

8. Syllabus both UG and PG in PDF/Word Format. Complete Syllabus of a Particular Subject should be in on Single file (Both UG and PG 2 separate files)

Content of the Course: The subject of study prescribed for the semester scheme shall be as under:

Sl. No.	Semester I	Sl. No.	Semester II
1.	Language - Kannada/French/Spe cial English	5.	English
2.	Principles of Economics (Micro Economics Paper - I)	6.	Economics II (Macro Economics Paper - II)
3.	Political Science I	7.	Political Science II
4.	Introduction to Law, Legal Language & Legal Systems	8.	Sociology I
Sl. No.	Semester III	Sl. No.	Semester IV
9.	Sociology II	14.	Economics IV (Indian Economy II)
10.	Political Science III	15.	Constitutional Law I
11.	Sociology III	16.	Legal History
12.	Economics III (Indian Economy I)	17.	Environmental Law
13.	Contracts I	18.	Contracts II
Sl. No.	Semester V	Sl. No.	Semester VI
19.	Economics V (Development Economics)	24.	Economics VI (International Economics)
20.	Legal Theory	25.	Principles of Taxation
21.	Constitutional Law II	26.	Property Law
22.	Family Law I	27.	Family Law II

23.	Law of Torts, Motor Vehicles Act & Consumer Protection Law	28.	Law of Crimes Paper I - Penal Code
Sl. No.	Semester VII	Sl. No.	Semester VIII
29.	Company Law	34.	Law of Evidence
30.	Human Rights and International Law	35.	Law of Crimes Paper II - Cr.P.C
31.	Interpretation of Statutes	36.	Civil Procedure Code and Limitation Act
32.	Labour Law	37.	Administrative Law including Right to Information Act
33.	Insurance Law	38.	Law and Medicine
Sl. No.	Semester IX	Sl. No.	Semester X
39.	Women & Law, Law relating to the Child	43.	Clinical Course paper I - Drafting, Pleading and Conveyancing
40.	Law, Poverty & Development	44.	Clinical Course paper II - Professional Ethics & Accounting System
41.	Land Laws including local laws & Panchayat Administration	45.	Clinical Course paper III - Alternate Dispute Resolution
42.	Intellectual Property Law	46.	Clinical Course paper IV - Moot Court, Pre-Trial Preparations and Trial Proceedings

SEMESTER I

PAPER 1: FRENCH (optional)

TEXT : BIENVENUE EN FRANCE (Tome I)

Methode de francais (Annie Monnerie / Hatier ' 91)

I. Grammaire:

- a) Mettez les verbes entre parentheses au temps indique: (Present, Imperatif)
- b) Refaites /completez les phrases suivantes:

(Pronom, personnel – Pronom sujet, Pronom tonique, Pronom complement direct adjective possessif, adjective demonstrative, article partitif, article contracte, au pluriel, au negative, Indiquez l'heure, Ecrivez en lettres, L'interrogatif / Trouvez la question)

c) Completez avec les mots qui conviennent (Verbes, articles defines, articles indefinis, prepositions, pronoms sujet, noms)

II. Repondez a CINQ des questions suivantes: (5 / 8):

(Savoir – vivre) Page – 13 (Les aeroportos de Paris, Roland Garros)

25–27 (Les hotels francais), 37–38, (A l' hotel), 39(Paris la nuit), 49(Le metro)

51 (Les puces, La Foire du Trone),

III. Traductions (du texte):

a) Traduisez en anglais:

b) Traduisez en francais:

IV. Lisez le texte suivant et repondez aux questions qui suivent

(Passage inconnu)

V. Ecrivez DEUX des dialogues suivants (2 / 3)

(Savoir Dire) (Environ 10 lignes chacun)

1. Reserver une chambre (Ls.2)

2. Commander un café (Ls.4)

3. Reserver une place (Ls.5)

4. Une conversation au telephone (Ls.6)

5. Acheter des vetements (Ls.7)

6. Demander un service (Ls.8)

VI. Ecrivez une composition sur DEUX des sujets suivants (2 / 4):

(Environ 10 lignes chacun)

1. Mon animal favori
2. Les monuments français
3. La SNCF
4. Un voyage en train
5. Le metro
6. Mon passé temps favori

7. Paris
8. Les hotels français

SEMESTER I

PAPER 1: SPECIAL ENGLISH (optional)

UNIT I - Prose:

1. Advice to a Young Man Interested in Going into Law/ Felix Frankfurter
2. The Language of the Law/ Urban A. Lavery
3. In the Court/Anton Chekov
4. Educating Lawyers for a Changing World/ Erwin N. Griswold
5. The Five Functions of the Lawyer/ Arthur T. Vanderbilt
6. Mr. Havlena's Verdict/ Karel Capek
7. Comparative Law/ Rene David and John E. C. Brierly

UNIT II

1. Parts of Speech
2. Articles
3. Transitive and Intransitive Verbs
4. Regular and Irregular Verbs

UNIT III : The Phrase

1. Determiners and Modifiers
2. The Noun Phrase
3. The Adjective Phrase
4. The Verb Phrase
5. The Adverb Phrase
6. The Prepositional Phrase

UNIT IV : The Verb

1. Tenses and their Use
2. Helping Verbs
3. The Adverbs
4. Tenses in Conditional Sentences
5. Common errors in the use of Articles/Preposition/Tenses

UNIT V : The Sentence

1. The Subject and the Predicate
2. Subordination and Coordination
3. Negation and Interrogation
4. Passivisation and Concord

General Vocabulary of English

1. Roots and Derivation
2. Affixation
3. Inflection
4. Compounding
5. Connotation, Denotation, Collocation

Select Bibliography :

1. *R. P. Bhatnagar, R. Bhargava*, Law and Language [Editor - Dr. Madhav Menon, MacMillan: 1985]
2. *W.S. Allen*, A Remedial English Grammar
3. *W.S. Allen*, Living English Structure
4. *N. Krishaswamy*, Modern English
5. *H. K. Kaul*, The Craft of Writing
6. *Darothy M. Guinn Daniel Marder*, A Spectrum of Rhetoric
7. *V.R.Narayanswamy*, Strengthen your Writing [Orient Longman: 1979]

SEMESTER I

PAPER 2: ECONOMICS I - MICRO ECONOMICS PAPER 1

COURSE OBJECTIVES:

- To help the students acquire knowledge of some of the important principles and theories of microeconomics
- To provide the foundation for study of other branches of economics
- To develop analytical, reasoning and graphical presentation skills
- To enable the student to appreciate the utility of economics in day-to-day life

METHODOLOGY:

- Emphasis to be given to teaching concepts
- Theories and laws to be taught be with the help of tables and diagrams
- Questions to be designed to evaluate at theoretical levels.

UNIT 1 - MICRO ECONOMICS AND THEORY OF CONSUMPTION:

1. Scope of micro economics, Limitations and uses, Positive and normative economics
2. Problem of choice – wants and resources, Basic economic problems common to all economies, Role of price mechanism in a mixed economy
3. Cardinal analysis – Law of diminishing marginal utility, Law of equi-marginal utility, Consumers Surplus (Marshallian Theory)

4. Ordinal utility analysis, indifference curves – properties, map, price line, consumer equilibrium, price effect, income and substitution effect

UNIT 2 - DEMAND AND SUPPLY:

1. Law of demand, reasons for the downward slope of demand curve, exceptions to the law, changes in demand curve, exceptions to the law, changes in demand
2. Elasticity – kinds, types of price elasticity with diagram, factors determining price elasticity, methods of measurement – percentage method, arc method, total outlay method
3. Law of Supply, changes in supply

UNIT 3 - THEORY OF PRODUCTION:

1. Production function, Law of variable proportions
2. Cost – Opportunity cost, Real Cost, types – short run and long run, law of returns, economics of scale, iso-quants, iso-costs, production equilibrium
3. Revenue – Average, marginal, total

UNIT 4 - PRODUCT PRICING:

1. Concepts of firm, industry, equilibrium
2. Perfect competition, Price and output determination and role of time element in the theory of price determination
3. Monopoly, price and output determination, price discrimination
4. Monopolistic competition, price and output determination, selling costs, product determination, wastes in monopolistic competition
5. Oligopoly - features, duopoly, monopoly

UNIT 5 - FACTOR PRICING:

1. Nature of factor markets, marginal productivity theory of distribution
2. Rent – demand and supply theory, Quasi rent, Transfer earning
3. Wages – reasons for wage differentials, collective bargaining
4. Interest – classical, Neo-classical, Keynesian

5. Profit – Dynamic, Innovative, Risk and Uncertainty theory

Select Bibliography :

1. *Bach. G.L.*, Economics [Prentice Hall of India: 1977, New Delhi]
2. *Gould J.P. and Edward P.L.*, Microeconomic Theory, [1996]
3. *Hemdersen J. and R.E. Quandt*, Microeconomic Theory: A Mathematical Approach [Mc. Graw Hill: 1980, New Delhi]
4. *Heathfield and Wibe*, An Introduction to Cost and Production Functions [Macmillan: 1987, London]
5. *Koutsoyiannis. A*, Modern Microeconomics [Macmillan: 1990]
6. *Mandfield. E*, Microeconomics [9th Ed., W.W. Norton and Company: 1997, New York]
7. *Lipsey R.G. and K.A. Christal*, Principles of Economics [9th Ed., Oxford University: 1999, New York]
8. *Ray. N.C*, An Introduction of Microeconomics [Macmillan and Co. Ltd.: 1975, London]
9. *Ryan .W.I*, Price Theory [Macmillan and Co. Ltd.: 1962, London]
10. *Samuelson P.A. and W.D. Nordaus*, Economics [Tata McGraw Hill: 1998, New Delhi]
11. *Stonier A.W and D.C. Hague*, A Textbook of Economic Theory

[ELBS and Longman Group: 1972, London]
12. *Varian H R*, Intermediate Microeconomics: A Modern Approach [5th Ed., East West Press: 2000, New Delhi]

SEMESTER I

PAPER 3: POLITICAL SCIENCE I

A. POLITICAL THEORY

1. Nature of the State, Theories of the Origin of the State, The State as Conceived by Different Schools of Thought, Government, Why Government Matters, Forms of Government, Constitutions of Government.

2. Main Currents of Western Political Thought – Concepts – Natural Law and Natural Rights, Liberalism, Socialism, Marxism and Idealism.
3. Main Currents of Indian Political Thought, Hindu Concept of the State, Islamic Concept of the State, Liberalism in India, Marxism in India, Gandhism and Sarvodaya in Indian Political Thought.
4. Concepts of Political and Legal Sovereignty.
5. The Totalitarian State

B. POLITICAL ORGANISATION

1. Organisation of Government: Unitary, Federal, Quasi-Federal and Confederal, One Party Democracies, Military Rule, Presidential and Parliamentary Forms with reference to the Constitutions of USA, Switzerland, Australia, UK, France, Canada, India, USSR and the United Nations Organisation.
2. The Legislature, Executive and Judiciary, the doctrines of Separation of Power, Parliamentary Sovereignty and Independence of the Judiciary.
3. Concepts of Representation, Public Opinion and Participation

Select Bibliography :

1. *S.P. Verma* – Modern Political Theory [Vikas: 1980]
2. *H. Finer* – The Theory and Practice of Modern Government
3. *U.N. Ghoshal* – A History of Indian Political Ideas [Oxford: 1959]
4. *K.C. Wheare* – Federal Government
5. *Karl Lowenstein* – Political Power and the Government Process
6. *Brecht* – Political Theory
7. *Boenstein* – Today's Issues
8. *Dunning* – History and Political Thought
9. *F.W. Coker* – Recent Political Thought [Calcutta World Press Pvt. Ltd.]
10. *G. Sawyer* – Modern Federalism [C.A. Watts: 1969, London]

11. *H.J. Laskey* – The State in Theory and Practice

12. *R.G. Gettell* – History of Political Thought

SEMESTER I

PAPER 4: INTRODUCTION TO LAW AND LEGAL SYSTEMS, LEGAL LANGUAGE

PART A: Introduction to Law

UNIT I

1. Meaning of Law
2. Codified Law and Uncodified Law
3. Hierarchy of Laws
4. Classification of Law
 - a) Public Law and Private Law
 - b) Municipal Law and International Law
 - c) Civil Law and Criminal Law
 - d) Substantive Law and Procedural Law
5. Relationship between:
 - a) Law and morality
 - b) Law and Equity
 - c) Law and Justice
6. Subjects of Law
 - Persons
 - Corporations
 - Capacity of Persons
 - Immunities

PART B: Legal Systems and Adjudicative Machineries

UNIT II

1. An overview of the Legal Systems of the world
2. Adversarial system and Inquisitorial system of Criminal Trial

3. Indian Legal System: An Overview
4. Forms of Government
5. Rule of Law and Separation of Powers
6. Independence of Judiciary in India, USA and UK
7. Hierarchy of Courts in India (Civil and Criminal)
8. Tribunal Systems
9. Alternative Dispute Settlement Mechanisms
10. Courts of Law and Courts of Equity

PART C: Introduction to Legal Language

UNIT III

1. Cause of action
2. Jurisdiction
3. Cause - Title
4. Pleadings
5. Interlocutory Applications
6. Affidavits – Oath
7. Judgment, Decree and Orders
8. Certified Copy
9. Caveat

UNIT IV

1. Amicus Curie
2. Sine-die
3. In-limine
4. mutatis – mutandis
5. inter-alia
6. advolarem
7. status-quo
8. Judicial precedents

9. Pendent-lite
10. suo-moto
11. Res Judicata
12. Res Sub-judice

UNIT V Legal maxims:

- i. Ubi Jus Ibi Remedium
- ii. Damnum Sine Injuria
- iii. Res ipsa Loquitur
- iv. Volenti Non Fit Injuria
- v. Audi Alteram Partem
- vi. Delegatus Non Delegare
- vii. Cujus Est Solum Ejus Est Usque Ad Coelum Et Ad Inferos
- viii. Sic Utere Tuo Ut Alienum Non Laedas
- ix. Actus Non Facit Reum Nisi Mens Sit Rea
- x. Actio Personalis Moritur Cum Persona
- xi. Ignorantia Legis Neminem Excusat
- xii. Vigilanti Bas Non Deomientbus, Jura Sub Veniunt
- xiii. Ex Pacto Illicito Non Oritur Actio
- xiv. Nemo Debet Bis Vexari, Si Contest Curiae Quod Sit Prouna Et Eadem Cansa

Select Bibliography :

1. *Ishitiaque Abidi* - Law and Language
2. *Khan* - Law and Language
3. *Mujumdar* - Law Relating to Notices
4. *Shukla* - Legal Remedies
5. *D'Souza* - Form and Precedent
6. Brooms Legal Maxims
7. Mitra's Legal and Commercial Dictionary II
8. Universal Legal Reference with Diary

9. Ayer's Judicial Dictionary
10. *Bakshi, P.M.* - Dictionary of Business Law
11. *Reed Dickerson* - The Principles of Legal Drafting (Chapters on inadequacies of language and how to improve it)
12. *Glanville Williams* - Learning the Law

SEMESTER II

PAPER 1: ENGLISH (COMPULSORY)

UNIT I PROSE

1. The Mind and Faith of Justice Holmes/ Justice Oliver Wendell Holmes
2. A Plea for the Severest Penalty/ M.K. Gandhi
3. Cross - Examination of Pigott before the Parnell Commission/Sir Charles Russell
4. The Law is a Jealous Mistress - A Popular Fallacy/ Joseph W. Planck
5. A Dispassionate Analysis of the Quit India Movement/V.M. Tarkunde
6. The Shaping of my Character/ Dr. S. Radhakrishna
7. Our Rising Population : Causes and Consequences/ Dr. R.B. Sahay
8. The Development of Indian Literature/ C. Rajagopalachari
9. Headache/ R. K. Narayan
10. Federalism in India: Theory and Practice/ Prof. S.C. Gangal

UNIT II VOCABULARY

1. Foreign Words and Phrases
2. Important Latin and English affixes
3. Certain set expressions and phrases
4. One word substitution
5. Words often confused

UNIT III COMPOSITION

1. Precis writing and summarizing
2. Brief writing and drafting of reports

3. Essay writing on topics of legal interest

UNIT IV SPOKEN ENGLISH

1. Reading aloud (Knowledge of proper pauses)
2. Key sounds, their discrimination and accent
3. Consulting a pronouncing dictionary
4. Rapid reading & debating exercises

UNIT V COMPREHENSION SKILLS

1. Common Logical Fallacies
 - ii. The unquestioned assumption
 - iii. Over simplification
 - iv. Generalisation: 'Some' or 'one' become 'all'
 - v. Vague middle term
 - vi. Omission
 - vii. Analogy
 - viii. Begging the question
 - ix. Percentage mistake
 - x. Diversion
 - xi. Irrelevancy
2. Comprehension of Legal texts
3. Use of cohesive devices (legal drafting)

Select Bibliography :

1. *R. P. Bhatnagar, R. Bhargava* - Law and Language [Editor - Dr. Madhav Menon, MacMillan: 1985]
2. *N. Krishaswamy and T. Srinivasan* - Current English for Colleges [Macmillan : 1990]
3. *M. Nagarajan, T. Shashishekhara & S. Ramamurthy* - Indian Prose for Effective Communication: A Practical Programme for Colleges [Macmillan India Ltd.]
4. *Nesfeild* - English Grammar & Composition

5. *V.R. Narayanswamy* - Strengthen your Writing [Orient Longman: 1979]
6. *Peter Wright* - Language at Work
7. *Daniel Jones* - English Pronouncing Dictionary

SEMESTER II

PAPER 2: ECONOMICS II - MACRO ECONOMICS PAPER 2

COURSE OBJECTIVES

- To enable students to learn the well formulated principles of macroeconomics
- To help students understand the integrated working of modern economy
- To provide the basis for the study of other branches of economics
- To help students appreciate the role of government in the economic functioning of a nation

UNIT – 1 MACRO ECONOMICS AND NATIONAL INCOME

1. Macro economics, Micro-macro paradox, importance and use of macro economics
2. Circular flow of income and wealth
3. National income – concepts, methods of calculating national income, problems in the estimation of national income

UNIT – 2 CLASSICAL AND KEYNESIAN ECONOMICS

1. Classical theory of income – output and employment, Say's law of market, Wage price flexibility, Critical evaluation
2. Keynesian theory of income, output and employment, Effective demand and supply. Consumption function, average and marginal propensity to consume, factors affecting consumption function, investment function – marginal efficiency of capital. Multiplex accelerator, comparison between Classical and Keynesian theories

UNIT – 3

1. Value of Money – cash transaction, cash balance approach – Marshall, Keynes, Index numbers – simple weighted
2. Commercial Banking – Portfolio management, credit creation
3. Central banking, methods of credit control – quantitative, qualitative

UNIT – 4

1. Public finance – meaning, branches, principle of maximum social advantage, sources of public revenue, Cannons of taxation - Direct and Indirect Taxes impact and incidence
2. Effects of taxation on production, consumption and distribution
3. Public expenditure – causes of growth of public borrowing – Methods of debt redemption
4. Budget – types

UNIT – 5

1. Meaning, Approaches – demand pull and cost push, Effects of inflation on production, consumption and distribution
2. Inflationary gap
3. Methods to control inflation – fiscal, monetary and administrative measures
4. Trade cycles – phases

Select Bibliography :

1. *Ackley G.* (1976), *Macroeconomics Theory and Policy* [Macmillan Publishing Company, New York]
2. *Day A.C.L* (1960), *Outline of Monetary Economics* [Oxford University Press, Oxford]
3. *Gupta S.B* (1994), *Monetary Economics* [S. Chand and Co., Delhi]
4. *Heijdre B.J and F.V Ploeg* (2001), *Foundations of Modern Macroeconomics* [Oxford University Press, Oxford]
5. *Lewis M.K. and P.D. Mizan* (2000), *Monetary Economics* [Oxford University Press, Oxford]
6. *Shairo E.* (1966), *Macroeconomic Analysis* [Galgotial Publications, New Delhi]
7. *Dillard D.* (1960), *The Economics of John Maynard Keynes* [Cross, London]
8. *Hanson A.H.* (1963), *A Guide to Keynes* [McGraw Hill, New York]
9. *Higgins B.* (1963), *Economic Development: Principles, Problems and Policies* [Central Book Depot]
10. *Keynes J.M.* (1936), *The General Theory of Employment, Interest and Money* [Macmillan, London]

11. *Mindleberger C.P.* (1958), *Economic Development* [McGraw – Hill Book Company, New York]
12. *Lucas R.* (1981), *Studies in Business Cycle Theory* [MIT Press, Cambridge, Massachusetts]
13. *Meier G.M. and R.E. Baldwin* (1957), *Economic Development Theory, History and Policy*, [Wiley & Sons Inc., New York]
14. *Powelson J.P.C.* (1960), *National Income and Flow of Funds Analysis*, [McGraw Hill, New York]

SEMESTER II

PAPER 3 : POLITICAL SCIENCE II

Foundations of Political Obligation:

1. Concepts of power, authority and legitimation
2. Legitimacy of Power – The classical Karl Marx, Emile Durkheim approaches to the notion of political obligations
3. Utilitarianism (both rule and act utilitarianism) as approaches to political obligation
4. The problem of civil disobedience and political obligation with particular reference to Gandhian and Neo-Gandhian thought
5. The problem of obedience to unjust laws
6. Foundations of promissory and contractual liability
7. The problem of punishment: use of force by State against the citizen
8. The contemporary crisis of legitimation

Select Bibliography :

1. *Ranjani Kothari* – *Democratic Policy and Social Change in India: Crisis and Opportunities* [Allied Publishers, 1976]
2. *Karl Lawernstein* – *Political Power and the Government Process*
3. *D'entrives* – *The Nation of the State* [Oxford University Press, 1967] (Pages 1-10 - Introduction, Part II Chapter 10 pp. 141–153 – Legality and Legitimacy)
4. *Nisbet R.A.* – *The Sociological Tradition* [Heinemann, 1967 (London)] (Part II Chapter 4 – Authority for Authority and Power)

5. *Beirstedt Robert* – Power and Progress [McGraw-Hill, 1974 (New York and Delhi)] (Chapter 13 – Analysis of Social Power, Chapter 14 – Our Problem of Authority)
6. *Flathaman* – Political Obligation [Crom-Heim, 1972 (London)]
7. *Pateman, Conole* – The Problem of Political Obligation [John Wiley and Sons, 1979 (New York)]
8. *Leiser* – Liberty, Justice and Morals (Chapter 12 – Civil Disobedience)

SEMESTER II

PAPER 4: SOCIOLOGY I

1. Sociology as a Science

- a. Data, concepts and theory
- b. The comparative method, sociology and other sciences, sociology and history & sociology and psychology

2. Basic Concepts in Sociology

- a. Structure and function
- b. Status and role
- c. Norms and values
- d. Institutions, community and association

3. Social Institutions

- a. Marriage, family and kinship
- b. Economic institutions
- c. Political institutions
- d. Religious institutions
- e. Educational institutions

4. Social Stratification – Caste and Class

5. Social Control, Order and Stability

6. Coercion, Conflict and Change

7. Sociology as a Discipline

8. Law and Society, Sociology of Law, Sociology of Legal Profession

Select Bibliography :

1. *T.B. Bottamore* – Sociology: A Guide to Problems and Literature [Allen and Unwin, 1962 (London)]
2. *Harvy Johnson* – Sociology: A Systematic Introduction
3. *Sharma* – Sociology
4. *Mac Iver and Page* – Society
5. *Peter Worsley et al.* – Introducing Sociology [Harmondsworth: Penguin Books, 1970]

SEMESTER III

PAPER 1: SOCIOLOGY II

The Study of Indian Society:

1. The Development of Indian Society
 - a. Unity and diversity
 - b. Community and change, ancient, medieval and modern
2. Indian Society as Plural Society; Varieties of
 - a. Cultural diversities
 - b. Linguistic, religious, political, economic and cultural communities
3. Major Institutions of Indian Society
 - a. Family
 - b. Caste
 - c. Village
4. Tribe and Caste in the Traditional Order
5. Caste and Class in Contemporary India
6. The Backward Classes
7. Indian Cultural Values and Developments
8. Impact of Muslims and British Cultures
9. Trend of Change in Indian Society – Rural and Urban

Select Bibliography :

1. *N.K. Bose*–The Structure of Hindu Society[Orient Longman (NewDelhi) 1975]
2. *Andre Beteille* – The Backward Classes and the New Social Order [Oxford University Press (New Delhi), 1981]
3. *G.S. Gurye* – Caste, Class and Occupation
4. *Peter Worsley et al.* – Introducing Sociology [Harmondsworth: Penguin Books, 1970]
5. *Ramesh Thapper (Edr.)* – Tribe, Caste and Religion in India [Macmillan (New Delhi), 1977]
6. *A.R. Desai* – Rural Sociology
7. *M.N. Srinivas* – Caste in Modern India
8. *M.K. Srinivas* – Social Change in Modern India
9. *Odhum and Meinkoff* – A Handbook of Sociology
10. *Government of India Publication* – Social Legislation
11. *Prabhu* – Hindu Social Organisation
12. *Kingsley Davis* – Human Society
13. *David G. Mandelman* – Society in India [Popular Prakashan (Bombay), 1972]
14. *Harvy Johnson* – Sociology: A Systematic Introduction
15. *MacIver and Page* – Society

SEMESTER III

PAPER 2: POLITICAL SCIENCE III

PART-I

The World Community: sovereign states, transnational non-official organizations such as churches, multinational corporations, scientific, cultural and other organizations, components of national power, population, geography, resources, economic organization, technology and military force, limitations on national power, international morality, public opinion, international law, fear of violence and destruction in war with conventional and nuclear weapon, major sources of conflicts, east & west and north & south rivalries, territorial claims, resources, populations migrants, international trade and balance of payments and protectionism.

PART-II

Inter-government organizations and their constituent instruments, the standard pattern of organization, the annual or periodical plenary conference, the committee or council to take

decisions during the period between the plenary conference, the secretariat, the special features of the ILO and international financial institutions, the United Nations and its principal organs, the relationship between the United Nations and regional organisations, specialized agencies and international non-governmental organizations.

Select Bibliography :

1. *D.W. Bowett* – International Institutions [Methuen (London), 1964]
2. *C.P. Schelicher* – International Relations
3. *Vermon Van Dyke* – International Politics
4. *Palmer and Perkins* – International Relations
5. *E.H. Heartmann* – The Relations of Nations
6. *Quincy Wright* – Study of International Relations [Appleton Century Crafts (New York), 1955]
7. *Han's Morgenthau* – Politics Among Nations: The Struggle for Power and Peace [2nd Edn., New York Knopt, 1955]

SEMESTER III

PAPER 3: SOCIOLOGY III

UNIT- I

Basic elements of socio – legal research

The problem of objectivity in social – legal research

The Research Process

UNIT – II

Formulation of Problem in Social Research

Hypothesis- Nature – Role in Socio Legal Research

UNIT III

Tools of research: Use of Library, observation, questionnaire, interview, sampling, case study, interpretation of data, report writing

Socio-legal research and values

UNIT IV

Law and social change, social process and social justice

Factors of social change

UNIT – V

1. Specific Instances of Social Change through Legislations

i. The Dowry Prohibition Act

ii. Prevention of Sati Act

iii. Child Labour (Regulation & Abolition) Act, 1986

iv. The Infant Milk substitutes, Feeding-Bottles & Infants food (Regulation, supply & Distribution) Act, 1992.

v. Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.

vi. The Medical Termination of Pregnancy Act, 1971.

(Course instructors may include any other relevant legislations)

3. Social work and lawyers

Select Bibliography :

1. *Good & Hatt* - Methods in Social Research [McGraw Hill]

2. *B. Kuppaswamy* - Social Change in India [Konark Publishers Pvt. Ltd, 5th Edn, 2006]

3. *Singh* - Law and Social Change in India

4. *T.S. Wilkinson, P.L. Bhandarka* – Methodology & Techniques of Social Research [Himalaya Publishing House]

5. *J.D. McClean* - The Legal Context of Social Work [Butterworth]

SEMESTER III

PAPER 4: ECONOMICS III – INDIAN ECONOMY

COURSE OBJECTIVES:

- To enable the students to have an overview of the working of the Indian Economy
- To enable the students to understand the changing trends in the Indian Economy
- To enable the student to understand the leading issues in India's economic development

UNTI – 1 STRUCTURE OF INDIAN ECONOMY:

1. India – Developing economy, features, economic and non – economic
2. National Income – trends, composition
3. Regional inequalities – Measures to reduce regional inequalities, wage, employment, poverty line, extend poverty alleviation programmes

UNIT -2 DEMOGRAPHIC PROFILE:

1. Trends in Population Growth – growth rate, density, age, sex, size, composition and population policy – 2000
2. Changes in occupational structure, unemployment – types, extent, measures to reduce unemployment
3. Rural, Urban Migration – extent

UNIT -3 AGRICULTURE:

1. Trends in agricultural production, causes of low production
2. Agricultural finance – co-operative credit, problems and prospects – NABARD
3. Agricultural marketing – defects, agricultural prices – procurement price, public distribution (P.D.S) scheme
4. Irrigation – defects, modern irrigation system – watershed development, dry land farming

UNIT- 4 INDUSTRY: 31

1. Industrial policy resolution – 1991
2. Problems of public sector enterprises – disinvestment
3. Engineering Industry – Information Technology (I.T) Industry
4. Small Scale Industries – problems, prospects and challenges

UNIT- 5 INFRASTRUCTURE (PHYSICAL AND SOCIAL):

1. Sources of Power in India – Conventional and Non-conventional energy, energy crisis, power sector reforms
2. Universal promotion of primary education, Role of government and N.G.O's

3. Health Sector – Immunization and maternal Child Health, strategies, prevention of communicable diseases

Select Bibliography :

1. *Alok G.* – Indian Economy, Its Nature and Problems
2. *Ruddar Dutt* – Indian Economy
3. *Dhingra I.C* – The Indian Economy
4. *Misra S.K and V.K. Puri* – Indian Economy, its Development Experience
5. *Uma Kapila* - An Overview of Indian Economy Volume I – IV
6. Govt. of Karnataka, Karnataka at Glance
7. Govt. of Karnataka, Karnataka Economy, Kannada
8. *O.D. Heggade* - Karnataka Economy, Kannada
9. *T. Nanje Gowda* - Karnataka Economy (IEA) Conference

SEMESTER III

PAPER 5: CONTRACT - 1

(GENERAL PRINCIPLES OF CONTRACT AND SPECIFIC RELIEF)

Objectives of the Course

Every man in his day-to-day life from dawn to dusk makes a variety of contracts. Man's contract making activities increases with the increasing trade, commerce and industry. In a way, living in a modern society would be impossible if the law did not recognise this contract making power of a person. This prompted Roscoe Pound to make his celebrated observation: "Wealth, in a commercial age, is made up largely of promises". In this sense India is also a "promissory" society. The conferment and protection by the law of this contract making power of persons gives them a considerable leeway to strike the best bargain for the contract making persons, in a way that they are permitted to regulate and define their relations in the best possible manner they chose. However, the contours of contractual relations in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in an independent and developing Indian society. Whatever may be the nature of a given society, the contractual relations, as are obtained in that society, are governed by certain principles which are more or less of a general

and basic nature. In India these general principles are statuted in the form of the Indian Contract Act, 1872.

This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations.

Specific enforcement of contract is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

The following syllabus prepared with this perspective will comprise of about 84 units of one-hour duration.

Syllabus

1. General Principles of Law of contract units 40

1.1 History and nature of contractual obligations

1.2 Agreement and contract: definitions, elements and kinds.

1.3 Proposal and acceptance- their various forms, essential elements, communication and revocation - proposal and invitations for proposal- floating offers-tenders-dumping of goods.

1.4 Consideration - its need, meaning, kinds, essential elements - nudum pactum -privity of contract and of consideration- its exceptions- adequacy of consideration-present, past and adequate consideration- unlawful consideration and its effects-views of Law Commission of India on consideration-evaluation of the doctrine of consideration.

1.5 Capacity to contract- meaning- incapacity arising out of status and mental defect-minor's agreements-definition of 'minor'- accessories supplied to a minor-agreements beneficial and detrimental to a minor -affirmation- restitution in cases of minor's agreements-fraud by a minor - agreements made on behalf of a minor-minor's agreements and estoppel - evaluation of the law relating to minor's agreements- other illustrations of incapacity to contract.

1.6 Free consent- Its need and definition- factors vitiating free consent.

1.6.1. Coercion- definition- essential elements- duress and coercion- various illustrations of coercion- doctrine of economic duress- effect of coercion

1.6.2. Undue Influence- definition- essential elements- between which

Parties can it exist? Who is to prove it? Illustrations of undue influence - independent advice - pardanashin women- unconscionable bargains - effect of undue influence.

1.6.3. Misrepresentation - definition - misrepresentation of law and of fact- their effects and illustration.

1.6.4. Fraud - definition - essential elements - suggestion falsi-suppresio veri - when does silence amount to fraud? Active - concealment of truth - importance of intention.

1.6.5. Mistake - definition - kinds- fundamental error -mistake of law and of fact - their effects - when does a mistake vitiate free consent and when does it not vitiate free consent?

1.7. Legality of objects:

1.7.1. Void agreements - lawful and unlawful considerations, and objects –void, voidable, illegal and unlawful agreements and their effects.

1.7.2. Unlawful considerations and objects:

1.7.2.1. Forbidden by law

1.7.2.2. Defeating the provision of any law

1.7.2.3. Fraudulent

1.7.2.4. Injurious to person or property

1.7.2.5. Immoral

1.7.2.6. Against public policy

1.7.3. Void Agreements:

1.7.3.1. Agreements without consideration

1.7.3.2. Agreements in restraint of marriage

1.7.3.3. Agreements in restraint of trade - its exceptions- sale of goodwill, section 11 restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.

1.7.3.4. Agreements in restraint of legal proceedings- its exceptions.

1.7.3.5. Uncertain agreements

1.7.3.6. Wagering agreement - its exception.

1.8. Discharge of a contract and its various modes.

1.8.1. By performance- conditions of valid tender of performance- How? By whom? Where? When? In what manner? Performance of reciprocal promises- time as essence of contract.

1.8.2. By breach - anticipatory breach and present breach.

1.8.3. Impossibility of performance - specific grounds of frustration –application to leases- theories of frustration - effect of frustration - frustration and restitution.

1.8.4. By period of limitation

1.8.5. By agreement- rescission and alteration - their effect-remission and waiver of performance - extension of time - accord and satisfaction.

1.9. Quasi-contracts or certain relations resembling those created by contract

1.10. Remedies in contractual relations:

1.10.1. Damages-kinds-remoteness of damages-ascertainment of damages

1.10.2. Injunction- when granted and when refused - Why?

1.10.3. Refund and restitution

1.10.4. Specific performance - When? Why?

2. Government as a Contracting Party units 10

Constitutional provisions - government power to contract-procedural requirements- kinds of government contracts- their usual clauses- performance of such contracts- settlements of disputes and remedies.

3. Standard Form Contracts units 10 Nature, advantages - unilateral character, principles of protection against the possibility of exploitation- judicial approach to such contracts- exemption clauses - clash between two standard form contracts- Law Commission of India's views

4. Multinational Agreement units 6

5. Strategies and constraints to enforce contractual obligations units 8

1. Judicial methods- redressal forum, remedies

2. Other methods like arbitration, Lok Adalat, Nyaya Panchayat and other such non-formal methods

3. Systemic constraints in settling contractual disputes 5.3.1. Court fees,

4. Service of summons, injunctions, delay.

6. Specific relief Units 10

6.1. Specific performance of contract

6.1.1. Contract that can be specifically enforced

6.1.2. Persons against whom specific enforcement can be ordered

6.2. Rescission and cancellation

6.3. Injunction

6.3.1. Temporary

6.3.2. Perpetual

6.4. Declaratory orders

6.5. Discretion and powers of court

Select Bibliography

1. Beatesen (ed.), *Anson's Law of Contract* (27th ed. 1998)
2. P.S. Atiyya, *Introduction to the Law of Contract* 1992 reprint (Clarendon Law Series)
3. Avtar Singh, *Law of Contract* (2000) Eastern, Lucknow
4. G.C. Cheshire, and H.S. Fifoot and M.P. Furmston, *Law of Contract* (1992) ELBS with Butterworths
5. M. Krishnan Nair, *Law of Contracts*, (1998)
6. G.H. Treitel, *Law of Contract*, Sweet & Maxwell (1997 Reprint)
7. R. K. Abichandani, (ed.), *Pollock and Mulla on the Indian Contract and the Specific Relief Act* (1999)
8. Tripathi Banerjee. S.C, *Law of Specific Relief* '(1998) Universal
9. Anson, *Law of Contract* (1998), Universal
10. *Dutt on Contract* (2000), Universal
11. Anand and Aiyer, *Law of Specific Relief* (1999), University

SEMESTER IV

PAPER 1: ECONOMICS IV - INDIAN ECONOMY II

COURSE OBJECTIVES:

- To enable the student to have an overview of the working of the Indian economy.
- To enable the student to understand the changing trends in the Indian economy.
- To enable a student to understand the leading issues in India's development.

UNIT 1 FINANCIAL MARKETS:

1. Features of Indian Markets
2. Unorganized Sector
3. Critical review of the performance of Nationalization of Commercial Banks

4. Monetary policy of the RBI
5. Post – 1991 Banking Reforms
6. I.D.B.I, S.E.B.I

UNIT 2 FOREIGN TRADE:

1. Changing Structure of Indian exports and imports and imports since independence
2. Causes for disequilibrium in India's balance of payments
3. Trade policy of the Government of India since 1991
4. Impact of W.T.O. on India's Foreign Trade, Tariffs, Subsidies and Globalization

UNIT 3 GOVERNMENT FINANCE:

1. Growth of Public Expenditure
2. Source of revenue for the Union Budget – problem of India's Tax system
3. Deficit Financing – Trends and consequences
4. Federal Finance – Divisions of resources, problems, reviews of the recommendations of the recent Finance Commission – Evaluation of India's Fiscal Policy

UNIT 4

KARNATAKA ECONOMY:

1. Overview of Karnataka Economy – G.D.P, P.C.I, Growth Rate, H.D.I
2. Natural Resources – Land wise pattern, forest water, mineral resources
3. Population dynamics – Growth, Composition, density, problems
4. Agricultural development in Karnataka, trends in agricultural production, problems of agriculture in Karnataka
5. Land holding irrigation finance and marketing
6. Sericulture in Karnataka – Growth, problems, projects

UNIT 5:

1. Recent Industrial Policy of the Govt. of Karnataka

2. Small Scale Industry – Growth and Problems
3. Information Technology (I.T) Industry in Karnataka
4. Energy Sector – Growth and Problems
5. Karnataka Finances – sources and problems
6. Tenth Five Year plan
7. Regional Imbalance in Karnataka – indicators – Social & Economic causes and Remedies

Select Bibliography

1. Alak G – Indian Economy, Its nature and problems
2. Rudra Dutta – Indian Economy
3. Dhingral I.C – The Indian Economy
4. Misra SK & V K Puri – Indian Economy its Development -Experience
5. Uma Kapila – An overview of Indian Economics Volume IV
6. Govt. of Karnataka – Economic Survey (Latest year)
7. Govt. of Karnataka – Karnataka at a Glance
8. O.D. Heggade – Karnataka Economy, Kannada
9. D.T. Nanje Gowda - Karnataka Economy (IEA) Conference 38

SEMESTER IV

PAPER 2: CONSTITUTIONAL LAW I

Objective of the course

India is a democracy and her Constitution embodies the main principles of the democratic government- how it comes into being, what are its powers, functions, responsibilities and obligations-how power is limited and distributed. Whatever might have been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution.

The purpose of teaching constitutional law is to highlight its never-ending growth. Constitutional interpretation is bound to be influenced by one's social, economic or political predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why a significant interpretation was adopted in a particular situation. Such a critical approach is a necessary requirement in the study of constitutional law.

Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law. Similarly, the concept of secularism and federalism engraved in the Constitution are to be interpreted progressively.

The following syllabus prepared with this perspective will comprise of about 84 units of one-hour duration.

Syllabus

1. Historical Perspective units 10

1. Constitutional developments since 1858 to 1947
2. Gandhian Era-1919 to 1947: social, political, economic and spiritual influence.
3. Making of the Indian Constitution
4. Nature and special features of the Constitution.

2. Equality and Social Justice units 15

1. Equality before the law and equal protection of laws
2. Classification for differential treatment: constitutional validity
3. Gender justice
4. Justice to the weaker sections of society: scheduled castes, scheduled tribes and other backwards classes
5. Strategies for ameliorative justice

3. Freedoms and Social Control units 20

- 3.1. Speech and expression
 - 3.1.1. Media, press and information
- 3.2. Freedom of Speech and contempt of court

- 3.3. Freedom of Assembly
- 3.4. Freedom of Association
- 3.5. Freedom of Movement
- 3.6. Freedom to reside and settle.
- 3.7. Freedom of Profession/Business
- 3.8. Property: from fundamental right to constitutional right

4. Personal Liberty- units 14

- 1. Rights of an accused - double jeopardy - self-incrimination retroactive punishment
- 2. Right to life and personal liberty: meaning, scope and limitations
- 3. Preventive detention-constitutional policy

5. Fundamental Rights and Directive Principles units 10

- 5.1. Directive Principles-directions for social change-A new social order.
- 5.2. Fundamental Rights and Directive Principles - inter relationship - judicial balancing.
- 5.3. Constitutional amendments - to strengthen Directive Principles.
- 5.4. Reading Directive Principles into Fundamental Rights

6. Secularism units 5

- 1. Concept of secularism: historical perspective
- 2. Indian constitutional provision
- 3. Freedom of religion-scope
- 4. Religion and the state: the limits
- 5. Minority rights

7. Fundamental duties units 5

- 1. The need and status in constitutional set up
- 2. Interrelationship with fundamental rights and directive principles

8. Constitutional Processes of Adaptation and Alteration units 5

- 8.1 Methods of constitutional amendment
- 8.2 Limitations upon constituent power
- 8.3 Development of the basic structure: Doctrine of judicial activism& restraint

Select Bibliography

1. G. Austin, *History of Democratic Constitution: The Indian Expenditure* (2000) Oxford
2. D. D. Basu, *Shorter Constitution of India*, (1996), Prentice Hall of India, Delhi
3. Constituent Assembly Debates Vol. 1 to 12 (1989)
4. H. M. Seervai, *Constitution of India*, Vol. 1-3 (1992), Tripathi, Bombay
5. M.P. Singh (ed.), V.N. Shukla, *Constitutional Law of India* (2000)' Oxford
6. G. Austin, *Indian Constitution: Cornerstone of a Nation* (1972).
7. M. Galanter, *Competing Equalities - Law and the Backward Classes in India* (1984) Oxford
8. B- Sivaramayya, *Inequalities and the Law* (1984) Eastern, Lucknow.
9. S. C. Kashyap, *Human Rights and Parliament* (1978) Metropolitan, New Delhi

SEMESTER IV

PAPER 3: LEGAL HISTORY

Objectives of the course

Study of law relating to a particular country is not complete without understanding the history and development of the laws and legal institutions. India is a country rich in history and traditions. A student of law should be exposed to the ancient social order and religious philosophy as well as to the systems of dispute settlement mechanisms existing in those days. The medieval period had influence in the development of legal system. The advent of the British was an event, which also had its influence. The growth of judicial and legislative institutions after this event has to be taught in order to give an insight and awareness of how the present system had emerged from the ancient and medieval times. This paper with the above-mentioned perspectives will comprises of about 84 units of one-hour duration.

Legal History of India

1. Judicial Systems in Ancient India units 10

- 1.1 Judicial system in ancient India: Hindu period
- 1.2 Ancient Hindu social order and religious philosophy
- 1.3 Administration of justice
- 1.4 Judicial system in medieval India: Muslim period
- 1.5 The Mughal period: judicial system

2 . Administration of Justice in Bombay, Madras and Calcutta unit 6

1. Emergence of the East India Company: development of authority under charters
2. Trading body to a territorial power subsequent charters.
3. Administration of justice in Madras from 1639 to 1726.
4. Administration of justice in Bombay 1668 -1726
5. Administration of justice in Calcutta 1619-1726

3. The Mayors Court units 5

1. Genesis of the Charter of 1726
2. Provisions of the Charter
3. Working of judicial system
4. Charter of 1753
5. Defects of judicial systems

4. Adalat System units 7

1. Grant of Diwani
2. Execution of Diwani functions
3. Judicial plan of 1772
4. Defects of the plan
5. New plan of 1774
6. Reorganization of adalats in 1780
7. Reforms of 1781
8. The first civil code
9. Reforms in the administrations of criminal justice.

5. The Regulating Act 1773 units 7

- 5.1. Charter of 1774 and the Supreme Court of Calcutta 42

5.2. Some landmark cases

- a. Issue of Raj Nandkumar (1775): whether a judicial murder?
- b. The Patna case (1777-79)
- c. The Cossijurah case (1779-80)

5.3. Act of settlement 1781 5.3.1. Major defects

5.4. Supreme Courts at Calcutta, Madras and Bombay.

5.5. Law and administration in the Supreme Court

6. Judicial Reforms units 7

6.1 Judicial reforms of Cornwallis

6.2 Problems of judicial reforms 1793-1833

6.3 Impact of reforms by Cornwallis 1993

6.4 Reforms of Sir John Shore (1793)

6.5 Reforms of Lord Wellesley (1798)

6.6 Reforms of Lord Cornwallis (1805)

6.7 Reforms of Lord Minto (1807)

6.8 Lord Hastings' administration of justice (1813)

6.9 Judicial reforms of Lord Bentick (1828)

6.9.1. Defects of the systems

7. Establishment of the High Courts units 7

7.1. The Indian High Courts Act 1861

7.2. Charter of Calcutta High Court

7.3. Allahabad High Court

7.4. The Indian High Courts Act 1911

7.5. The Government of India Act 1915: other High Courts

7.6. Government of India Act 1935: more High Courts created

7.7. Jurisdiction of high Courts

7.8. Posts constitutional developments

8. The Federal Court of India units 5

- 8.1. Foundation of the Federal Court
- 8.2. Jurisdiction
- 8.3. Authority of law
- 8.4. Expansion of Jurisdiction
- 8.5. Abolition of the Federal Court
- 8.6. An assessment 43

9. Privy Council

- 9.1. Jurisdiction
- 9.2. Appeals from India
- 9.3. A unique institution

10. The Supreme Court of India units 6

- 10.1. Origin
- 10.2. Constitution
- 10.3. Jurisdiction and powers
- 10.4. Doctrine of precedents and the Supreme Court
- 10.5. Recent changes

11. Development of legislative authorities in India from 1861-1935 units 8

12. Growth of Criminal Law units 2

13. Growth of personal Law of Hindus and Muslims units 2

14. Charters Act 1833 units 2

15. Influence of English Law in India units 2

16. Prerogative writs in India units 2

17. Racial discrimination units 2

18. Growth of justice, equity and good conscience units 2

Select Bibliography

- 1. Courtney Ilbert, *Government of India* (1962)

2. Courtney Ilbert, *The Mechanics of Law Making* (1914)
3. M.P. Jain, *Constitutional Law of India* (1987) Tripathi, Bombay
4. M.P. Jain, *Outlines of Legal History* (1998), Tripathi
5. M. Rama Jois,, *Legal and Constitutional History of India* (1984) (Two volumes)
6. A.B. Keith, *Constitutional History of India 1600-1936* (1936)
7. Rankin. G.C., *Background to Indian Law* (1946)
8. V.D. Kulshreshtha's, *Landmarks in Indian Legal History* (1992), Eastern Lucknow
9. Eric Stakes, *The English Utilitarians and India* (1992), Oxford,

SEMESTER IV

PAPER 4: ENVIRONMENTAL LAW

Objectives of the Course

The Environmental Law programme, in contrast to the other curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter generational equity and prevention of pollution. All these issues relate to problems about construction of a just, humane and healthy society. Secondly, environmental law necessarily demands an interdisciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology-related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in sociolegal explorations. This approach to the growing dimensions of environmental law is essential.

This paper with the above- mentioned perspectives comprises of about 84 units of one-hour duration.

1. Concept of environment and pollution units 4

1.1. Environment

1.1.1. Meaning and contents

1.2. Pollution

1.2.1. Meaning

1.2.2. Kinds of pollution

1.2.3. Effects of pollution

2. Legal control: historical perspectives units 4

2.1. Indian tradition: dharma of environment

2.2. British Raj - industrial development and exploitation of nature

2.2.1. Nuisance: penal code and procedural codes

2.3. Free India - continuance of British influence

2.3.1. Old laws and new interpretations 45

3. Constitutional Perspectives units 15

3.1. Constitution making - development and property oriented approach

3.2. Directive principles

3.2.1. Status, role and interrelationship with fundamental rights and fundamental duties.

3.3. Fundamental Duty

3.3.1. Contents

3.3.2. Judicial approach

3.4. Fundamental Rights

3.4.1. Rights to clean and healthy environment

3.4.2. Right to education

3.4.3. Right to information

3.4.4. Environment v. Development

3.5. Enforcing agencies and remedies

3.5.1. Courts

3.5.2. Tribunal

3.5.3. Constitutional, statutory and judicial remedies

3.6. Emerging principles

3.6.1. Polluter pays: public liability insurance

3.6.2. Precautionary principle

3.6.3. Public trust doctrine

3.6.4. Sustainable development

4. Water and Air Pollution units 4

4.1. Meaning and standards

4.2. Culprits and victims

4.3. Offences and penalties

4.4. Judicial approach

5. Noise Pollution units 4

5.1. Legal control

5.2. Court's of balancing: permissible and impermissible noise

6. Environment Protection units 15

6.1. Protection agencies: power and functions

6.2. Protection: means and sanctions

6.3. Emerging protection through delegated legislation 46

6.3.1. Hazardous waste,

6.3.2. Biomedical waste

6.3.3. Genetic engineering

6.3.4. Disaster emergency preparedness

6.3.5. Environment impact assessment

6.3.6. Coastal zone management

6.3.7. Environmental audit and eco mark

6.4. Judiciary: complex problems in administration of environmental justice

7. Town and country planning units 4

7.1. Law: enforcement and constrain

7.2. Planning - management policies

8. Forest and greenery units 10 8.1. Greenery conservation laws

8.1.1. Forest conservation

8.1.2. Conservation agencies

8.1.3. Prior approval and non-forest purpose

8.1.4. Symbiotic relationship and tribal people

8.1.5. Denudation of forest: judicial approach

8.2. Wildlife

8.2.1. Sanctuaries and national parks.

8.2.2. Licensing of zoos and parks

8.2.3. State monopoly in the sale of wild life and wild life articles

8.2.4. Offences against wild life.

9. Biodiversity units 4

9.1 Legal control

9.2 Control of eco-unfriendly experimentation on animals, plants, seeds and microorganism.

10. International regime units 15 10.1. Stockholm conference 10.2 Green house effect and ozone depletion

10.3. Rio Conference

10.4. Biodiversity

10.5. U.N. Declaration on right to development.

10.6. Wetlands 47

Select Bibliography

1. Aarmin Rosencranz, *et al.*, (eds.), *Environmental Law and Policy in India*, (2000), Oxford

2. R.B. Singh & Suresh Misra, *Environmental Law in India* (1996), Concept Publishing Co., New Delhi.

3. Kailash Thakur, *Environmental Protection Law and Policy in India* (1997), Deep & Deep publications. New Delhi.

4. Richard L. Riversz, *et al.* (eds.) *Environmental Law, the Economy and Sustainable Development* (2000), Cambridge.

5. Christopher D. Stone, *Should Trees have Standing and other Essays on Law, Morals and the Environment* (1996), Oceana

6. Leelakrishnan, P *et al.* (eds.), *Law and Environment* (1990), Eastern, Lucknow

7. Leelakrishnan, P, *The Environmental Law in India* (1999), Butterworths-India

8. Department of Science and Technology, Government of India, *Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection* (1980) (Tiwari Committee Report).

9. Indian Journal of Public Administration, *Special Number on Environment and Administration*, July-September 1988, Vol. XXXV, No.3, pp.353- 801

10. Centre for Science and Environment, *The State of India's Environment 1982, The State of India's Environment 1984-85 and The State of Indian Environment 1999-2000*.

11. World Commission on Environment and Development, *Our Common Future* (1987), Oxford

SEMESTER IV

PAPER 5: CONTRACT II (INDIAN CONTRACT ACT, INDIAN PARTNERSHIP ACT, SALE OF GOODS ACT AND OTHER SPECIFIC CONTRACTS)

Objectives of the course

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

The paper comprises of about 84 units of one hour duration.

Syllabus

1. Indemnity units 3

- 1.1. The concept
- 1.2. Need for indemnity to facilitate commercial transactions.
- 1.3. Methods of creating indemnity obligations.
- 1.4. Definition of Indemnity
- 1.5. Nature and extent of liability of the indemnifier
- 1.6. Commencement of liability of the indemnifier
- 1.7. Situations of various types of indemnity creations.
- 1.8. Documents/agreements of indemnity
- 1.9. Nature of indemnity clauses.
- 1.10. Indemnity in cases of International transactions
- 1.11. Indemnity by governments during interstate transactions.

2 Guarantee units 7

- 2.1. The concept.
- 2.2. Definition of guarantee: as distinguished from indemnity.
- 2.3. Basic essentials for a valid guarantee contract.
- 2.4. The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
- 2.5. Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety.
- 2.6. Continuing guarantee.
 - 2.6.1. Nature of surety's liability
 - 2.6.2. Duration and termination of such liability
- 2.7. Illustrative situations of existence of continuing guarantee.
 - 2.7.1 Creation and identification of continuing guarantees.
- 2.8. Letters of credit & bank guarantees as instances of guarantee transactions
- 2.9. Rights of surety
 - 2.9.1. Position of surety in the eye of law
 - 2.9.2. Various judicial interpretations to protect the surety.
- 2.10. Co-surety and manner of sharing liabilities and rights.
- 2.11. Extent of surety's liability.
- 2.12. Discharge of surety's liability.

3. Bailment units 6

- 3.1. Identification of bailment contracts in day to day life.
 - 3.1.1. Manner of creation of such contracts
- 3.2. Commercial utility of bailment contracts
- 3.3. Definition of bailment
- 3.4. Kinds of bailees
- 3.5. Duties of Bailor and Bailee towards each other
- 3.6. Rights of bailor and bailee
- 3.7. Finder of goods as a bailee.
 - 3.7.1. Liability towards the true owner.
 - 3.7.2. Obligation to keep the goods safe

3.7.3. Right to dispose off the goods.

4. Pledge units 4

4.1. Pledge: comparison with bailment

4. 2 Commercial utility of pledge transactions

4. 3 Definition of pledge under the Indian Contract Act

4. 4 Other statutory regulations (State & Centre) regarding pledge reasons for the Same

4. 5 Rights of the Pawner and Pawnee

4. 51 Pawnee's Right of sale to that of ordinary bailee

4.6 Pledge by certain specified persons mentioned in Indian Contract Act

5. Agency Units 10

5.1 Identification of different kinds of agency transactions in day-to-day life in the commercial World

5. 2 Kinds of Agencies

5.2.1 Distinction between Agent and Servant

5.3 Essentials of a Agency Transaction

5.4 Various methods of creation of Agency

5.5 Delegations

5.6 Duties and Rights of an Agent

5.7 Scope and extent of Agents authority

5.8 Liability of the Principal for acts of the Agent including misconduct and tort of the Agent

5.9 Liability of the Agent towards the Principal

5.10 Personal Liability towards the parties

5.11 Methods of termination of Agency Contract

5.11.1Liability of the Principal and Agent before and after such termination

6. Sale of Goods Units 22

6.1 Concept of sale as a contract

6.2 Illustrative instances of sale of goods and the nature of such contracts

6.3 Essentials of contract of sale

6.4 Essential conditions in every contract of sale

6.5 Implied terms in contract of sale

6.6 The rule of Caveat Emptor and the exceptions thereto under the Sale of Goods Act

- 6.7 Changing concept of Caveat Emptor
- 6.8 Effect and meaning of implied warranties in a sale
- 6.9 Transfer of Title and passing of risk
- 6.10 Delivery of Goods: various rules regarding delivery of goods
- 6.11 Unpaid seller and his rights
- 6.12 Remedies for breach of contract

7 Partnership Units 20

- 7.1 Nature of Partnership: Definition
- 7.2 Distinct advantageous and disadvantageous vis-à-vis Partnership and Private Limited Company
- 7.3 Mutual relationship between Partners
- 7.4 Authority of Partners
- 7.5 Admission of Partners 51
- 7.6 Outgoing Partners
- 7.7 Registration of Partnership
- 7.8 Dissolution of Partnership

8. Negotiable Instruments Units 12

- 8.1 The concepts
- 8.2 Various kinds
- 8.3. Essential requirements to make an instrument negotiable.
- 8.4. Competent parties for making negotiation
- 8.5. Acceptance of the instrument.
- 8.6. Dishonor by non-acceptance and remedies available to the holder
- 8.7. Holder and holder in due course: meaning, essential conditions rights and privileges of holder in course and endorsee from the holder in due course.
- 8.8. Negotiation of the instrument.
- 8.9. Presentment of the instrument.
- 8.10. Cheques: rules regarding payment of cheque
 - 8.10.1. Liability of the collecting banker and paying banker.
 - 8.10.2. Dishonour of cheque and its effect.
 - 8.10.3. Discharge from liability

8.11. Kinds of bills

8.12. Evidence

8.12.1. Special rules of evidence regarding negotiable instruments

Select Bibliography

1. R.K. Abhichandani (ed.), *Pollock and Mulla on Contracts and Specific Relief Acts* (1999) Tripathi, Bombay
2. Avtar Singh, *Contract Act* (2000), Eastern, Lucknow.
3. Krishnan Nair, *Law of Contract*, (1999) Orient Avtar Singh, *Principles of the Law of Sale of Goods and Hire Purchase* (1998), Eastern, Lucknow
4. J.P. Verma (ed.), Singh and Gupta, *The Law of Partnership in India* (1999), Orient Law House, New Delhi.
5. A. G. Guest (ed.), *Benjamin's Sale of Goods* (1992), Sweet & Maxwell.
6. Bhashyam and Adiga, *The Negotiable Instruments Act* (1995), Bharath, Allahabad
7. M.S. Parthasarathy (ed.), J. S. Khergamvala, *The Negotiable Instruments Act*
8. Beatson (ed.), *Ansons' Law of Contract* (1998), Oxford, London
9. Saharay, H.K., *Indian Partnership and Sale of Goods Act* (2000), Universal
10. Ramaninga, *The Sales of Goods Act* (1998), Universal

SEMESTER V

PAPER 1: ECONOMICS V - DEVELOPEMENT ECONOMICS

COURSE OBJECTIVES:

- To enable students to learn the fundamental theories of Development Economics
- To enable the students to develop a logical and analytical view of issues in today's world.
- To enable students to relate learning to reality in the case of development, etc.,

UNIT – 1 FUNDAMENTAL CONCEPTS:

- Meaning of Economic Development - Distinction between Economic Growth ad Economic Development
- GNP, PCI, HDI, Human Capabilities: Sustainable Development – Index Development

- Gender Empowerment – Index of Development, Factors determining – Economic and Non – Economic Factors
- Obstacle to Development – Vicious Circles of poverty, Market imperfections Social factors

UNIT- 2 NATURAL RESOURCES FOR DEVELOPMENT:

- Role of Natural Resources and its use in Economic Development
- Reasons for environmental, Degradation – Air, Water and Forests
- Meaning of environmental Economics
- Market failures to control degradation, choice of instruments – Govt. intervention that is polluter pay principle, Awareness and Community participation

UNIT- 3 HUMAN RESOURCE AND DEVELOPMENT:

- Importance of HRD in Economic Development
- Components of human capital formation
- Manpower’ planning – meaning, manpower shortages, manpower surpluses, strategy for manpower planning
- Entrepreneurship and development, types and role

UNIT - 4 NATURAL RESOURCES FOR DEVELOPMENT:

- importance of capital formation – causes for low capital formation
- Sources of finance for economic development – domestic resources
- Savings, Taxation, deficit financing, public borrowings
- External sources – foreign capital – role of foreign capital – foreign aid – tied and United aid Private direct Investment – constraints

UNIT 5 TECHNOLOGY AND DEVELOPMENT:

- Role of technology in Economic development – channels of technology transfer – problems
- Appropriate technology for developing countries
- Choice of techniques labour intensive technology, capital intensive technology

- Capital output ratio (COR), Incremental capital output ratio (ICOR) determinants and importance, investment criteria in Economic development
- Capital turnover, SMP, BOP criterion

Select Bibliography

1. Ray Debraj – Development Economics
2. Hent Diana – Economic Theories of Development – An analysis of competition paradigm
3. Gerald M Mcier – Leading issues in Economic Development
4. Meier and Baldwin – Economic Development
5. Higgins B - Economic Development Past & Present
6. Todaro Micheal - Economic Development
7. Lekhi – Development Economics
8. M.L. Jhingan - Economics of Development and Planning
9. Mishra and Puri - Economic Development and Planning
10. Das Debendra K – Globalisation and Development – Experience and Challenges [Deep and Deep Publication]
11. Sen Gupta Ramprasad-Ecology & Economics[Oxford University Press]
12. World Bank Reports – Various Issues
13. Human Development - Various Issues
14. Asian Development - Various Issues

SEMESTER V

PAPER 2: LEGAL THEORY- PAPER 2

Objectives of the course

At the heart of the legal enterprise is the concept of law. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society. Moreover, without a comprehension of the cognitive and Ideological foundations of the discipline, pedagogy becomes a mere teaching of the rules. It is unable to present various statutes, cases, procedure, practices and customs as a systematic body of knowledge, nor is it able to show the interconnection between these various branches of law, procedures and principles. The fact that the basic nature and purpose of law should be clear to

every student and that it should be the very foundation of law teaching needs little argument. A course in jurisprudence should, primarily, induct the student into a realm of questions concerning law so that he is able to live with their perplexity or complexity and is driven to seek out answers for himself.

It may not be possible that a one year jurisprudence course can impart knowledge of doctrines about law and justice, developed over the years, in various nations and historical situations. At best an undergraduate course should impart the analytical skill and equip the student with the basic problems concerning law and the types of solutions sought. Thus, the student not only will be able to use this skill in practice but also is motivated to take up detailed historical studies on his own after the course. Since a basic idea in the designing of this course is to bring jurisprudence closer to our reality, in the selection of cases and reading materials the teacher should try to make use of the Indian material as far as possible.

The course will comprise of 84 units of one-hour duration.

Syllabus

1. Introduction units 10

1.1. Meaning of the term 'jurisprudence'

1.2. Norms and the normative system. 55

1.2.1. Different types of normative systems, such as of games, languages, religious orders, unions, clubs and customary practice.

1.2.2. Legal system as a normative order: similarities and differences of the legal system with other normative systems.

1.3. Nature and definition of law.

2. Schools of Jurisprudence units 15

2.1. Analytical positivism

2.2. Natural law

2.3. Historical school

2.4. Sociological school

2.5. Economic interpretation of law

2.6. The Bharat jurisprudence

2.6.1. The Ancient: the concept of 'Dharma'

2.6.2. The Modern: PIL, social justice, compensatory jurisprudence

3. Purpose of Law

3.1. Justice

3.1.1. Meaning and kinds

3.1.2. Justice and law: approaches of different schools

3.1.3. Power of the Supreme Court of India to do complete justice in a case: Article 142

3.1.4. Critical studies

3.1.5. Feminist jurisprudence

4. Sources of Law units 20

4.1. Legislation

4.2. Precedents: concept of stare decisis

4.3. Customs

4.4. Juristic writings

5. Legal Rights: the Concept units 6

5.1. Rights: kinds

5.2. Right duty correlation

6. Persons units 3

6.1. Nature of personality

6.2. Status of the unborn, minor, lunatic, drunken and dead persons

6.3. Corporate personality 56

6.4. Dimensions of the modern legal personality: Legal personality of non-human beings

7. Possession: the Concept units 3 7.1. Kinds of possession

8. Ownership: the Concept units 3

8.1. Kinds of ownership

8.2. Difference between possession and ownership

9. Title units 2

10. Property: the concept units 3

10.1. Kinds of property

11. Liability units 15

11.1. Conditions for imposing liability

11.1.1. Wrongful act

11.1.2. Damnum sine injuria

- 11.1.3. Causation
- 11.1.4. Mensrea
- 11.1.5. Intention
- 11.1.6. Malice
- 11.1.7. Negligence and recklessness
- 11.1.8. Strict liability
- 11.1.9. Vicarious liability

12. Obligation: Nature and kinds units 2 12.1. Sources of obligation

13. Procedure units 2

- 13.1. Substantive and procedural laws: difference
- 13.2. Evidence: Nature and kinds

Select Bibliography

1. Bodenheimer *Jurisprudence—The Philosophy and Method of Law* (1996) Universal, Delhi.
2. Fitzgerald, (ed.) *Salmond on Jurisprudence* (1999), Tripathi, Bombay.
3. W. Friedmann, *Legal Theory* (1999), Universal, Delhi.
4. V.D. Mahajan, *Jurisprudence and Legal Theory* (1996 reprint), Eastern, Lucknow.
5. M.D.A Freeman (ed.), *Lloyd's Introduction t. Jurisprudence*, (1994), Sweet & Maxwell
6. Paton G.W., *Jurisprudence* (1972), Oxford, ELBS
7. H.L.A. Hart, *The Concepts of Law* (1970) Oxford, ELBS
8. Roscoe Pond, *Introduction to the Philosophy of Law* (1998 Re-print) Universal, Delhi.
9. Dias, *Jurisprudence* (1994 First Indian reprint), Adithya Books, New Delhi.
10. Dhyani S.N., *Jurisprudence: A study of Indian Legal Theory* (1985), Metropolitan, New Delhi.

SEMESTER V

PAPER 3: CONSTITUTIONAL LAW II

1. Parliamentary Government units 20

- 1.1. Westminster model - choice of parliamentary government at the Centre and States.
- 1.2. President of India
 - 1.2.1. Election, qualifications, salary and impeachment
 - 1.2.2. Powers: legislative, executive and discretionary powers

- 1.3. Council of Ministers
- 1.4. Governor and state government - constitutional relationship.
- 1.5. Legislative process
 - 1.5.1. Practice of law-making.
 - 1.5.2. Legislative privileges and fundamental rights.
- 1.6. Prime Minister - cabinet system - collective responsibility-individual responsibility.
- 1.7. Coalition Government: Anti-defection Law.

2. Federalism & decentralization units 20

- 2.1. Federalism - principles: comparative study
- 2.2. Indian Federalism: identification of federal features
 - 2.2.1. Legislative relations
 - 2.2.2. Administrative relations
 - 2.2.3. Financial relations.
- 2.3. Governor's role
- 2.4. Centre's powers over the states - emergency
- 2. 5. J & K - special status
- 2.6 Panchayats
- 2.7. Challenges to Indian federalism

3. Emergency units 10

- 3.1. Emergency, meaning and scope 58
- 3.2. Proclamation of emergency - conditions -effect of emergency on Centre- State relations.
- 3.3. Emergency and suspension of fundamental rights

4. Judiciary under the Constitution units 10

- 4.1. Judicial process
 - 4.1.1. Court system
 - 4.1.2. The Supreme Court
 - 4.1.3. High Courts
 - 4.1.4. Subordinate judiciary
 - 4.1.5. Judges: appointment, removal, transfer and condition of service: judicial independence
- 4.2. Judicial review: nature and scope.

5. Services under the Constitution units 3

5.1. Doctrine of pleasure (Art. 310)

5.2. Protection against arbitrary dismissal, removal, or reduction in rank (Art.311)

5.3. Exceptions to Art. 311

Select Bibliography

1. G. Austin, *History of Democratic Constitution: The Indian Expenditure* (2000) Oxford
2. D. D. Basu, *Shorter Constitution of India*, (1999), Prentice Hall of India, Delhi
3. Constituent Assembly Debates Vol. 1 to 12 (1989)
4. H. M .Seervai, *Constitution of India*, Vol. 1-3(1992), Tripathi, Bombay
5. M.P. Singh (ed.), V.N. Shukla, *Constitutional Law of India* (2000), Oxford
6. G. Austin, *Indian Constitution: Cornerstone of a Nation* (1972).
7. M. Galanter, *Competing Equalities - Law and the Backward Classes in India* (1984) Oxford
8. B- Sivaramayya, *Inequalities and the Law* (1984) Eastern, Lucknow.
9. S.C Kashyap, *Human Rights and Parliament* (1978) Metropolitan, New Delhi

SEMESTER V

PAPER 4: FAMILY LAW I

Objectives of the course

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

The Bar Council of India has suggested that the Family Law is to be taught in two courses while the CDC had prepared the syllabus for a comprehensive full course on Family Law. The CDC syllabi being elaborate embracing various aspects of Family Law, each University Board of Studies has the discretion to divide the CDC paper on Family Law into two.

The following syllabus prepared with this perspective will, thus, comprise about 168 units of one-hour duration. (84 units for each paper)

Syllabus

1. Sources – nature and origin- Hindu law – Muslim law units 4

2. Marriage and Kinship units 6

2.1. Evolution of the institution of marriage and family.

2.2. Role of religious rituals and practices in moulding the rules regulating to marital relations

2.3. Types of family based upon

2.3.1. Lineage-patrilineal, matrilineal

2.3.2. Authority structure- patriarchal and matriarchal

2.3.3. Location- patrilocal and matrilocal

2.3.4. Number of conjugal units - nuclear, extended, joint and composite.

2.4. Emerging concepts: maitri sambandh and divided home

2.5 Special legislation relating to marriage

3. Customary practices and State regulation units 8

3.1. Polygamy

3.2. Concubinage

3.3. Child marriage

3.4. Sati

3.5. Dowry

4. Conversion and its effect on family units 8

4.1. Marriage

4.2. Adoption

4.3. Guardianship 60

4.4. Succession

(In view of the conflict of interpersonal laws, conversion is causing problems. How conversion affects the family and whether it is compatible with the concept of secularism and to what extent such problems would stand resolved with the enactment of a uniform civil code are some of the basics that need to be examined).

5. Matrimonial Remedies units 20

5.1. Non-judicial resolution of marital conflicts.

- a. Customary dissolution of marriage - unilateral divorce, divorce by mutual consent and other modes of dissolution.
- b. Divorce under Muslim personal law - talaq and talaq-e-tafweez.
- 5.2. Judicial resolution of marital conflicts: the family court
- 5.3. Nullity of marriage
- 5.4. Option of puberty
- 5.5. Restitution of conjugal rights
- 5.6. Judicial separation
- 5.7. Desertion: a ground for matrimonial relief
- 5.8. Cruelty: a ground for matrimonial relief
- 5.9. Adultery: a ground for matrimonial relief
- 5.10. Other grounds for matrimonial relief
- 5.11. Divorce by mutual consent under: Special Marriage Act 1954; Hindu Marriage Act 1955; Muslim law (Khula and Mubaraat).
- 5.12. Bar to matrimonial relief:
 - 5.12.1. Doctrine of strict proof
 - 5.12.2. Taking advantage of one's own wrong or disability
 - 5.12.3. Accessory
 - 5.12.4. Connivance
 - 6.12.5. Collusion
 - 5.12.6. Condonation
 - 5.12.7. Improper or unnecessary delay
 - 5.12.8. Residuary clause - no other legal ground exists for refusing the matrimonial relief

6. Alimony and maintenance units 16

6.1. Maintenance of neglected wives, divorced wives, minor children, disabled children, and parents who are unable to support themselves: provisions under the Code of Criminal Procedure 1973.

Alimony and maintenance as an independent remedy: a review under different personal laws - need for reforming the law

6.3. Alimony and maintenance as an ancillary relief

6.4. Maintenance of divorced Muslim women under the Muslim Women (Protection of Rights on Divorce) Act 1986: a critical review.

7. Child and the Family units 14

7.1. Legitimacy

7.2. Adoption

7.3. Custody, maintenance and education

7.4. Guardianship and parental rights - welfare of the child principle.

8. Establishment of Family Courts units 4

8.1. Constitution, power and functions

8.2. Administration of gender justice

9. Uniform Civil Code-need for units 4

9.1. Religious pluralism and its implication

9.2. Connotations of the directive contained in Article 44 of the Constitution

9.3. Impediments to the formulation of the Uniform Civil Code

9.4. The idea of Optional Uniform Civil Code.

Select Bibliography

1. Paras Diwan, *Law of Intestate and Testamentary Succession* (1998), Universal
2. Basu, N.D., *Law of Succession* (2000), Universal
3. Kusem, *Marriage and Divorce Law Manual* (2000), Universal
4. Machanda. S.C., *Law and Practice of Divorce in India* (2000) Universal
5. P.V. Kane, *History of Dharmasastras* Vol.2 pt. 1 at 624-632 (1974)
6. A. Kuppaswami (ed.) *Mayne's Hindu Law and Usage* Ch. 4 (1 986)
7. B. Sivaramayys, *Inequalities and the Law*, (1985)
8. K.C. Daiya, "Population control through family planning in India, "*Indian Journal of Legal Studies*, 85(1979)
9. J.D.M. Derrett, *Hindu Law: Past and Present*
10. J.D.M. Derrett, *Death of Marriage Law*
11. A.A.A. Fyzee, *Outline of Muhammadan Law*, (1998) Alladi Kuppaswami, (ed.)
12. *Mayne's Hindu Law and Usage*, (1986)
13. J.D.M. Derret, *A Critique of Modern Hindu Law*, (1970)

14. Paras Diwan, *Hindu Law* (1985)
15. S.T. Desai (ed.) *Mulla's Principles of Hindu Law*, (1998)- Butterorths-India.
16. Pares Diwan, *Family Law: Law of Marriage and Divorce in India*, (1984).
17. A.M. Bhattachargee, *Muslim Law and the Constitution* (1994), Eastern Law House, Calcutta.
18. A.M. Bhattachargee, *Hindu Law and the Constitution* (1994), Eastern Law House, Calcutta.
19. Paras Diwan, *Law of Adoption, Ministry, Guardianship and Custody* (2000), Universal

SEMESTER V

PAPER 5: TORT AND CONSUMER PROTECTION LAWS AND MOTOR VEHICLES ACT

Objectives of the course

With rapid industrialization, tort action came to be used against manufacturers and industrial units for products injurious to human beings. Presently, the emphasis is on extending the principles not only to acts, which are harmful, but also to failure to comply with standards that are continuously changing due to advancement in science and technology. Product liability is now assuming a new dimension in developed economics.

In the modern era of consumer concern of goods and services, the law of torts has an added significance with this forage into the emerging law of consumer protection. It operates in disputes relating to the quality of goods supplied and services rendered and in those areas relating to damage suffered by consumers. The law relating to consumer protection, lying scattered in myriad provisions of various legislation and judicial decisions in India, so connected with the human rights for a healthy life and environment, has now a core subject to be taught as an indispensable part of a socially relevant curriculum.

The BC1 proposed a combination of laws of torts and consumer protection as a single paper. The following syllabus is prepared with this perspective.

The following syllabus prepared with this perspective will comprise of about 84 units of one-hour duration.

Syllabus

1. Evolution of Law of Torts units 1

1.1. England - forms of action - specific remedies from case to case

1.2. India - principles of justice equity and good conscience-uncodified character-advantages and disadvantages

2. Definition, Nature, Scope and Objects units 2

2.1. A wrongful act- violation of duty imposed by law, duty which is owed to people generally (in rem) – *damnum sine injuria* and *injuria sine damnum*.

2.1.1. Tort distinguished from crime and breach of contract

2.1.2. The concept of unliquidated damages

2.1.3. Changing scope of law of torts: expanding character of duties owed to people generally due to complexities of modern society

2.1.4. Objects-prescribing standards of human conduct, redressal of wrongs by payment of compensation, prescribing unlawful conduct by injunction.

3. Principles of Liability in Torts units 2

3.1. Fault

3.1.1. Wrongful intent

3.1.2. Negligence

3.2. Liability without fault

3.3. Violation of ethical codes

3.4. Statutory liability:

3.5. Place of motive in torts

4. Justification in Tort

4.1. *Volenti non fit injuria*

4.2. Necessity, private and public

4.3. Plaintiff's default

4.4. Act of God

4.5. Inevitable accident

4.6. Private defense

4.7. Statutory authority

4.8. Judicial and quasi-judicial acts.

4.9. Parental and quasi-parental authority.

5. Extinguishment of liability in certain situations units 2

5.1. *Actio personalis moritur cum persona* - exceptions

- 5.2. Waiver and acquiescence
- 5.3. Release
- 5.4. Accord and satisfaction
- 5.5. Limitation 64

6. Standing units 2

- 6.1. Who may sue - aggrieved individual - class action -social action group
- 6.2. Statutes granting standing to certain persons or groups
- 6.3. Who may not be sued?

7. Doctrine of sovereign immunity and its relevance in India units 2

8. Vicarious Liability units 3

- 8.1. Basis, scope and justification
 - 8.1.1. Express authorization
 - 8.1.2. Ratification
 - 8.1.3. Abetment
- 8.2. Special Relationships:
 - 8.2.1. Master and servant - arising out of and in the course of employment – who is master? - the control test - who is servant? - borrowed servant - independent contractor and servant, distinguished
 - 8.2.2. Principal and agent
 - 8.2.3. Corporation and principal officer

9. Torts against persons and personal relations units 7

- 9.1. Assault, battery, mayhem
- 9.2. False imprisonment
- 9.3. Defamation - libel, slander including law relating to privileges
- 9.4. Marital relations, domestic relations, parental relations, master and servant relations
- 9.5. Malicious prosecution
- 9.6. Shortened expectation of life
- 9.7. Nervous shock

10. Wrongs affecting property units 3

- 10.1. Trespass to land, trespass ab initio, dispossession

10.2. Movable property- trespass to goods, detinue, conversion

10.3. Torts against business interests - injurious falsehood, misstatements, passing off

11. Negligence units 6

11.1. Basic concepts

11.1.1. Theories of negligence

11.1.2. Standards of care, duty to take care, carelessness, inadvertence

11.1.3. Doctrine of contributory negligence

11.1.4. Res ipsa loquitur and its importance in contemporary law

11.2. Liability due to negligence: different professionals

11.3. Liability of common carriers for negligence

11.4. Product liability due to negligence: liability of manufacturers and business houses for their products

12. Nuisance units 2

12.1. Definition, essentials and types

12.2. Acts which constitute nuisance - obstructions of highways, pollution of air, water, noise, and interference with light and air

13. Absolute/Strict liability units 2

13.1. The rule in Rylands v. Fletcher

13.2. Liability for harm caused by inherently dangerous industries

14. Legal remedies units 2

14.1. Legal remedies:

14.1.1. Award of damages- simple, special, punitive

14.1.2. Remoteness of damage- foreseeability and directness

14.1.3. Injunction

14.1.4. Specific restitution of property

14.2. Extra-legal remedies- self-help, re-entry on land, reception of goods, distress damage feasant and abatement of nuisance

15. Consumer movements: historical perspectives units 2

15.1. Common law protection: contract and torts

15.2. Consumerism in India: food adulteration, drugs and cosmetics - essential Commodities

15.2.1. Criminal sanction: Sale of noxious and adulterated substances, false weights and measures. Use of unsafe carriers

16. Consumer, the concept units 2

16.1. General Perspectives

16.2. Statutory and government services: to *be* included or not?

16.3. Definition and scope: the Consumer Protection Act 1986 (CPA)

16.3.1. Who is not a consumer?

17. Unfair Trade Practices units 2

17.1. Misleading and false advertising

17.2. Unsafe and hazardous products

17.3. Disparaging competitors

17.4. Business ethics and business self-regulation

17.5. Falsification of trade marks.

18. Consumer of goods units 12

18.1. Meaning of defects in goods.

18.2. Standards of purity, quality, quantity and potency

18.2.1. Statutes: food and drugs, engineering and electrical goods.

18.2.2. Common law: decision of courts

18.3. Price control

18.3.1. Administrative fixation

18.3.2. Competitive market

18.4. Supply and distribution of goods

19. Supply of essential commodities units 3

19.1. Quality control

19.2. Sale of goods and hire purchase law

19.3. Prescribing standards of quality - BIS and Agmark, Essential commodities law.

20. Consumer Safety units 5

20.1. Storing, distribution & handling of unsafe & hazardous products.

20.2. Insecticides and pesticides and other poisonous substances

21. Service units 10

21.1. Deficiency - meaning

21.2. Professional services

21.2.1. Medical Services

21.2.2. How to determine negligence

21.2.3. Violation of statute

21.2.4. Denial of medical service: violation of human rights

21.2.5. Lawyering services: duty-towards-court and duty-to-client dilemma, break of confidentiality - negligence and misconduct.

21.3. Public Utilities

21.3.1. Supply of electricity

21.3.2. Telecommunication and postal services 67

21.3.3. Housing

21.3.4. Banking

22. Commercial services units 4

22.1. Hiring

22.2. Financing

22.3. Agency services

23. Enforcement of consumer rights units 4

23.1. Consumer for a under CPA: jurisdiction, powers and functions

23.1.1. Execution of orders

23.1.2. Judicial review

23.2. PIL

23.3. Class action

23.4. Remedies:

23.5. Administrative remedies

24. The Motor Vehicle Act, 1988 units 2

Select Bibliography

1. Salmond and Heuston - *On the Law of Torts* (2000) Universal, Delhi,
2. D.D. Basu, *The Law of Torts* (1982), Kamal, Calcutta,
3. D.M. Gandhi, *Law of Tort* (1987), Eastern, Lucknow
4. P.S. Achuthan Pillai, *The law of Tort* (1994) Eastern, Lucknow
5. Ratanlal & Dhirajlal, *The Law of Torts* (1997), Universal, Delhi,

6. Winfield and Jolowitz on *Tort* (1999), Sweet and Maxwell, London.
7. Saraf, D.N., *Law of Consumer Protection in India* (1995), Tripathi, Bombay
8. Avtar Singh, *The Law of Consumer Protection: Principles and Practice* (2000), Eastern Book Co., Lucknow
9. J.N. Barowalia, *Commentary on Consumer Protection Act 1986* (2000), Universal, Delhi. P.K. Majumdar, *The Law of Consumer Protection In India* (1998), Orient Publishing Co., New Delhi.
10. R.M. Vats, *Consumer and the Law* (1994), Universal, Delhi.
11. The Motor Vehicles Act, 1988

SEMESTER VI

PAPER 1: ECONOMICS PAPER VI - INTERNATIONAL ECONOMICS

COURSE OBJECTIVES:

- To enable the students to learn the fundamental theories of International Economics
- To enable the students to apply the knowledge gained from the study of micro and macroeconomics in the field of International Economics
- To enable the student to understand the International trade system as it exists today

UNIT – 1 THEORIES OF INTERNATIONAL TRADE:

- Meaning and importance of International Trade
- Distinction between Inter regional and International Trade
- Classical Theories of International Trade–Adam Smith and David Ricardo
- General equilibrium Analysis – Production Possibility Curve – Community Indifference Curve
- Heckscher – Ohin Theory – Equilibrium under increasing cost
- Factor price equalization Theory – Offer Curves – Meaning: Reciprocal Demand

UNIT –2 TRADE AND COMMERCIAL POLICY

- Terms of Trade – Meaning and Concepts – Factors – Gross, Net Income – Terms of Trade
- Trade and Development – Prebisch – Singer thesis
- Free Trade Vs Protection (argument for and against)

- Tariff – Meaning, types, effects
- Quotas – Meaning and types

UNIT –3

- Foreign Exchange – Meaning & determination of foreign exchange rate
- Demand & Supply Theory of Foreign Trade (Balance of Payment Theory)
- Purchase Power Parity Theory
- Fixed and Flexible Exchange Rate – Merits and demerits
- Balance of trade and Balance of Payment – cause for disequilibrium of payment -methods to correct disequilibrium

UNIT- 4

- International Monetary Fund (IMF) – Objectives – Functions, International Liquidity
- World Bank
- Asian Development Bank (ADB)
- International Development Association (IDA)
- International Finance Corporation (IFC)

UNIT- 5

- Meaning of Economic integration
- Theory of custom Union – partial Equilibrium analysis – European Union – Objectives and working – Euro Currency
- South Asian Association for Regional Co-operation (SAARC)
- Foreign Capital – role and sources of foreign capital
- Foreign Direct Investment (FDI)
- Multinational Corporation (MNC)
- General Agreement on Trade and Tariff (GATT) – origin Uruguay round (Dunket Draft)
- World Trade Organization (WTO) – Factors leading to Globalization

Select Bibliography

1. Kindle Berge C.P – International Economics
2. Kenen P.B. – The International Economy
3. Krugman P.R. and A Abtsgeld – International Economics, Theory and Policy
4. Ellsworth P – International Economics
5. Mannur H G – International Economics
6. M.J. Jhingan – International Economics

SEMESTER VI

PAPER 2: PRINCIPLES OF TAXATION

Objectives of the course

Power to tax had been described as the power to destroy. This idea is being floated often whenever the state introduces a new tax. Is this true? Is it not necessary that in order to raise revenue and place the economy on solid foundation, the taxing power should be conferred on the state? The power to tax shall not go unregulated. In the context of a federal structure the distribution of the taxing powers assumes added significance. Obviously, a study of the constitutional framework on taxation becomes important. Along with this, an analysis of the different laws enacted in exercise of these powers with their safeguards and remedies sheds light on the mechanics of the taxation by the Union and the States.

The following syllabi prepared with this perspective in view comprises of about 84 units of one-hour duration.

Syllabus

1. General Perspective units 24

- 1.1. History of tax law in India
- 1.2. Fundamental principles relating to tax laws
- 1.3. Governmental financial policy, tax structure and their role in the national economy.
- 1.4. Concept of tax
 - 1.4.1. Nature and characteristics of taxes
 - 1.4.2. Distinction between
 - 1.4.2.1. Tax and fee
 - 1.4.2.2. Tax and cess

1.4.23. Direct and indirect taxes 71

1.4.2.4. Tax evasion and tax avoidance

1.5. Scope of taxing powers of Parliament, state Legislature and local bodies.

2. Income Tax units 30

2.1. Basic Concepts:

2.1.1. Income

2.1.2. Total income

2.1.3. Income not included in total income

2.1.4. Deemed income

2.1.5. Clubbing of income

2.2. Assesses

2.3. Person

2.4. Tax Planning

2.5. Chargeable income

2.5.1. Heads of income

2.5.1.1. Salaries

2.5.1.2. Income from house property

2.5.1.3. Income from business or profession

2.5.1.4. Capital gains

2.5.1.5. Income from other sources

2.5.2. Deductions, relief and exemptions

2.5.3. Rate of income tax

2.6. Income Tax Authorities

2.6.1. Power and functions

2.7. Offences and penal sanctions

2.8. Settlement of grievances

2.8.1. Authorities, powers and functions

3. Other Tax Laws units 30 3.1. Wealth Tax

3.1.1. Taxable wealth, determination of value of assets, exemptions and rate of wealth tax

3.1.2. Wealth tax authorities

3.1.3. Offences and penalties

- 3.2. Central Sales Tax and or State Sales Tax
 - 3.2.1. Sale or purchase of goods:
 - 3.2.1.1. Meaning of sale
 - 3.2.1.2. Sale in the course of interstate trade and commerce
 - 3.2.1.3. Sale to take place outside a state 72
 - 3.2.1.4. Sale in the course of export or import
 - 3.2.2. Charge of tax
 - 3.2.3. Exemption and rebate
 - 3.2.4. Sales tax authorities
 - 3.2.5. Offences and penalties
- 3.3. Service Tax
 - 3.3.1. Taxable service
 - 3.3.1.1. Meaning and importance of service tax
 - 3.3.1.2. Constitutional perspective
 - 3.3.1.3. Salient provisions of the service tax law
 - 3.3.1.4. Valuation of taxable service
 - 3.3.15. Offences and penalties

Select Bibliography

1. Ramesh Sharma, *Supreme Court on Direct Taxes*(1998), Bharath Law House, New Delhi
2. Sampath Iyengar, *Law of Income Tax* (1998), Bharath Law House, New Delhi.
3. Diwan B.K. and Sanjay Mehtani, *Formation, Taxation and Assessment Charitable and Religious Trusts* (1999), Bharath Law House, New Delhi.
4. Kanga & Palkiwala, *The Law & Practice of Income Tax* (1999), Wadhwa, Nagpur.
5. K. Parameswaran, *Power of Taxation under the Constitution*(1987), Eastern, Lucknow
6. V. Ramachandran & T.A. Ramakrishnan (eds.) *A.M. Aiyar's Indian Tax Laws* (2000) Company Law Institute of India Pvt. Ltd., Chennai.
7. S. Bhattacharya & H.R. Garg, *Handbook of Direct Taxes*(1990) Eastern LawHouse, Calcutta
8. C.A. Gularickar, *Law & Practice of Wealth Tax & Valuation*(1998), Gularikar, Mumbai.
9. Walter R. Mahler, *Sate and Exercise Taxation in India*(1970) Orient Longman, Delhi.
10. R.V. Jattel, *The Central Sales Tax Act (1966)* Thripathi, Bombay.

11. S.D. Singh, *Principles of Law of Sales Tax* (1973), Eastern, Lucknow.

SEMESTER VI

PAPER 3: PROPERTY LAW INCLUDING TRANSFER OF PROPERTY ACT AND EASEMENT ACT

Objectives of the course

The course on property conventionally deals with the Transfer of Property Act 1882. More than a century has elapsed since the passing of the Act and far-reaching changes have occurred in the field in property laws owing to altered social conditions. While archaic feudal rules enacted by the colonial administration like the rule against perpetuities find a place in the Act, the post-independence development relating to control and use of agricultural land do not find a place. The obsolescence of the Transfer of Property Act, can be best illustrated by citing the provisions relating to leases on immovable properties. The provisions relating to leases under the Act are not applicable to agricultural leases and even with respect to urban immovable property, the provisions are not applicable to the most dominant type, namely, housing under the rent control legislation. Thus the existing syllabus does not touch upon agrarian property relations, which affect the vast majority of people or aspects relating to intellectual property which are important in the context of development. The proposed syllabus attempts at overcoming these deficiencies and imbalances.

The following syllabus prepared with this perspective will comprise about 84 units of one-hour duration.

Syllabus

1. Jurisprudential Controls of Property units 5

- 1.1. Concept & meaning of property-new property-governmental largesse.
- 1.2. Kinds of property-movable & immovable property -tangible & intangible property-intellectual property-copyright-patents and designs-trademarks
- 1.3. The concept of common property resources
- 1.4. Possession & ownership as man-property relationship-finder of lost goods 74

2. Resources Use Patterns and Concepts in India: Who owns land? Sovereign or the Subject? Units 7

2.1. Pre-colonial position.

2.1.1. Hindu theory

2.1.2. Muslim theory

2.1.3. Tribal approaches

2.2. Position under colonial administration

2.2.1. Introduction of permanent settlement

2.2.2. Ryotwari settlement

2.2.3. Evaluation of eminent domain under company administration.

2.3. Effects of colonial revenue administration.

2.3.1. Intermediaries

2.3.2. Tenancies

2.3.3. "Land going to the market"

2.3.4. Inequalities in landholding

2.4. Requisitioning and acquisition of immovable property.

2.4.1. Land Acquisition: inquiry- notice and hearing – should ecological moves be examined?

2.4.1.1. Concept of public purpose

2.4.2. Requisitioning: powers, right, exemption and release

2.4.3. Inadequacies

3. Forms of Control Urban Property units 5

3.1. Right to Housing and Shelter.

3.1.1. Slum Clearance or slum improvement?

3.1.2. Housing Policy

3.2. Rent Control

3.2.1. Protection against eviction and fixation of fair rent

3.3. Urban development authority

3.3.1. Master plan

3.3.2. Zonal development plan

3.3.3. Declaration of development areas.

3.3.4. Powers of the authority

4. Post-constitutional Developments with Respect to Agricultural Land units 4

4.1. "Land to the tiller"

4.2 Land ceiling legislation

4.3. State enactments prohibiting alienation of land by tribals to non-tribals 75

5. Law Relating to Transfer of Property units 45

5.1. General principles of transfer of property

5.2. Specific transfers

5.2.1. Sales

5.2.2. Mortgages

5.2.2.1. Under the provision of the Transfer of Property Act, 1882

6. Trusts units 3

6.1. Definition and classification

6.2. Trust distinguished from agency, bailment and a Wakf.

6.3. Charitable trusts. Resulting and constructive trusts.

7. Law Relating to Certain Intangible Properties units 5

7.1. Goodwill

7.2. Trademarks

7.3. Patents and designs

7.4. Copyright

7.5. Video piracy

7.6. Software

8. Easements units 6

8.1. Nature, characteristics and extinction

8.2. Creation of easements

8.3. Riparian rights

8.4. Licenses

9. Recordation of Property Rights units 4

9.1. Law relating to registration of documents affecting property relations - Exemptions of leases and mortgages in favour of land development bank from registration.

9.2. Recordation of rights in agricultural land with special reference to respective states.

9.3. Investigation of title to property.

9:4. Law relating to stamp duties.

9.4.1. Of the liability of instruments to duty.

9.4.2 Duties by whom payable.

9.4.3. Effect of not duly stamping instrument: Examination and impounding of instruments; inadmissibility on evidence; impounding of instruments.

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

2. Subbarao, *Transfer of Property Act*, (1994), C. Subbiah Chetty, Madras

3. B.Sivaramayya, *The equalities & the Law*,(1997)Eastern Book Co. Lucknow

4. P.C. Sen, *The General Principles of Hindu Jurisprudence* (1984 reprint) Allahabad Law Agency

5. B.H. Baden-Powell, *Land Systems of British India*, Vol.1 to 3. (1892), Oxford.

6. V.P. Sarathy, *Transfer of Property* (1995), Eastern, Lucknow.

SEMESTER VI

PAPER 4: FAMILY LAW II

1. Joint Family units 30

1.1. Mitakshara joint family

1.2. Mitakshara coparcenary- formation and incidents

1.3. Property under Mitakshara law-separate property and coparcenary property

1.4. Dayabhaga coparcenary- formation and incidents

1.5. Property under Dayabhaga law.

1.6. Karta of the joint family - his position, powers, privileges and obligations

1.7. Alienation of property- separate and coparcenary.

1.8. Debts - doctrines of pious obligations and antecedent debt

1.9. Partition and reunion

1.10. Joint Hindu family as a social security institution and impact of Hindu Gains of Learning Act and various tax laws on it.

1.11. Matrilineal joint family

2. Inheritance units 36

2.1. Hindus

2.1.1. Historical perspective of traditional Hindu law as a background to the study of Hindu Succession Act 1956.

2.1.2. Succession to property of a Hindu male dying intestate under the provisions of Hindu Succession Act 1956.

2.1.3. Devolution of interest in Mitakshara coparcenary with reference to the provisions of Hindu Succession Act 1956

2.1.4. Succession to property of Hindu female dying intestate under the Hindu Succession Act 1956.

2.1.5. Disqualification relating to succession

2.1.6. General rules of succession

2.1.7. Marumakkattayam and Aliyasantana laws governing people living in Travancore -Cochin and the districts of Malabar and South Kanara. 77

2.2. Muslims

2.2.1. General rules of succession and exclusion from succession.

2.2.2. Classification of heirs under Hanafi and Ithna Asharia schools and their shares and distribution of property.

2.3. Christians, Parsis and Jews

2.3.1. Heirs and their shares and distribution of property under the Indian Succession Act of 1925.

3. Family and its changing patterns units 10

3.1. New emerging trends:

3.1.1. Attenuation of family ties

3.1.2. Working women and their impact on spousal relationship: composition of family, status and role of women

3.1.3. New property concepts, such as skill and job as new forms of property.

3.2. Factors affecting the family: demographic, environmental, religious and legislative.

3.3. Processes of social change in India : sanskritization, westernization, secularization, universalization, parochialization modernization, industrialization and urbanization.

4. Settlement of spousal property units 4 4.1. Need for development of law

5. Endowment & Wakf units 4

Select Bibliography

1. Paras Diwan, *Law of Intestate and Testamentary Succession* (1998), Universal
2. Basu, N.D., *Law of Succession* (2000), Universal
3. Kusem, *Marriage and Divorce Law Manual* (2000), Universal
4. Machanda. S.C., *Law and Practice of Divorce in India* (2000) Universal
5. P.V. Kane, *History of Dharmasastras* Vol.2 pt. 1 at 624-632 (1974)
6. A. Kuppuswami (ed.) *Mayne's Hindu Law and Usage* Ch. 4 (1 986)
7. B. Sivaramayys, *Inequalities and the Law*, (1985)
8. K.C. Daiya, "Population control through family planning in India, "*Indian Journal of Legal Studies*, 85(1979)
9. J.D.M. Derrett, *Hindu Law: Past and Present*
10. J.D.M. Derrett, *Death of Marriage Law*
11. A.A.A. Fyzee, *Outline of Muhammadan Law*, (1998) Alladi Kuppuswami, (ed.)
12. *Mayne's Hindu Law and Usage*, (1986)
13. J.D.M. Derret, *A Critique of Modern Hindu Law*, (1970)
14. Paras Diwan, *Hindu Law* (1985)
15. S.T. Desai (ed.) *Mulla's Principles of Hindu Law*, (1998)- Butterorthis-India.
16. Pares Diwan, *Family Law: Law of Marriage and Divorce in India*, (1984).
17. A.M. Bhattachargee, *Muslim Law and the Constitution* (1994), Eastern Law House, Calcutta.
18. A.M. Bhattachargee, *Hindu Law and the Constitution* (1994), Eastern Law House, Calcutta.
19. Paras Diwan, *Law of Adoption, Ministry, Guardianship and Custody* (2000), Universal

SEMESTER VI

PAPER 5: LAW OF CRIMES (Indian Penal Code)

Objectives of the course

The Indian society has changed very rapidly since Independence. A proper understanding of crimes, methods of controlling them and the socio-economic and political reasons for their existence is now extremely important in the larger context of India's development, if students are to use their knowledge and skills to build a just and humane society. The curriculum outlined here attempts to bring in these new perspectives.

The following syllabus will comprise of about 84 units of one hour duration.

Syllabus

1. General units 10

- 1.1. Conception of crime
 - 1.1.1. Pre-colonial notions of crime as reflected in Hindu, Muslim and tribal law.
 - 1.1.2. Macaulay's draft based essentially on British notions.
- 1.2. State's power to determine acts or omissions as crimes
- 1.3. State's responsibility to detect, control and punish crime.
- 1.4. Distinction between crime and other wrongs.
- 1.5. IPC : a reflection of different social and moral values.
- 1.6. Applicability of I. P. C.
 - 1.6.1. Territorial
 - 1.6.2. Personal
- 1.7. Salient features of the I. P. C.

2. Elements of criminal liability units 5

- 2.1. Author of crime - natural and legal person
- 2.2. Men rea - evil intention
- 2.3. Importance of mens rea
- 2.4. Recent trends to fix liability without mens rea in certain socio-economic offences.
- 2.5. Act in furtherance of guilty intent
- 2.6. Omission
- 2.7. Injury to another

3. Group liability units 10

- 3.1. Stringent provision in case of combination of persons attempting to disturb peace.
- 3.2. Common intention
- 3.3. Abetment:
 - 3.3.1. Instigation, aiding and conspiracy
 - 3.3.2. Mere act of abetment punishable
- 3.4. Unlawful assembly:
 - 3.4.1. Basis of liability
- 3.5. Criminal conspiracy

3.6. Rioting as a specific offence

4. Stages of a crime units 6

4.1. Guilty intention - mere intention not punishable

4.2. Preparation

4.2.1. Preparation not punishable

4.2.2. Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures.

4.3. Attempt

4.3.1. Attempt when punishable - specific provisions of IPC

4.3.2. Tests for determining what constitutes attempt - proximity, equivocality and social danger

4.3.3. Impossible attempt

5. Factors negating guilty intention units 10

5.1. Mental incapacity

5.1.1. Minority

5.1.2. Insanity-impairment of cognitive faculties, emotional imbalance

5.1.3. Medical and legal insanity

5.2. Intoxication - involuntary

5.3. Private defence- justification and limits

5.3.1. When private defence extends to causing of death to protect body and property

5.3.2. Necessity

5.3.3. Mistake of fact

6. Types of punishment units 8

6.1. Death:

6.1.1. Social relevance of capital punishment

6.1.2. Alternatives to capital punishment

6.2. Imprisonment - for life, with hard labour, simple imprisonment

6.3. Forfeiture of property

6.4. Fine

6.5. Discretion in awarding punishment:

6.5.1. Minimum punishment in respect of certain offences

7. Specific offences against human body units 10

7.1. Causing death of human beings

7.1.1. Culpable homicide

7.1.2. Murder

7.2. Distinction between culpable homicide and murder

7.2.1. Specific mental element requirement in respect of murder

7.3. Situation justifying treating murder as culpable homicide not amounting to murder

7.3.1. Grave and sudden provocation

7.3.2. Exceeding right to private defense

7.3.3. Public servant exceeding legitimate use of force

7.3.4. Death in sudden fight

7.3.5. Death caused by consent of the deceased - euthanasia and surgical operation

7.3.6. Death caused of person other than the person intended

7.3.7. Miscarriage with or without consent

7.4. Rash and negligent act causing death

7.5. Hurt- grievous and simple

7.6. Assault and criminal force

7.7. Wrongful restraint and wrongful confinement kidnapping from lawful guardianship and from outside India.

7.8. Abduction

8. Offences against women units 10

8.1. Insulting the modesty of woman 81

8.2. Assault or criminal force with intent to outrage the modesty of woman

8.3. Causing miscarriage without woman's consent

8.3.1. Causing death by causing miscarriage without woman's consent

8.4. Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse

8.5. Buying a minor for purposes of prostitution

8.6. Rape

8.6.1. Custodial rape

8.6.2. Marital rape

8.7. Prevention of immoral traffic

8.8. Cruelty by husband or his relatives

8.8.1. Prevention of Sati

8.9. Prohibition of indecent representation of women

9. Offences against Property units 5

9.1. Theft

9.2. Cheating

9.3. Extortion

9.4. Robbery and dacoity

9.5. Mischief

9.6. Criminal misrepresentation and criminal breach of trust

10. New kinds of crimes such as terrorism, pollution and adulteration units 5

11. Law Reforms units 5

Select Bibliography

1. K.D. Gaur, *Criminal Law: Cases and Materials* (1999), Butterworths, India
2. Ratanlal-Dhirajlal's *Indian Penal Code* (1994 reprint)
3. K.D. Gaur, *A Textbook on the Indian Penal Code* (1998), Universal, Delhi.
4. P.S. Achuthan Pillai, *Criminal Law* (1995) Eastern, Lucknow.
5. Hidayathulla, M., *et.al*, Ratanlal and Dhirajlals *The Indian Penal Code* (1994 reprint), Wadhwa & Co., Nagpur.
6. B.M. Gandhi, *Indian Penal Code* (1996), Eastern, Nagpur.

SEMESTER VII

PAPER 1: COMPANY LAW

Objectives of the course

Industrialization plays a very vital role in the economic development of India. In the post-Independence era, industrial regulation is employed as a principal means in the strategy for attaining Constitutional values. Companies are no doubt powerful instruments for development besides bringing returns and financial benefits to the capital and labour they help amelioration of the living conditions of masses. In a developing society like India, vast varieties of consumer

goods are manufactured or produced and different kinds of public utility services are generated both for general welfare and consumption purposes. Obviously, it is beyond the capacity of one or a few entrepreneurs to engage into such activities. Because the problem of raising large capital needed for such enterprises, there is a looming danger of market risks. Hence, taking recourse to the device of incorporation is the only efficacious way to surmount all such hurdles.

This course is comprises of about 84 units of one-hour duration.

Syllabus

1. Meaning of Corporation units 2

1.1. Theories of corporate personality

1.2. Creation and extinction of corporations.

2. Forms of Corporate and Non-Corporate Organisations units 2

2.1. Corporations, partnerships and other associations of persons, state corporations, government companies, small scale, co-operative, corporate and joint sectors. 83

3. Law relating to companies - public and private - Companies Act, 1956

3.1. Need of company for development formation of a company registration and incorporation, **units 3**

3.2. Memorandum of Association - various clauses - alteration therein –doctrine of ultra vires. **units 4**

3.3. Articles of Association - binding force - alteration – its relation with memorandum of association – doctrine of constructive notice and indoor management – exceptions. **units 4**

3.3.1. Prospectus - issue - contents - liability for misstatements - statement in lieu of prospectus, **units 2**

3.4. Promoters - position - duties and liabilities **units 2**

3.4.1. Shares - general principles of allotment statutory restrictions - share certificate its objects and effects -transfer of shares - restrictions on transfer - procedure for transfer - refusal of transfer- role of public finance institutions - relationship between transferor and transferee - issue of shares at premium and discount -depository receipts - dematerialised shares(DEMAT) **units 2**

3.4.2. Shareholder - who can be and who cannot be a shareholder - modes of becoming a shareholder – calls on shares - forfeiture and surrender of shares - lien on shares. **units 2**

3.4.3. Share Capital - kinds - alteration and reduction of share capital * further issue of capital - conversion of loans and debentures into capital - duties of courts to protect the interests of creditors and share holders **units 2**

3.5. Directors - position - appointment - qualifications -vacation of office - removal - resignation - powers and duties of directors - meeting; registers, Loans - remuneration of directors - role of nominee directors - compensation for loss of office - managing directors - compensation for loss of office - managing directors and other managerial personnel **units 15**

3.5.1. Meetings - kinds - procedure - voting **units 2**

3.5.2. Dividends - payment - capitalisation - profit **units 2**

3.6. Audit and Accounts **units 1**

3.7. Borrowing powers - powers - effect of unauthorised borrowing - charges and mortgages - loans to other companies - investments - contracts by companies **units 3**

3.8. Debentures - meaning - fixed and floating charge - kinds of debentures - shareholder and debenture holder - remedies of debenture holders **units 2**

3.9. Protection of minority rights **units 3**

3.10. Protection of oppression and mismanagement- who can apply? - powers of the company, court and of the central government **units 5**

3.11. Investigation - powers **units 1**

3.12. Private companies - nature and advantages – government companies - holding and subsidiary companies **units 6**

3.13. Regulation and amalgamation **units 2**

3.14. Winding up - types - by court -reasons - grounds - who can apply - procedure-powers of liquidator - powers of court - consequences of winding up order - voluntary winding up by members and creditors - winding up subject to supervision of courts – liability of past members - payment of liabilities – preferential payment, unclaimed dividends - winding up of unregistered company **units 6**

4. Law and Multinational Companies units 2

4.1. International norms for control

4.2. National law FEMA (Foreign Exchange Management Act 1999) controls joint ventures - investment in India -repatriation of project.

4.3. Collaboration agreements for technology transfer

5. Corporate Liability units 2

5.1. Legal liability of companies - civil and criminal

5.2. Remedies against them civil, criminal and tortuous -Specific Relief Act, writs, liability under special statutes.

Select Bibliography

1. Avtar Singh, *Indian Company Law* (1999), Eastern, Lucknow.
2. L.C.B. Gower, *Principles of Modern Company Law* (1997) Sweet and Maxwell, London
3. Palmer, *Palmer's Company Law* (1987), Stevens, London.
4. R.R. Pennington, *Company Law* (1990), Butterworths.
5. A. Ramaiya, *Guide to the Companies Act*, (1998), Wadhwa.
6. S.M. Shah, *Lectures on Company Law* (1988), Tripathi, Bombay.

SEMESTER VII

PAPER 2: HUMAN RIGHTS AND INTERNATIONAL LAW

Objectives of the course

The main thrust of this course shall be development of human rights (HR) law and jurisprudence at international, regional and national levels. There need not be an attempt to teach the whole gamut of international law in this course. This is because many areas of international law are taught in optional papers like International Economic Law (BCI 0 01), Air and Space Law (BCI 0 11) and Maritime Law (BCI 0 15). The HR dimensions shall be discussed in other papers like Environmental Law (BCI C18), Labour Law (BCI C 19) and Women and Law and Law Relating to Child (BCI 0 13A). Needless to say that this course is to be confined to deliberation of international law topics relevant to the growth of HR law and how international norms and directions are applied in the municipal law of the country.

This paper comprises about 84 units of one-hour duration.

Syllabus

1. Theoretical Foundations of Human Rights and International Law units 12

- 1.1. Basic principles: sovereign equality of states - nonintervention - non-use of force-international cooperation - peaceful settlement of disputes
- 1.2. Individuals as subjects of international law
- 1.3. State jurisdiction on terrorism, hijacking, narcotics, war crimes and crimes against peace
- 1.4. Treatment of aliens

2. Historical development of the concept of human rights units 10

2.1. Human rights in Indian tradition: ancient, medieval and modern

2.2. Human rights in Western tradition 86

2.2.1. Concept of natural law

2.2.2. Concept of natural rights

2.3. Human rights in legal tradition: International Law and National Law

3. UN and Human Rights units 14

3.1. Universal Declaration of Human Rights(1948)individual & group rights

3.2. Covenant on Political and Civil Rights (1966)

3.3. Covenant on Economic, Social and Cultural Rights (1966)

3.4. ILO and other Conventions and Protocols dealing with human rights

3.5. Solidarity rights

3.6. Disarmament: threat to human rights

3.7. International HR Commission

3.7.1. Mandates to States 3.8. Right to development

4. Role of Regional Organizations units 10

4.1. European Convention on Human Rights

4.2. American Convention on Human Rights

4.3. African Convention on Human Rights

4.4. SAARC

5. Protection agencies and mechanisms units 14

5.1. International Commission of Human Rights

5.1.1. Amnesty International

5.1.2. Non-Governmental Organizations (NGOs)

5.2. European Commission on Human Rights/Court of Human Rights.

5.3. U.N. Division of Human Rights

5.4. International Labour Organization

5.5. UNESCO

5.6. UNICEF

6. Impact and implementation of international human rights norms in India units 14

6.1. Human rights norms reflected in fundamental rights in the Constitution

6.2. Directive Principles: legislative and administrative implementation of international human rights norms

6.3. Implementation of international human rights norms through judicial process

7. Enforcement of Human Rights in India units 10

7.1. The Supreme Court, High Courts and other courts

7.2. Statutory commissions-human rights, women's, minority and backward class

Select Bibliography

1. S.K. Avesti and R.P. Kataria, *Law Relating to Human Rights*, Ch IV, V, VIII, XIV, XXIX and XXXIX (2000) Orient, New Delhi
2. S.K. Varma, *Public International Law* (1998), Prentice-Hall, New Delhi
3. Peter J. Van Krieken (ed.), *The Exclusion on Clause* (1999),
4. Kluwer *Human Rights Watch Women's Rights Project*,
5. The Human Rights Watch - *Global Report on Women's Human Rights* (2000), Oxford
6. Ermacora, Nowak and Tretter, *International Human Rights* (1993), Sweet & Maxwell.
7. Wallace, *International Human Rights: Text & Materials* (1996), Sweet & Maxwell
8. Muntarhorn, *The Status of Refugees in Asia* (1992), Oxford.
9. Frank Cass, *Human Rights and Global Diversity* (2001), London
10. Nirmal. C.J. (ed.), *Human Rights in India* (2000), Oxford
11. Nirmal. B.C., *The Right to self-determination in International Law* (1995), Deep & Deep.
12. P.R. Gandhi, *International Human Rights Documents* (1999) Universal, Delhi.

SEMESTER VII

PAPER 3: INTERPRETATIONS OF STATUTES

Objectives of the course

Legislation is the major source of law of the modern era. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, courts used to develop certain rules, doctrines and principles of interpretation. Judiciary

plays a highly creative role in this respect. What are the techniques adopted by courts in construing statutes? How far are they successful in their strategy?

With the above problems and perspectives in view, this paper comprises of about 84 units of one hour duration.

Syllabus

1. Principles of Legislation units 19

- 1.1. Law-making - the legislature, executive and the judiciary
- 1.2. Principle of utility
- 1.3. Relevance of John Rawls and Robert Nozick - individual interest to community interest
- 1.4. Operation of these principles upon legislation
- 1.5. Distinction between morals and legislation

2. Interpretation of Statutes units 8

- 2.1. Meaning of the term 'statutes'
- 2.2. Commencement, operation and repeal of statutes
- 2.3. Purpose of interpretation of statutes.

3. Aids to Interpretation units 12

- 3.1. Internal aids
 - 3.1.1. Title
 - 3.1.2. Preamble
 - 3.1.3. Headings and marginal notes.
 - 3.1.4. Sections and subsections
 - 3.1.5. Punctuation marks.
 - 3.1.6. Illustrations, exceptions, provisos and saving clauses
 - 3.1.7. Schedules
 - 3.1.8. Non-obstante clause.
- 3.2. External aids
 - 3.2.1. Dictionaries
 - 3.2.2. Translations
 - 3.2.3. Travaux Preparatoires
 - 3.2.4. Statutes in pari materia
 - 3.2.5. Contemporanea Exposito

3.2.6. Debates, inquiry commission reports and Law Commission reports

4. Rules of Statutory Interpretation units 5

4.1 Primary Rules

4.1.1. Literal rule

4.1.2. Golden rule

4.1.3. Mischief rule (rule in the Heydon's case)

4.1.4. Rule of harmonious construction

4.2. Secondary Rules

4.2.1. Noscitur a sociis

4.2.2. Eiusdem generis

4.2.3. Reddendo singula singulis

5. Presumptions in statutory interpretation units 7

5.1. Statutes are valid

5.2. Statutes are territorial in operation

5.3. Presumption as to jurisdiction

5.4. Presumption against what is inconvenient or absurd

5.5. Presumption against intending injustice

5.6. Presumption against impairing obligations or permitting advantage from one's own wrong

5.7. Prospective operation of statutes

6. Maxims of Statutory Interpretation units 13

6.1. Delegatus non-potest delegate

6.2. Expressio unius exclusio alterius

6.3. Generalia specialibus non derogant

6.4. In pan delicto potior est conditio possidentis

6.5. Utres valet potior quampareat

6.6. Expressum facit cessare taciturn

6.7. In bonam partem

7. Interpretation with reference to the subject matter and purpose

7.1. Restrictive and beneficial construction

7.1.1. Taxing statutes

7.1.2. Penal statutes

- 7.1.3. Welfare legislation
- 7.2. Interpretation of substantive and adjunctive statute
- 7.3. Interpretation of directory and mandatory provisions
- 7.4. Interpretation of enabling statutes
- 7.5. Interpretation of codifying and consolidating statutes
- 7.6. Interpretation of statutes conferring rights
- 7.7. Interpretation of statutes conferring powers.

8. Principles of Constitutional Interpretation units 10

- 8.1. Harmonious construction
- 8.2. Doctrine of pith and substance
- 8.3. Colourable legislation
- 8.4. Ancillary powers
- 8.5. "Occupied field"
- 8.6. Residuary power
- 8.7. Doctrine of repugnancy

Select Bibliography

1. G. P. Singh, *Principles of Statutory Interpretation*, (7th Edition) 1999, Wadhwa, Nagpur.
2. P. St. Langan (Ed.). *Maxwell on the Interpretation of Statutes* (1976)
3. N.M. Tripathi, Bombay K. Shanmukham, N.S. Bindras's *Interpretation of Statutes*, (1997) The Law Book Co., Allahabad.
4. V. Sarathi, *Interpretation of Statutes*, (1984) Eastern, Lucknow
5. M.P. Jain, *Constitutional Law of India*, (1994) Wadhwa & Co.
6. M.P. Singh, (Ed.) V.N. Sukla's *Constitution of India*, (1994) Eastern, Lucknow.
7. U. Baxi, *Introduction to Justice*
8. K.K. Mathew's, *Democracy Equality and Freedom* (1978) Eastern, Lucknow.

SEMESTER VII

PAPER 3: LABOUR LAW

Objectives of the course

Protection of labour is a Constitutional Mandate. A Constitution inspired by the vision of social justice is committed to the cause of upliftment of labour. Well balanced industrial development leads to increased productivity which in turn is a factor of national progress. Labour makes significant contribution in this respect

Is labour merely a commodity? Is it only a factor in production? There may be different approaches towards this question. One fact is certain. Today's labour is engaged in a battle for position of honour and status equal with management. The law and practice relating to labour is the story of this battle. In this context, the study of labour law is not to be confined to mastering of the rules and regulations relating to the employment of the workforce. Its wings spread wider. It has its aim on the societal impulses on, and state reactions to, the complex socio-economic/human and political problems arising out of the constant conflicts between different classes.

The student should get an insight into the mechanics of socio-legal control of labour relations and should be aware of the history, the present norms, the emerging areas and possible future techniques of labour jurisprudence.

The following syllabus prepared with this perspective will comprise about 84 units of one-hour duration.

Syllabus

1. Historical perspectives on Labour units 6

1.1 Labour through the ages - slave labour - guild system -division on caste basis – labour during feudal days.

1.2 Colonial labour law and policy

1.3 Labour capital conflicts: exploitation of labour, profit motive, poor bargaining power, poor working conditions, unorganised labour, bonded labour, surplus labour, division of labour and super-specialization - lack of alternative employment.

1.4 Theories of labour and surplus value

1.5 From laissez faire to welfarism and to globalisation: transition from exploitation to protection and from contract to status: changing perspectives on labour.

2. Trade unionism units 10

2.1 Labour movement as a counter measure to exploitation - history of trade union Movement in India.

2.2 Right to trade union as part of human right to freedom of association - international norms and the Indian Constitution.

2.3 Legal control and protection of trade union: registration, amalgamation, rights, immunities, liabilities and dissolution.

2.4 Problems: multiplicity of unions, over politicisation –intra -union and inter-union rivalry, outside leadership, closed shop and union-shop, recognition of unions.

3. Collective bargaining units 9

3.1 The concept

3.2 International norms - conditions precedent - merits and demerits.

3.3 Bargaining process

3.4 Negotiation

3.5 Techniques of pressurization: strike and lockout, go-slow, work to rule, gherao, bundh

3.6 Structure of bargaining: plant, industry and national levels

3.7 Duration and enforcement of bipartite agreement

3.8 Reforms in law

4. State Regulation of Industrial Relations units 15

4.1. Theoretical foundations: social justice, labour welfare, public interest, productivity, industrial peace and development and price control.

4.2. Methods of regulation:

4.2.1. Recognition of mutual arrangements

4.2.2. Assistance to bipartite settlement: conciliation, voluntary arbitration, formulation of standing orders.

4.2.3. State prescription of machinery: reference for adjudication (die political overtones), the adjudicatory mechanisms (How do they differ from courts?), award and its binding nature, judicial review of awards.

4.2.4 State prescription of standards in lay off, strike, lockout, retrenchment, closure and transfer of undertakings

4.3. The conceptual conundrum : industry, industrial dispute, workmen.

4.4. Unfair labour practices.

5. Discipline in industry units 8

5.1. Doctrine of hire and fire - history of management's prerogative.

5.2. Fairness in disciplinary process:

5.2.1. Punishment for misconduct - meaning of misconduct

5.2.2. The right to know: the charge sheet

5.2.3. The right to defend: domestic enquiry, notice, evidence, cross-examination, representation, unbiased inquiry officer and reasoned decision.

5.2.4. Prenatal (permission) and postnatal (approval) control during pendency of proceedings (S.33 of the I.D. Act.)

5.3. Role of management and labour 93

6. Remuneration for Labour units 12

6.1 Theories of wages: marginal productivity, subsistence, wages fund, supply

6.2 Concepts of wages (minimum wages, fair wages, living wages, need-based minimum wages)

6.3 Components of wages: dearness allowance, principle of fixation.

6.4 Disparity in wages in different sectors - need for rationalization and national approach

6.5 Wage determining process-modes and modalities.

6.5.1. Unilateral fixation by employer

6.5.2. Bilateral fixation

6.5.3. Conciliation, arbitration and adjudication

6.5.4. Wage Board and Pay Commission

6.5.5. Principles of wage fixation

6.6 Concept of bonus - computation of bonus

6.7. Protection of wages: non-payment, delayed payment, unauthorised deductions-remedial measures.

7. Health and Safety units 10

7.1. Obligations for health and safety of workmen-legislative controls: factory, mines and plantations.

7.2. Employer's liability:

7.2.1. Workmen's compensation

7.2.2. Employee's State Insurance

7.2.3. Liability for hazardous and inherently dangerous industries - environmental protection

8. Labour Welfare units 9

8.1. Welfare provided by the employers and through Bipartite agreements and by statutory prescription.

8.2. Provident fund and family pension.

8.3. Gratuity

8.4. Insurance

8.5. Interstate migrant workmen-regulation of employment and conditions of service.

8.6. Employment of young persons: prohibition of employment of children, regulation of employment of young persons.

8.7. Woman and labour force

8.7.1. Equal remuneration law, maternity benefits, protective provisions for women under factories, plantations and mines laws

9. Protection of the weaker sectors of labour units 5

9.1. Tribal labour, need for regulation

9.2. Unorganised labour like domestic servants: problems and perspectives

9.3. Bonded labour: socio-economic programmes for rehabilitation.

9.4. Contract labour-regulation

9.5 Daily wage workers.

Select Bibliography

1. John Bowers and Simon Honeyball, *Text book on Labour Law* (1996), Blackstone, London

2. Srivastava K.D., *Commentaries on Payment of Wages Act 1936* (1998), Eastern, Lucknow

3. Srivastava K.D., *Commentaries on Minimum Wages Act 1948* (1995), Eastern, Lucknow

4. Rao. S.B., *Law and Practice on Minimum Wages* (1999), Law Publishing House, Allahabad

5. Seth. D. D., *Commentaries on Industrial Disputes Act 1947*(1998), Law Publishing House, Allahabad

6. Srivastava K. D., *Disciplinary Action against Industrial Employees and Its Remedies* (1990), Eastern, Lucknow

7. Srivastava. K .D., *Commentaries on Factories Act 1948*(2000), Eastern, Lucknow

8. R.C. Saxena, *Labour Problems and Social Welfare* Chapters 1,5 and 6.(1974)

9. V.V. Giri, *Labour Problems in Indian Industry* Chs. 1 and 15, (1972).
10. Indian Law Institute, *Labour Law and Labour Relations* (1987)
11. *Report of the National Commission on Labour* Ch. 14-17, 22, 23 and 24
12. O.P. Malhotra, *The Law of Industrial Disputes* (1998), Universal, Delhi.
13. S.C. Srivastava, *Social Security and Labour Laws* Pts. 5 and 6 (1985) Universal, Delhi.
14. S.C. Srivastava, *Commentary on the Factories Act 1948*(1999) Universal, Delhi.

SEMESTER VII

PAPER 5: INSURANCE LAW

Statement of objectives

The insurance idea is an old-institution of transactional trade. Even from olden days merchants who made great adventures gave money by way of consideration, to other persons who made assurance, against loss of their goods, merchandise ships and things ad ventured. The rates of money consideration were mutually agreed

upon. Such an arrangement enabled other merchants more willingly and more freely to embark upon further trading adventures.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, is subject to all the judicial interpretative techniques of rules of interpretation as propounded by the judiciary. Besides, the insurance idea has a compensatory justice component.

This course is designed to acquaint the students with the conceptual and operational parameters, of insurance law.

This course with above perspectives comprises of about 84 units of one-hour duration.

Syllabus

1. Introduction units 10

1.1 Definition, nature and history of insurance

1.2 Concept of Insurance and law of contract and law of torts future of insurance in globalized economy.

1.3 History and development of insurance in India.

1.4 Insurance Regulatory Authority-role and functions.

2. General principles of law of Insurance units 14

2.1 Contract of Insurance - classification of contract of insurance nature of various Insurance contracts, parties thereto

2.2 Principle of good faith-non-disclosure-misrepresentation in insurance contract

2.3 Insurable interest

2.4 The risk

2.5 The policy, classification of policies-its form and A contents, its commencement, duration, cancellation, (alteration, rectification, renewal, assignment, construction

2. 6 Conditions of the policy

2.7. Alteration of the risk

2.8 Assignment of the subject matter

3. Life Insurance units 15

3.1 Nature and scope of life insurance, definition, kinds of life insurance, the policy and formation of a life insurance! contract

3.2 Event insured against life insurance contract

3.3 Circumstances affecting the risk

3.4 Amounts recoverable under life policy

3.5 Persons entitled to payment

3.6 Settlement of claim and payment of money

4. Marine Insurance units 14

4.1. Nature and scope

4.2. Classification of marine policies

4.2.1. The Marine Insurance Act 1963

4.2.2. Insurable interest, insurable value

4.2.3. Marine insurance policy - conditions - express warranties construction of terms of policy

4.2.4. Voyage - deviation

4.2.5. Perils of the sea

4.2.6. Partial loss of ship and of freight, salvage, general average, particular charges

4.2.7. Measure of indemnity, total valuation, liability to third parties

5. Insurance against Third Party Risks units 10

5.1. The Motor Vehicles Act, 1988 (Chapter V)

5.1.1. Nature and scope, persons governed, definitions of 'use', 'drives', 'motor vehicle', requirements of policy, statutory contract between insurer and drive rights of third parties, limitations on third party's rights duty to inform third party

5.1.2. Effect of insolvency or death on claims, insolvency and death of parties, certificate of insurance

5.1.3. Conditions to be satisfied

5.1.4. Claims tribunal, constitution, functions, application for compensation - who can apply? - Procedure and powers of claims tribunal-its award.

5.1.5. Co-operative insurance (Motor Vehicles Rules)

6. Social Insurance in India units 14

6.1. Important elements in social insurance, its need

6.2. Commercial insurance and social insurance

6.3. Workmen's compensation - scope, risks covered, industrial accidents, occupational diseases, cash benefits, incapacity, amount of compensation, nature of injuries, dependents, schedule

6.4. Sicknes insurance, Adarkar scheme. Stack and Rao scheme for wage earners and others, risks covered, maturity and other benefits

6.5. Old age, premature death and invalidity insurance or pension insurance, public provident fund, jeevandhara policy

6.6. Unemployment insurance

Select Bibliography

1. Azbeyratne, RIR,. *Legal and Regulatory Issues in International Aviation* (1996), Transnational Publishers, NY.

2. Bhatt S., *The New Aviation Policy of India: Liberalization and Deregulation*, (1997), Lancers Books, N. Delhi.

3. Bhatt S. *et al.* (ed.), *Air Law and Policy in India* (1994), Lancers Books, N.Delhi

4. Blacklock, Mark, (ed.), *International Civil Aviation Organization: 50 Years Global Celebrations 1944-94.* (1995), International Systems and Communications Ltd., London

5. Blackshaw, Carole, *Aviation Law and Regulation- A Framework for Civil Aviation Industry* (1992), Pitman Publishing, London

6. Button, Kennath, (ed.). *Airline Deregulation: International Experience* (1991), Fulton Publishers, London

7. Groenewege, A.D., *Compendium of International Civil Aviation* (1996), International Civil Aviation Corprn., Montreal
8. Mani V.S., *et al.*, (eds.), *Recent Trends in International Space and Policy*, (1997), Lancers Books, N. Delhi.
9. Wassenbergh, H.A., *Principles and Practices in Air Transport Regulations* (1993), ITA Press, Paris
10. Jerome Morenoff, *World Peace through Space Law* (1967), The Michie Co., Virginia.

SEMESTER VIII

PAPER 1: LAW OF EVIDENCE

Objectives of the course

The law of evidence is an indispensable part of both substantive and procedural laws. It imparts credibility to the adjudicatory process by indicating the degree of veracity to be attributed to 'facts' before the forum. This paper enables the student to appreciate the concepts and principles underlying the law of evidence and to identify the recognized forms of evidence and its sources. The subject seeks to impart to the student the skills of examination and appreciation of oral and documentary evidence in order to find out the truth. The art of examination and cross-examination, and the shifting nature of burden of proof are crucial topics. The concepts brought in by amendments to the law of evidence are significant parts of study in this course.

This paper with above-mentioned perspectives in view comprises about 84 units of one-hour duration.

Syllabus

1. Introductory units 6

- 1.1. The main features of the Indian Evidence Act 1861.
- 1.2. Other acts which deal with evidence (special reference to CPC, Cr.P.C).
- 1.3. Problem of applicability of Evidence Act
 - 1.3.1. Administrative
 - 1.3.2. Administrative Tribunals
 - 1.3.3. Industrial Tribunals 99

1.3.4. Commissions of Enquiry

1.3.5. Court-martial

1.4. Disciplinary authorities in educational institutions

2. Central Conceptions in Law of Evidence units 9

2.1 Facts: section 3 definition: distinction -relevant facts/facts in issue

2.2 Evidence: oral and documentary.

2.3 Circumstantial evidence and direct evidence

2.4 Presumption (Section 4)

2.5 "Proving", "not providing" and "disproving"

2.6 Witness

2.7 Appreciation of evidence

3. Facts: relevancy units 4

3.1 The Doctrine of res gestae (Section 6, 7, 8, 10)

3.2 Evidence of common intention (Section 10)

3.3 The problems of relevancy of "Otherwise" irrelevant facts (Section 11)

3.4 Relevant facts for proof of custom (Section 13)

3.5 Facts concerning bodies & mental state (Section 14,15)

4. Admissions and confessions units 20

4.1 General principles concerning admission (Section 17, 23)

4.2 Differences between "admission" and "confession"

4.3 The problems of non-admissibility of confessions caused by 'any inducement, threat or promise' (Section 24)

4.4 Inadmissibility of confession made before a police officer (Section 25)

4.5 Admissibility of custodial confessions (Section 26)

4.6 Admissibility of "information" received from accused person in custody; with special Reference to the problem of discovery based on "joint statement" (Section 27)

4.7 Confession by co-accused (Section 30)

4.8 The problems with the judicial action based on a "retracted confession"

5. Dying Declarations units 4

5.1 The justification for relevance on dying declarations (Section 32)

5.2 The judicial standards for appreciation of evidentiary value of dying declarations.

6. Other Statements by Persons who cannot be called as Witnesses units 4 100

6.1. General principles.

6.2. Special problems concerning violation of women's rights in marriage in the law of evidence

7. Relevance of Judgments units 4

7.1. General principles

7.2. Admissibility of judgments in civil and criminal matters (Section 43)

7.3. "Fraud" and "Collusion" (Section 44)

8. Expert Testimony units 4

8.1. General principles

8.2. Who is an expert?: types of expert evidence

8.3. Opinion on relationship especially proof of marriage (Section 50)

8.4. The problems of judicial defence to expert testimony

9. Oral and Documentary Evidence units 5

9.1. General principles concerning oral evidence (Sections 59-60)

9.2. General principles concerning Documentary Evidence (Sections 67-90)

9.3. General Principles Regarding Exclusion of Oral by Documentary Evidence

9.4. Special problems: re-hearing evidence

9.5. Issue estoppel

9.6. Tenancy estoppel (Section 116)

10. Witnesses, Examination and Cross Examination units 8

10.1. Competency to testify (Section 118)

10.2. State privilege (Section 123)

10.3. Professional privilege (Section 126, 127, 128)

10.4. Approval testimony (Section 133)

10.5. General principles of examination and cross examination (Section 135-166)

10.6. Leading questions (Section 141-143)

10.7. Lawful questions in cross-examination (Section 146)

10.8. Compulsion to answer questions put to witness

10.9. Hostile witness (Section 154)

10.10. Impeaching of the standing or credit of witness (Section 155)

11. Burden of Proof unit 8

- 11.1. The general conception of onus probandi (Section 101)
- 11.2. General and special exceptions to onus probandi
- 11.3. The justification of presumption and of the doctrine of judicial notice
- 11.4. Justification as to presumptions as to certain offences (Section HI A)
- 11.5. Presumption as to dowry death (Section 113-B)
- 11.6. The scope of the doctrine of judicial notice (Section 114)

12. Estoppel units 8

- 12.1. Why estoppel? The rationale (Section 115)
- 12.2. Estoppel, res judicata and waiver and presumption
- 12.3. Estoppel by deed
- 12.4. Estoppel by conduct
- 12.5. Equitable and promissory estoppel
- 12.6. Questions of corroboration (Section 156-157)
- 12.7. Improper admission and of witness in civil and criminal cases.

Select Bibliography

1. Sarkar and Manohar, *Sarkar on Evidence* (1999), Wadha & Co., Nagpur
2. Indian Evidence Act, (Amendment up to date)
3. Ratanlal and Dhirajlal, *Law of Evidence* (1994), Wadhwa, Nagpur
4. Polein Murphy, *Evidence* (5th Edn. Reprint 2000), Universal, Delhi.
5. Albert S. Osbom, *The Problem of Proof* (First Indian Reprint 1998), Universal, Delhi.
6. Avtar Singh, *Principles of the Law of Evidence* (1992), Central Law Agency, New Delhi.

SEMESTER VIII

PAPER 2: CRIMINAL PROCEDURE CODE, JUVENILE JUSTICE ACT AND PROBATION OF OFFENDERS ACT

Objective of the course

The criminal process involves increasing expenditure of government resources. At the same time it confronts a crisis of intrusion into individual rights in order to protect the commonweal. Obviously, criminal procedure has to be just, fair and reasonable to the accused as well as to the victims. Undoubtedly the process is to be carried out in an objective manner. Criminal procedure, thus, makes a balance of conflicting interests. This imposes a duty upon those

connected with the working of the criminal process to abide by the law and to exercise discretion conferred on them in the best manner. Code of Criminal Procedure, originally enacted years ago, had undergone many trials and experiments, too enormous to be placed within a classroom discussion. However, the students should obtain a fair idea how the code works as the main spring of the criminal justice delivery system and should be exposed to the significant riddles of the procedure.

Juvenile justice and probation of offenders are combined with the study of criminal procedure. These topics also do have their roots in criminal procedure. The rubrics under their head are intended to render an essential grasp of the areas.

This paper with the above perspectives comprises about 84 units of one-hour duration.

1. Introductory units 5

1.1 The rationale of criminal procedure: the importance of fair trial.

1.2 Constitutional perspectives: Articles 14, 20 & 21.

1.3 The variety of criminal procedures (the class should examine, in particular the procedure for trial of special offences, especially, offences under the Prevention of Corruption Act and Narcotic Drugs and Psychotropic Substances Act)

1.4 The organization of police, prosecutor, defence counsel and prison authorities and their duties, functions and powers.

2. Pre-trial process: arrest units 6

2.1. The distinction between " cognisable and non-cognisable offences: relevance and adequacy problems.

2.2. Steps to ensure accused's presence at trial: warrant and summons.

2.3. Arrest with and without warrant (Section 70-73 and 41).

2.4. The absconder status (Section 82, 83, 84 and 85)

2.5. Right of the arrested person

2.6. Right to know grounds of arrest (Section 50(1), 55, 75).

2.7. Right to be taken to magistrate without delay (Section 56, 57).

2.8. Right of not being detained for more than twenty-four hours (sect. 57)

2.9. Article 22(2) of the Constitution of India.

2.10. Right to consult legal practitioner, legal aid and the right to be told of rights to bail

2.11. Right to be examined by a medical practitioner (Section 54).

3. Pre-trial process: Search and Seizure units 5

- 3.1. Search warrant (Section 83, 94, 97, 98) and searches without warrant (Section 103)
- 3.2. Police search during investigation (Section 165, 166, 153)
- 3.3. General principles of search (section 100)
- 3.4. Seizure (Section 102)
- 3.5. Constitutional aspects of validity of search and seizure proceedings

4. Pre-trial Process: FIR units 5

- 4.1. F.I.R. (section 154)
- 4.2. Evidentiary value of F.I.R. (See Sections 145 and 157 of Evidence Act)

5. Pre-trial Process: Magisterial Powers to Take Cognizance units 5

6. Trial Process units 6

- 6.1. Commencement of proceedings: (Section 200,201,202)
- 6.2. Dismissal of complaints (Section 203,204)
- 6.3. Bail: concept, purpose: constitutional overtones
 - 6.3.1. Bailable and Non- Bailable offences (Section 436, 437, 439)
 - 6.3.2. Cancellation of bail (Section 437 (5))
 - 6.3.3. Anticipatory bail (Section 438)
 - 6.3.4. Appellate bail powers (Section 389(1), 395 (1), 437(5))
 - 6.3.5. General principles concerning bond (Sections 441 -450)

7. Fair Trial units 6

- 7.1. Conception of fair trial
- 7.2. Presumption of innocence.
- 7.3. Venue of trial.
- 7.4. Right of the accused to know the accusation (Section 221-224)
- 7.5. The right must generally be held in the accused's presence (Section 221-224)
- 7.6. Right of cross - examination and offering evidence in defence: the accused's statement
- 7.7. Right to speedy trial

8. Charge units 6

- 8.1. Framing of charge
- 8.2. Form and content of charge (Section 211, 212, 216)
- 8.3. Separate charges for distinct offence (Section 218, 219, 220, 221, 223)

8.4. Discharge - pre-charge evidence

9. Preliminary pleas to bar the trial units 6

9.1. Jurisdiction (Section 26, 177-188, 461, 462, 479)

9.2. Time limitations: rationale and scope (section 468-473)

9.3. Pleas of autrefois acquit and autrefois convict (Section 300, 22D)

9.4. Issue-Estoppel

9.5. Compounding of offences

10. Trial Before a Court of Sessions: Procedural Steps and Substantive Rights units 5

11. Judgement units 5

11.1. Form and content (Section 354)

11.2. Summary trial

11.3. Post-conviction orders in lieu of punishment: emerging penal policy (Section 360, 361, 31)

11.4. Compensation and cost (Section 357, 358)

11.5. Modes of providing judgement (Section 353, 362, 363)

12. Appeal, Review, Revision units 7

12.1. No appeal in certain cases (Section 372, 375, 376)

12.2. The rationale of appeals, review, revision.

12.3. The multiple range of appellate remedies:

12.3.1. Supreme Court of India (Sections 374, 379, Articles 31, 132, 134, 136)

12.3.2. High Court (Section 374)

12.3.3. Sessions court (Section 374)

12.3.4. Special right to appeal (Section 380)

12.3.5. Governmental appeal against sentencing (Section 377, 378)

12.3.6. Judicial power in disposal of appeals (Section 368)

12.3.7. Legal aid in appeals.

12.4. Revisional jurisdiction (Sections 397-405)

12.5. Transfer of cases (Section 406, 407)

13. Juvenile delinquency units 7

13.1. Nature and magnitude of the problem

13.2. Causes

13.3. Juvenile court system

13.4. Treatment and rehabilitation of juveniles

13.5. Juveniles and adult crime

13.6. Legislative and judicial protection of juvenile offender

13.7. Juvenile Justice Act 1988

14. Probation

14.1. Probation of offenders law

14.2. The judicial attitude

14.3. Mechanism of probation: standards of probation services.

14.4. Problems and prospects of probation

14.5. The suspended sentence

15. Reform of criminal procedure units 2

Select Bibliography

1. Ratanlal and Dhirajlal, *Criminal Procedure Code* (1999) Universal, Delhi.

2. Chandrasekharan Pillai (ed.), *Kelkar's Lectures on Criminal Procedure* (1998) Eastern, Lucknow

3. Princip's, *Commentaries on the Code of Criminal Procedure*, 2 vol. (2000) Universal

4. Woodroffe: *Commentaries on Code of Criminal Procedure*, 2vol.(2000) Universal

5. Chandrasekharan Pillai (ed.) *Kelkar's Outlines of Criminal Procedure* (2001), Eastern, Lucknow

SEMESTER VIII

PAPER 3: CIVIL PROCEDURE AND LIMITATION ACT

Objectives of the course

Civil Procedure Code is a subject of daily use by the courts and lawyers and a student cannot afford to have scant knowledge of civil procedure when he goes out to practice as a lawyer. True that it is through experience one gets expert knowledge of civil procedure. However, it is necessary to have good grounding in the subject before one enters the profession. While the substantive law determines the rights of parties, procedural law sets down the norms for enforcement. Whenever civil rights of persons are affected by action, judicial decisions will supply the omissions in the law.

The Code of Civil Procedure in India has a chequered history and lays down the details of procedure for redressal of civil rights. Many questions may prop up when one goes to indicate one's civil rights. The court where the suit is to be filed, the essential forms and procedure for institution of suit, the documents in support and against, evidence taking and trial, dimensions of an interim order, the peculiar nature of the suits, the complexities of executing a decree and provisions for appeal and revision are all matters which a lawyer for any side is to be familiar with.

A delay in filing the suit, besides indicating the negligence of the plaintiff in effectively agitating the matter on time, may place courts in a precarious situation. They may not be in a position to appreciate the evidence correctly. Evidence might have been obliterated. Hence, the statute of limitation fixes a period within which a case has to be filed. This paper with the above-mentioned perspectives comprises of about 84 units of one-hour duration.

1. Introduction units 5

1.1. Concepts

1.1.1. Affidavit, order, judgement, decree, plaint, restitution. Execution, decree-holder, judgment-debter, mesne profits, written statement.

1.1.2. Distinction between decree and judgment and between decree and order.

2. Jurisdiction units 7

2.1. Kinds

2.1.1. Hierarchy of courts

2.2. Suit of civil nature-scope and limits

2.3. Res sub judice and Res judicata

2.4. Foreign judgment-enforcement

2.5. Place of suing

2.6. Institution of suit

2.6.1. Parties to suit: joinder, mis-joinder or non-joinder of parties: representative suit. 2.6.1.1.

Frame of suit: cause of action

2.6.2. Alternative disputes resolution (ADR)

2.6.3. Summons

3. Pleadings

3.1. Rules of pleading, signing and verification.

- 3.1.1. Alternative pleadings
- 3.1.2. Construction of pleadings
- 3.2. Complaint: particulars
- 3.2.1. Admission, return and rejection
- 3.3. Written statement: particulars, rules of evidence
- 3.3.1. Set off and counter claim: distinction
- 3.4. Discovery, inspection and production of documents.
- 3.4.1. Interrogatories
- 3.4.2. Privileged documents
- 3.4.3. Affidavits

4. Appearance, examination and trial units 8

- 4.1. Appearance
- 4.2. Ex-parte procedure
- 4.3. Summary and attendance of witnesses
- 4.4. Trial
- 4.5. Adjournments
- 4.6. Interim orders: commission, arrest or attachment before judgment, injunction and appointment of receiver
- 4.7. Interests and costs

5. Execution units 12

- 5.1. The concept
- 5.2. General principles
- 5.3. Power for execution of decrees
- 5.4. Procedure for execution (ss. 52-54)
- 5.5. Enforcement, arrest and detention (ss. 55.59)
- 5.6. Attachment (ss. 60-64)
- 5.7. Sale (ss. 65-97)
- 5.8. Delivery of property
- 5.9. Stay of execution

6. Suits in particular cases units 12

- 6.1. By or against government (ss. 79-82)

6.2. By aliens & by or against foreign rulers or ambassadors (ss. 83-87A)

6.3. Public nuisance (ss. 91 -93)

6.4. Suits by or against firm

6.5. Suits in forma pauperis

6.6. Mortgages

6.7. Interpleader suits

6.8. Suits relating to public charities

7. Appeals units 8

7.1. Appeals from original decree

7.2. Appeals from appellate decree

7.3. Appeals from orders

7.4. General provisions relating to appeal

7.5. Appeal to the Supreme Court

8. Review, reference and revision units 5

9. Miscellaneous units 4

9.1. Transfer of cases

9.2. Restitution

9.3. Caveat

9.4. Inherent powers of courts

10. Law reform: Law Commission on Civil Procedure-amendments units 4

11. Law of Limitation units 14

11.1. The concept - the law assists the vigilant and not those who sleep over the rights.

11.2. Object

11.3. Distinction with laches, acquiescence, prescription.

11.4. Extension and suspension of limitation

11.5. Sufficient cause for not filing the proceedings

11.5.1. Illness

11.5.2. Mistaken legal advise

11.5.3. Mistaken view of law

11.5.4. Poverty, minority and Purdha

11.5.5. Imprisonment

11.5.6. Defective vakalatnama

11.6. Legal liabilities

11.7. Foreign rule of limitation: contract entered into under a foreign law

11.8. Acknowledgement - essential requisites

11.9. Continuing tort and continuing breach of contract.

Select Bibliography

1. Mulla, *Code of Civil Procedure* (1999), Universal, Delhi.
2. C.K. Thacker, *Code of Civil Procedure* (2000), Universal, Delhi.
3. M.R. Mallick (ed.), *B.B. Mitra on Limitation Act* (1998), Eastern, Lucknow
4. Majumdar, P.K and Kataria, R.P., *Commentary on the Code of Civil Procedure, 1908* (1998), Universal, Delhi.
5. Saha, A.N., *The Code of Civil Procedure* (2000), Universal, Delhi.
6. Sarkar's *Law of Civil Procedure*, Vols. (2000) Universal, Delhi.
7. Universal's Code of Civil Procedure, 2000.

SEMESTER VIII

PAPER 4: ADMINISTRATIVE LAW

Objectives of the course

The modern State governs in the traditional sense, that is, it maintains law and order, adjudicates upon disputes and regulates economic and social life of individuals and groups in the state. At the same time it is also the provider of essential services. In the event of need occasioned by unforeseen hazards of life in a complex society, it engages itself in giving relief and helps the citizenry towards self-reliance. The assumption of unprecedented responsibilities by the state has necessitated devolution on authority of numerous state functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs in an age of science and technology. The aggregate of such functionaries is an essential component of modern administration.

A formidable body of law has come into existence for the purpose of exercising control over administration. For long administrative lawyers have primarily been concerned with such matters as excess or abuse of power, maladministration and abuse of discretion. However, in recent years there has been a shift in emphasis from finding what the administration may not do to what it

must do. The courts in India, no doubt, strike down administrative acts which are ultra virus or in violation of procedural norms; however, not much has so far been achieved in compelling the administration to perform statutory duties, though a beginning has been made in respect of matters relating to fundamental human liberties. Most of the statutory duties imposed on administrative agencies or authorities remain largely in the realm of discretion.

A course on administrative law must, therefore, lay emphasis on understanding the structure and modus operandi of administration. It must take note of developmental perspectives and attainment of social welfare objectives through bureaucratic process. It should go into matters, which facilitate or hinder the attainment of these objectives.

Though in the matter of protection of rights of individuals against administration the role of courts can not be minimised, it is no less important to know the advantages of informal methods of settlement. Many new methods of grievance redressal have been devised which are not only efficacious but also inexpensive and less time consuming.

Remedies available for administrative deviance need a critical study and evaluation in the context of realities.

The following syllabus prepared with this perspective will comprise of about 84 units of one-hour duration.

1. Evolution, Nature and Scope of Administrative Law units 8

1.1. From laissez-faire to a social welfare state

1.1.1. State as regulator of private interest

1.1.2. State as provider of services

1.1.3. Other functions of modern state: relief, welfare

1.2. Evolution of administration as the fourth branch of government- necessity for delegation of powers on administration.

1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration

1.3.1 Regulatory agencies on the United States

1.3.2 Conseil d'Etat

1.3.3 Tribunalization in England and India

1.4. Definition and scope of administrative law

1.5. Relationship between constitutional law and administrative law

1.6. Separation of powers

1.7. Rule of law

2. Civil Service in India units 8

2.1. Nature and organization of civil service: from colonial relics to democratic aspiration

2.2. Powers and functions

2.3. Accountability and responsiveness: problems and perspectives

2.4. Administrative deviance- corruption, nepotism, maladministration.

3. Legislative Powers of Administration units 8

3.1. Necessity for delegation of legislative power

3.2. Constitutionality of delegated legislation - powers of exclusion and inclusion and power to modify statute

3.3. Requirements for the validity of delegated legislation

3.3.1. Consultation of affected interests and public participation in rule-making

3.3.2. Publication to delegated legislation

3.4. Administrative directions, circulars and policy statements

3.5. Legislative control of delegated legislation

3.5.1. Laying procedures and their efficacy

3.5.2. Committees on delegated legislation - their constitution, function and effectiveness

3.5.3. Hearings before legislative committees

3.6. Judicial control of delegated legislation

3.7. Sub-delegation of legislative powers

4. Judicial Powers of Administration units 8

4.1. Need for devolution of adjudicatory authority on administration

4.2. Administrative tribunals and other adjudicating authorities: their adhoc character

4.3. Tribunals-need, nature, constitution, jurisdiction and procedure

4.4. Jurisdiction of administrative tribunals and other authorities

4.5. Distinction between quasi-judicial and administrative functions

4.6. The right to hearing-essentials of hearing process

4.6.1. No man shall be judge in his own cause

4.6.2. No man shall be condemned unheard

4.7. Rules of evidence - no evidence, some evidence and substantial evidence rules

- 4.8. Reasoned decisions
- 4.9. The right to counsel
- 4.10. Institutional decisions
- 4.11. Administrative appeals

5. Judicial Control of Administrative Action units 20

- 5.1. Exhaustion of administrative remedies
- 5.2. Standing: standing for Public Interest Litigation (social action litigation) collusion, bias
- 5.3. Laches
- 5.4. Res judicata
- 5.5. Grounds
 - 5.5.1. Jurisdictional error/ultra vires
 - 5.5.2. Abuse and non-exercise of jurisdiction
 - 5.5.3. Error apparent on the face of the record
 - 5.5.4. Violation of principles of natural justice
 - 5.5.5. Violation of public policy
 - 5.5.6. Unreasonableness
 - 5.5.7. Legitimate expectation

6. Remedies in judicial Review:

- 6.6.1. Statutory appeals
- 6.6.2. Mandamus
- 6.6.3. Certiorari
- 6.6.4. Prohibition
- 6.6.5. Quo-Warranto
- 6.6.6. Habeas Corpus
- 6.6.7. Declaratory judgments and injunctions
- 6.6.8. Specific performance and civil suits for compensation

7. Administrative Discretion units 8

- 7.1. Need for administrative discretion
- 7.2. Administrative discretion and rule of law
- 7.3. Limitations on exercise of discretion
 - 7.3.1. Malafide exercise of discretion

7.3.2. Constitutional imperatives and use of discretionary authority

7.3.3. Irrelevant considerations

7.3.4. Non-exercise of discretionary power

8. Liability for Wrongs (Tortious and Contractual) units 8

8.1. Tortious liability: sovereign and non-sovereign functions

8.2. Statutory immunity

8.3. Act of State

8.4. Contractual liability of government

8.5. Government privilege in legal proceedings-state secrets, public interest

8.6. Transparency and right to information

8.7. Estoppel and waiver

9. Corporations and Public Undertakings units 7

9.1. State monopoly - remedies against arbitrary action or for acting against public policy

9.2. Liability of public & private corporations-departmental undertakings

9.3. Legislative and governmental control

9.4. Legal remedies

9.5. Accountability - Committee on Public Undertakings, Estimates Committee, etc.

10. Informal Methods of Settlement of Disputes and Grievance Redressal Procedures units

7

10.1. Conciliation and mediation through social action groups

10.2. Use of media, lobbying and public participation

10.3. Public inquiries and commissions of inquiry

10.4. Ombudsman : Lok Pal, Lok Ayukta

10.5. Vigilance Commission

10.6. Congressional and Parliamentary Committees

11. Right to Information Act units 2

Select Bibliography

1. C.K. Allen, *Lam & Orders* (1985)

2. D.D. Basu, *Comparative Administrative Law* (1998)

3. M.A. Fazal, *Judicial Control of Administrative Action in India, Pakistan and Bangladesh* (2000), Butterworths – India

4. Franks, *Report of the Committee on Administrative Tribunals and Inquiries*, HMSO, 1959
5. Peter Cane, *An Introduction to Administrative Law* (1996) Oxford
6. Wade, *Administrative Law* (Seventh Edition, Indian print 1997), Universal, Delhi.
7. J.C. Garner, *Administrative Law* (1989), Butterworths (ed. B.L. Jones)
8. M.P. Jain, *Cases and Materials on Indian Administrative Law*, Vol. I and II (1999), Universal, Delhi.
9. Jain & Jain, *Principles of Administrative Law* (1997), Universal, Delhi.
10. S.P. Sathe, *Administrative Law* (1998) Butterworths-India, Delhi
11. De Smith, *Judicial Review of Administrative Action* (1995) Sweet and Maxwell with Supplement
12. B. Schwartz, *An Introduction to American Administrative Law*
13. Indian Law Institute, *Cases and Materials on Administrative Law in India*, Vol. 1 (1996), Delhi.
14. Dr. Madabhushi Sridhar, *Right to Information Law & Practice*, 1st Edition, 2007, Wadhawa Nagpur

SEMESTER VIII

PAPER 5: LAW AND MEDICINE

Objective of the course

The Constitution of India has certain norms to be operative in the field of health care. Coupled with these Constitutional norms, there have been many legislative measures. The judiciary had a leap forward and contributed significantly in the area. But there are gaps to be filled. While law aims at just society by adjusting and balancing the rights and duties of individuals, medicine aims at creating a healthy society by concentrating on the health of individuals. Law and medicine are thus areas of high social concern. The law in its relation to medicines is significant as justice and fairness in health care.

This course is designed to expose the students to the various problems of medicine and law and to acquaint them with the existing law and its missing links. Those taking up this optional course should acquire the capability to evaluate the adequacy of law in solving the problems with comparative perspectives.

This paper with the above perspectives comprises of 84 units of one-hour duration.

Syllabus

1. Introduction units 10

- 1.1. General background
 - 1.1.1. Interrelationship between law and medicine
 - 1.1.1.1. Issues involved
 - 1.1.1.2. Need of legal control
 - 1.2. Constitutional perspectives
 - 1.2.1. Rights to life: Fundamental right
 - 1.2.1.1. Right to health
 - 1.2.1.2. Right to emergency medical care
 - 1.2.2. Directive principles
 - 1.2.2.1. Health of workers
 - 1.2.2.2. Public assistance in sickness and disability
 - 1.2.2.3. Raising the level of nutrition and public health
 - 1.3. Power to make law

2. Regulation of medical and paramedical profession

- 2.1. Regulatory authorities
- 2.2. Disciplinary controls
- 2.3. Doctors and Paramedical professionals
- 2.4. Controls on institutions
 - 2.4.1. Hospitals
 - 2.4.2. Testing laboratories
 - 2.4.3. Institutions for research and experiments

3. Regulation on manufacture, storage and sale of medicines units 10

- 3.1. Production, transport and storage
- 3.2. Sale
- 3.3. Advertisement

4. Liability for professional negligence units 10 4.1. Tort

- 4.1.1. Standard of care
- 4.1.2. Problems of evidence
- 4.2. Contractual liability

4.3. Criminal liability

4.4. Liability of doctors and hospitals under the consumer protection law

5. Science and Technology units 4

5.1. Transplantations of organs

5.2. Test tube basics

5.3. Artificial insemination

5.4. Genetic engineering

6. Population control units 4

6.1. Law, practice and society

6.2. Family planning: legality of coercive methods

6.3. Sterilization of unfit.

6.4. Social Response

7. Medical wastes units 4 7.1 Controls on handling and disposal of biomedical wastes

8. Experiments on human beings units 6

8.1. The concept

8.2. Kinds

8.3. Subjects of experimentation

8.4. Controls

9. Surrogate Motherhood units 10

9.1. Historical background

9.2. The contractual aspect and enforceability

9.3. Parenthood - who is the legal parent?

9.3.1. Problems of consent in caesarean surgery

9.4. Rights of husband against the right of the wife for surrogate motherhood 116 .5. Rights and duties of surrogate mother when genetic parents refuse to accept the child.

10. Aids Law units 10

10.1. Nature and scope

10.1.1. Regulation of blood and blood products

10.1.2. Regulation of sexual activity

10.2. Rights and freedom

10.2.1. Privacy and liability to report

- 10.2.2. Liberty and security
- 10.2.3. Movement
- 10.2.4. Marriage and setting up of a family
- 10.2.5. Work
- 10.2.6. Education
- 10.2.7. Social security
- 10.2.8. Right against degrading treatment
- 10.2.9. Equality before law

11. The unborn units 5

- 11.1. Has the unborn Constitutional or other legal rights?
- 11.2. Causing miscarriage and injuries to the unborn-liability
- 11.3. Amniocentesis
- 11.4. Medical termination of pregnancy

12. International norms

- 12.1 Council of Europe Convention on Human rights and Biomedicine 1997
 - 12.1.1. Healthcare
 - 12.1.2. Professional standards
 - 12.1.3. Consent
 - 12.1.4. Privacy and right to information
 - 12.1.5. Non-discrimination
 - 12.1.6. Genetic texts
 - 12.1.7. Organ transplantation
 - 12.1.8. Scientific research

Select Bibliography

1. Digumarti Bhaskara Rao (ed.) *HTV/AIDS and Ethics and Human Rights* (2000) Discovery Publishing House, New Delhi
2. Austen Garwood - Cowers, *Living Donor Organ Transplantation: Key Legal and Ethical Issues* (1999) Dart Month Publishing Company, England
3. S.V. Jogarao, *Current Issues in Criminal Justice and Medical law* (1999) Eastern, Calcutta
4. Jonathan Montgomery, *Health Care Law*, (1997), Oxford.

5. Carol Levine, *Taking Sides: Clashing Views on Controversial Bioethical Issues* (1984) Dushkin Publishing group, Inc. Connecticut
6. Eileen McDonagh, *Breaking the Abortion Dead lock* (1996), Oxford
7. Malcolm Khan and Michelle Robson, *Medical Negligence* (1997) Cavendish Publishing Limited, London.
8. William H. Roache, (Jr.) *et al. Medical Records and the Law* (1998), Aspen Publishers, Maryland
9. Edward P. Richards, and Katharine C. Rathbun, *Medical Care Law* (1999) Aspen Publishers, Maryland
10. R.K. Bag, *Law of Medical Negligence and Compensation* (1996) Eastern Law House, Calcutta 36 International Legal Materials 817 (1997).
11. R.K. Nayak (ed.), The Indian Law Institute, *Global Health Law*, (1998), World Health Organization, Regional Office for South-East Asia, New Delhi.
12. Mason and McCall Smith, *Law and Medical Ethics* (1991) Butterworths, London.
13. Anoop K. Kaushal, *Medical Negligence and Legal Remedies with Special Reference to Consumer Protection Act*, (1999), Universal.

SEMESTER IX

PAPER 1: WOMEN AND LAW, AND LAW RELATING TO THE CHILD

Objectives of the course

The need to study gender and juvenile justice as special subjects is to be emphasized as the Constitutional Guarantees have not achieved the desired results. The fundamental rights did not preclude having special provisions.

The planners and the policy makers therefore treated women only as beneficiaries of welfare measures. The hope was the benefits of development would percolate below to all including women and therefore there was no need for special efforts to bring them into the mainstream. This trickle down theory of development is still to be materialised in spite of the positive action of woman's representation in local bodies. Women are discriminated in almost all sectors.

Children constitute the weakest and most vulnerable, most helpless as well as the most precious segment of the human society. By law they are denied participation in decision-making even indirectly and by nature they lack effective articulation and indication of their rights. Children

are recognised as legal persons for many purposes if not for all legal rights are conferred by the legal system. The course should draw attention to the helpless condition of children and their exploitation and the sufferings of children in poverty. The legal limitation on their capacity and legal rights and protection provided in the Constitution and in varieties of laws are to be studied critically with the understanding that either the parents or the society or state shall be held legally responsible for the survival, development of personality and happiness of the children.

The course will study the above-mentioned problems and comprises of about 84 units of one-hour duration.

Syllabus

1. International concerns and conventions units 2

2. Women in India units 5

2.1. Pre-independence period

2.1.1. Social and legal inequality

2.1.2. Social Reform Movement in India

2.1.3 Karachi Congress - Fundamental Rights Resolution, Equality of Sexes

3. Women in post independence India units 5

3.1. Preamble of the Constitution: equality provisions in Fundamental Rights and Directive Principles of State Policy

3.2. Personal laws - unequal position of women

3.3. Uniform Civil Code towards gender justice.

4. Sex Inequality in Inheritance Rights units 5

4.1. Feudal institution of joint family-women's inheritance position

4.2. Hindu Law

4.3. Muslim Law

4.4. Matrimonial property

4.5. Movement towards Uniform Civil Code

5. Guardianship units 5

5.1. Right of women to adopt a child

5.2. Problems of women guardianing

6. Divorce units 5

6.1 Indian Divorce Act

6.2 Christian Law

6.3 Muslim Law

7. Criminal Law units 2

7.1. Adultery

7.2. Rape

8. Social Legislation units 2

8.1. Dowry Prohibition

8.2. Prevention of immoral traffic

9. Woman participation in democratic government units 2

9.1. Parliament

9.2. State Legislation

9.3. Local bodies

10. Women and Employment units 4

10.1. Labour force

10.2. Protective Laws

10.3. Exploitation and harassment in workplaces

11. Protection and enforcement agencies units 6

11.1. Courts

11.2. Family courts

11.3. Commission for women

11.4. NGOs.

12. Social Constitutional and International Legal Status of Child units 6

12.1. Magnitude of the problem

12.2. Special status of child - national policies

12.3. Constitutional concern - Article 15(3), Article 24 and Article 45

12.4. International concern and endeavour for the welfare of the children:

12.4.1. Minimum Age conventions

12.4.2. Child rights conventions

12.4.3. U.N. Declaration of the rights of the child, 1924, 1959.

13. Problems of conception, birth & nourishment and health of the child units 5

13.1. Legal status of child in work

- 13.2. Tortious liability against injuries to unborn children.
- 13.3. Coparcenary and property rights of the unborn children.
- 13.4. Law relating to maternity benefit and relief
- 13.5. Lack of legal protection of children of impoverished parentage

14. State responsibility for the education of children units 2

- 14.1. Evaluation of the efforts of the State towards the provision of education to children.
- 14.2. Pre-primary and nursery education - elementary education.
- 14.3. Contributions by International Organizations for elementary education - UNESCO, UNICEF.

15. Legal Control of Child Labour units 7

- 15.1. Regulation of the employment: protection of the health and well-being
- 15.2. International conventions and recommendations of the ILO.
- 15.3. Recommendations of the National Commission of Labour.
- 15.4. Legislation relating to factories, plantation labour, mines, merchant shipping, motor transport workers, apprentices, shop & establishments and child labour

16. Family Relations and Child units 3

- 16.1. The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody.
- 16.2. Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian Evidence Act 1872;

17. Child and Contractual Liability units 2

- 17.1. Minors Agreements
- 17.2. Testimony of children
- 17.3. Suits by and against minors.

18. Child and Criminal Liability units 5

- 18.1. Crimes committed by child; crimes committed by others in relation to children;
- 18.2. Implementation of social policy through criminal sanctions in relation to child;
- 18.3. Variation of procedure in case of child offender
- 18.4. Judicial proceedings in criminal cases relating to children

18.5. Statutory provisions - Sections 82, 83, 299 Exp. 3, 363A, 372 and 376 of IPC - Suppression of Immoral Traffic Act 1956 (SITA) - penal provisions contained in Child Marriage Restraint Act 1929 as amended in 1978 - Young Persons Harmful Publications Act 1956 - The Children Act 1960 - Section 27 of the Cr. P.C – Reformatory Schools Act 1897 - Juvenile Delinquency Act, 1986.

19. Law and Offences against Child units 8

- 19.1. Protection of neglected children
- 19.2. Institutions for the protection of neglected children;
- 19.3. Juvenile Justice Act
- 19.4. Juvenile delinquency: law and offences against child
- 19.5. Contribution by parents; licensing;
- 19.6. Protection of girls from immoral traffic;
- 19.7. Prevention of vagrancy and beggary;

20. Discrimination against Female Children units 4

- 20.1. Amniocentesis,
- 20.2. Deferred infanticide through based nutritional discrimination
- 20.3. Termination of pregnancy.

Select Bibliography

1. Gandhi to the Women (ed. Hingorani) 1941, Position of Women .12 Tear Down the Purdah p. 213, Young India 1918.
2. Jawaharlal Nehru thoughts on women-economic bondage of Indian women (Produced Memorial and Library)
3. 7th Plan. Ch. 14 Socio-economic programmes for women.
4. Relevant case Law
5. Revasia & Revasia, *Women Social Justice & Human Right* (1998) PP.H. Publishing, New Delhi
6. Agnes, Flavia, *Law as Gender inequality*, N. Delhi, Oxford (1999)
7. Sumithra Vishnu V. Union of India 1985 SC 1618.
8. 42nd Report Law Commission, the Dissenting Note of Justice Anna Chandy on provision of adultery, p. 366.

9. Towards Equality - Report of the Committee on the Status of Women (Govt. of India), Chapters IV & Section IV General Conclusions & Recommendations.
10. Balram - Women workers the labour legislation in India 1984 (2) I.L.J.1527.
11. Lotika Sarkar, The Law Commission of India (1988).
12. Indian Law Institute, Child and the Law (1979, S.N. Jain ed.)
13. U. Baxi, Law and Poverty: Critical Essays (1988), Eastern, Lucknow

Students should be encouraged to look at the distinctive legal problems of children in the area where instruction is imparted. The literature on children's plight is vast and varied. But it is important that the focus of the course be on understanding of the distinctively legal problems in the region and ways in which we can contribute to change.

SEMESTER IX

PAPER 2: LAW, POVERTY AND DEVELOPMENT

Objectives of the course

The state of India's poor does not feature much in Indian law curricula. Only a few law schools offer an optional course. The Constitution of India - especially Article 39-A since 1976 commands innovation of legal system in such ways that no one, especially because of economic condition, is denied access to the law and its benefits. Insofar as legal education is a state-funded or sponsored action and even otherwise, this Directive Principle must apply to renovation of legal education.

The Constitutional programme of social justice displays a dramatic concern for the "weaker sections of society". Steadily, legislation protecting their entitlements has grown to impressive proportion in the last forty years. They would be advocates, counsellors, judges, teachers, scientists in law ought to have a complete grounding in these legal processes of "development".

The burgeoning "poverty law" involves:

- (a) Constitutional Provisions'
- (b) legislation;
- (c) administrative anti-poverty programmes aimed at improving economic condition of the poor;
- (d) legal services programmes;
- (e) adjudication on the entitlement of the poor through social

action litigation.

All these need careful study in this compulsory course.

The following syllabus prepared with this perspective will comprise of about 84 units of one-hour duration.

Syllabus

1. The concept of poverty units 10

- 1.1. Economical
- 1.2. Cultural
- 1.3. Situational
- 1.4. Distinction between "natural" and "social" poverty
- 1.5. Absolute and relative poverty
- 1.6. Sociological
- 1.7. Religion and poverty

2. Identification and Measurement units 12

- 2.1. The struggle over conceptualisation of Impoverishment.
- 2.2. Poverty line as a way of identifying the impoverished.
- 2.3. Problems of data and India-wide generalization.
- 2.4. Nutritional norm of poverty line (Debate between Dandeker and Sukhatme)
- 2.5. "Income" and "consumption" criteria
- 2.6. The PQIL (the Quality of Life) indices of poverty
- 2.7. The problems of heterogeneity of the poor and poverty line conceptions.
- 2.8. The debate on "Crossing of the Poverty Line"
- 2.9. Constitutionality of criteria of poverty line as a basis of state action.

3. The "Determinants" of Impoverishment units 10

- 3.1. Population growth as determinant.
- 3.2. Legal system as a determinant of Impoverishment.
- 3.3. Planning as a determinant of poverty:
 - 3.3.1. The Nehru Phase : 1950-64
 - 3.3.2. The Green Revolution and basic needs strategies: 1964- 77
 - 3.3.3. The anti-poverty Programme strategy: 1977-88 124
 - 3.3.4. The Lackadaisical agrarian reforms programme.

4. Poverty of Planning and Anti-poverty units 10

- 4.1. SFDA (Small Former Development Programme)
- 4.2. MEAL (Project for Marginal Farmers and Agricultural Labourers)
- 4.3. DPAP (The Drought - Prone Areas Programme)
- 4.4. IRDP (Integrated Rural Development Programme)
- 4.5. NREP (National Rural Employment Programme)
- 4.6. RLEGP (Rural Landless Labour Employment Guarantee Programme).
- 4.7. "Food for Work", "Anti-Poverty Programme, "with special reference for IRDP:
 - 4.8.1. Identification of beneficiaries
 - 4.8.2. Arbitrariness and application of "Poverty line" measures.
 - 4.8.3. Lack of differentiation among the impoverished constituencies (age, gender, health).
 - 4.8.4. Administrative structure weaknesses.
 - 4.8.5. Bribery, corruption, leakages, maladministration, (the problem of the IRDP cow).
 - 4.8.6. Bank financing of IRDP.
 - 4.8.7. Bank loans for poor and landless
- 4.9. Constitutional Aspects of the Anti-poverty Programmes:
 - 4.9.1. Non-legislative character.
 - 4.9.2. Right to access to information
 - 4.9.3. Problem of legal accountability
 - 4.9.4. Judicial remedies for maladministration
 - 4.9.5. Constitutionality of measures such as identification of beneficiaries and bank financing
 - 4.9.6. Federal autonomy questions in centrally sponsored anti-poverty programmes.

5. Criminal Law and the Poor units 5

- 5.1. Anti-poor biases of the criminal justice system
- 5.2. Poor and right to die: prosecution of the poor for attempt to suicide.
- 5.3. The right to bail
- 5.4. The problem of under trials.
- 5.5. Compensation to victims of crime, especially to the impoverished in communal riots or civil disturbances.

5.6. Corruption laws, effective prosecution and their impact on poverty.

5.7. Sentences: Is imprisonment in default of fine constitutional in relation to the "poorest of the poor"?

6. The Bonded Labour Abolition units 5

6.1. Conceptions of bonded labour

6.2. Administrative processes under the Act of 1976

6.3. Awareness of the act and legal services.

6.4. Bandhua Mukti Morcha: Problems of judicial effectiveness

6.5. Effective law reform.

7. The Scheduled Casters and the Law units 5

7.1.0. The Protection of Civil Rights Act Problems of definition pitfalls in implementation.

7.2.0. The Problems of scavengers and sweepers.

7.3.0. Atrocities against Scheduled Casters and the legal process.

7.4.0. Access to drinking water: special problems in rural India.

7.5.0. Violation women: need for an appropriate legal! framework including compensatory rehabilitator arrangement.

8. The Scheduled Tribes and the Legal Order units 5

8.1. Notions of "Scheduled Tribes"

8.2. Deforestation and tribals.

8.3. Public project, especially dams, and displacement.

8.4. The regime of the Forest Act.

9. Unorganized Rural Labour and the legal response units 5

9.1. Conceptions of "unorganised labour"

9.2. Causes of "unorganization" and "disorganization".

9.3. Social security legislation for rural labour.

9.4. Minimum wages.

9.5. Migrant and contract labour

9.6. Child labour.

10. Marginalized Communities units 5

10.1. Beggars and the law

10.2. Ex-Criminal tribes

10.3. Vagrants

10.4. Physically and psychologically

10.5. Aged

10.6. Juveniles.

11. Women, Poverty and the Law units 10

11.1. Special features of impact of gender discrimination on the Impoverished Women

11.2. Specific domains

11.2.1. Bidi workers

11.2.2. Wage discrimination by public financial institutions

11.3. Atrocities against women

11.3.1. Rape, sexual assault including custodial rape.

11.3.2. Institutionalised abuse

11.3.3. Trafficking in women

11.3.4. Devadasi system

11.3.5. Sati

11.3.6. Dowry

12. Legal services of the poor units 7

12.1. Concept of legal aid

12.2. Growth of legal aid movement in India

12.3. Krishna Iyer report

12.4. Bhagwati report.

12.5. The Tamil Nadu legal services programmes

12.6. Case law on legal services

12.7. The Legal Services and Lok Adalat Act, 1986.

12.8. Role of students and teachers

Select Bibliography

1. D.R. Saxena, *Tribals and the Law* (1997), Deep and Deep, New Delhi.

2. L. P. Vidyarthi (ed.), *Tribal Development and its Administration* (1986) Concept Publishing Company, New Delhi

3. U. Baxi (ed.), *Law and Poverty* (1988) Tripathi, Mumbai

4. A.W. Murphy, *et al.*, *Law and Poverty* (1973), Tripathi, Mumbai.

5. Government of India, Planning documents relating to poverty alleviation programme at different times.

6. J.S. Gandhi, *Law and Social Change* (1989) Rawat, Jaipur.

7. Leelakrishnan . P, *et al .* (eds.), *Tribal Welfare: Law and Practice* (1985), Cochin University Department of Law.

SEMESTER IX

PAPER 3: LAND LAWS INCLUDING CEILING AND ANY OTHER LOCAL LAWS

Objectives of the course

The legislative power to make laws relating to land and land ceiling is in the State list. Different states have enacted their own laws on this subject. The Constitutional perspectives relating to this subjects have to be taught as an essential part of this course. The provisions in the Constitution in Part III, IV and XII as well as those in Schedule YTI relating to distribution of legislative powers over land are essentially to be taught with emphasis. The law relating to land in the state where the students take the course will have to be selected by the University Boards of Studies as part of the syllabus for this paper. This paper comprises of 84 units of one hour duration.

Syllabus

1. Constitutional provisions units 20

1.1. Fundamental Rights

1.1.1. Agricultural reform

1.2. Property as legal right

1.3. Legislative powers

1.3.1. The Union

1.3.2. States

1.3.3. Local bodies

Different laws enacted in the states where the course is offered, are to be studied in depth. This may include such topics as land acquisition, land tax, land utilization and conversion, land conservation and land assignment. The State and Union agencies constituted for the purpose of the land development are to be studied in this course

2. State units 64

1. Karnataka Land Record of rights Act, 1958
2. Karnataka Land Reforms Act, 1961
3. Karnataka land Revenue Act, 1964
4. Urban land (Ceiling and Regulation) Act, 1976
5. The Karnataka Panchayat Raj Act, 1993

(all the above with latest amendments)

3. Policy of the State with regard to – distribution of resources, compensation to displaced owners of property- SEZ

SEMESTER IX

PAPER 4: INTELLECTUAL PROPERTY LAW

Objectives of the course

The importance of this branch of the law is to be sufficiently realised in the Indian legal education. Compendious courses on the law of copyright, trademarks and patents are offered in few law schools as optional courses, but these do not either integrate the significance of these subject matters under any comprehensive aspect of 'modernisation' or 'development' nor do they spread even emphasis between and among the subject areas represented by these three interconnected bodies of the law.

The three areas are now internationally conceptualised as representing intellectual property. It is often the case that while the law of patents and trademarks is referred to as industrial property the law relating to copyright is named intellectual property. While both these terms could be suitably invoked, we here speak *of* intellectual property as signifying all the three bodies of the law as well as the law on industrial designs.

Unlike other forms of property, intellectual property refers to regimes of legal recognition of, primarily, the products of the mind or imagination. The subject matter of property relations is here preeminently based on mental labour. The law relating to intellectual property protects the right to mental labour.

The law confers rights of proprietary nature on relative intellectual labour primarily on the basis that it is in the interests of society and state to promote creativeness and inventiveness. Limited monopoly provides incentive for greater inventive and innovative efforts in society. An important aspect of the exploration in this course would be the ways in which the laws strike a

fair balance between the interests and rights of the intellectual labourers on the one hand and organized industrial enterprises on the other. Another dimension is a study of the ways in which this regime of laws militates against, or favours, community property in national cultures.

As concerns 'modernization' crucial questions arise in the field of copyright protection in computer software and hardware, internet, electronic

music and scientific research. Both copyright, trademarks, design and patent law here relate basically to the law of unfair competition and constitute an aspect of consumer protection and welfare not only in the context of national perspectives but also in view of the waves of globalisation already set in. Both from the standpoint of human resources development, modernisation and justice it is important that the auricular change takes serious notice of these areas.

The following syllabus prepared with the above objectives will comprise of 84 units each of one-hour duration.

Syllabus

1. Introductory units 20

1.1. The meaning of Intellectual property

1.2. Competing rationales of the legal regimes for the protection of intellectual property

1.3. The main forms of intellectual property: copyright trademarks, patents, designs

1.4. The competing rationales for protection of rights in

1.4.1. Copyright

1.4.2. Trademarks

1.4.3. Patents

1.4.4. Designs

1.4.5. Trade secrets

1.4.6. Other new forms such as plant varieties and geographical Indians

1.5. Introduction to the leading international instruments concerning intellectual property rights: the Berne Convention, Universal Copyright Convention, the Paris Union TRIPS the World Intellectual Property Rights Organisation (WIPO) and the UNESCO.

2. Select aspects of the law of copyright in India units 20

2.1. Historical evolution of the law

2.2. Meaning of copyright

- 2.3. Copyright in literary, dramatic and musical works
- 2.4. Copyright in sound records and cinematograph films
- 2.5. Copyright in computer programme
- 2.6. Ownership of copyright
- 2.7. Assignment of copyright
- 2.8. Author's special rights
- 2.9. Notion of infringement
- 2.10. Criteria of infringement
- 2.11. Infringement of copyright by films of literary and dramatic works.
- 2.12. Importation and infringement
- 2.13. Fair use provisions
- 2.14. Piracy in internet
- 2.15. Aspects of copyright justice
- 2.16. Remedies, especially, the possibility of Anton pillar injunctive relief in India.

3. Intellectual Property in Trademarks units 20

- 3.1. The rationale of protection of trademarks as (a) an aspect of commercial and (b) of consumer rights.
- 3.2. Definition and concept of trademarks
- 3.3. Registration
- 3.4. Distinction between trademark and property mark
- 3.5. The doctrine of honest Current User
- 3.6. The doctrine of deceptive similarity
- 3.7. Protection of well-known marks
- 3.8. Passing off and infringement
- 3.9. Criteria of infringement
- 3.10. Standards of proof in passing off action
- 3.11. Remedies

4. The law of intellectual property: patents units 24

- 4.1. Concept of patent
- 4.2. Historical view of the patents law in India

- 4.3. Patentable inventions with special reference to biotechnology products entailing creation of new forms of life.
- 4.4. Patent protection for computer programme
- 4.5. Process of obtaining a patent: application, examination, opposition and sealing of patents :
general introduction
- 4.6. Procedure for filing patents. Patent co-operation treaty
- 4.7. Some grounds for opposition
 - 4.7.1. The problem of limited locus standi to oppose, specially in relation to inventions having potential of ecological and mass disasters
 - 4.7.2. Wrongfully obtaining the invention
 - 4.7.3. Prior publication or anticipation
 - 4.7.4. Obviousness and the lack of inventive step
 - 4.7.5. Insufficient description
- 4.8. Rights and obligations of a patentee
 - 4.8.1. Patents as chose in action
 - 4.8.2. Duration of patents: law and policy considerations
 - 4.8.3. Use and exercise rights
 - 4.8.4. Right to secrecy
 - 4.8.5. The notion of "abuse" of patent rights
 - 4.8.6. Compulsory license
- 4.9 Special Categories
 - 4.9.1 Employee Invention: Law and Policy Consideration
 - 4.9.2 International Patents, Transfer of Technology, Know-how and problems of self-reliant development
- 4.10. Infringement
 - 4.10.1 Criteria of infringement
 - 4.10.2 Onus of Proof
 - 4.10.3 Modes of Infringement: the Doctrine of Colourable Variation
 - 4.10.4 Defences in suits of infringement
 - 4.10.5 Injunctions and related remedies.

Select Bibliography

1. Cormish W. R. *Intellectual Property, Patents, Trademarks, Copy Rights and Allied Rights* (1999), Asia Law House, Hyderabad.
2. Vikas Vashishth, *Law & Practice of Intellectual Property*(1999) Bharat Law House, Delhi.
3. P. Narayanan, *Intellectual Property Law* (1999), (ed.) Eastern Law House, Calcutta.
4. Bibeck Debroy (ed) *Intellectual Property Rights* (1998) Rajiv Gandhi Foundation, Delhi.
5. U.I.F. Anderfelt, *International Patent Legislation and Developing Countries* (1971).
6. W.R. Cornish, *Intellectual Property* (3rd ed.) (1999) Sweet and Maxwell
7. W.R. Mann, *Transfer of Technology* (1982)
8. Mata Din, *Law of Passing off and Infringement Action of Trade marks* (1986).
9. P.S. Sangal and Kishore Singh, *Indian Patent System and Paris Convention: Legal Perspectives* (1987).
10. K. Thairani, *Copyright: The Indian Experience* (1987)
11. W.R. Cornish, *Para & Materials on Intellectual Property*(1999), Sweet & Maxwell

SEMESTER X

CLINICAL COURSE PAPER 1: DRAFTING, PLEADING AND CONVEYANCING

This paper will be taught through class instructions and simulation exercises, preferably with assistance of practising lawyers/retired judges. Apart from teaching the relevant provisions of Law, the course will include 15 exercise in Drafting carrying a total of 45 marks and 15 exercises in Conveyancing carrying another 45 marks (3 marks for each exercise).

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

(b) **PLEADINGS:**

(1) Civil: (i) Plaint, (ii) Written Statement, (iii) Interlocutory application, (iv) Original petition (v) Affidavit, (vi) execution petition and (vii) memorandum of appeal and revision (viii) petition under Article 226 and 32 of the Constitution of India.

(2) Criminal: (i) Complaints, (ii) Criminal Miscellaneous Petition (iii) Bail Application and (iv) Memorandum of Appeal and Revision.

(c) **CONVEYANCING:** (i) Sale Deed (ii) Mortgage Deed (iii) Lease Deed (iv) Gift Deed (v) Promissory Note (vi) Power of Attorney (vii) Will (viii) Trust deed

(d) Drafting of Writ Petition and PIL petition.

Ten marks will be given in a viva-voce examination which would be conducted at the end of academic year which will test the understanding of legal practice in relation to Drafting, Pleading and Conveyancing.

SEMESTER X

CLINICAL COURSE PAPER 2: PROFESSIONAL ETHICS AND ACCOUNTING SYSTEM

Outline of the Course: Professional Ethics, Accountancy for Lawyers and Bar-Bench Relations

This course will be taught in association with practicing lawyers on the basis of the following materials:

- i. Mr. Krishnamurthy Iyer's book on 'Advocacy'
- ii. The Contempt Law and Practise
- iii. The Bar Council Code of Ethics
- iv. 50 selected opinions of the Disciplinary Committees of Bar Councils and 10 major judgments of the Supreme Court on the said subject
- v. Other reading materials as may be prescribed by the University

Examination shall include assessment through case study, viva and periodical problem solution besides the written tests. The written examination on this paper will have 80 marks and the viva – voce will carry 20 marks.

In lieu of the written examination, colleges may be encouraged wherever they are expected to research and write persuasive memorandum on topics indentified in the above subjects.

SEMESTER X

CLINICAL COURSE PAPER 3: ALTERNATIVE DISPUTE RESOLUTION

[Maximum Marks 100]

Outline of the Course:

- i. Negotiation skills to be learnt with simulated program
- ii. Conciliation skills
- iii. Arbitration law and practice including international arbitration and arbitration rules

The course is required to be conducted by senior legal practitioners through simulation and case studies. Evaluation may also be conducted in practical exercises at least for a significant part of the evaluation.

SEMESTER X

CLINICAL COURSE PAPER 4 : MOOT COURT, PRE-TRIAL PREPARATIONS AND PARTICIPATION IN TRIAL PROCEEDINGS

This paper will have three components of 30 marks each and a viva for 10 marks.

(a) Moot court (30 Marks): Every student will do at least three moot courts in a year with 10 marks for each. The moot court work will be on assigned problems and it will be evaluated for 5 marks for written submissions and 5 marks for oral advocacy.

(b) Observance of Trial in Two cases, one civil and one criminal (30 marks): Students will attend two trials in the course of the last 2 or 3 years of LL.B. studies. They will maintain a record and enter the various steps observed during their attendance on different days in the court assignment. This scheme will carry 30 marks.

(c) Interviewing techniques and pre-trial Preparations (30 marks): Each student will observe two interviewing sessions of clients at the lawyer's Office/Legal Aid Office and record the proceedings in a diary which will carry 15 marks. Each student will further observe the preparation of documents and court papers by the advocate and the procedure for the filing of the suit/petition. This will be recorded in the diary which will carry 15 marks.

(d) The fourth component of this paper will be Viva-voce examination on all the above three aspects. This will carry 10 marks.

* * * * *