa P. Sarathi: Interpretation of Statutes, Eastern Book Co, 4th Edition, 1976.
- Maxwell: Interpretation of Statutes, Butterworths Publications, 1976, 12th Edition.
- Crawford: Interpretation of Statutes, Universal Publishers.
- Chatterjee: Interpretation of Statutes.
- G.P. Singh: Principles of Statutory Interpretation, Wadhwa and Company, 8th Ed., 2001.
- Cross, Statutory Interpretations
- Benjamin Cardozo, The Nature of Judicial Process (Martino Publishing 2011)
- Joseph Raz, Between Authority and Interpretation (Oxford University Press 2009)

- Robert H. Bork, *The Tempting of America: The Political Seduction of the Law* (New York: The Free Press 1990)
- Max Radin, *Statutory Interpretation*, *Harvard Law Review*, Vol.43, No.6 (April 1930)
- Paul Brest, *The Misconceived Quest for the Original Understanding*, *Boston University Law Review*, Vol. 60 (1980)
- Ronald Dworkin, *Natural Law Revisited*, *University of Florida Law Review*, Vol. 34 (1982)
- H.L.A. Hart, *Positivism and the Separation and Morals*, *Harvard Law Review*, Vol. 71(1958)
- Lon L. Fuller, *Positivism and the Fidelity to Law – A Reply to Professor Hart*, *Harvard Law Review*, Vol.71 (1958)
- Frederick Schauer, *Formalism*, *Yale Law Journal*, Vol. 97 (1989)
- Richard Posner, *Legal Formalism, Legal Realism and the Interpretation of Statutes and the Constitution*, *Case Western Reserve University Law Review*, Vol. 37 (1987)
- Cass R. Sunstein, *On Analogical Reasoning*, *Harvard Law Review*, Vol. 106 (1992)
- Larry Alexander, *Constrained by Precedent*, *Southern California Law Review*, Vol. 63 (1989)

### Cases

- *Wallace v Jaffree* 283U.S.25(1931);
- *United States v Locke* 471 U.S. 89(1985);
- *Home Building and Loan Association v Blaisdell* 290 U.S. 398(1934);
- *Bray v Alexandria Women’s Health Clinic* 113 S. Ct. 753 (1993),
- *National Organisation for Women v Scheidler* 114 S. Ct. 832 (1994);
- *Planned Parenthood of Southeastern Pennsylvania v Casey*, 112 S. Ct. 2791 (1992)
- *P. RamachandraRao v. State of Karnataka*, (2002) 4 SCC 578,
- *Padma SundaraRao v. State of Tamil Nadu*, (2002) 3 SCC 533;
- *TejKiran Jain v. N. Sanjiva Reddy*, (1970) 2 SCC 272,
- *Jugalkishore v. Raw Cotton Co.*, AIR 1955 SC 376;
- *G. Narayanaswami v. Pannersevan*, (1972) 3 SCC 717,
- *Union of India v. Filip Tiago De Gama of Vedem Vasco De Gama*, AIR 1990 SC 981;
- *R.M.D. Chamarbaugwalla v. Union of India*, AIR 1957 SC 628,
- *Commissioner of Income-tax v. Smt. Sodra Devi* AIR 1957 SC 832,
- *Utkal Contractors & Joinery (P) Ltd. v. State of Orissa*, AIR 1987 SC 145;
- *Rev. Stanislaus v. State of M.P.* AIR 1977 SC 108,
- *S.R. Chaudhary v. State of Punjab*, (2001) 7 SCC 126,
- *All India Reporter KaramchariSangh v. All India Reporters Ltd.* AIR 1988 SC 1325;

- Avtar Singh v. State of Punjab, AIR 1965 SC 666,
- Corporation of Calcutta v. Liberty Cinema, AIR 1965 SC 66;
- The Empress Mills, Nagpur v. TheMunicipal Committee, Wardha, AIR 1958 SC 341,
- A.S. Sulochana v. C. Dharmalingam, AIR 1987 SC 242;
- K.M. Nanavati v. State of Bombay, AIR 1961 SC 112,
- Calcutta Gas Co. v. State of West Bengal, AIR 1962 SC 104;
- Calcutta Municipal Corporation v. East India Hotels Ltd., (1994) 5 SCC 690,
- Oswal Agro Mills Ltd. v. Collector for Central Excise, 1993 Supp (3) SCC 7;
- M/s HiralalRattanlal v. State of Uttar Pradesh, (1973) 1 SCC 216,
- Manoharlal v. State of Punjab, AIR 1961 SC 418,
- ShashikantLaxman Kale v. Union of India, AIR 1990 SC 2114,
- Pepper (Inspector of Taxes) v. Hart, [1992] 3 WLR 1032
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## LAND LAWS

Total Teaching Hours for Semester: 60

No of Lecture Hours per Week:6

Max Marks: 100

### Unit-I:

Classification of lands - Ownership of Land - Absolute and limited ownership (tenancy, lease etc.) -Doctrine of Eminent Domain - Doctrine of Escheat - Doctrine of Bona Vacantia -Maintenance of land records and issue of Pattas and Title Deeds etc.

Teaching Hours: 10

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | <ol style="list-style-type: none"> <li>1. Classification of lands</li> <li>2. Ownership of Land</li> <li>3. Absolute and limited ownership (tenancy, lease etc.)</li> <li>4. Doctrine of Eminent Domain</li> <li>5. Doctrine of Escheat</li> <li>6. Doctrine of Bona Vacantia</li> <li>7. Maintenance of land records and issue of Pattas and Title Deeds etc.</li> </ol> |
|                       | <p><b>Method of Teaching :</b><br/>Lecture, Power point presentation, Group discussions', Student Presentation regarding the concern topics.</p>  |

## Unit-II:

Law Reforms before and after independence - Zamindari Settlement –Ryotwari Settlement - Mahalwari System - Intermediaries - Constitutional Provisions - Abolition of Zamindaries, Jagirs and Inams -Tenancy Laws - Conferment of ownership on tenants/Ryots.

Teaching Hours: 10

|                       |  |
|-----------------------|--|
| <b>Key Indicators</b> | <ol style="list-style-type: none"><li>1. Law Reforms before and after independence</li><li>2. Zamindari Settlement</li><li>3. Ryotwari Settlement</li><li>4. Mahalwari System-Intermediaries</li><li>5. Constitutional Provisions</li><li>6. Abolition of Zamindaries, Jagirs and Inams</li><li>7. Tenancy Laws</li><li>8. Conferment of ownership on tenants/Ryots.</li></ol> |
|                       | <b>Method of Teaching :</b><br>Lecture, Power point presentation , Group discussions', Case law Presentations  |

## Unit-III:

Laws relating to acquisition of property - Land Acquisition Act of 1894 (Issue of notifications, Award enquiry, Payment of compensation & Reference to civil courts etc.) The Land Acquisition and Requisition Act.

Teaching Hours: 10

|                       |  |
|-----------------------|--|
| <b>Key Indicators</b> | <ol style="list-style-type: none"><li>1. Laws relating to acquisition of property</li><li>2. Land Acquisition Act of 1894 (Issue of Notifications, Award enquiry, Payment of compensation &amp; Reference to civil courts etc.)</li><li>3. The Land Acquisition and Requisition Act.</li></ol> |
|                       | <b>Method of Teaching :</b><br>Lecture, power point presentations, debates. Case laws- presentations, Group discussions'.  |

#### Unit-IV:

Laws relating to Ceiling on Land Holdings - A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 - Effect of inclusion in the IX Schedule of the Constitution - Interpretation of Directive Principles of State Policy - The Urban Land (Ceiling on Holdings) Act, 1976.

Teaching Hours: 15

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | <ol style="list-style-type: none"><li>1. Laws relating to Ceiling on Land Holdings</li><li>2. A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973</li><li>3. A.P. Land Reform and its Effect of inclusion in the IX Schedule of the Constitution. Interpretation of Directive Principles of State Policy.</li><li>4. The Urban Land (Ceiling on Holdings) Act, 1976.</li></ol> |
|                       | <b>Method of Teaching :</b><br>Lecture, power point presentations, Case laws presentations, Group discussions, Live examples- Explanation.  |

#### Unit-V:

Laws relating to alienation — A.P. Scheduled Areas Land Transfer Regulation 1959 - A.P. Assigned Lands (Prohibition of Transfers) Act, 1977-Resumption of Lands to the Transferor/Government - A.P. Land Grabbing (Prohibition) Act.

Teaching Hours: 20

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | <ol style="list-style-type: none"><li>1. Laws relating to alienation</li><li>2. A.P. Scheduled Areas Land Transfer Regulation 1959.</li><li>3. A.P. Assigned Lands (Prohibition of Transfers) Act,1977</li><li>4. Resumption of Lands to the Transferor/Government</li><li>5. A.P. Land Grabbing (Prohibition) Act.</li></ol> |
|                       | <b>Method of Teaching :</b><br>Lecture, Case laws presentations, Live Examples - Explanation, Project Works, Workshops.   |

### Suggested Readings:

1. P. Rama Reddi and P. Srinivasa Reddy : Land Reform Laws in A.P., Asia Law House. 5th Ed.
2. Hyderabad.
3. P.S. Narayana: Manual of Revenue Laws in A.P., Gogia Law Agency, 6th Ed. 1999, Hyderabad.
4. Land Grabbing Laws in A.P., Asia Law House, 3rd Ed. 2001, Hyderabad.
5. G.B. Reddy: Land Laws in A.P., Gogia Law Agency, Hyderabad, 1st Edition, 2001.
6. Isher Judge Ahluwalia, 'Urbanization in India Challenges, Opportunities and the Way Forward' Sage publishers 2014.
7. Ranjit Singh Ghuman-Globalization and Change –Rawat Publications 2010.
8. R Ramachandran, Urbanization and Urban Systems in India, Oxford 2012

### List of Case Laws

#### 74th Constitutional Amendment

1. Supreme Court of India Nagar Panchayat, Kurwai & Anr vs Mahesh Kumar Singhal & Ors on 6 September, 2013
2. Supreme Court of India K. Krishna Murthy & Ors vs Union Of India & Anr on 11 May, 2010
3. Supreme Court of India Ravi Yashwant Bhoir vs The Collector, District Raigad & ... on 2 March, 2012

### Ceiling on urban property

City Industrial Development Thr. its Managing Director vs. Platinum Entertainment & Ors on 26 September, 2014 <http://www.indiankanoon.org/doc/29050957/>

### Land Acquisition

1. Supreme Court of India Bondu Ramaswamy & Ors vs Bangalore Development Authority ... on 5 May, 2010.
2. Supreme Court of India Mun.Corp.Of Gr.Mumbai & Ors vs Kohinoor Cntl Infrs.Co.P.Ltd.& ... on 25 July, 2013
3. Okhla Enclave Plot Holders Wel. ... vs U O I & Ors on 17 July, 2013
4. State Of Haryana & Ors vs Bharti Teletech Ltd on 20 January, 2014
5. State Of Maharashtra & Anr vs Indian Hotel & Restaurants Assn.& ... on 16 July, 2013
6. Chandigarh Administration & Anr vs Jasmine Kaur & Ors on 1 September, 2014
7. State Of H.P vs Sunil Kumar on 5 March, 2014
8. Bhule Ram vs Union Of India & Anr on 28 March, 2014
9. Shree Ram Urban ... vs Court Receiver, High Court Of ... on 9 May, 2014

10. MS. Soma Isolux Nh One Tollway ... vs Harish Kumar Puri & Ors on 17 April, 2014
11. Dina Nath (D) By Lrs. & Anr vs Subhash Chand Saini & Ors on 16 April, 2014.
12. Krishna Kumar Rastogi vs Sumitra Devi on 20 August, 2014.
13. Safai Karamchari Andolan And Ors vs Union Of India And Ors on 27 March, 2014
14. Maharashtra Ekta Hawkwers Union & ... vs Municipal Corporation, Greater ... on 9 September, 2013
15. Nawal Kishore Sharma vs Union Of India & Ors on 7 August, 2014
16. Sree Balaji Nagar Residential ... vs State Of T.Nadu & Ors on 10 September, 2014
17. Union Of India vs Raj Kumar Baghal ... on 9 September, 2014
18. Badal Murmu & Ors vs State Of West Bengal on 5 February, 2014

## INTELLECTUAL PROPERTY LAW

| Topic No | Topic Name  | No of Periods |
|----------|---|---------------|
| 1        | Meaning, Nature, Classification and protection of Intellectual Property                       | 3             |
| 1.1      | The main forms of Intellectual Property   | 2             |
| 1.2      | Copyright, Trademarks, Patents, Designs (Industrial and Layout)                               | 2             |
| 1.3      | Geographical Indications  | 1             |
|          | <b>Assignment on scope of IPR in India and abroad.</b>  |               |
| 1.4      | Plant Varieties Protection and Biotechnology  | 4             |
| 2        | Introduction to the leading International instruments concerning Intellectual Property Rights | 6             |
| 2.1      | The Berne Convention  | 1             |
| 2.2      | Universal Copyright Convention  | 1             |

|     |  |   |
|-----|--|---|
| 2.3 | The Paris Union  | 1 |
| 2.4 | Patent Co-operation Treaty   | 1 |
| 2.5 | The World Intellectual Property Organization (WIPO) and the UNEESCO, International Trade Agreements concerning IPR | 6 |
|     | <b>Study on WIPO.</b>  |   |
| 2.6 | WTO  | 1 |
| 2.7 | TRIPS  | 1 |
| 3.0 | Select aspects of the Law of Copyright in India  | 5 |
| 3.1 | The Copy Right Act, 1957   | 6 |
| 3.2 | Historical evolution   | 1 |
| 3.3 | Meaning of copyright   | 1 |
| 3.4 | Copyright in literary, dramatic and musical works, computer programmes and cinematograph films                     | 1 |
| 3.5 | Neighboring rights   | 1 |
| 3.6 | Rights of performers and broadcasters, etc.  | 1 |
| 3.7 | Ownership and Assignment of copyright  | 1 |
| 3.8 | Author's special rights  | 1 |
| 3.9 | Notion of infringement   | 1 |

|      |   |   |
|------|---|---|
| 3.1  | Criteria of infringement  | 1 |
| 3.11 | Infringement of copyright in films, literary and dramatic works           | 1 |
| 3.12 | Authorities under the Act   | 1 |
|      | <b>Internship with Copy right authority.</b>                              |   |
| 3.13 | Remedies for infringement of copyright                                    | 1 |
| 4.0  | Intellectual Property in Trademarks and the rationale of their protection | 2 |
| 4.1  | The Trade Marks Act, 1999   | 5 |
| 4.2  | Definition of Trademarks  | 1 |
| 4.3  | Distinction between Trademark and Property Mark                           | 1 |
| 4.4  | Registration  | 1 |
| 4.5  | Passing off   | 2 |
| 4.6  | Infringement of Trademark   | 1 |
| 4.7  | Criteria of Infringement  | 2 |
| 4.8  | Remedies. The Designs Act, 2000   | 2 |
| 4.9  | Definition and characteristics of Design                                  | 1 |
| 4.1  | Law in India  | 1 |
| 4.11 | Protection and rights of design holders                                   | 2 |

|      |   |   |
|------|---|---|
| 4.12 | Copyright in design   | 2 |
|      | <b>Internship with patent, trade mark &amp; design authority.</b> |   |
| 4.13 | Registration  | 1 |
| 4.14 | Remedies for infringement.  | 2 |
| 5    | Patents   | 2 |
| 5.1  | Concept of Patent   | 1 |
| 5.2  | Historical overview of the Patents Law in India                   | 1 |
| 5.3  | Patentable Inventions   | 2 |
| 5.4  | Kinds of Patents  | 1 |
| 5.5  | Procedure for obtaining patent                                    | 1 |
| 5.6  | The Patents Act, 1970   | 3 |
| 5.7  | Rights and obligations of a patentee                              | 3 |
| 5.8  | Term of patent protection   | 1 |
| 5.9  | Use and exercise of rights  | 1 |
|      | <b>Advantages and dis-advantages of patent law in India.</b>      |   |
| 5.10 | Exclusive Marketing Rights  | 1 |
| 5.11 | Right to Secrecy  | 1 |
| 5.12 | The notion of 'abuse' of patent rights                            | 1 |
| 5.13 | Infringement of patent rights and remedies available              | 2 |

## SEMESTER - V

### CIVIL PROCEDURE CODE AND LAW OF LIMITATION

#### UNIT -1

1.1 - Introduction to CPC, Codification of civil procedure, Principal features of the CPC.

1.2 –Meaning and definition of Suits, parties to Suit, Framing of Suit, Institution of suits, Bars of suit.

1.3-Doctrines of Sub judice and Res Judicata, place of suing.

1.4 –Transfer of suits, Territorial jurisdiction.

1.5 –‘Cause of Action’ and jurisdictional bars.

1.6 –Summons, Service of foreign summons.

#### Method of Teaching: (15 hrs)

- Law Commission of India report.
- Explanation, group discussions, giving some project work,
- Assignment etc

#### UNIT -2

2.1 –Meaning and definition of pleadings, Contents of pleadings.

2.2 –Forms of pleading, Striking out/Amendment of Pleadings.

2.3 –Meaning and definition of Complaint, Essentials of complaint.

2.4 –Return of complaint, Rejection of complaint.

2.5 –Production and marking Documents.

2.6 –Written Statement, Counter claim.

2.7 –Set off, Framing of issues.

#### Method of Teaching: (15 hrs)

- Argue in IA for rejection of complaint.
- Explanation, group discussions,
- Project work and conducting
- Assignments

#### UNIT -3

3.1 –Appearance and Examination of parties and adjournments.

3.2 –Ex-parte procedure.

3.3 –Summoning and Attendance of witnesses.

3.4 –Examination, Admissions, Production.

3.5 –Impounding, Return of Documents, Hearing.

- 3.6 –Affidavit, Judgement and Decree.
- 3.7 – Concepts of Judgement, Decree, and Interim Orders and Stay.
- 3.8 –Injunctions, Appointment of Receivers and commissions.
- 3.9 –Costs, Execution, Concept of Execution.
- 3.10 –General principles of Execution, Power of Execution.
- 3.11 –Power of Executing courts, Procedure for Execution.
- 3.12 –Modes of Execution, Arrest and detention, Attachment and Sale.

**Method of Teaching:** (18 hrs)

- project work and conducting
- Simulation for Injunction.
- Assignments, discussions.

**UNIT -4**

- 4.1 –Suits in particular cases, Suits by or against Government.
- 4.2 –Suits relating to public matters, Suits by or against minors, Persons with unsound mind.
- 4.3 –Suits by indigent persons, Inter pleader Suits.
- 4.4 –Incidental and supplementary proceedings.
- 4.5 –Appeals, Reference, Review and Revision.
- 4.6 –Appeals from Original Decrees.
- 4.7 –Appeals from Appellate Decrees.
- 4.8 –Appeals from Orders, General provisions relating to Appeals.

**Method of Teaching:** (16 hrs)

- Study of an appeal.
- Conducting assignments, Discussions etc

**UNIT -5**

- 5.1 – Learning of law and limitation, Concept of limitation.
- 5.2 –Object of limitation, General principles of limitation
- 5.3 –Extension, condonation of delay.
- 5.4 –Sufficient Cause, Computation of limitation.
- 5.5 –Acknowledgement and part-payment.
- 5.6 –Legal Disability, provisions of the Limitation Act, 1963 (Excluding schedule)

**Method of Teaching:** (16 hrs).

- Project work on cases concerning Law of limitation.
- Discussions, case laws etc.

## CRIMINAL PROCEDURE CODE, LAW OF JUVENILE JUSTICE AND PROBATION OF OFFENDERS

| Topic No | Topic Name   | No Of Periods |
|----------|--|---------------|
| 1.0      | The Code of Criminal Procedure, 1973   |               |
| 1.1      | The rationale of Criminal Procedure  | 2             |
| 1.2      | The importance of fair trial   | 1             |
| 1.3      | Constitutional Perspectives : Articles 14, 20 & 21                                       | 3             |
| 1.4      | The organization of Police, Prosecutor and Defence Counsel                               | 3             |
| 1.5      | Pre-trial Process — Arrest   | 2             |
| 1.6      | Distinction between —cognizable and —non-cognizable offences                             | 1             |
| 1.7      | Steps to ensure presence of accused at trial   | 1             |
| 1.8      | Warrant and Summons cases — Arrest with and without Warrant                              | 2             |
| 1.9      | The absconder status   | 1             |
| 1.10     | Rights of arrested persons under Cr.P.C. and Article 22 (2) of the Constitution of India | 3             |
|          | <b>Mini- project as to Constitutional relevancy with Cr.P.C</b>                          |               |
| 2        | Search and Seizure   | 3             |
| 2.1      | Search with and without warrant  | 2             |
| 2.2      | Police search during investigation   | 1             |
| 2.3      | General Principles of Search — Seizure   | 2             |
| 2.4      | Constitutional aspects of validity of Search and Seizure proceedings                     | 2             |
|          | <b>Study of search and seizure panchamas as to their role in trial</b>                   |               |

|       |   |   |
|-------|---|---|
| 3     | Trial Process   | 3 |
| 3.1   | Commencement of Proceedings   | 1 |
| 3.2   | Dismissal of Complaint  | 1 |
| 3.3   | General Principles concerning Bail  | 2 |
| 3.4   | Cancellation of Bails   | 1 |
| 3.5   | Anticipatory Bail   | 2 |
| 3.60  | Bailable and Non-bailable Offences  | 1 |
| 3.7   | Bond  | 1 |
| 3.8   | Preliminary pleas to bar trial  | 2 |
| 3.8.1 | Jurisdiction  | 3 |
| 3.8.2 | Time Limitations  | 1 |
| 3.8.3 | Pleas of Autrefois Acquit and Autrefois Convict                           | 3 |
| 3.9   | Concept of fair trial   | 1 |
| 3.1.  | Presumption of innocence  | 1 |
| 3.11  | Venue of trial  | 1 |
| 3.12  | Jurisdiction of Criminal Courts   | 3 |
| 3.13  | Rights of accused   | 3 |
| 3.1   | Constitutional Interpretation of Article 21 as a right to speedy trial    | 2 |
| 3.15  | Charge — Form and content of Charge                                       | 3 |
| 3.2   | Trial before a Court of Session : Procedural steps and substantive rights | 4 |

|              |  |    |
|--------------|--|----|
|              | <b>Assignment on case study as to Bails</b>                                    |    |
|              | <b>Assignment on jurisprudential aspects as to acquittal and conviction</b>    |    |
| <b>4</b>     | Judgment: Form and content   | 4  |
| <b>4.1</b>   | Summary trial  | 2  |
| <b>4.2</b>   | Post-conviction orders in lieu of punishment                                   | 3  |
| <b>4.3</b>   | Modes of providing judgment copy   | 1  |
| <b>4.4</b>   | appeals  | 3  |
| <b>4.5</b>   | review   | 2  |
| <b>4.6</b>   | revisions  | 1  |
|              | <b>Judgement writing in a case upon completion of trial</b>                    |    |
| <b>5</b>     | Probation and Parole   | 2  |
| <b>5.1</b>   | Authority granting Parole  | 1  |
| <b>5.2</b>   | Supervision  | 1  |
| <b>5.3</b>   | Conditional release  | 1  |
| <b>5.4</b>   | suspension of sentence   | 1  |
| <b>5.5</b>   | Procedure under Probation of Offenders Act, 1958 – Salient features of the Act | 3  |
| <b>5.60</b>  | Juvenile Justice System  | 2  |
| <b>5.6.1</b> | Juvenile Justice (Care and Protection of Children) Act of 2000                 | 13 |
| <b>5.6.2</b> | Procedure under Juvenile Justice...Act   | 3  |
| <b>5.6.3</b> | Treatment and Rehabilitation of Juveniles                                      | 3  |

|       |   |   |
|-------|---|---|
| 5.6.4 | Protection of Juvenile Offenders                | 3 |
| 5.6.5 | Legislative and Judicial Role                   | 4 |
|       | Internship with Probation officer               |   |
|       | Internship with Juvenile Justice Board / Member |   |

## **LAW OF BANKING AND NEGOTIABLE INSTRUMENTS**

### **A. INTRODUCTION**

The objective behind teaching the Law of banking negotiable act is to benefit the students with comprehensive and holistic knowledge as Negotiable Instruments plays a major role in the trade world. The use of negotiable instruments in the international trade can be seen as emerging trend and assume that the international trade is also developing with the negotiable instruments. The nature of negotiable instrument is an area of law which has major influence on any person in his professional field. Negotiable instrument plays a major role in different part of the world in raising the economy. The negotiable instrument is of contractual in nature and it characterizes the fact that it is negotiable. The instrument can be transferred in a special manner which is established by the law merchant i.e. by negotiation.

### **B. SCHEME AND STRUCTURE**

#### **Topic 1: Introduction to LAW OF BANKING**

##### **1 History of the Banking Regulation Act (10 hours)**

- 1.1 The Reserve Bank of India Act 1934
- 1.2 scope of business
- 1.3 powers and functions of Reserve Bank of India
- 1.4 Credit information
- 1.5 Salient features
- 1.6 Banking Business and its importance in modern times
- 1.7 Definition of Notes, Bills and Cheque
- 1.8 Concept of Federal Bank
- 1.9 Establishment of foreign banks in India

##### **2. Parties to Notes, Bills and Cheque(10 hours)**

- 2.1 Relationship between Banker and Customer
- 2.2 Relationship between Debtor and Creditor

- 2.3 Fiduciary Relationship
- 2.4 Relationship between Trustee and Beneficiary
- 2.5 Relationship between Principal and Agent
- 2.6 Relationship between Bail and Baillie
- 2.7 Relationship between Guarantor and guarantee

### **3. of Crossed Cheques (10 hours)**

- 3.1 Meaning of crossed cheques
- 3.2 Meaning of Account Payee
- 3.3 Meaning of Banker's Drafts
- 3.4 Meaning of Dividend Warrants
- 3.5 Meaning of Postal order and money orders
- 3.6 Introduction of Traveller's cheques and circular notes

### **4. Introduction to Negotiable instruments ACT (10 hours)**

- 4.1 Meaning of Negotiable instruments
- 4.2 Meaning of deemed negotiable instruments
- 4.3 Salient features of Negotiable Instruments Act
- 4.4 kinds of Negotiable Instruments
- 4.5 Parties to a Negotiable Instrument
- 4.6 Negotiation and endorsement
- 4.7 Discharge from liability

### **5. Protection to Bankers (10 hours)**

- 5.1 Introduction to Paying Banker
- 5.2 Introduction of Statutory protection to Bankers
- 5.3 Meaning of Forgeries
- 5.4 Meaning of Collecting Banker
- 5.5 Statutory protection to Bankers

### **6. Banker's lien and set off. (10hours)**

- 6.1 Advances
- 6.2 Pledge
- 6.3 Stocks
- 6.4 Shares
- 6.5 Life Policies
- 6.6 Document of title to Goods
- 6.7 Bank Guarantees
- 6.8 Letters of Credit

### Suggested Readings:

1. Tanna: Banking Law & Practice in India, 18th Edn., Orient Law House, New Delhi.
2. Avtar Singh: Negotiable Instruments, 3rd Edn., Eastern Book Company, Lucknow, 1997.
3. P.N.Varshney: Banking Law & Practice, 17th Edn. Sultan Chand & Sons, New Delhi.
4. Taxman: Law of Banking, India Law House
5. B.R. Sharma and Dr.R.P. Nainta: Principles of Banking Law and Negotiable Instruments Act, Allahabad Law Agency.
6. Mukherjee's Banking Law and Practice, Premier Publications Company. 7. Bashyam and Adiga: Negotiable Instruments Act, Bharat Law House.

### Prescribed Legislations

The Reserve Bank of India Act 1934, the Banking Regulation Act 1949 and The Negotiable Instruments Act 1881 these following Acts have to be followed. The Act is future oriented as the rules can be modified at any point of time.

### ASSIGNMENTS

Assignments is aimed at improving the writing, research, and communication and presentation skills to make students learning academically more challenging and rigorous than standard lecture and test format courses. It also aims at promoting scholarship in this significant field of law, which has gained much momentum in practice but often lacks solid theoretical underpinnings due to lack or inadequacy of statutory provisions. It further aims to enhance learning capability by research amongst the learners, create a forum for enhancing a greater dialogue between the scholarly community, policymakers and practitioners.

### GUEST LECTURES BY PROFESSIONALS FOR EACH UNIT

1. Guest lecture by a banker from any bank
2. Guest lecture by banking official of RBI
3. Guest lecture by MEMBER OF Appellate Debt Recovery Tribunal

### Online site

For supplementary reading, you could, for instance, begin by consulting the relevant sections of the alternative texts placed on loan in the law library. Thereafter you could engage in your own research, with particular reference to journals on online databases including **SCC Online**

## ALTERNATE DISPUTE RESOLUTION

| Topic No | Topic Name   | No of Periods |
|----------|--|---------------|
| 1        | Alternate Dispute Resolution   | 1             |
| 1.1      | Characteristics  | 2             |
| 1.2      | Advantages and Disadvantages   | 2             |
|          | <b>Participation in Lok Adalat is mandatory.</b>   |               |
| 1.3      | Unilateral   | 1             |
| 1.4      | Bilateral  | 1             |
| 1.5      | Triadic (Third Party) Intervention   | 1             |
|          | <b>Internship with Legal Services Authority, Family Court or Tribunal is mandatory.</b>    |               |
| 1.6      | Techniques and processes   | 2             |
| 1.7      | Negotiation  | 2             |
| 1.8      | Conciliation   | 2             |
| 1.9      | Arbitration  | 1             |
| 1.1      | Distinction between Arbitration, Conciliation and Negotiation                              | 2             |
| 2        | The Arbitration and Conciliation Act, 1996   | 31            |
|          | <b>This paper has got theory (external)( 50 marks) and practical (external)(50 marks).</b> |               |
| 2.1      | Historical Background and Objectives of the Act  | 3             |
| 2.2      | Definitions of Arbitration, Arbitrator, Arbitration Agreement                              | 1             |
| 2.3      | Appointment of Arbitrator  | 1             |
| 2.4      | Termination of Arbitrator  | 1             |
| 2.5      | Proceedings in Arbitral Tribunal   | 3             |
| 2.6      | Termination of Proceedings   | 2             |

|      |  |   |
|------|--|---|
| 2.7  | Arbitral Award   | 1 |
| 2.8  | Setting aside of Arbitral Award  | 1 |
| 2.9  | Finality and Enforcement of Award  | 1 |
| 2.1  | Appeals -Enforcement of Foreign Awards   | 1 |
| 2.11 | Conciliation   | 1 |
| 2.12 | Appointment of Conciliators  | 1 |
| 2.13 | Powers and Functions of Conciliator  | 2 |
| 2.14 | Procedure  | 1 |
| 2.15 | Settlement of disputes through conciliation  | 2 |
| 3    | Other Alternative Dispute Resolution Systems   | 2 |
| 3.1  | Tribunals  | 1 |
| 3.2  | Lokpal and Lokayukta   | 4 |
| 3.3  | Lok Adalats-Family Courts  | 2 |
| 3.4  | Section 89 and Order X, Rules 1A, 1B and 1C of Civil Procedure Code.                     | 3 |
|      | <b>Assignment on Sec. 89 of C.P.C as to its significance in Justice delivery system.</b> |   |

**Project / Practical Work:**

- *Practical exam is scheduled with 30 marks for exercises and 20 marks for viva-voce.*
- *As per the University prescription and as per standard procedure laid down in AURORA, team with two students would be given five problems pertaining to Arbitration, Conciliation, Mediation, Negotiation and Drafting of an award for any of the resolution systems.*
- *Every team has to undergo simulation exercises before the board consisting of Advocate with 10 years of experience at Bar, concerned faculty and Principal of the institution for maximum of 4 marks evaluation for each exercise and on both sides of the issue.*

- *Every student has to record the proceedings of ADR systems as observed in Family Courts, Lok - Adalats and Tribunals etc. for 10 marks evaluation.*
- *Every student has to face viva-voce for evaluation of 20 marks before a board consisting of University nominee, Advocate with 10 years of Advocacy and either Principal or the concerned faculty.*
- *Transparent and fair conduct is our priority.*

## **PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM**

**Legal Aid Camp in any village is mandatory for every batch students.**

### **UNIT -1**

- 1.1 –Development of Legal profession in India, The Advocates Act, 1961, Right to practice, a right or privilege.
- 1.2 –Constitutional guarantee under article 19(1) (g) and its scope.
- 1.3 –Enrolment and practice, Regulation governing enrolment and practice.
- 1.4 –Practice of Solicitors firm
- 1.5 –Elements of Advocacy.

**Method of Teaching:** (08 hrs)

- Debates, recent case laws.

### **UNIT -2**

- 2.1 –Seven Lamps of Advocacy, Advocates duties towards Public, clients, court, and other advocates and Legal Aid.
- 2.2 –Bar Council Code of Ethics.

**Method of Teaching:** (08 hrs)

- assignments, group discussions,
- Debates, recent case laws etc

### **UNIT -3**

- 3.1 –Disciplinary proceedings, professional misconduct, Disqualifications, Functions of Bar Council of India/ State Bar Councils in dealing with the disciplinary proceedings.
- 3.2 –Disciplinary Committees.
- 3.3 – Powers and functions, Disqualification and removal from rolls.

**Method of Teaching:** (08 hrs)

- assignments, group discussions,
- Debates, recent case laws etc.

## UNIT -4

4.1 –Accountancy for Lawyers, Nature and functions of Accounting.

4.2 –Important branches of accounting.

4.3 –Accounting and Law, Bar Bench Relations.

### Method of Teaching: (08 hrs)

- Assignments, group discussions
- Debates, recent case laws etc.

### Project / Practical Work:

1. Students are made into groups consisting of 3 members with a combination of variety of skills.
2. Each group is assigned with the responsibility to collect 10 Supreme Court Judgments in an appeal filed against the orders of disciplinary committee of BCI with reference to professional misconduct.
3. Each group is also assigned with responsibility to collect 50 opinions of disciplinary committees of BCI either at Central Level or at the State Level as the case maybe.
4. For the above said purpose the required material, books, online facilities etc., are specifically arranged both in the library and in the Computer lab.
5. The above said items are to be recorded in the dairy with the consent of the concerned faculty for the purpose of submission so as to face the viva –voce finally.
6. The Record shall be evaluated for 30 marks by the teacher concerned. The Records of the students duly certified by the University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law shall be submitted to the University before the commencement of the theory examinations.

### Viva- voce (20marks):

There shall be viva-voce examination on the above components. The Viva-voce Board consisting of (i) Principal of the College/the teacher concerned (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law, and (iii) an advocate with 10 year's experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

**Note:** All the three components of the paper (written examination, submission of record and attendance in viva) are compulsory.

# SEMSETER - VI

## LAW OF TAXATION

### 1. INTRODUCTION

Constitution is the foundation and source of powers to legislate all laws in India. Parliament, as well as State Legislatures gets the power to legislate various laws from the Constitution only and therefore every law has to be within the vires of the Constitution.

Talking about the taxation laws and the interpretation of taxation laws, every student or future lawyers or a tax professional practicing taxation laws must understand the basic provisions of Constitution relating to taxation including the powers of Parliament and State Legislatures to legislate regarding levy and collection of tax, the restrictions imposed by our Constitution on such powers, entries concerning taxation in Central List that is List-1 and State List that is List-2 of Seventh Schedule to Constitution of India.

All laws and executive actions are subordinate to the Constitution. To form clear understanding of the basic concepts relating to taxation laws one must understand the relevant provisions of the Constitution, as the power to levy and collect tax by State Governments or Union Government comes from the Constitution only.

### 2. SCHEME AND STRUCTURE

#### Unit-I: Constitutional basis of power of taxation

(10 hours)

- 1.1 Article 265 of Constitution of India
- 1.2 Basic concept of Income Tax
- 1.3 Outlines of Income Tax Law
- 1.4 Definition of Income and Agricultural Income under Income Tax Act
- 1.5 Residential Status
- 1.6 Previous Year
- 1.7 Assessment Year
- 1.8 Computation of Income

#### Unit-II: Heads of Income and Computation

(7 hours)

- 2.1 Income from Salary, Income from House Property
- 2.2 Profits and Gains of Business or Profession, Capital Gains
- 2.3 Income from other sources

#### Unit-III: Law and Procedure

(10hours)

- 3.1 P.A.N.
- 3.2 Filing of Returns
- 3.3 Payment of Advance Tax

- 3.4 Deduction of Tax at Source (TDS)
- 3.5 Double Tax Relief
- 3.6 Law and Procedure for Assessment by Authorities
- 3.7 Penalties and Prosecution
- 3.8 Authorities for Appeals and Grievances Authorities.

#### Unit-IV: Wealth Tax

(15 hours)

- 4.1 Charge of Wealth Tax
- 4.2 Persons liable to Wealth Tax
- 4.3 Persons exempted from Wealth Tax
- 4.4 Assessment
- 4.5 Deemed Assessment
- 4.6 Debts
- 4.7 Assessment year
- 4.8 Previous Year
- 4.9 Valuation Date
- 4.10 Rate of Wealth Tax
- 4.11 Wealth Tax Procedure
- 4.12 immovable property, Business Assets, Jewellery

#### Unit-V: Sales Tax & Value Added Tax

(10 hours)

- 1.6 Relevant important provisions of A.P. General Sales Tax and VAT laws
- 1.7 Assessment
- 1.8 Procedure for computation
- 1.9 Practice of Sales Tax and VAT
- 1.10 Authorities
- 1.11 Powers and Jurisdiction

#### Suggested Readings

1. Dr. Vinod K. Singhanian: Student Guide to Income Tax, Taxman, Allied Service Pvt. Limited.
2. Dr. Vinod K. Singhanian: Direct Taxes Law & Practice, Taxman Allied Service Pvt. Limited.
3. Myneni S.R.: Law of Taxation, Allahabad Law Series.
4. Kailash Rai: Taxation Laws, Allahabad Law Agency.
5. Dr. Gurish Ahuja: Systematic Approach to Income Tax, Bharat Law House Pvt Limited.
6. V.S. Datey : Law and Practice Central Sales Tax Act, 2003, Taxman Publications.
7. Nani Palkivala: Income Tax, Butterworth's Publications

## ASSIGNMENTS (8 hours)

Assignments is aimed at improving the writing, research, and communication and presentation skills to make students learning academically more challenging and rigorous than standard lecture and test format courses. It also aims at promoting scholarship in this significant field of law, which has gained much momentum in practice but often lacks solid theoretical underpinnings due to lack or inadequacy of statutory provisions. It further aims to enhance learning capability by research amongst the learners, create a forum for enhancing a greater dialogue between the scholarly community, policymakers and practitioners.

## GUEST LECTURES BY PROFESSIONALS FOR EACH UNIT

1. Guest lecture by a banker INCOME tax officer
2. Guest lecture by sales tax officer
3. Guest lecture by wealth tax officer
4. Guest lecture by VAT Authority

## Online site

For supplementary reading, you could, for instance, begin by consulting the relevant sections of the alternative texts placed on loan in the law library. Thereafter you could engage in your own research, with particular reference to journals on online databases including **SCC Online**

## INFORMATION TECHNOLOGY LAW

| Topic No | Topic Name  | No of Periods |
|----------|---|---------------|
| 1        | Concept of Information Technology and Cyber Space                 | 2             |
| 1.1      | Interface of Technology and Law                                   | 1             |
| 1.2      | Jurisdiction in Cyber Space and Jurisdiction in traditional sense | 2             |
| 1.3      | Internet Jurisdiction   | 2             |
| 1.4      | Indian Context of Jurisdiction                                    | 2             |
| 1.5      | Enforcement agencies  | 1             |
| 1.6      | International position of Internet Jurisdiction                   | 2             |

|      |   |   |
|------|---|---|
|      | <b>Study on Cyber Space with special reference to I.T. Act, 2000.</b> |   |
| 1.7  | Cases in Cyber Jurisdiction   | 4 |
| 2    | Information Technology Act, 2000                                      |   |
| 2.1  | Aims and Objects  | 1 |
| 2.2  | Overview of the Act   | 1 |
| 2.3  | Jurisdiction  | 1 |
| 2.4  | Electronic Governance   | 1 |
| 2.5  | Legal Recognition of Electronic Records and Electronic Evidence       | 1 |
| 2.6  | Digital Signature Certificates  | 1 |
| 2.7  | Securing Electronic records and secure digital signatures             | 1 |
| 2.8  | Duties of Subscribers   | 1 |
| 2.9  | Role of Certifying Authorities  | 1 |
| 2.1  | Regulators under the Act  | 1 |
| 2.11 | The Cyber Regulations Appellate Tribunal                              | 1 |
| 2.12 | Internet Service Providers and their Liability                        | 3 |
| 2.13 | Powers of Police under the Act  | 3 |
|      | <b>Internship with authorities under I.T.Act,2000.</b>                |   |
| 2.14 | Impact of the Act on other Laws                                       | 3 |
| 3    | E-Commerce  | 2 |
| 3.1  | UNCITRAL Model  | 3 |
| 3.2  | Legal aspects of E-Commerce   | 2 |
| 3.3  | Digital Signatures  | 1 |

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|------|---|---|
| 3.4  | Technical and Legal issues  | 5 |
| 3.5  | E-Commerce, Trends and Prospects  | 4 |
| 3.6  | E-taxation, E- banking, online publishing and online credit card payment                      | 5 |
|      | <b>Study on impact of UNCITRAL MODEL LAW in India with reference to E- Commerce.</b>          |   |
| 3.7  | Employment Contracts  | 4 |
| 3.8  | Contractor Agreements, Sales, Re-Seller and Distributor Agreements, Non-Disclosure Agreements | 5 |
| 3.9  | Shrink Wrap Contract ,Source Code, Escrow Agreements etc                                      | 4 |
| 4    | Cyber Law and IPRs  | 3 |
| 4.1  | Understanding Copy Right in Information Technology  | 3 |
| 4.2  | Software  | 2 |
| 4.3  | Copyrights vs Patents debate  | 3 |
| 4.4  | Authorship and Assignment Issues  | 3 |
|      | <b>Assignment on IPR and its relevance with Information and technology.</b>                   |   |
| 4.5  | Copyright in Internet   | 2 |
| 4.6  | Multimedia and Copyright issues   | 2 |
| 4.7  | Software Piracy   | 2 |
| 4.8  | Patents   | 1 |
| 4.9  | Understanding Patents   | 1 |
| 4.1  | European Position on Computer related Patents   | 1 |
| 4.11 | Legal position of U.S. on Computer related Patents  | 1 |
| 4.12 | Indian Position on Computer related Patents   | 3 |

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|------|---|---|
| 4.13 | Trademarks  | 1 |
| 4.14 | Trademarks in Internet  | 1 |
| 4.15 | Domain name registration  | 1 |
| 4.16 | Domain Name Disputes & WIPO   | 3 |
| 4.17 | Databases in Information Technology   | 2 |
| 4.18 | Protection of databases   | 4 |
| 4.19 | Position in USA,EU and India  | 5 |
| 5    | Cyber Crimes  | 2 |
| 5.1  | Meaning of Cyber Crimes   | 1 |
| 5.2  | Different Kinds of Cyber crimes   | 3 |
| 5.3  | Cyber crimes under IPC, Cr.P.C and Indian Evidence Law  | 4 |
| 5.4  | Cyber crimes under the Information Technology Act,2000  | 5 |
|      | <b>Study on cyber crimes in our region for finding solution.</b>  |   |
| 5.5  | Cyber crimes under International Law  | 2 |
| 5.6  | Hacking Child Pornography, Cyber Stalking, Denial of service Attack, Virus Dissemination, Software Piracy, Internet Relay Chat (IRC) Crime, Credit Card Fraud, Net Extortion , Phishing etc | 5 |
| 5.7  | Cyber Terrorism   | 2 |
| 5.8  | Violation of Privacy on Internet  | 2 |
| 5.9  | Data Protection and Privacy   | 4 |

## HUMAN RIGHTS LAW

This is an optional paper.

| Topic No | Topic Name  | No of Periods |
|----------|---|---------------|
| 1        | Meaning and definition of Human Rights  | 5             |
| 1.1      | Evolution of Human Rights   | 3             |
| 1.2      | Human Rights and Domestic Jurisdiction  | 2             |
| 2        | Adoption of Human Rights by the UN Charter  | 3             |
| 2.1      | U.N. Commission on Human Rights   | 2             |
| 2.2      | Universal Declaration of Human Rights   | 3             |
| 2.3      | International Covenants on Human Rights( Civil and Political; Economic, Social and Cultural).   | 4             |
| 3        | Regional Conventions on Human Rights  | 2             |
| 3.1      | European Convention on Human Rights   | 3             |
|          | <ul style="list-style-type: none"> <li>• Internship with Human rights commission along with study as to advantages and dis-advantages of the existing law in India with reference to other countries both in war times and in normal time.</li> </ul> |               |
| 3.2      | American Convention on Human Rights   | 3             |
| 3.3      | African Charter on Human Rights(Banjul)   | 3             |
| 4.0      | International Conventions on Human Rights   | 3             |
| 4.1      | Genocide Convention   | 3             |
| 4.2      | Convention against Torture  | 2             |
| 4.3      | CEDAW, Child Rights Convention, Convention on Statelessness, Convention against Slavery, Convention on Refugees   | 4             |

|     |  |    |
|-----|--|----|
| 4.4 | International Conference on Human Rights(1968) | 2  |
| 4.5 | World Conference on Human Rights(1993).        | 3  |
| 5.0 | Human Rights Protection in India               | 10 |
| 5.1 | Human Rights Commissions                       | 2  |
| 5.2 | Protection of Human Rights Act                 | 2  |
| 5.3 | National Human Rights Commission (NHRC)        | 1  |
| 5.4 | State Human Rights Commissions                 | 1  |
| 5.5 | Human Right Courts in Districts                | 1  |

### Drafting, Pleading & Conveyancing

Total Teaching Hours for Semester: 30

No of Lecture Hours per Week:6

#### Unit-I:

Drafting: General Principles of Drafting and relevant Substantive Rules

Teaching Hours: 5

|                       |   |
|-----------------------|---|
| <b>Key Indicators</b> | 1. Drafting: General Principles of Drafting and relevant Substantive Rules  |
|                       | <b>Method of Teaching :</b><br>Lecture, Case laws presentations, Live Examples - Explanation, Practical Work Shop |

#### Unit-II:

Pleadings: (i) Civil—Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision. (ii) Petition under Article 226 and 32 of the Constitution of India - Drafting of Writ Petition and PIL Petition.(iii) Criminal— Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision.

Teaching Hours: 15

|                       |  |
|-----------------------|--|
| <b>Key Indicators</b> | <b>Pleadings:</b><br>(i) Civil—Plaint, Written Statement, Interlocutory Application, Original Petition, Affidavit, Execution Petition, Memorandum of Appeal and Revision.<br>(ii) Petition under Article 226 and 32 of the Constitution of India - Drafting of Writ Petition and PIL Petition.<br>(iii) Criminal— Complaint, Criminal Miscellaneous Petition, Bail Application, Memorandum of Appeal and Revision. |
|                       | <b>Method of Teaching :</b><br>Lecture, Case laws presentations, Live Examples - Explanation, Practical Work Shop  |

**Unit-III:**

Conveyancing: Sale Deed, Mortgage Deed, Lease Deed, Gift Deed, Promissory Note, Power of Attorney, Will, Trust Deed

Teaching Hours: 5

|                       |  |
|-----------------------|--|
| <b>Key Indicators</b> | <b>Conveyancing: Sale Deed,</b> <ul style="list-style-type: none"><li>• Mortgage Deed,</li><li>• Lease Deed,</li><li>• Gift Deed,</li><li>• Promissory</li><li>• Note,</li><li>• Power of Attorney,</li><li>• Will, Trust Deed</li></ul> |
|                       | <b>Method of Teaching :</b><br>Lecture, Case laws presentations, Live Examples - Explanation, Practical Work Shop  |

**Project / Practical work:**

Each student has to draft 15 deeds in Conveyancing like sale deed, Gift deed, Partition deed etc., basing on the problems given independent to each other.

Each student has to draft 15 pleadings like Petition, Plaint, Written Statement, Counter, Interim Application etc. basing on the problems given to each student independent of other.

Above referred 30 items will be valued by a committee constituted with Principal or concerned faculty, Advocate with 10 years standing and University nominee for 3 marks each to score 90 maximum. Remaining 10 marks, would be awarded based on performance in viva-voce with the same committee. Viva proceedings would be recorded and diaries would be submitted to the University.

### Suggested Readings:

1. R.N. Chaturvedi : Pleadings and Conveyancing, Central Law Publications.
2. De Souza : Conveyancing, Eastern Law House.
3. Tiwari : Drafting, Pleading and Conveyancing, Central Law Agency.
4. Mogha: Indian Conveyancer, Eastern Law House.
5. Mogha: Law of Pleadings in India, Eastern Law House.
6. Shiv Gopal: Conveyancing, Precedents and Forms, Eastern Book Company
7. Narayana P.S.: Civil Pleadings and Practice, Asia Law House.
8. Narayana P.S.: Criminal Pleadings and Practice, Asia Law House.
9. Noshirvan H.Jhabvala: Drafting, Pleadings, Conveyancing & Professional Ethics. Jamhadar & Companes.
10. R.D.Srivastava: The Law of Pleadings, drafting and Conveyancing, Central Law Agency.

## MOOT COURTS, OBSERVATION OF TRIAL, PRE-TRIAL PREPARATIONS AND INTERNSHIP

Moots are legal problems in the form of imaginary cases, which are argued by two students 'counsel' on each side, with a "bench" of three "judges" (or, perhaps only one) representing the court of appeal (i.e. High Court or, Apex Court) or, the trial court i.e. lower courts or, the tribunals. Taking part in moots will help in developing fluency and clear enunciation, and also gives one experience in the art of persuasion, and of putting a case succinctly and intelligibly. Mooting not only gives

one practice in court procedures but also helps to develop the aplomb that every advocate should possess.

The Bar Council of India, New Delhi, has issued communication LE (Cir. No 4/1997) dated 21st October, 1997, the revised curriculum for three year and five year law courses for implementation by the Academic Year 1998-1999, which includes instructions regarding-

- Moot Court, Pre-trial preparations and participation in trial/ Proceedings.
- Observance of trial in court.
- Attending Chamber of the Senior Advocate.
- Viva-Voce Test along with written examinations.

The law course is the period for amassing such experiences and that too, without cut-throat competition, because the mentors of the law students (i.e. judges; advocates; firms; NGO's; legal departments of the companies; consultancies and their concerned employees) do not view them as their competitors, but as mere learner and an assistant in their work.

In a moot court competition, the "Counsels" have to prepare memorials (i.e. petitions) on behalf of plaintiff and defendant, or, complainant and respondent and both, as the case may be. A memorial contains index; index of authorities; statement of jurisdiction; statement of facts; summary of arguments; body of arguments; and conclusion /prayer. Generally in a moot court competition there are trophies for the winning and runner up teams and awards for Best Mooter; Best Researcher and Best Memorial. The marking criteria to judge the Best Memorial are presentation; flow of arguments involved; language used and legal drafting skills applied; its contents, Authorities and usage of Authorities and finally, issues covered and ingenuity in issues. Apart from memorial, the oral submission, the most exciting part of the whole moot court competition, is judged on the given criteria. *Knowledge and application of law* is tested, with an objective to check the depth over the subjects involved in the moot problem; answer to court questions, to check the thoroughness of the "Counsel" over the subjects and his degree of 'alert' intelligence; advocacy or presentation, to check his overall skills as lawyer and perusal of facts and perusal of memorials, again to check the presence of mind and depth of study of the 'Counsel'.

In India, more than thirty moot court competitions are held every year, on varied topics of law like Constitutional Law, International Law, Space Law, Intellectual Property Law, Criminal Law, Family Law, Cyber Law, IT Law etc. Generally, various

law institutions are intimidated about the competition well in advance by the host institution.

It will be taught practically in moot courts that advocates may not take benefit of loopholes of the law but to correctly interpret and apply it. It will also be taught in moot courts to avoid practicing falsehoods, fabrications, frauds and roguery and to appear with clean hands in courts.

Legal Research is the endeavour by honest, dispassionate, scientific, critical and careful investigation, enquiry and search to discover legal principles, taking into account the legislation, executive and judicial law making and decision making process with a view to assess how far the legal process serves the social needs, and how it can be made useful and effective for the public good. Legal Research is an integral part of learning and practicing the profession of law.

Moot court activity per semester is mandatory in our institution within our campus and off- campus competitions are also compulsory subject to merit.

### **Scheme and Structure:**

### **MOOT COURTS, OBSERVATION OF TRIAL, PRE-TRIAL PREPARATIONS AND INTERNSHIP**

This paper has three components of 30 marks each and viva-voce for 10 marks.

#### **(A) Moot Court (30 marks): (20hours)**

- Every student is required to participate in at least three moot courts (one civil, one criminal and one Constitutional matter) with 10 marks for each.
- The moot court work will be on assigned problems (given to each team constituted with two students) and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy. Marks will be given on the basis of written submission and oral advocacy.
- Written submissions shall include brief summary of facts, issues involved, provisions of laws and arguments, citation, prayer, etc. Marks for oral advocacy may be awarded for communication skills, presentations, language, provisions of law; authorities quoted, court manners, etc. Written Memorials submitted by the students shall be kept by the College for Further Verification.
- The performance of student in the moot court shall be evaluated by a committee consisting of (i) Principal of the College (ii) an Advocate with 10 years experience at the Bar; and (iii) the teacher concerned.

#### **(B) Observance of Trial in two cases, one Civil and one Criminal (30 marks):**

**(15 Hours)**

- Students are required to attend courts to observe at least one civil and one criminal case.

- They shall maintain a record and enter the various steps observed during their attendance on different days in the court assignment.
- The Court Observation Record submitted by the students should be evaluated by a committee consisting of (i) Principal of the College/the concerned teacher (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, O.U.; and (iii) an Advocate with 10 years experience at the Bar and average be taken.
- Court attendance shall be compulsory and attendance has to be recorded in a register kept there for. This may be carried under the supervision of a teacher of the college. This scheme will carry 30 marks.

**(C) Interviewing Techniques and Pre-Trial Preparations and Internship Diary (30 marks): (15hours)**

- Each student should observe two 'interview sessions' of clients either in the Lawyer's Office or in the Legal Aid Office and record the proceedings in a diary, which will carry 15 marks.
- Each student has to further observe the preparation of documents and court papers by the Advocate and the procedure for the filing of the suit / petition. This shall be recorded in the diary which will carry 15 marks. The diary shall clearly indicate the dates on which the above observations are made and they shall be authenticated by the advocate concerned.
- Evaluation of the above diary shall be made by the committee consisting of (i) Principal of the College/the concerned teacher (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, Board of Studies in Law, O.U.; and (iii) an Advocate with 10 years experience at the Bar and average be taken.

**(D) Viva-voce (10 marks):**

- There shall be viva-voce examination on all the above three components. The Viva-voce Board consisting of (i) Principal of the College/the concerned teacher (ii) University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law; and (iii) an advocate with 10 years experience at the Bar shall evaluate the student in the Viva. The proceedings of the viva-voce shall be recorded.

**Note:**

1. Attendance of the students in all the four components of the paper shall be compulsory.
2. The above records, diary certified by the University Representative appointed by the Controller of Examinations in consultation with the Chairman, BOS in Law shall be submitted to the University for Further Verification.

### Suggested Readings:

1. Dr. Kailash Rai: Moot Court Pre-Trial Preparation and Participation in Trial Proceedings, Central Law Publication.
2. Amita Danda: Moot Court for Interactive Legal Education, Gogia Law Agency, Hyderabad
3. Blackstone's: Books of Moots, Oxford University Press
4. Mishra: Moot Court Pre-Trial Preparation

### GUEST LECTURES BY PROFESSIONALS

1. Guest lecture by APPO
2. Guest lecture by ADVOCATE
3. Guest lecture by JUDICIAL OFFICER
4. Guest lecture by SENIOR ADVOCATE

### Online site

For supplementary reading, you could, for instance, begin by consulting the relevant sections of the alternative texts placed on loan in the law library. Thereafter you could engage in your own research, with particular reference to journals on online databases including **SCC Online**.